



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.30 a.m. – 1.10 p.m.

Gibraltar, Thursday, 19th January 2012

The Gibraltar Parliament

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The Parliament met at 9.30 a.m.

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[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

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PRAYER

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Mr Speaker: Almighty God, by whom alone Kings reign and from whom alone cometh all counsel, wisdom and understanding; We, thine unworthy servants here gathered together in thy name do most humbly beseech thee to send down thy heavenly wisdom from above to direct and guide us in all our consultations, and grant that we, having thy fear always before our eyes and laying aside all private interests, prejudice and partial affections, the result of all our counsels may be to the glory of thy blessed name and the good of our city. Amen.

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Order of the Day

Clerk: Meeting of Parliament, Thursday, 19th January 2012:

Item 1: Oath of Allegiance

Item 2: Confirmation of minutes: the minutes of the last meeting of Parliament, which commenced on 23rd June 2011.

Mr Speaker: May I sign the minutes as correct? (*It was agreed.*)

Clerk: Item 3: Communications from the Chair

Item 4: Petitions

Item 5: Announcements.

The Hon. the Chief Minister.

Announcements

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, it is my pleasure to inform the House that there is now a wifi service available for Members. They will be receiving the name of the network and the password so that they may have access to this network in a few moments. This network will also be available to journalists who might want to have access to information whilst they are here reporting the proceedings of the House, and that will be circulated to Members and to the press in a few moments.

It is also my pleasure, Mr Speaker, to inform the House that they will have seen that there is now an attempt to have a parliamentary timetable which sets out when we expect that certain questions will be... or certain Ministers will be answering questions, and I hope will be able to assist all those who have business in this House – the Ministers, the officials and Members opposite – to know when it is that it is expected that the House will adjourn to. That will, I hope, facilitate people being able to plan their lives around the monthly sittings of this Parliament.

Clerk: The Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, Government has this week announced the introduction of a new procedure for publishing Bills in draft in the form of Command Papers. This is in keeping with the Government's manifesto commitment.

All Command Papers will be presented to Parliament and will be laid on the table by the relevant Minister at the next meeting following publication. Draft Bills will be published on the Government's Gibraltar laws website via a link on the home page entitled 'Command Papers'. Comments on the draft Bill can be made also via a link on the website to command.papers@gibraltar.gov.gi. The public will be able to comment on the draft Bills over a period of two weeks. Those comments will be passed on to the relevant Minister and will be considered by the Government before the Bill itself is published. This gives the public the ability to participate at an early stage in the Government's legislative programme by being able to provide comments, which will be taken into account.

Two Command Papers have already been published. These will be laid on the table during the course of today's meeting.

Clerk: Item 6: Papers to be laid.

The Hon. the Chief Minister.

Papers laid

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the table:

The Consolidated Fund (Pay Settlements) Statement (No 1) 2010-11;

The Consolidated Fund (Supplementary Funding) Statement (No 2) 2010-11;

The Consolidated Fund (Reallocations) Statement (No 3) 2010-11; and

The Improvement and Development Fund (Reallocations) Statement (No 1) 2010-11.

Mr Speaker: Ordered to lie.

The Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I have the honour to lay on the table a Command Paper on a law to amend the Civil Aviation Act 2009 and the Aviation Security (EU Common Rules) Act 2011 and related secondary legislation.

Mr Speaker: Ordered to lie.

Clerk: The Hon. the Minister for Enterprise, Training and Development. I beg your pardon – and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Development as well, if you want me to!

I have the honour to lay on the table a Command Paper on the law to provide a right to dignity at work for employees.

Mr Speaker: Ordered to lie.

Clerk: Item 7: Reports of Committees.

Item 8: Answers to Oral questions.

Televising Parliament

Leader of the Opposition (Hon. P R Caruana): Mr Speaker, on a point of order, has the television of Parliament now begun?

Mr Speaker: No, it has not begun. As has often happened in the past, the GBC asked for permission to film a certain amount of library footage and that is all they are doing right now. They will be leaving in the next five minutes or so. The television has not begun.

Hon. P R Caruana: The Opposition is greatly in favour of the television of Parliament, but I think that the way to introduce it – not that this counts as television of the Parliament in a proper fashion – is through a decision of this House, which is, I am sure, what the hon. Member intends to do in due course.

Hon. Chief Minister: Mr Speaker, in answer to the hon. Gentleman's point of order, that is absolutely right. I do not think that we are going to allow the cameras in by stealth. We are going to allow the cameras in by agreement, when we are satisfied, across the floor of the House, that we have the necessary infrastructure to do so in a way that will ensure that those watching will see more than just the tops of our heads.

Mr Speaker: At least one cameraman has been shooed away!

Questions for Oral Answer

TOURISM, PUBLIC TRANSPORT AND THE PORT

Gibraltar Port Authority
Entry procedures into the North Mole for Anglers

Clerk: Answers to Oral Questions.
Question 1 of 2012, Hon. D J Bossino.

Hon. D J Bossino: Mr Speaker, can the Minister for Tourism, Public Transport and the Port provide details of the entry procedures into North Mole, which the Government announced on 11th January 2012 had been changed after consultation with the Gibraltar Federation of Sea Anglers?

Clerk: Answer: the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, the information requested by the hon. Gentleman is dealt with by the Gibraltar Port Authority Procedure No 4 that is set out in the schedule that I hand to him now.

Hon. D J Bossino: Mr Speaker, perhaps the Minister, who presumably has had an opportunity of reading this certainly more diligently and with more time than I have available at the moment... Can he confirm, perhaps, that it is the Gibraltar Port Authority which remains the issuing authority for these licences for entry into the North Mole?

Hon. N F Costa: Mr Speaker, can I assure the hon. Gentleman, obviously, that I have done more than just read the schedule.

I was in full consultation with the Port Authority, who advised me on the procedure and, of course, the Gibraltar Federation of Sea Anglers. He will know, as well as I, that given that we issued the press release not that long ago, the issuing authority... The persons who will authorise people to come into the Port ultimately will be the Gibraltar Port Authority.

I received advice from the Port Authority as to the security and safety requirements and as to a way to control fishing at the Port, and in order to be able to marry the safety and security concerns of the Port, what we decided was to revert to a system that was, in fact, as I understand it, in place during the GSD's administration, where the Gibraltar Federation and the registered fishing clubs' persons who wished to fish at the Port may apply through the Gibraltar Federation or a fishing club. Once they become members then they will have to pass that information to the Port Authority, who will be compiling a database with the relevant information, and then, when a person is a member, they would have to submit that membership card to the security point. The security guard will retain the membership card, they will be allowed to fish, and when leaving the Port they will be handed the membership card back.

Hon. D J Bossino: Maybe if he could clarify, for my purposes – I think he may not have answered my question – is the issuing authority, then, the Gibraltar Port Authority or the Gibraltar Federation of Sea Anglers?

Hon. N F Costa: Mr Speaker, the Gibraltar Port Authority procedure and the schedule that I have handed to him is very clear.

For a person to be able to fish at the Port he must be a member of either the Gibraltar Federation of Sea Anglers or a registered fishing club. A person who is not a member of either the GFSA or a registered fishing club will not be able to access the Port for fishing.

Hon. D J Bossino: Yes, but that may be a condition which the Gibraltar Port Authority itself may impose (**The Minister:** Yes.) and I may have a follow-up question in relation to membership, the requirements of

membership, as the Minister has pointed out – but who is the issuing authority? Can he just confirm that?

Is the ability to enter into the North Mole... I presume it is by way of licence or by way of some sort of document allowing you to enter so you can show the security guard. Is that document entitled with the Gibraltar Port Authority letterhead or is it by the Gibraltar Federation of Sea Anglers and any other fishing club in Gibraltar? Who is the issuing authority? With respect, I do not think the Minister has answered that specific question.

Hon. N F Costa: Yes, I have answered the question, Mr Speaker.

I will repeat the procedure again. A person who wishes to fish at the Port – and we are talking, of course, specifically about fishing at the North Mole. It does not relate to fishing in the rest of Gibraltar. A person who wishes to fish at the Port needs to be a member of either the Gibraltar Federation of Sea Anglers or a registered fishing club. That person, on applying for membership and who becomes a member, will be issued with a Gibraltar... with a membership card before being able to enter into the Port. The Port will not allow a person to fish at the Port unless they are a member of the GFSA or a registered fishing club.

If the hon. Member goes through the conditions, you will see that the Port... A person who becomes a member of a fishing club to fish at the North Mole needs to sign a consent form. It is annex C. I refer the hon. Gentleman to it. It says, 'Access to Gibraltar Port estate for the purposes of undertaking leisure activities.' That form must be signed by every member of a registered fishing club who wishes to fish at the Port.

Because the main concerns of fishing at the Port are security and safety, that allows the Port to be able to carry out any check on the person who wishes to enter the Port to fish that they deem reasonable. This marries, as I said, the competing interests of the leisure activity – fishing – and security.

Hon. D J Bossino: As far as I understand the Minister, then, this form is signed...

May I ask this question, then? Can the Minister answer this question: where does an individual who wishes to fish at North Mole obtain a copy of this form?

Hon. N F Costa: The form is issued by the Port Authority and we will... I imagine the Port will make those forms available to fishing clubs that request it, because, as I say, you cannot enter the Port to fish without signing one of these forms. How the fishing clubs liaise with the Port as to whether they will sign the form at the offices of the Port outside the security barrier or in a coffee shop, that is entirely a matter for them.

Hon. D J Bossino: Sorry, I did not quite catch that last comment. That is entirely...?

Hon. N F Costa: Where they sign the form is a matter between the Port and the relevant registered fishing club.

Hon. D J Bossino: That points, then, to the Minister cannot clarify whether that issue as to where you sign the form has not been settled yet.

Hon. N F Costa: It is entirely irrelevant for the Minister, and I hope that the hon. Gentleman is not asking me to tell the fishing clubs and the Port where it is that they sign a form. I am not going to get into that.

Mr Speaker: The Hon. Edwin Reyes.

Hon. E J Reyes: Yes, Mr Speaker, sir. Please allow me, looking at it from a sporting type of angle: on point number 1, it says here:

'Any angler must be a full member of the Gibraltar Federation of Sea Anglers...'

So we are imposing upon sports lovers now to have to necessarily belong to an actual federation, or whatever. But then the second part says:

'... or any Gibraltar registered Fishing Club.'

I do not believe there exists a register of any sporting clubs as such.

245 **Hon. N F Costa:** Mr Speaker, well, yes, for the hon. Gentleman, I can clarify the point that there is no problem...

250 There is, in fact, a law that sets out the requirement to set up a register. There has to be a registration of clubs and, in fact, the register has to be kept in a format that is approved by the Minister for Culture. In fact, if I recall correctly, the hon. Gentleman was the Minister for Culture before and he would have had to have designed or approved the format of the register himself.

Hon. E J Reyes: Yes, Mr Speaker, but the advice given to us by the Attorney General's Chambers is that that registration of clubs was in respect (*Interjection*) of clubs which –

255 **Hon. Chief Minister:** On a point of order, I would like to know when, since 8th December, the Attorney General's Chambers has given the hon. Gentleman any advice on anything.

260 **Hon. E J Reyes:** Perhaps I was not clear, Mr Speaker, the advice given to me *before* 8th December from the Attorney General's Chambers was that the registration of clubs referred to clubs which were going to have premises of their own that then entitled them to be able to run a bar and... [*Inaudible*] moneys that had to be paid based on the wholesale basis of drinks ordered and sold, not just for the purpose of holding a club under a club's name, for example, to participate in relation to a sport.

265 I take it, Mr Speaker, that perhaps that needs further investigation for my part. But we go back here now to that it is a question of someone wishing to practice a particular sport now necessarily has to become a member of an entity (*Interjections*), whereas it is normal for all sports, a person can go to public facilities as an individual and just enjoy the use of the facilities without necessarily having to join a particular club.

Hon. N F Costa: Mr Speaker, I did say so in my prefacing remarks, but now that the hon. Gentleman is asking me I will be more specific.

270 I have said already that this relates to fishing specifically in the Port of Gibraltar, in the North Mole. Let us not forget that in other parts of the world fishing in ports is not allowed. In fact, part of my advice was that fishing should not be allowed for security and for safety concerns. We, as a Government, do not feel that that leisure activity should be curtailed to the point that no-one is allowed to fish. Therefore, as a responsible Government, we had to look at what were the security concerns, what were the safety concerns, and also taking into account the fact that Gibraltarians have always enjoyed the leisure activity of fishing.

275 Any Gibraltarian can apply to become a member of a fishing club. As a result, the fishing in North Mole will be allowed, subject to that one qualification, which is to become a member of a club.

Mr Speaker: Hon. D J Bossino.

280 **Hon. D J Bossino:** Does the Minister know what the criteria is which is imposed by the fishing clubs and the Gibraltar Federation of Sea Anglers in order to become a member? Is the Minister aware of what the criteria is?

285 **Hon. N F Costa:** Mr Speaker, I am not here to speak for the Gibraltar Federation or any fishing club. How they regulate their affairs is a matter entirely for them. However, as Government, we were concerned to ensure that Gibraltarians are allowed to fish in the North Mole, and the criteria is that a Gibraltar resident, irrespective of nationality, is eligible to become a member of a fishing club.

290 **Mr Speaker:** Hon. Daniel Feetham.

Hon. D A Feetham: Yes, Mr Speaker. Certainly on this side of the House we concur that, in other parts of the world, as the Hon. Minister has said, of course for security reasons access to Port areas is excluded, it is not permitted, bearing in mind security concerns.

295 Bearing in mind those security concerns, can the Hon. Minister enlighten this House as to what is the vetting process for individuals to be allowed effectively, by the Port office... for individuals signing this form and then being allowed into the Port area?

Hon. N F Costa: I have already partly answered that question. Point number 2 of the schedule that I have

300 handed to the hon. Gentleman says that:

‘All members must submit a consent form to the Gibraltar Port Authority Security Officer (annex C attached to this procedure) in order to be considered for access to the Port.’

305 If the hon. Gentleman considers annex C and considers what is says there, it says that the person signing gives consent to the Port Authority to carry out a criminal background check in circumstances they deem reasonable. This is a condition that did not exist under the previous regime but which we thought was important, given that the issue here was that of security and of safe access to the Port.

310 **Hon. D A Feetham:** Yes, but can the Hon. Minister confirm that this form is actually signed and presented on access, or it is signed and presented some time before so that those checks can actually be undertaken.

Hon. N F Costa: No, of course it would have to be signed and handed to the Port. Yes, before.

315 **Hon. D A Feetham:** It has to be signed and provided to the Port; of course it has. What I am asking is –

Hon. N F Costa: The question related to venues where it was signed.

320 **Hon. D A Feetham:** What I am asking is, is it –

Hon. N F Costa: Perhaps he could be clearer as to what he is asking.

325 **Hon. D A Feetham:** Is it presented at the point of entry? In other words, when somebody goes with his rod, wanting to fish and he says, ‘Here’s my consent form – now let me into the Port area’... Or is it signed and presented weeks before in order to allow the Port Authority to undertake proper checks?

330 **Hon. N F Costa:** Mr Speaker, as I have already said, you cannot fish at the Port unless you are a member of a fishing club. At the point that the person applies to become a member of a fishing club, they must necessarily, by following the procedure herein, sign the form. So that form will be immediately passed by the fishing club to the Port so that they will have it before the person comes to fish.

335 **Hon. D J Bossino:** Could I just tax the Minister slightly, on a question I asked earlier, slightly further? Going back to the point at which you become a member of a club, does an individual have to pay a subscription fee?

Hon. N F Costa: I have already said, Mr Speaker, that is entirely a matter for the club.

340 **Hon. P R Caruana:** Mr Speaker, is the Hon. Minister saying that, having imposed, as a condition of public use and access of a public facility, membership of a private club, he has not bothered to find out whether there is a fee payable on joining that club and perhaps also an annual membership fee, the effect of which would be that he has created a regime whereby access to a public facility is available only upon payment of a sum of money to a private non-governmental organisation? As if that were not bad enough, he has not even found out whether that is the position. Is that the case?

345 **Hon. N F Costa:** Mr Speaker, as I have already said, I am not answerable for the fishing clubs and, in our view, as a Government, it is much better to have this regime which gives the Port ultimate control of who comes in and out. There is a database compiled. They can carry out security checks, the numbers are controlled, safety is taken into account, which is much better than the free-for-all that existed under the Government, when anybody could come in without any concern at all for security.


350 **A Member:** Hear, hear.



Schedule to Question No 1/2012

Issue N° 6

Date of Issue: 05/01/12

 PORT OF GIBRALTAR <small>Gateway to the Mediterranean</small>	GIBRALTAR PORT AUTHORITY	
	SECURITY	PROCEDURE N° 4
	NORTH MOLE FISHING PROCEDURE	

Overview:

Procedure designed to instruct members of the public and members of GPA staff as to the circumstances and times fishing at the Western Arm of the North Mole may be permitted.

Title: North Mole Fishing Procedure.

The following conditions apply:

- Any angler must be a full member of Gibraltar Federation of Sea Anglers (GFSA) or any Gibraltar registered Fishing Club. The GFSA or club will accept any EU or non EU member to apply for membership if they can prove that they are residents in Gibraltar.
- All members must submit a consent form to the Gibraltar Port Authority Security Officer (annex C attached to this procedure) in order to be considered for access to the Port.
- Fishing is allowed on both sides of the Western Arm (Rock and Bay facing).
- Only 2 rods per Angler will be permitted due to limited space.
- No fishing is allowed while passenger liners are alongside the berth and/or 2 hours before an expected passenger ship.
- The Gibraltar Port Authority will endeavour to berth tankers at N° 1 East or 1 West in order to permit fishing to the designated area which goes up to bollard N°11.
- Cars will not be allowed into the restricted area. The security guard will assign an area in which fishermen can park their cars.
- Pensioners and disabled people will be allowed to drop their equipment by car or bike at their selected spot and then drive back and park their vehicle at the designated parking area.
- Fishing times are from 17:30hrs – 06:00hrs Monday to Friday and 08:00hrs – 06:00hrs Saturday, Sunday and public holidays.
- Due to the close proximity of Giboil and gas and Nature Group oil treatment installations **SMOKING** is strictly prohibited from the end of the

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old ice box building (bollard N°11) to the end of the mole. Any person found smoking in the area will be evicted from the Port by the security guard immediately and their access to the Port estate will be suspended.

- Due to security requirements there are no bins at the quay side therefore anglers must take all their garbage with them when leaving the Port.

Under age anglers

- Anglers must be over 15 years old to obtain unescorted access.
- Those under 15 must be accompanied by an adult (Over 18) at all times while on Port premises. This individual will be responsible for their safety.

When entering the port at the first barrier the angler's membership or local ID card is to be exchanged for a visiting fishing pass and the membership card will be retained at the security post. When the angler leaves, the passes are to be exchanged back. If there are any issues with an individual not complying with the rules their membership card is to be retained will be dealt with by the PFSO and the Fishing Association/Federation.

NOTE: This procedure must be adhered to at all times. Anyone found contravening these instructions will be escorted out of the Port by the security guard at once.



Issue N° 6

Date of Issue: 05/01/12

Annex A



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Issue N° 6

Date of Issue: 05/01/12

Annex B

Annex J: Prohibited Items

- All firearms
- All ammunition
- All explosives
- Sharp pointed weapons
- Flick knives, gravity knives, daggers, lock knives, folding pocket knives (with a blade over 7cms in length) and diver's knives (if not accompanied by other diving snorkelling equipment and/or a valid diving ID card/licence).
- Swords, sword sticks and umbrellas containing sword blades
- Open razors, such as cut-throat razors
- Spears and spear-guns
- Archery equipment including crossbows and bolts
- Knuckle dusters, clubs, coshes and rice flails
- Items containing incapacitating substances such as gas guns, tear gas sprays, mace, phosphorus, acid and other dangerous chemicals that could be used to maim or disable.
- Undeclared inflammable substances unless carried in limited quantities and in accordance with company instructions e.g. petrol, mentholated spirits, paint thinners etc.
- Any other item adapted or intended for use as an offensive weapon.

The following are examples of property which passengers **should be allowed** to retain unless there is a specific reason for not doing so or there is reason to suspect that the item may be used to commit an act of violence

- Toy guns that do not have the appearance of a genuine weapon
- Catapults
- Household cutlery
- Camping knives and folding pocket knives with blades less than 7cms
- Household scissors
- Darts
- Knitting needles
- Sporting bats, pool and snooker cues
- Hypodermic syringes
- Tradesmen's tools
- Shriek alarms
- Handcuffs
- Butane gas canisters
- Cosmetics



Issue N° 6

Date of Issue: 05/01/12

Annex C

		CONSENT FORM ACCESS TO GIBRALTAR PORT ESTATE FOR THE PURPOSE OF UNDERTAKING LEISURE ACTIVITIES (INTERNATIONAL SHIP AND PORT FACILITIES CODE 2006)	
GIBRALTAR PORT AUTHORITY		DATE: JANUARY 6, 2012	
Surname: _____		Address: _____	
First Name(s): _____			
Date of Birth: _____			

I, _____ (Name in Full) hereby give consent for a criminal background check to be carried out by the Royal Gibraltar Police upon request from the Gibraltar Port Authority (if as required) which forms part of the process in applying for access to the Gibraltar Port estate for the purpose of undertaking leisure activities within the restricted area.

SIGNED
 (If under the age of 18 legal guardian must sign on behalf of applicant)

NAME OF LEGAL GUARDIAN _____ RELATIONSHIP TO APPLICANT _____

SIGNED

I, _____ (Name in Full) hereby give consent for the Gibraltar Port Authority to conduct a search of my person by an appointed individual prior to entry into the Port Estate.

SIGNED
 (If under the age of 18 legal guardian must sign on behalf of applicant)

NAME OF LEGAL GUARDIAN _____ RELATIONSHIP TO APPLICANT _____

SIGNED

For GPA use only:

Application for entry into Port Estate approved?	YES/NO	Date:	
Criminal check requested?	YES/NO	Date:	Date Criminal Check Received:

Senior Port Officer Sign Off

Name: _____ Signature: _____

Date: _____

GPA CF 1/12 - V1

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Both Worlds
Interim arrangements governing new bus route

Clerk: Question 2, Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port provide details of the interim arrangements that govern the new route to Both Worlds as announced in the *Gibraltar Chronicle* on 28th December 2011?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, as well, this is already available in the public domain; however, the information requested by the hon. Member is set out in the schedule that I hand to him now.

Whilst the schedule is being handed over to him I can say that the route operates between 7.45 in the morning and nine o'clock at night on Saturdays and from 8.15 in the morning to nine o'clock at night on Sundays and public holidays. As the hon. Gentleman will know, it is an interim arrangement that is in place until the necessary works are finalised to allow larger buses to access the area of Both Worlds.

Hon. D J Bossino: I am grateful to the Minister.

Can he perhaps provide the House with greater particularity as to what he means by 'the necessary works'?

Hon. N F Costa: Mr Speaker, I am sure that the hon. Gentleman does not need me to remind him that, for the longest time under the previous administration, residents of Both Worlds were abandoned by them and we saw it as a necessary thing to have to immediately reinstitute a route to be able to help those people who live round that area to have access to their place of residence.

As a result of this interim arrangement, I have asked the Gibraltar Bus Company to look at the works that require to be done. I have already been given full particulars of the different options that can be undertaken. In fact, we have three, one of which, for instance, is widening a waste ground opposite the comms centre building for a turning circle, and other options. We are studying those options and it is a matter of importance and priority for this Government, so we should be able to announce exactly the option that we choose very shortly.

Hon. D J Bossino: I take it from that reply, Mr Speaker, that works have not commenced.

Hon. N F Costa: He can take from that reply, Mr Speaker, that we actually care about the people of Both Worlds and that we have actually done something about it, and that, no, we are studying the option.

Hon. D J Bossino: Mr Speaker, can I ask the Minister how many people live there, which warranted the extension of route 4?

Hon. N F Costa: Mr Speaker, I wish that I had brought in the correspondence with the very people, the many people, affected, but I have no idea how many actual people live there – certainly enough to compile a file for this Government to act on it.

Hon. D J Bossino: As I understand it, Mr Speaker, this is called route 4A, which is an extension of route 4.

Hon. N F Costa: Well, yes, it is an addition to route 4.

Hon. D J Bossino: What I was going to say is that route 4A covers many of the bus stops and many of the stops which route 4 currently covers and it is a smaller bus. Can the Minister perhaps provide me with information as to what the cost of the provision of 4A amounts to?

410 **Hon. N F Costa:** Mr Speaker, I will certainly obtain that information for the hon. Gentleman. I do not have it here with me. But certainly whatever the losses are, the bus company was already losing around £2 million when we came into government, so I do not particularly think that adding that route for people who needed it is really much of a cost.

415 **Hon. D J Bossino:** So can the Minister confirm that there is a cost, even if he does not have the information available?

Hon. N F Costa: That is the most... Yes, that is one of the most ridiculous questions I have heard. Of course there is a cost.

420 **Hon. D J Bossino:** Precisely. If the state of Government finances, according to the Hon. Chief Minister's message of last night, are as parlous as he suggests, then the Minister ought to have reconsidered implementing this route.

425 **Hon. Chief Minister:** Mr Speaker, if I just might deal with the issue that this raises on the statement I made last night, I made very clear last night that the problems that Gibraltar is suffering result from the decisions made by the previous administration, the leader of which sits opposite, to prioritise spending on the wrong things. (**A Member:** Hear, hear.)

430 We do not think that bringing access to the town centre by adding a route for those who have previously been abandoned is something that should now not be proceeded with simply because of the folly in spending of some of the previous decisions made by the administration that was here until 8th December. The people at Both Worlds needed this route. The hon. Member made sure that one of the first things he did when he was elected was ensure that they were back in the franchise of those who had access to bus routes, and we will respond to as many questions the hon. Member wants to put on the issue, very proud of the fact that one of the first things we were able to do after 9th December was to provide this route for these people. (*Banging on desks*)

435

Hon. P R Caruana: Mr Speaker, the Leader of the Opposition will, of course, respond to the Chief Minister's extraordinary broadcast of last night in due course.

440 Can I ask the Hon. the Minister answering questions at present how many yards, or metres if he prefers, are there between the last bus stop nearest Both Worlds on route 4 and the new terminal to route 4A, in other words Both Worlds? How far did residents of Both Worlds have to walk to and from their bus stop? Does he know that, even if he does not know the cost of what he has decided?

445 **Hon. N F Costa:** Mr Speaker, no I do not know the exact yards or metres, but I do know this: I do know that, under their watch, senior people had to carry shopping bags, senior people had to walk to their home (*Interjections*) because they were abandoned –

Mr Speaker: Order!

450 **Hon. N F Costa:** – by his Government.

The Hon. Mr Netto is laughing at the fact that senior people had to walk with heavy bags from Morrisons to their place of residence. We, as a Government, Mr Speaker, will not make any excuses or apologies for the fact that one of the first things that we did when going into Government was looking at the fact that senior people living at Both Worlds needed this bus route.

455 We saw to it that it was implemented as an interim measure immediately. We are, in fact, studying the options to have the works carried out to be able to have larger buses being able to turn around at the area. We will make no excuses for that, Mr Speaker, and we are proud to have done so so quickly once we were elected into government.

460 **Hon. P R Caruana:** Having established that the hon. Member does not know the cost or the value, in turn, to the residents in terms of the distance walked that has been saved... but given that the hon. Member wants to set up bus routes to save people a 200-metre walk, or thereabouts, is he going to do that for everybody whose house in Gibraltar is further than 200 metres from the nearest bus stop? Because if he is not

465 going to do that for everybody in Gibraltar, what is there about residents of Both Worlds that entitles them to a bus from their doorstep, but other people in Gibraltar have to walk further to their bus stop than the residents of Both Worlds presently have to walk to their nearest bus stop?

So, will the hon. Member now extend the same proud satisfaction and commitment of what he has done for the handful of residents of Both Worlds to the other 29,900 residents of Gibraltar?

470 **Hon. N F Costa:** Mr Speaker, let me just say in reply to the extraordinary statements made implicit in the question by the Hon. Leader of the Opposition, that we would rather spend money in facilitating and helping senior citizens who require closer access to their house than £88,000 on cleaning the terminal of the airport. (*Banging on desks*)

475 Now let me tell the hon. Gentleman opposite that we prioritise and care a great deal more about the people of Gibraltar than the previous administration that put money in fancy extravagant buildings, rather than looking into the very things for which they are criticising us now.

The Hon. the Leader of the Opposition can rest assured that I am, in fact, looking at appropriate advice and also, funnily enough, listening to the people that are affected, because the previous administration *never heard anyone* and did whatever they wanted on their own motions, rather than listening to the people who were affected in any area of responsibility of the Government. We will be setting up – in fact, we are already setting up – meetings with exactly that, people who live all over Gibraltar so they can tell us what their input and feedback is on the current route. They found it extraordinary that a Minister should, in fact, call them because before all we hear is we have been ignored for the past 15 years.’

480 We will listen to them, we will meet with them and we will come up with a much better devised route than just one that is considered by a Minister with absolutely talking with no-one at all. (*Banging on desks*)

Hon. P R Caruana: Mr Speaker, the hon. Member must be aware that he has just misled this House. He must know that the bus route (*Interjections*) –

490 **Hon. N F Costa:** Mr Speaker, a point of order.

Mr Speaker: Order! Order!

The point of order being raised? Point of order.

495 **Hon. N F Costa:** On a point of order, the Hon. the Leader of the Opposition has not been out of this Parliament that long to know that in order to accuse me of misleading the Parliament he must do so by way of motion. He must either withdraw the remark or rephrase his statement.

500 **Hon. P R Caruana:** Mr Speaker, the hon. Members obviously think the House is a department of the Government and they can issue instructions through Mr Speaker.

Look, Mr Speaker, the hon. Member has said (*Interjections*) –

A Member: Point of order!

505 **Mr Speaker:** Order! Order!

Hon. P R Caruana: And he must listen to me on the point of order, Mr Speaker. (*Interjections*)

510 **Hon. N F Costa:** On a point of order, Mr Speaker.

Mr Speaker: The Hon. Minister, the gentleman, the Leader of the Opposition, is replying to the point made by the Hon. Minister.

Let us hear the Leader of the Opposition.

515 **Hon. P R Caruana:** I know that the hon. Member is nervous and does not want to... He just wants a monologue with himself, but that is not possible in a parliament. You will learn that very soon.

Look, Mr Speaker, the hon. Member has said *twice* in his last answer that it is better to do what they have done than to establish routes by the Minister without asking or consulting anybody at all. He knows that that

is not true, because he knows that there was an extensive public consultation process in which hundreds of replies were received and which were applied to the design of the new bus route. Therefore, to his certain knowledge, the statement that bus routes have been established without consultation with anybody is untrue.

Mr Speaker, the question that I asked him has *not been answered*. The question is not whether he is going to consult people; the question is whether he will do for everybody else in Gibraltar who lives as far away as the residents of Both Worlds do from their nearest bus stop, will he do the same? Or, alternatively, Mr Speaker, is this the first – at taxpayers' expense – payment for votes which the hon. Members did at the election (*Banging on desks*) to the residents of Both Worlds? 'Vote for me and I will give you a bus stop within 30 days of being in office.' Is it that? Why should the taxpayer pay for a discriminatory service simply to Both Worlds? Why?

Hon. N F Costa: That is not a reply to the point of order. That is a speech.

And the hon. Gentleman was going to reply to the point of order, the simple aspect of which was he said that the hon. Member had misled the House. Those issues have to be put by motion and he has to rephrase his question. Instead, he has decided to go on a soliloquy as if he was still the person imperiously ruling over Gibraltar. (*Banging on desks*)

A Member: Hear, hear.

Mr Speaker: Order! Order! Order! Order! Order!

The Hon. Leader of the Opposition did, in his earlier remark, accuse the Minister of misleading the House.

The position in the rules is very clear: when any Member wishes to accuse any other Member of misleading the House, that must be done on a motion. No matter how justified, no matter what the argument at the moment, any accusation of misleading the House must be phrased in a motion.

The Hon. the Leader of the Opposition has not brought a motion. Instead, in his last remark he has sought to justify the earlier accusation of misleading. That is out of order.

Hon. N F Costa: I am grateful, Mr Speaker.

Hon. P R Caruana: Mr Speaker, whilst strictly correct, this is not the way it has happened (*Laughter*) in this Parliament in the last 16 years, as the hon. Member...

Mr Speaker, I will be happy to move a motion. I will be very happy to move a motion. The fact of the matter is that what the hon. Member has said to this House is, to his certain knowledge, not true.

Hon. N F Costa: Just a repeat of the allegations, Mr Speaker.

A Member: Not to accept a ruling...

Mr Speaker: I must again, if I may, just emphasise now that we have a new Parliament, a new scenario, where we all sit. Any accusation by anyone of any other Member misleading the House must be made in a motion and in no other manner.

The Hon. Damon Bossino.

Hon. D J Bossino: It is remarkable, if I may say so, that the Minister does not seem to be in charge of his brief, at least as far as this issue is concerned. It is a rather innocuous question.

Can the Minister perhaps also... Can he confirm... If he said so, I did not catch it. I will ask him to confirm... If not, maybe he can advise the House if he has not said so, whether the provision... whether 4A is, in fact, a new bus or whether it is being taken from another bus route. Is it a new bus which has been purchased?

Yes, it is a new route, but is the bus a new bus, or is it a bus which is used for another route and is being used for 4A?

Hon. N F Costa: Yes, I will clarify that, sir.

Mr Speaker, the bus is, in fact, an old bus that was not being currently used. It is one of the small buses. It is a small bus.

575

Hon. D J Bossino: Yes, I know.

Hon. N F Costa: It was not being currently used and it was put for this route, sir.

SCHEDULE TO QUESTION NO 2/2012

The Route will operate between the hours of 0745hrs to 2100hrs Monday to Saturday & from 0815hrs to 2100hrs Sundays & Public Holidays

The route will be as follows:

Outbound:

Market Place Terminus,
Glacis Road (North of Confectionary kiosk on lay-by);
Winston Churchill Avenue (outside Adventure playground);
Devils Tower Road (outside Faulkner House);
Devils Tower Road (opposite St. Theresa's Church);
Devils Tower Road (opposite Eastern Beach Road);
Williams Way (outside entrance to tunnel) and
Both Worlds Reception area.

Inbound:

Sir Herbert Miles Road outside Both Worlds Reception area;
Sir Herbert Miles Road (Black Strap Cove);
Sir Herbert Miles Road (outside Caleta Palace Hotel);
Catalan Bay Road (junction Sir Herbert Miles Road);
Devils Tower Road (by new round about);
Devils Tower Road (St. Theresa's Church);
Devils Tower Road (Park & Ride);
Winston Churchill Avenue (outside Referendum House);
West Place of Arms Terminus (Market Place).

This is an interim arrangement that will be in place until the necessary works are finalised to allow larger buses to access the area of Both Worlds.

580

**Chief Executive and Captain of the Port
Terms of appointment**

585

Clerk: Question 3, Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port provide details of the terms under which the Chief Executive and Captain of the Port, Captain Stanbrook, has been appointed?

590

Clerk: Answer: the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker. Captain Roy Stanbrook, age 54, has been appointed as the new Chief Executive of the Gibraltar Port Authority and Captain of the Port following a selection process which was completed on 11th November of last year.

595

The terms and conditions of Captain Roy Stanbrook's appointment as CEO and COP are as follows: three-year contract; salary of £76,192; rent allowance of £7,455 per annum; 25% tax-free gratuity of his basic pay at the end of each year; relocation costs for him and his wife as per GoG guidelines; 25 days' leave a year; and he takes up his appointment on Monday, 27th February of this year.

600

Hon. D J Bossino: Can the Minister confirm whether these are the same terms under which his predecessor was employed?

Hon. N F Costa: Could he ask again, please?

605 **Hon. D J Bossino:** Can the Minister confirm whether these are the same terms under pursuant to which Captain Stanbrook's predecessor was employed?

610 **Hon. N F Costa:** Mr Speaker, I wish he had given me notice of that question, but certainly he could ask one of his team who were on the previous administration. This was already a process which had been completed and approved before we were elected into Government.

Hon. D J Bossino: Perhaps I did not catch it myself in his initial reply, but can the Minister... Is this contract an open-ended contract or for a term?

615 **Hon. N F Costa:** The first term that I stipulated to the hon. Gentleman was a three-year contract.

Gibraltar Port Authority Employment of Marine Officer

620 **Clerk:** Question 4, Hon. D J Bossino.

625 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Ports inform the House whether anybody has been employed as the Marine Officer at the Gibraltar Port Authority?

Clerk: Answer: the Hon. the Minister for Tourism, Public Transport and the Port.

630 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** No, sir, not yet. Perhaps I could elaborate further by saying that we are currently reviewing the terms and conditions of this post, with a view to appointing a suitably qualified individual.

The post of Marine Officer, so that the hon. Gentleman is aware, became vacant on the death of Captain Tom Norton, which happened in May of last year.

635 **Hon. D J Bossino:** Is it the intention to keep the post? The Minister has said that the terms and conditions are being reviewed, but is it the intention to keep the post?

Hon. N F Costa: Yes, Mr Speaker, that is the current intention but, as I say, we are currently reviewing the terms and conditions of the post.

640

Aviation policy Increasing flight passenger arrivals

645 **Clerk:** Question 5, Hon. D J Bossino.

650 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port provide details of the Government's aviation policy with regard, in particular, to maintaining or increasing the number of flight passenger arrivals to Gibraltar?

Clerk: Answer: the Hon. the Minister for Tourism, Public Transport and the Port.

655 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker, the Government continues to engage with stakeholders in the industry to continue to maintain, first of all, the current number of flight passenger arrivals and we will strive to increase the number of arrivals. Negotiations will start in earnest with current and prospective airlines to attract more flights, to bring more tourists to

Gibraltar.

660 In fact, Mr Speaker, one of the very first things that I did was precisely to find out the state of play as to the current operators and what negotiations were in train as to prospective air carriers coming to Gibraltar. So it will not come as a surprise to Members opposite that there has been little for us to progress with prospective air carriers. Our work with that will have to start virtually from scratch in this respect. I, for one, am certainly looking forward to doing just that.

665 **Hon. D J Bossino:** There was nothing much in what the Minister has said, other than, perhaps, the last bit, which leads me to believe that there has been a heavy departure from what was the policy of the previous administration. Can I ask him to confirm to this House, and perhaps give us some comfort, that he will continue the policy that was carried out by his predecessor in order to see the continuing healthy figures which we saw in terms of passenger arrivals whilst we were in office.

670 **Hon. N F Costa:** Mr Speaker, first of all, I am not here to answer to the policy of the previous administration. We are here to implement the policies of *this* Government, but as I have already explained to the hon. Gentleman, there will certainly be a change of policy of their administration because we will, in fact, actively, diligently, implacably, pursue the negotiations of bringing new air carriers into Gibraltar.

675 **Hon. D J Bossino:** And could these new air carriers... could he consequently advise the House whether these new air carriers fly from a particular destination?

680 **Hon. N F Costa:** Well, Mr Speaker, as I said, one of the first things that I did was, in fact, to find out that negotiations were in train with any airlines.

Given that what I found was I would have to start from scratch, I already got officials in my Department to do exactly that and start setting up meetings, not just with the current operators to see how we can facilitate and assist them and make sure that they are happy to remain in Gibraltar, but also to set up meetings with air operators from the existing air routes and also from different parts of Europe.

685 We have already set up some meetings and we are inviting people to come to Gibraltar and, where necessary, I will go to meet them. The hon. Gentleman can, in fact rest, not just assured, but to his full satisfaction I can tell him that I will personally ensure that we will do what we can – and more – to get more air carriers to come into Gibraltar.

690 **Hon. D J Bossino:** Any destinations other than the UK?

Hon. N F Costa: Yes, as I have just said, Mr Speaker, I have said in my reply to a supplementary, that we will be working not just with existing air carriers, but that I would also be targeting different European destinations.

695 **Mr Speaker:** A question from the Hon. Leader of the Opposition.

700 **Hon. P R Caruana:** Mr Speaker, is it implicit in the hon. Member's answer that he is telling this House, given that he has repeated it twice, I think, that he has had to start from scratch, that he believes that there is no ongoing contact? There was no ongoing contact on 7th December between the previous Government and any airlines. Is this what he is trying to say without actually uttering the words? What does he mean when he says he has had to start from scratch?

705 **Hon. N F Costa:** Well, Mr Speaker, I said that we had to start virtually from scratch in respect of new airlines – contact with new airlines. There was, of course, contact, Mr Speaker, with the current operators. Here I am talking about additional routes and new airlines, Mr Speaker, but I am grateful for the hon. Gentleman for allowing me to clarify that part of my answer.

710

SPORTS, CULTURE, HERITAGE & YOUTH

**Gorham's Cave Complex
Application for World Heritage status**

Clerk: Question 6, Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Heritage provide an update in respect of Gibraltar's application to achieve World Heritage Status for Gorham's Cave Complex?

Clerk: Answer: the Hon. Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, Government officials from the Heritage Division attended a meeting in the Department of Culture, Media and Sport in London on Monday, 9th January.

The briefing meeting involved all sites on the UK Tentative List; this is a first stage in the process of selecting sites for nomination.

Hon. E J Reyes: Mr Speaker, I think the hon. Member knows that this side of the House will certainly continue to be very supportive in respect of Gibraltar's bid to join UNESCO's World Heritage status. However, given that the hon. Member has recently announced that, in consultation with his Chief Minister, they have appointed an inter-ministerial type of committee and so on, could he perhaps elaborate a bit further how these other ministries and so on would have an influence or a supporting angle, as well, in respect of our joint UNESCO bid?

Hon. S E Linares: Yes, Mr Speaker, since this new Government is now working as a team, we thought, and the Chief Minister rightly thought, that it would be better to co-ordinate this site, which is not only for heritage – as in heritage for Gibraltar and a World Heritage under UNESCO – but that there are implications to do with the environment, and therefore the Minister for the Environment is joining the inter-ministerial group.

Also, it has implications with tourism because, ultimately, when it does, hopefully, become a World Heritage Site, we would like people to visit it – and how we can market for people to visit the place – and it would be chaired, and I am glad that it would be chaired by the Deputy Chief Minister who, as a historian, has an interest in all to do with heritage.

Hon. E J Reyes: So, Mr Speaker, I take it from there that it would be a question of opening up Gorham's Cave Complex for visiting tourists and so on. Would that, then, have an impact, positive or negative as well, to the ongoing scientific excavations and research which are being carried out by the museum team to date?

Hon. S E Linares: Mr Speaker, Government is currently assessing the works that need to be done and since we have experts within Government, they will advise me and the inter-ministerial group as to how better to protect the area. That would mean that if we have to, either – and I am thinking aloud and I am sure the experts would probably have ideas on how to go about it, but you could probably limit the amount of people that go in and out, or they will advise us on how to deal with a Heritage Site.

It is not up to the Minister to decide how to deal with a Heritage Site.

**Additional football pitch
Details of provision**

Clerk: Question 7, Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Sport and Leisure provide details in respect of the additional football pitch it is committed to provide?

Clerk: Answer, the Hon. Minister for Sports, Culture, Heritage and Youth.

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Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, I will answer this question together with question 8 of 2012.

775

**Children's football pitch
Details of provision**

Clerk: Question 8.

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Hon. E J Reyes: Mr Speaker, can the Minister for Sports and Leisure provide details in respect of the children's football facilities it is committed to provide?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

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Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the Government cannot provide details at this time. All this information will be provided when we are in a position to do so.

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Hon. E J Reyes: So, Mr Speaker, am I correct in deducing from that that the Government is committed to providing a new football ground, but it hasn't the foggiest idea where on earth it is going to provide it?

Hon. Chief Minister: Certainly not, Mr Speaker. What the hon. Gentleman can deduce from that... (*Interjections*) and his other – (*Interjections*)

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Mr Speaker: Order. Order.

800

Hon. Chief Minister: – and his other colleagues will be able to deduce from the many other questions across all of the areas of ministerial responsibility that they have asked about our manifesto, is that we are not answerable in this House for our manifesto, Mr Speaker. As the hon. Gentleman used to say to me, we are answerable in this House for the things that we do as a Government, and the things that we will do as a Government will be what we have said in our manifesto that we will do.

805

Now, less than two months into it, for the hon. Gentleman to say that we have not got the foggiest, just because we have not started work on the pitch and we have not made an announcement of where it is going to be to the general public is, frankly, quite ungenerous, given that he was a member of the Government which, in the *last months* of the previous administration, had not yet even started work in deducing how much renewable energy Gibraltar got from renewable sources and how much electricity Gibraltar got from renewable sources, and only then said that, in the early part of their administration, they had decided to change the criterion, the target that they were going to meet.

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It is not about not having the foggiest, it is about wanting to do things properly. It is about wanting to announce things when the time comes. It is about this community having chosen an option that is going to deliver for it absolutely fantastic services in the next four years and make an announcement when the time comes. They can expect that sort of answer in respect of many of the questions that they have put, leading to a cross examination on our manifesto commitments.

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Hon. P R Caruana: Mr Speaker, I see that this business of Chief Ministers popping up and down is contagious! (*Laughter and interjections*)

Mr Speaker, what the Hon. Chief Minister has said begs the following question: Given that he has told the people of Gibraltar repeatedly that his manifesto of the last election was fully *costed*, can he explain in this House how he could have costed the cost of a football pitch without knowing where he was going to build it?

820

Hon. Chief Minister: Mr Speaker, that question precedes a question specifically on costing already on the Order Paper further down the line, so I will deal with the issue when the hon. Gentleman asks me that

question then.

825 **Hon. E J Reyes:** Mr Speaker, with your leave, may I simply ask, then, although he does not yet know the locations, am I correct in assuming that there is a commitment to provide a new football pitch and then, in addition to that, there will be a further facility for children's football, or will the same pitch incorporate both the senior and the junior football?

830 **Hon. S E Linares:** Mr Speaker, Government has committed itself to providing an additional football pitch, and it will do so. We are currently investigating the viability of specific sites and will consult the relevant parties and technical staff so as to provide a facility that will be fit for purpose.

835 Additionally, quotes have already been requested for the substitutes' bench which parents and children now suffer. It is absolutely *disgusting* the way those changing rooms for children were, or are still, until we get them done, and the provision of changing facilities are also being investigated. So I cannot, for the life of me, understand why the Minister is pressing *me*, after he was for four years Minister for Sport and allowed those changing rooms to get to such a state, about what we are doing.

840 We have already come in and, within a month and a half, I have already investigated with the technical people about what we are going to do for these children who are, every Saturday morning... and I am a parent and I do not mind, I put my coat on, but there are parents and children who have been suffering with neglected toilets, neglected changing rooms on the CEPESA area of which he was the Minister for. (*Applause*)

Hon. E J Reyes: Yes, Mr Speaker, I concur that I did inherit from the previous administration. (*Laughter and interjections*)

845 **A Member:** Sixteen years ago! (*Interjections*)

Mr Speaker: Order! Order!

850 **Hon. S E Linares:** If I may continue –

Hon. Chief Minister: On a point of order, the hon. Member, as I understand it, was elected in 2003. The previous administration was the GSD administration. (*Interjections*)

855 **Hon. E J Reyes:** Well, Mr Speaker, what I was trying to get at was that the building for changing rooms that had been left next door to the CEPESA petrol station, that had been provided by the previous administration, was of a temporary nature, not a permanent one, and that, under our administration, adequate changing room facilities were available, albeit on the western side of the football pitch and not on the eastern side. It is not just a question of convenience, but adequate changing rooms and toilets were available and that I would like to get down on the record.

860 **Mr Speaker:** Well, the hon. Member should have asked a question – that is the purpose of supplementaries. Is there a question coming up?

865 **Hon. E J Reyes:** Well, the question, then, Mr Speaker, is I do not think I quite got... Although the Hon. Minister started to reply, I am still not entirely clear whether there is going to be a separate additional football field for juniors, or is it going to be combined with the seniors? I am still not completely clear on that side.

870 **Hon. S E Linares:** Mr Speaker, I repeat again: we are currently investigating the viability of specific sites and will consult with the relevant parties and technical staff so as to provide a facility that will be fit for purpose.

We are consulting people. We do not do things unilaterally. We go, we ask the GFA and we ask the associations what they require and, obviously, we are motivated by fulfilling every single item in our manifesto. This is what I have done since we have got into Government. So that is the answer to the question.

875 **Hon. E J Reyes:** So therefore, Mr Speaker, has the GFA recommended that it have a separate junior and senior football pitch or a combined one?

Hon. S E Linares: The GFA has not only recommended that, they have recommended to do many other things of which we are sitting down with them in consultation, in order to fulfil as many as they require. We cannot probably deliver with every single item that they want us to do, but... (*Interjection*)

So what... Sorry, Mr Speaker, could the Leader of the Opposition in his murmuring ask a question?

Mr Speaker: The Hon. Minister would be well advised to ignore any remarks of that nature.

A Member: Absolutely.

Hon. S E Linares: I will, therefore, ignore those comments.

What we are doing is that we are consulting the GFA and every single other association who have welcomed the amount of hours that I have been spending, for the last month, seeing them because all they tell me is that they are being ignored. What I am doing now is, in consultation with them, to see how better we can develop the football.

Hon. E J Reyes: Mr Speaker, I did not quite catch... Is it going to be one separate for junior and for senior, as recommended by the GFA, or a combined one? I did not quite catch the answer.

Hon. S E Linares: Mr Speaker, has he read our manifesto? If he has read the manifesto, whatever the manifesto says, we will deliver. (*Banging on desk*)

Hon. P R Caruana: On a point of order, either, as the Hon. Chief Minister says, he is not accountable in this House for his manifesto or it is as the Minister now says, that he remits us to his manifesto. It has got to be one or the other. I do not see that it can be both. (*Interjections*)

A Member: Mr Speaker, in my... (*Interjections*)

Hon. Chief Minister: Mr Speaker, I think the hon. Gentleman is absolutely right and that commitment the hon. Gentleman has now brought into the House. He will be answerable for that commitment, given that that particular commitment in the manifesto he has now said in this House, he will be responsible for ensuring is delivered.

Fire Station Smoke extractor system

Clerk: Question 9, the Hon. I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. Minister for the Fire Brigade confirm whether the smoke extractor system for the Fire Station has been ordered?

Clerk: Answer, the Hon. Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, Government instructed the Chief Fire Officer in its first meeting, within a week after the General Election, to make arrangements for the fire extractor to be ordered as soon as possible. The Fire Brigade management is currently consulting two specialist exhaust extractor system suppliers in order to procure the most cost effective installation.

Hon. Mrs I M Ellul-Hammond: Can the Hon. Minister confirm if he has an idea of when the extractor system will be installed, then?

Hon. S E Linares: Mr Speaker, I am not a technician and therefore I do not know how long this will take. It is in the order process, which we said we will do within 14 days of being in Government and that is

exactly what we have done, and then it would be up to as long as it is possible to take to put in the extractor system as soon as it arrives.

935 **Hon. Mrs I M Ellul-Hammond:** And can the Hon. Minister confirm that the smoke extractor system was put out to tender?

Hon. S E Linares: Mr Speaker, no, it was not put out to tender because there are only two companies that are providing it and I can give you the names of the companies, if you want?

940 There is Nederman from Sweden and Ecovent from Germany. These are the type of extractor system that is needed and the Chief Fire Officer will select, as I said, the most cost effective installation.

945 **Airport**
Major incident exercise

Clerk: Question 10, the Hon. I M Ellul-Hammond.

950 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. the Minister for the Fire Brigade tell us when the Government is intending to hold the major incident exercise at the airport?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

955 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the first planning meeting will take place today, 19th January, and it is intended to hold a full-scale exercise during April this year.

960 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, my understanding is that the exercise was scheduled for February of this year. Why is there a postponement until April?

Hon. S E Linares: Mr Speaker, I am not in a position to answer that question since, when I came in, one of the first things I did was meet the head of the Civil Contingency and he informed me about having a meeting on the 19th January.

965 I presume, due to the Elections, they have moved it, but it is not I who decides to move anything. They informed me that they were having a meeting today and, from the meeting today, they envisage the exercise to be done in April. So, basically, why they have moved it, I have not got an idea why they moved it.

970 **ENTERPRISE, TRAINING AND EMPLOYMENT**

Social Security
Control of Expenditure Returns

975 **Clerk:** Question 13, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Security provide a copy of the Monthly Expenditure Returns Report from the Department of Social Security to the Financial Secretary commencing from December 2011 to date?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

985 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, the Monthly Expenditure Returns Report requested by the hon. Member is a financial management information document that the Department of Social Security provides to the Financial Secretary on a monthly basis. A copy of the

Monthly Expenditure Returns cannot be provided to the Member, as the budgetary expenditure logically is subject to amendments throughout the year, hence the final expenditure figures will only be available on the closure of the public accounts after the year-end.

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Hon. J J Netto: Mr Speaker, I have not understood the answer by the Hon. Minister opposite him to send, sir, in the sense that he seems to be saying that he cannot provide me with information because it will be subjected to amendment further on.

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At the end of the day, Mr Speaker, we are talking about a document which was so introduced by the GSD Government for the purpose of having transparency and accountability. After all, we are talking about expenditure which is incurred by a Department, a Government Department expenditure that comes under the Appropriation Bill, which is something for which Government has the responsibility and the Opposition, obviously, has the responsibility to look into the accounts of the Government.

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It does not make sense to say that he cannot give me the information on the basis that it will have further amendment, because all I am asking is the same copy of the same Report that the Minister will get at the end of the month. So, therefore, both the Minister and the Shadow Minister will be in the same position to know how expenditure is moving, notwithstanding the fact there will be amendment further along.

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I find it quite odd and contradictory to give that type of answer when the party opposite seems to be saying they are a party of openness, transparency and accountability. Well, if they are the party of accountability and transparency, surely they should give me the equal footing to be able to have the same information to be able to question the Minister opposite. Will he, therefore not consider the statement I have made and provide me with the document?

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Hon. J J Bossano: No, Mr Speaker. I think the hon. Member is talking a lot of rubbish because, in fact, he is asking me to provide him with documents for when he was there, which he must have had already if he says he had them regularly – and which he did not provide to me.

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The reality of it is that what he is asking for is that we reproduce... *[Inaudible]* that every Member of the House on this side, and on that side, should get a copy of this thing and make public, which means he is asking us to produce a copy of this every month with seven columns of possible amendments being changed backwards and forwards.

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Certainly, if that is something that was introduced by the previous Government and something that every Minister had, I can tell him that when we came in, no Department provided us with those copies. The first time I have heard of the existence... is when he put the question and this is the answer that the Department has provided me with. They tell me that he did on some occasions ask for this information, but that it was an irregular thing that they provided every month to him; but whether they did or they did not, if he feels so strongly that both Members of the House should have had it, I am surprised that he did not provide it when he was here and that he is now asking me to give him information that he claims he already has and that he had when he was a Minister.

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Well, I can only remind him that when I used to ask for half yearly – not every month with every amendment – the figures for the first six months of the year, the Hon. Leader of the Opposition used to say to me that this would put an administrative burden on the Department and I would have to wait a couple of months after September to get the information, which I accepted.

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He is actually saying that he wants us to produce *this*, with the figures changed, every single month of the year and I can tell you that in six months, as I used to be told by the Government then, it is not necessarily an indication of how the year is going to end. You can imagine that every month going up and down is even less of an indication.

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Hon. J J Netto: Mr Speaker, I am afraid that the one who is talking rubbish is the Member opposite.

Mr Speaker: Order. Order. I imagine... *[Inaudible]* Order. Order.

The Hon. Minister used the word and I did cringe. May we please eliminate that sort of language from this Parliament.

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Hon. P R Caruana: What... both sides? *(Interjections)*

Mr Speaker: Yes, sir... *(Interjections)*

I did point to the Minister and I did hear the Minister use the word first, but let us omit it from this Parliament altogether.

The Hon. Mr Netto.

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Hon. J J Netto: I am quite happy for him to tell me that I am talking ‘rubbish’ –

Mr Speaker: Well, no, no. Let us eliminate that –

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Hon. J J Netto: – because I know that he will remind me, telling that he is talking ‘rubbish’, so I do not take any offence from him, Mr Speaker.

Mr Speaker: Well, I think I take offence then.

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Hon. J J Netto: Having said that, Mr Speaker, let me tell him that I am not asking him to provide me... well, I *am* asking him to provide me with this Report, right, which basically says – which he will get available as a matter of course, right... he will get it as a matter of course at the end of each month, but it basically says, from the estimates book, what every single sub heading is, the movement that it is in terms of the payment of those months and whether it is a surplus or a deficit at the end of that month. That is all he will get as a matter of course and he will get it as a matter of course because we, on this side, when we were there in Government, we introduced it to ensure that we kept within the limit of the Appropriation Bill.

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This information, as he would have reminded us many times before, was not passed to him because you never asked a question. If you asked a question when you were in a position, you would have got the information. At the end of the day, the point I am making, from a parliamentary position, is that we, in this legislature are entitled to be able to control the movement and the rate in terms of every single subject and every single head.

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He gets the information, like all Ministers get information, every single month and all he needs to do, once he gets that report by the civil servant, is to say, ‘There is a copy for the Minister, the opposition spokesman on the relevant...’ That is all I am asking. There is not any great effort in simply putting one of these copies into an envelope and passing it to the Opposition. The problem is that he does not want to do it, and he does not want to do it because he does not want to give us the opportunity to scrutinise the accounts that he is responsible for under the Head in this Government.

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Hon. Chief Minister: Mr Speaker, the hon. Gentleman’s remarks do not contain a question, but I think it is important that I should raise an issue, an important parliamentary issue, and an important issue of form.

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The hon. Gentleman appears to have a document that he was given when he was a Minister. I would be grateful if the hon. Gentleman could return that document, please, because it is obviously a Government document. It is still in his possession. Of course, he must have, perhaps, taken it home to work on it when he was a Minister, but if it is a Government document, which we are saying in this House is not a document even we have received – they are not documents that we are being given – and there is an issue between us about whether that is a document that should be shared. Certainly it is a document that I think, if he has it from his time, should be in one of the files that relates to the work he did for Gibraltar in his time. It is not a document that should now have been taken by him from Government officers into his personal possession at home.

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A Member: Hear, hear.

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Hon. P R Caruana: Mr Speaker, that is not a parliamentary matter (*Interjection*) and begs an important question about the status of papers that are to become ministerial working papers that we can certainly discuss, but could I just ask the Hon. Minister for Employment whether he would consider providing the information, as I used to do to him on many occasions, with a qualification that, of course, this is tentative and might, at some future date, change.

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He will recall that there was – I cannot remember now what it was, but some of the statistics that he used to ask me for regularly, I would issue him, I would give it to him with a warning that it could change, it was tentative and it could change, subject before the year end in terms of ... If that information is available, he can provide it, presumably, if he is willing to do it, subject to the fact that it may change, without then necessarily committing to provide every amendment in the ‘seven columns’, as he calls it.

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Hon. J J Bossano: Mr Speaker, first of all, it is not true that I have been provided with this information by the Department. (*Interjection*) No. No, but the hon. Member has said that I was provided with... as if I had been (*Interjection*) and I was withholding it from him. It is not true. None of us have been provided with this monthly report.

I do not know if it is true that every single Minister previous to us had this report. I do not know because, clearly, I have not asked for the figures for before December. I find it quite extraordinary that the hon. Member has actually got the figures he claims that I do not want to give it to him when, in fact, he has something that I do not have and that I have no right to have, anyway, because I was not there in September. So why should the Department give me detailed breakdowns of figures of something in September, or volunteer to give it to me?

The point that the hon. Member is making is that he has, on some occasions, said to me, 'Well, look, we don't want this material to be in the public domain because we do not think it is in the public interest and therefore we will give it to you confidentially.' That has happened, but that is not the point. The point is that – I do not know whether the hon. Member appreciates it or not – if we did what the questioner is suggesting, it means that, on every single page of this document, every single possible warrant, every single thing that has been tabled today which shows movement in wages, movement in overtime, expenditure up and down, which is being estimated on a month-to-month basis, which may materialise or may not materialise... If we did that for every Department, not just for the one that is being asked, it would mean that we would have to get the Department not to report to the Financial Secretary, which they are doing now, whose job it is to control expenditure. They are our Controlling Officers. This is the internal document of the Controlling Officer.

Certainly, it did not happen before 1996. I do not know if it has been happening from 1996 until now. We did not know it existed. We have not been given this information automatically. Neither me nor any of my colleagues have already asked other people and, therefore, it is not that we are getting something which we want to withhold from the other side; it is that, in fact, we think the job of the Controlling Officer is the job of the Controlling Officer and not the job of the Minister.

I would like to remind the Member and, if necessary, I will bring up the questions in which he said it, the number of times for considerably less information than reproducing a changed set of figures for the whole of the estimates book, he used to say to me, 'Look, the work involved is very great.' I would have thought the work involved in this is *monumental*.

Hon. P R Caruana: Mr Speaker, first of all, I was not referring to the confidential information. It is when he used to ask me for information on a quarterly... first of all, it was half yearly and then we tried to give them information on a quarterly basis, and there was some information, I think it referred to Departmental expenditure or some expenditure which had not been reconciled by the Treasury, and I used to say to him, 'Well, look, this is the Treasury information that exists. It is subject to reconciliation and then subject to change.'

Mr Speaker, no one is asking him to do the Government's annual accounts monthly.

Hon. S E Linares: Yes, he is.

Hon. P R Caruana: Well, can I suggest to you that the Hon. Mr Linares that he does not, you know... In this instance he is unlikely to have a grasp of such matters.

Mr Speaker, as part of our budgetary attempt at budgetary expenditure control and not find at the end of a financial year, or towards the end of a financial year, Departments just stuck out their hands and said, 'I have run out. I have spent my whole year's allocation. Now, if you want me to carry on providing the public service until March, I need supplementary funding'... In order to try and monitor and prevent that from happening and monitor monthly expenditure, we put in place a system whereby every Department had to submit to the Financial Secretary, and to his Minister, a statement of that month's expenditure simply so that others could monitor whether they were likely to make their budgets stretch to the 12-month period or not.

We are not asking for any *additional* work to be done. This does not require any. This simply requires that making available to the Minister who has asked for it, that monthly return which is already generated, which exists, and which is unlikely to change, given that it relates to expenditure actually incurred. Now it *may* change if there is a need to calculate over time retrospectively, for example. So there are some circumstances in which monthly expenditure can change something being in respect of a previous month, but it is mainly not the case.

So, look, the hon. Members have to decide whether they are willing to provide the information or not, but it does *not* require a new exercise in information collation. The return, the monthly return to the Financial Secretary, exists in all the Departments, by the way, not just theirs.

Hon. J J Bossano: All I can say is if it is so easy and it is all there and does not require any effort, then I must say that I will have to look at the answers he gave me when I used to ask him for the figures, once a year, for six months. Their figures, all that he told me then about how difficult it was to produce cannot possibly be true, if he was getting the figures every month and he used to say to me then that to give me the heads of expenditure – this is asking for every single subject in the book – and all that I ever used to ask for was the equivalent of the first two pages of this book once a year so that I could see, half way through a year, how close we were to spending the amount approved. (*Interjection*)

Yes, that is what I used to get, but that (*Interjection*) used to be... that which I used to get, the hon. Member used to say to me, if I asked him in October or November, that it was not ready, that it needed more time and it needed more work. Now it turns out, from what he has just told me, that he needed neither more time nor more work because he was actually giving it to me twelve times a year, according to him, and in a massive volume of breakdown... Every single penny in this book can move up or down.

All I can tell the hon. Member is, we will discuss what he has suggested, but I have to say to him it is in flat contradiction to every argument that is ever put in this House about excessive detailed information about everything else.

Hon. P R Caruana: Mr Speaker, with respect, it is not. The amount of administrative effort and political will that went into the previous Government, my Government's, attempt to give the hon. Member all the statistical information that he asked for is legion, on record and unprecedented.

For the hon. Member now on that side, because he is wearing the boot now on the other foot, to pretend that he had difficulty getting information that was readily available from the Government is simply not consistent with the facts as they happened, in terms of the information that he got, to the extent that the hon. Members now boast that they put it online to spare us the need to have to ask for it.

Well, Mr Speaker, it is not true. This is information that exists. It is information. It is monthly reporting by the Departments to the Financial Secretary. It is not collated. It is not audited. It is not checked. It is just a return of expenditure. It is available. He can choose not to provide it to the Opposition, but if he chooses not to provide it to the Opposition it cannot be because it is difficult or onerous, or burdensome to collate. It requires *no effort* on their part to collate it. It is simply a question of forwarding on, but it is a matter of policy if they choose not to provide it. So be it.

Mr Speaker: There is still no question there.

Hon. J J Bossano: Mr Speaker, then I can tell the hon. Member that when he complained about the excessive detail of information that is available within the Departments, he was not being straightforward in... he was exaggerating the effort involved.

What he is asking is that this should be reproduced every month, the whole book, with figures that go up one month or down the other, with seven additional columns.

Hon. P R Caruana: Mr Speaker, no one is asking him to put the information –

Mr Speaker: There must be a question.

Hon. P R Caruana: Yes. Does the hon. Member accept that no one is asking him to put the information in budget schedule form? It is simply a crude, raw, unaudited existing Return of Expenditure by a Department. It does not have to be put in columns, seven, or any. If the format exists, Mr Speaker, it is produced... He may not have seen them yet. Indeed, I never used to look at them every month. They used to go to the Financial Secretary's office, where they used to die.

I know the hon. Member wants a copy. The Hon. Opposition Member, Mr Netto, wants a copy. The Government can decide whether it wants him to have it or not and that is the Government's choice, but the hon. Member cannot justify not giving it to him on the basis of onerous effort required and he should not try to justify it on the basis of what he now says we used to do when he was in Government.

1210 Look, they have won, by 200 or 300 votes, an Election on the basis that they had swept up the ogres who were emperors and did not provide information and they were now a new broom that was going to open the windows of Government and transform the way Gibraltar was governed by providing information. If that is what they believe, surely they cannot now try to copy our behaviour, which they thought was terrible.

1215 **Hon. J J Bossano:** No, Mr Speaker, the last thing I would want to do on this planet is copy everything that he has ever done in his life! *(Laughter)* Of that you can rest assured. *(Laughter)* But what I have to tell him is that we are now going down the route of saying that he misled the House, which requires a motion... *(Interjection)* Without going down that route, I have to tell you that the excuses he made, *(Interjection)* which I believed were true, do not fit with the position that he is now taking.

1220 It is not that I am saying because you did not do it, I am not doing it. I am saying that what he is asking for is *far in excess*, far in excess, of what he just was saying before was not reasonable to us – that is what I am saying. I am saying to him that, in fact, for him to go on saying that I am denying information to the Member opposite, when the Member opposite has *(Interjection)* it in front of him and has waved it at me, and I have not seen it –

Hon. J J Netto: You will get it. You will get it if you haven't.

1225 **Mr Speaker:** Order. Order.

Hon. J J Bossano: No, Mr Speaker, it is not true. It is not true that when we came in on the 9th, every head of Department came to us and said, 'These are the monthly reports we send to the Financial Secretary.' We have not asked for this report. We did not know the report existed. *(Interjections)*

1230 **Hon. P R Caruana:** Alright.

1235 **Hon. J J Bossano:** The first I have heard of the existence of this is when the question has been put and this is the answer the Department has given me, and that is the answer given to the hon. Member, but from the content of what they put to the Financial Secretary, from what they have shown me, which is the first line, *(Interjection)* the first column, of every page of approved expenditure in this book: column one, with seven additional columns behind it.

1240 That is what they say to me in that report, which means, effectively, reproducing a book which is twice as thick as this one, every month *(Interjection)*. Well, they have just discovered a passion for numbers that, before 9th December 2011, I used to be the nitpicking guy that used to be interested in scrutinising every penny in every statistic. It seems I have contaminated everybody in the Opposition with my disease!

1245 **Hon. P R Caruana:** Would the hon. Member not accept that there is a great difference between what he used to ask for, on the few occasions that we were not able to give it, and that it is not the case that this requires much more effort than what he used to ask for, and be denied? He used to ask, effectively, for the accounts of Gibraltar to be compiled for the forecast outturn of revenue and expenditure at quarterly stages, or half yearly stages, during the year to be compiled. In other words, all the information brought together... This is not what is being asked here. What is being asked here requires, if he had the political will – which plainly he does not – no effort on his part at all. There is no degree of difficulty.

1250 So the question of whether it is more or less difficult than the things he used to ask me, and I denied, simply does not arise because this requires no effort on his part.

1255 So I ask him again: is he willing to provide whatever information... *[Inaudible]* which simply requires him to instruct an official to send a copy to the hon. Member – and we accept what he said in his first intervention, that it might be subject to change. Fine, we understand and accept that.

1260 **Hon. Chief Minister:** Mr Speaker, I think what is getting lost in the context of the debate, as it is going, is that the hon. Gentleman said a few minutes ago that we will discuss this internally and see whether... because we have found *(Interjection)* these numbers only when the hon. Gentleman asked the question and that has lead us to question whether the information we were provided before was correct or not.

So let us please leave it that we are going to consider further whether this information can be provided and the manner in which it is provided. It may be that, if we decide it should be provided, that it should be

provided confidentially because it is one thing for hon. Members to be able to see how the estimates book predictions are going and another for everybody else to see every penny that is being spent in every Department before that is collated.

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We have already, as the hon. Member knows, put online a lot of the statistics that were in this House, and it may be that the decision is made to give this information. It will also be put online, so that everybody can scrutinise it on an up-and-down basis, but I think that the prudent course is just to say that we are going to look at this. I know that there is another question on the Order Paper, Question no. 47 that the hon. Gentleman put to the Minister for Social Services and Equality, that deals with the same point and I think we should just leave it that we are going to consider further, before the next meeting next month, how this information can be shared, if it can be shared.

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Hon. P R Caruana: Mr Speaker, we accept the Hon. Chief Minister's undertaking to consider the matter.

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**Supported employment opportunities
Grants to employers and disabled persons**

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Clerk: Question 14, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Employment state what type and conditions for employment grants will be made available to employers and disabled persons, in order to optimise supported employment opportunities?

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Clerk: Answer, the Hon. Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, there are presently 50 persons being assisted under the Vocational Training Scheme, sheltered/supported employment programme. These persons are receiving an allowance of between £250 and £450 per month. As from 1st February this year, under the announced future job strategy programme, they will receive £912.60, which is the standard minimum wage for full-time employment.

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The consultation process with associated bodies and representatives on the future provision for persons requiring sheltered/supported employment assistance is at a very early stage. Future policy will be decided on the outcome of such a consultation process.

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In the meantime, other persons in need of sheltered/supported employment will be incorporated into the Future Jobs Strategy programme, which is underway from 1st February.

Hon. J J Netto: Mr Speaker, I am grateful.

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The hon. Member, the Minister opposite, seems to be saying that they are now about to start a process of consultation. I think those were his words. But would he give us at least an idea of what sort of scope of issues that will be discussed, if he has any outline, at least, for the issues that will go into the thinking?

Hon. J J Bossano: Well, no, what we are going to do, Mr Speaker, we are going to pay people more money than they were getting before and continue with the provisions that exist, extended to people that are not included already, new cases brought to our attention and, at the same time, ask those who are involved in this field to put any ideas that they have got to us, as to any improvements that they would like to see.

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It is not that we are going there with a preconceived idea of what needs to be done, other than improving their income. For example, the 50 people that are in the present programme are the 50 people who are already there on the 8th. They are being kept where they are and whether the circumstances under which they are working – many of them are working in Government departments or Government authorities or Government agencies and a few are in the private sector – whether there is any issue in relation to the environment in which they are working, which needs to be addressed. When we hear the views of those who are involved, we will act to put it right, if there is anything that needs to be improved or put right.

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Hon. J J Netto: Mr Speaker, what I was trying to get at, basically, was whether the thinking by the

Government, obviously in consultation with other interested parties in relation to this future subsidy or employment grant, is going to be one which is earmarked for a specific period of time for that disabled person, in order to be able to allow the employer to absorb or take in or optimise that particular disabled person into employment, and whether that subsidy is going to be for a specific period of time, or depend on the condition of the disabled person, may need a level of subsidy for a much longer period of time, perhaps even during the entire employment life of that particular person, all depending, of course, on the degree of severity of the disabled person.

So I was trying to engage the Hon. Minister whether there is any thinking going on, when we talk about subsidies for disabled persons, as to whether the thinking by the Government is one where they are going to look at bringing professionals to be able to determine the level of severity of the disabled person and, in accordance with that, there will be some disabled persons, for instance, who may not need any subsidy at all. Just because they are a disabled person does not automatically mean you need a subsidy but, of course, there will be some disabled persons who need a level of subsidy and there may be some disabled persons who need a permanent level of subsidy. That was one of the issues that I was trying to engage with the Hon. Minister.

The other thing is, of course, given that this is one of their manifesto commitments in terms of employment grants, one of the things that would help disabled persons being able to get into the world of work, would be by giving the employer, perhaps, like they do in the UK, in fact and many other jurisdictions, a small amount of money to be able to do some small adjustments, refurbishments to be able to work in an environment that is able to be absorbed and allow a proper working space for disabled persons.

So the question that I am trying to put over to the Minister for Employment, which seems to say that he is going to consult about that, is whether he will at the end of that consultation process end up with particular criteria or structure in which disabled people will be analysed by the professionals in accordance with the levels of severity of their disability, will be able to get a subsidy depending on that and whether employers also will be able to get a certain amount of money for furniture, equipment, alterations that may be necessary for the disabled person, because if they do both things together, hand in hand, the possibility to absorb more disabled people into the world of work obviously is going to be much greater. So would that be part of the Government's thinking, Mr Speaker?

Hon. J J Bossano: Mr Speaker, we are paying the persons with disability, we are treating them no different from persons without disability but, as I say, they are getting a contract of employment with the Government in a wholly owned Government company and that wholly owned Government company will place them in a place where, at present, it is no different from the place where they are already; that is to say, the people that are there already, working either in the public or the private sector, who have been getting £450 per month, will instead get a salary paid by the Government, 100%, £912.60, which is the minimum wage that a worker should get. Therefore they will have a contract of employment with the same company that employs other people that do not have disabilities; they will be completely integrated in that system.

In addition to that, there are improvements in the working environment which can only be established by looking at each one of the 50 cases; and all the new ones that may come up, which the employer needs financial assistance with, it will be provided. There is no question of there being a limited amount of money available for this and, when that money is used, that is it: we will provide what is required and each case will be looked at in the context of what is required. As I have already told the hon. Member and as he must know, because the people were there already when he was in office, many of them are working in Government offices or in an environment where they have been there for many years.

I cannot imagine that we are going to find that there was only very detrimental, before 9th December, that was being ignored by the previous administration, and that we need to put right. I would expect that since everybody that is there now, was there before, if there was something seriously wrong with their environments, somebody before me would have put it right. But, certainly, if there are things that still need to be done, they will be done and it does not matter what they cost. It will happen. Whether there is or there is not, I will not know until I discuss it with the people who are working in that environment or the relatives of the persons with disabilities who are in sheltered employment and they make representations to me about what we can do to improve the quality of their life at work.

The answer, basically, is that we are there to provide what is required, if it has not already been provided by him before, when he was there. That is all there is to it. I would expect that most of it would have been done already, because it is not a new situation, it is a situation that has already been happening and the main difference is that they were treated before under the VTS scheme, as if they were being trained for a job when,

in fact, the reality of it is that what they need is a subsidy in that job and we are going beyond that stage of simply subsidising part of their income and saying to the employer you pay for the other part. We are saying, we will pay you the full standard minimum wage that the law provides.

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Hon. J J Netto: I am grateful, Mr Speaker, but I am still not quite clear, or perhaps the hon. Member has not sufficiently explained his point. I take on board the fact that he is saying that he is going to pay the minimum wage. I take that on board, but what I was trying to get at, perhaps, is whether the payment of the minimum wage is for a specified period of time or not, because the point I was trying to make is, what is the scheme?

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Is the scheme depending on having analysed the needs and necessities of disabled persons, one which will say, right, this particular disabled person has a chance to go into the world of work, provided that all these criteria have been met by the professionals and, therefore, the first year will be a payment of the minimum wage and at the end of the minimum wage – and I am talking hypothetically – it would be the employer who absorbs the payment, I suppose, to the Government through the scheme. I am not sufficiently clear, that is why I am trying to ask further supplementary questions, to be able to say whether there is a finite period of time for the payment of the minimum wage or whether there is, perhaps, a scaling off period after the final period of time in which the minimum wage is going to be paid. That is the first point I was trying to make.

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The second point I am trying to make and it brings to mind, perhaps, we do have in the office of employment, in the Employment Office, we do have a disabled person who was employed when I was first Minister for Employment, when we got in, and one of the successes for her was that, long before she was sent to work in the Department of Employment, was because the handling of that process was one in which, first, the occupational physiotherapist went to assess the working environment, had several meetings with the management there and there was a lot of alterations as to the manner upon which that particular person was going to do a number of tasks, including the design of new software packages to be able to help her in that particular work.

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The point I am making is that to be able to make it successful to some disabled person, it requires not just, necessarily, an employment placement officer, it also requires other people from other parts of the Government like the occupational therapist, who will have to determine, amongst others, the needs of that particular person.

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What I am suggesting to the hon. Member, given that he said he is going to enter into a period of consultation is that perhaps this is an area that needs developing further to making sure that those people who are registered unemployed disabled are willing and able to try and find work, that as much help as possible be given to them by ensuring that the professionals give a helping hand. That is the point. Will he, therefore, take that on board in the consultation process?

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Hon. J J Bossano: Mr Speaker, all the things that he says happened, have happened already.

It is not that there are 50 people on the 9th that were there on the 8th, so the person in the department that he says had this assessment done is one of the 50 and, presumably, it was done for the other 49 as well. There is no new case. Therefore, I assume that all these ideas that he has about how it should be done, are the ideas that were already in practice, being implemented when he was there. If they were not then, certainly, having suggested that they should be done, even though they were not being done, I will find out, case by case, what has been done.

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All I can tell him is that, at the moment, what is happening is that the case, for example, in the department that he has mentioned, will now be getting a contract of employment, which did not exist before and that that contract of employment will be permanent and for life. Therefore, the salary will be paid, which is a salary that I have mentioned, and there are many hundreds of people in Gibraltar who get the minimum wage and, therefore, what we are doing is making sure that somebody, because they have a disability, does not get at least less than the minimum wage, at the very least that.

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In the process of training, they are able to take on a type of job which pays more, then again, they will be treated exactly the same. The whole idea is that, in the programme that we have got, there is not a section for people with disability or for ones without disability. They are all treated the same way. Within the requirements which are determined by the nature of the disability in each and every one of these cases, if there is something that is not being done that ought to be done and that we have recommended to us, it will be done, whatever the cost.

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I cannot say more than that, but there is no limit to the amount of money we will provide, if somebody

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1430 shows us that someone with a disability is at a serious disadvantage because of something in the environment that ought to be there is not there but, at the moment, nobody has made representations to me in respect of the 50 people that are there and the only change at the moment is that they are exactly where they were before, in exactly the same circumstances as before, but with a contract of employment and the minimum wage. That is the only thing that has happened to date.

1435 **Hon. J J Netto:** Mr Speaker, the point I am making is that, of course, money is important to try and get disabled persons into work. In relation to the 50, it is a mixed bag. It is an *ad hoc* process. Some of them did find another professional who assisted them when they got employment, others did not. The point I am making is that there is room for improvement here and that is why I keep saying to him that he should consult with the professionals in the field, in order to make sure that, when we do have a registered unemployed person in the Employment Service, that that particular – all disabled persons are monitored to the extent of their needs and to the circumstances which they can then fulfil by working for an employer by looking at the work environment. I think that there is a lot of room for improvement, if we bring the professionals into the field. That is only what I am asking him.

1440 **Hon. P R Caruana:** Mr Speaker, may I just ask a short supplementary so that the hon. Member might... [Inaudible]. Surely what the hon. Member says about Government, he cannot mean that, for example, if there were a disabled person that works or wants to work in a building in which there is no lift and three staircases and there are three floors and staircases, he is not suggesting that he is going to install a lift in the building. So there has to be – presumably that person will be encouraged to be redeployed for work somewhere else. He does not literally mean, surely, that he will spend as much money as is necessary to accommodate every disabled person that wants to work in every physical environment? Surely that would not be viable?

1450 **Hon. J J Bossano:** The disabled persons, any more than people who are not disabled, do not live in a happy world where they can choose the job they want and they get it. They are provided by the Employment Service with the opportunity of working in a particular area by agreement with the employer which, in the bulk of the cases, are public sector employers. If, in any one of those areas, the advice that we get is that something needs to be done, which has not been done before – and I would expect that that would be rare, rather than common, because if the 50 people that were there already in circumstances which are very bad, I would have expected that something must be very wrong, must have been happening before with all these professionals having their input.

1455 So I would expect that it would be the odd case, rather than the normal case that they might need something extra.

1460 **Hon. P R Caruana:** I accept that but, in that odd case – I can illustrate it with an example, if you like – he is not saying that there is no limit to the amount of money he would spend to accommodate one individual in one particular workplace.

1465 For example, this is not an example – the lift at 6 Convent Place does not go all the way to the top floor. As he knows, it stops at the Chief Minister's floor. If there was a disabled person that wanted to be redeployed to the office of the Chief Secretary upstairs where the lift does not reach, he does not mean, does he – and I am just asking what he means by the no limit point – he is not saying that to accommodate that particular person in that particular work opportunity/place, he would extend the lift just to accommodate that person, or would he say to that person look, find a post in a department of Government where there is a lift or the premises are suitable?

1470 **Hon. J J Bossano:** There is no reason for the hon. Member to have to ask that question, because I have not said there is no limit to the money we will provide for anything that any disabled person wants. That is not what I said. I said, there is no limit to the money we will provide, if we are advised that there is something in the working environment of that person.

1475 It is not that that person says well, until the GSD lost the election, I was happy to go to the third floor, but now that the GSLP is in I want the fourth floor, and I want the lift to go up, but if the person says on the third floor where I was, they did not provide me with adequate access and there should be adequate access, then the problem –

Hon. P R Caruana: The hon. Member, if he will allow me to clarify, the hon. Member, is not saying that he will guarantee access to all employment environments, to all disabled persons under the scheme.

1485 What he is saying is, presumably, you would not be there in the first place now, if the environment was not suitable. If something turns up for those people, it will be corrected. He is not saying to guarantee case no. 65 – we are at case 50 now – to guarantee a disabled person in the future opportunity to work in every environment, we will make sure that he is not unable to work in a place for lack of environmental support. I accept that that would be different from simply accommodating the environmental needs of existing placees where they are.

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Hon. J J Bossano: That is why, Mr Speaker, I have been saying throughout that I am talking about the position of the 50 that we have got and I would expect that if there was an obvious thing that could be done to improve, it would have happened. Therefore, I would expect that things that cannot be done and have not been done would be rare, rather than common, for those 50. When no. 51 comes along, we will not put them in the wrong environment, and then spend a lot of money putting the environment right, we will put them in the right environment from day one.

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Hon. P R Caruana: Except, Mr Speaker there are, as he knows, EU directives and other international treaties on the rights of disabled people. This is why he needs to be careful about the commitments that he enters into with existing placees, because there are circumstances in which employers do have to make all their workplaces accessible to disabled people to avoid discrimination. This is a very expensive and, potentially, a very onerous regime and I was not challenging the hon. Member on that, I just wanted to see what the parameters, or the extent, of what he had said and I think he has clarified that.

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**Government companies in the construction sector
Number of contracts of employment terminated**

1510 **Clerk:** Question 15, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state how many workers employed by Government companies involved in the construction sector have had their contracts of employment terminated or notice of termination has been given to them since the General Election, identifying the company and the number of employees relating to each company and how many of these employees are resident in Gibraltar?

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Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

1520 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** I will answer this with Question 16, Mr Speaker.

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**Private companies in the construction sector
Number of contracts of employment terminated**

Clerk: Question 16.

1530 **Hon. D A Feetham:** Can the Minister for Employment state how many workers employed by private contractors working in construction projects funded by the Government, as at 8th December 2011, have been notified since that date (either directly or by notification to their employer company) that their services are no longer or will no longer be required on those sites, identifying each site and the number of workers relating to each one and how many workers are resident in Gibraltar?

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Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

1540 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, during the period from 8th December 2011 to Monday 16th January 2012, the Employment Service records show a total of 283 persons whose employment contract was terminated in the construction industry by 39 different employers. Of those terminated, 31 were resident workers.

From the information made available to the Employment Service, it is not possible to identify on which particular construction project or construction site these workers were employed when their contracts were terminated.

1545 In respect of the workers employed by Government companies, the only company involved in the construction sector is the one known as Gibraltar General Construction Co. Ltd. which was set up by the previous administration to complete the Government housing projects following the collapse of Haymills and Bruesa.

1550 This company has informed the Employment Service that 42 workers, of whom 14 are resident workers, have been given notice, but their termination of contract have not yet reached the Department and therefore they are still not recorded as unemployed.

1555 **Hon. D A Feetham:** Out of the 83 terminations by 39 employers, can the hon. Member state how many of the redundancies of those workers have been caused by the freezing of projects on instructions of the Government?

1560 **Hon. J J Bossano:** No, Mr Speaker, the 283 from the 39 private contractors that we have in the department simply say that their employment has been terminated, but they do not give any indication of the site where they were working.

1565 In fact, it is possible that some construction companies may not have terminated the person from the site where the work ceased because they have used the last-in, first-out and people get shifted from one site to another. If they follow the procedure, which is normal, which is that the most recent employee is the first one to be made redundant, so it may be that a site has been closed down because we have not continued with the work as Government and the work on that site has been moved to another site and somebody else has been made redundant.

1570 There is no indication in the termination of employment by the employer, which sites the person was on. I would say that the fact that it involves 39 private contractors means that a lot of this took place before we took the decision that some of the jobs that had people on site in the expectation that they would continue, for example, the tunnel, I would not have thought that there would be anywhere near that number of subcontractors on that site, for the job that was being done there, but this is simply my speculation. In terms of official accurate information, the only information that I can tell you is the number of employers and the number of employees, because there is nothing else that comes in on the termination.

1575 **Hon. D A Feetham:** Is the hon. Member saying this, that he does not know, as the Minister for Employment, how many redundancies his Government's actions in terms of freezing works on sites, or terminating work on sites, has caused in terms of redundancy and numbers of people that have been made redundant?

1580 **Hon. J J Bossano:** Mr Speaker, the hon. Member is asking me as Minister for Employment.

As Minister for Employment, I am giving him the statistics recorded by the Employment Service, which is the information he has asked for and the information that I have given him. As regards the fact that these numbers reflect or do not reflect the stoppage of work, there is no information in identifying the individuals. There is nothing.

1585 When a contract is given out by the Government now, as it was before, it is not the case that the contractor provides the names of the people who were working on each job, nor do people stay on a particular site all the time, nor are people necessarily laid off from the site on which that contractor may have had some workers on one site that is no longer functioning and has other sites and other contracts from the Government or from another client to which they move people, so it is not possible to say which of the individuals that have been terminated, were actually the people that were working on the different sites or the different projects. That is not information that is available to the Employment Service.

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Hon. D A Feetham: Mr Speaker, is it not extraordinary that the hon. Gentleman is saying that, as a Government, you take a decision to stop work on a particular site or sites and he does not even bother to ask, or to find out, how many redundancies they are causing by that action? Is it not extraordinary, Mr Speaker?

Hon. J J Bossano: I do not know whether he expects you to answer whether you think that is extraordinary, but if he is asking me, I do not think it is extraordinary. I do not think it is extraordinary that the Government should say, look, we have got £20 million to carry on with the tunnel. It cost £55 million, we are not prepared to borrow more money to carry on with that tunnel.

I find it quite extraordinary that there should be a situation where you set up a company, as a Government, to take on the workers from Haymills and Bruesa and, four years down the road, you are still having the people that were made redundant by Haymills and Bruesa and there are, literally, potentially hundreds of workers in Gibraltar, resident in Gibraltar, that I have got registered as unemployed. That is what I think is quite extraordinary, that we should have so much work for outsiders, and so little work for our own people. *(Applause)*

Hon. D A Feetham: Mr Speaker, last time I read about parliamentary procedures, questions are supposed to be asked via Mr Speaker, but, Mr Speaker, does the hon. Gentleman feel comfortable with the fact that one of his very first acts as Minister for Employment is to actually cause the redundancy of some 240 people?

Hon. J J Bossano: Mr Speaker, it is not true. What the hon. Member says is not true. It is not true that I have caused these redundancies of 240 people.

I have just told him that the Government company has notified the Employment Service that they have given notice of termination – which has not yet happened – and the notice period is not yet over, 242 workers, of whom 40 are local residents and they will be at the top of the list for getting re-employed.

Of the 283, the 42 are not included. I cannot tell him how many of the 283 were people working on Government contracts, nor can I tell him how many of the 39 employers were on Government contracts, but I can tell him one thing, that the Government will not, in fact, spend money on doing things that it does not think provide value for money on the basis of keeping people in work when they should be re-employed in areas that are carrying out work that the Government wants done. Therefore, I have not the slightest doubt that every single resident construction worker will be back in work on another project in a very short time.

Hon. D A Feetham: Just in relation, Mr Speaker, to that, can the hon. Gentleman confirm that all residents of Gibraltar, regardless of nationality, who have been made redundant and wish to avail themselves of the new arrangements under the Future Jobs Strategy, will be able to do so?

Hon. J J Bossano: Mr Speaker, every resident worker will have an opportunity to enter into the employment scheme being started by the Government, irrespective of nationality.

Future Jobs Strategy Date of commencement

Clerk: Question 17, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment confirm that the trainee employment contract scheme, or the so-called Future Jobs Strategy, will be in place, at the latest, by 1st February 2012?

Clerk: Answer, the Hon. Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, I will answer this question, together with questions 18 to 20 and 22 to 24.

**Future Jobs Strategy
Open to all**

1650 **Clerk:** Question 18.

Hon. D A Feetham: Can the Minister for Employment confirm that the so-called Future Jobs Strategy will be open to all registered unemployed persons, all vocational trainees, all school leavers and residents on casual or supply terms in their current employment?

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**Future Jobs Strategy
Adult Nursing Diploma**

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Clerk: Question 19.

Hon. D A Feetham: In relation to the so-called Future Jobs Strategy, will these new arrangements extend to trainees undertaking the adult nursing diploma?

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**Future Jobs Strategy
National Minimum Wage**

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Clerk: Question 20.

Hon. D A Feetham: Can the Minister for Employment confirm that all trainee employees under the so-called Future Jobs Strategy will be paid the national minimum wage?

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**Future Jobs Strategy
Number of applicants**

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Clerk: Question 22.

Hon. D A Feetham: Can the Minister for Employment state how many people have so far applied to take advantage of the so-called Future Jobs Strategy?

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**Future Jobs Strategy
Breakdown of applicants by category**

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Clerk: Question 23.

Hon. D A Feetham: Can the Minister for Employment provide a breakdown of those who have applied to sign up to the Future Jobs Strategy by the following categories: (a) those who are unemployed (b) those who are in existing vocational training schemes (c) those who are in existing NVQ vocational traineeship schemes (d) those trainees undertaking any other kind of courses and (e) those who are in sheltered employment schemes?

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**Future Jobs Strategy
Origin of applications**

1705 **Clerk:** Question 24.

Hon. D A Feetham: Can the Minister for Employment state how many people have applied to sign up to the so-called Future Jobs Strategy directly with his department and how many have signed up, having had their applications submitted to his department via the Gibraltar Socialist Labour Party?

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Clerk: Answer, the Hon, the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, I can confirm that the trainee employment contracts are expected to be in place by 1st February 2012, as previously announced.

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I can also confirm that it will be open to all registered unemployed persons, all vocational trainees, all school leavers and residents on casual or supply terms. The new arrangements will also extend to trainees undertaking the adult nursing diploma.

Initially, though, it will be the current vocational trainees, together with those in sheltered/supported employment, and those undertaking specific vocational training, like the nursing diploma, some 400+ in total, who are currently paid an allowance between £250 and £450 per month, that will be offered such training employment contracts on 1st February.

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I can also confirm that all trainee employment contracts will entitle trainees to enjoy all the rights afforded by employment legislation, like other workers have, including the right to the standard minimum wage of £912.60 for full-time employment.

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There are no applications as such. As the scheme progresses, potential candidates will be identified from the groups mentioned and given the opportunity to join once the initial placements have been completed.

Hon. D A Feetham: The hon. Member said that, initially, it will be the trainees and several others. Is he saying that, effectively, the scheme is going to commence for trainees and people in sheltered employment on 1st February and then, later on, in relation to others? Is that the position?

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Hon. J J Bossano: The position is that on 1st February everybody that was there in January under the vocational training scheme in the placement where they are already, will be, in fact, given contracts the last week in January and take up employment on 1st February. That is expected to be between 400 and 450.

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As the scheme progresses during the year, there will be a movement of people from the Government employment company into the areas where they are trained. In some cases the time that they require in the new Government company will be, in fact, quite short, because they have already had a long period beforehand under the scheme that was there already and those schemes – not all that many, but there are a number – where the employers have indicated that they are satisfied with the training that has been provided and the way that people have successfully completed that training and that there is a full-time job for them.

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From that moment on, the placements will only be in areas where there is a job guarantee at the end. If the employer does not guarantee the job, then we will not place somebody in that area, unless we are doing it because we have got somebody else that is interested in taking people if they are trained, but is not able to provide the training themselves. For example, in areas we might be getting people who are coming into the market as labourers from the construction industry, and we have identified that there is a shortage of plant operators, forklift truck drivers and that sort of thing and there is at the moment a very high level of importation of labour and very few local skills. In those areas we may be actually doing the training in one construction company and eventually, during the course of the year, people will take employment with a different one, but the majority of the placements, the employers that we are talking to will be the ones that will provide the jobs during the course of the year. As people come off a scheme, other people will come in.

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Hon. D A Feetham: With respect, I do not think the hon. Gentleman has answered my question. He has answered part of it. Initially, on 1st February, the scheme is going to commence for those people, as I understand from the answer that the hon. Gentleman has given us, for those people who are in existing DTS schemes or additional vocational training or taking NVQs. That is what he said. And, of course, people

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in sheltered employment. He estimates that those are 400 to 450 people, but he has already said, in answer to my question, that it is also going to be open to people who are unemployed.

1760 He may recall, from his manifesto, no doubt, that he had a hand in writing that particular chapter of the manifesto, that the figure that was quoted in the manifesto was, as at the last Election, there were 421 people who were unemployed in Gibraltar. In relation to those unemployed people who want to take advantage of the Future Jobs Strategy, when are they going to be allowed to commence or enter the scheme?

1765 **Hon. J J Bossano:** They will not all start on 1st February, that is quite obvious.

The scheme starts from 1st February and the probable timescale is that many, if not most of them, will be in the scheme within three months of the first ones coming in on 1st February. We expect to be able to take people through the scheme, so that by, say, June or July, most of the people that are in a position to take advantage of this opportunity and be put in permanent jobs, will be in the scheme. Therefore, that scheme will start with 450 and, during the course of the next financial year, will grow up to something like 800 or 900.

1770 The potential number of people that are in the labour market, when we take into account that people who are registered as unemployed and people who have lapsed... simply because the Employment Service has not been very successful till now in placing people in employment because the jobs that are registered are filled before they are registered in a percentage of something like 90% – which will not be happening in the future – and there are something like 530 people on supplementary benefits or social assistance, of whom at least half are considered to be able to take up some form of part-time employment.

1775 That is the total size of the potential market for labour, which we hope to be able to bring into obtaining skills and training and have employment. How soon we can go through the whole of the 1,200 is a matter of speculation at this stage, but certainly it will start with 450 and it will grow – and in some cases, of course, the growth will be matched by people moving out of the scheme into jobs at the end that the training has obtained for them.

1780 **Hon. D A Feetham:** Mr Speaker, when the hon. Gentleman says three months, June, July for the unemployed, can he also confirm that by June, at the latest July, all those residents, and casuals on supply terms, will also be able to avail themselves of the Future Jobs Strategy?

1785 **Hon. J J Bossano:** I cannot, Mr Speaker, tell him when the whole exercise will be completed. We are starting the exercise on 1st February.

1790 Once we start the exercise, the people that we have got in employment, the employers we are talking to, the people that we will be replacing in the labour market... is a question of the supply and demand being managed by the Employment Service in a way that has never been done before. As we go along, we will no doubt find ways in which we can improve the effectiveness of the scheme, but, certainly, I think the hon. Member will see an improvement in the numbers of residents in employment from the moment that we start the new process in February.

1795 **Hon. D A Feetham:** Mr Speaker, does this not represent a watering down of the much heralded and vaunted Future Jobs Strategy that is outlined in their manifesto. In their manifesto, the hon. Gentleman opposite guaranteed that it was going to commence on 1st February this year: not only did he guarantee that the scheme was going to start for everybody on 1st February this year, but that there would be ‘guaranteed employment’ for everybody at the end of those three years. Does he not accept that what he is now saying is actually a renegeing and a watering down of his commitments in the manifesto?

1800 **Hon. J J Bossano:** No, I do not accept any of that.

1805 Mr Speaker, I am telling him that there will be 450 people in Gibraltar – residents of Gibraltar, the majority Gibraltarians, the majority under 25, but also older people with families to support – who will be getting £912 instead of £450, which they would not have had if he had been in my place. So what is there to renege about?

1810 On day 1... the scheme will start when we said it would start – a difficult enough target. And for somebody who, a few months ago, used to say ‘You haven’t asked me about the manifesto, this is work in progress’, well, look, certainly I can tell him that the manifesto will not be completed on 2nd February. That I can tell him.

The manifesto will start being implemented, as far as this is concerned, on 1st February, and I, certainly,

am totally committed to ensure that every single Gibraltar resident that, as a result of the policies of the Government, has been faced with an avalanche of competition from outside Gibraltar, will not be put in that situation from 1st February on.

1815 The result will speak for itself and I have no doubt that everybody who is going into the scheme now, and will go into the scheme in the future, will know that if they had won the election none of this would have happened because what, in fact, he accused me of was being a Soviet-style programme... putting everybody in jobs. And now, because I am not doing all on day 1, he is complaining about it! He is wanting me to be even more Soviet than he is expecting me to be...

1820 **Hon. D A Feetham:** Yes, well, Mr Speaker, perhaps I ought to correct my statement about the scheme being Soviet in nature. Bearing in mind what he now says, it is more capitalist than Soviet, because he is really reneging on what he has said in his manifesto commitment.

1825 But, Mr Speaker, at a meeting on 16th January in the John Mackintosh Hall with trainees that were qualified for this scheme, the hon. Gentleman said:

‘We do not expect to keep anyone for longer than three years.’

1830 Can he explain to the House why is that?

Hon. J J Bossano: I do not know what meeting the hon. Member is talking about.

1835 **Hon. D A Feetham:** The meeting in the John Mackintosh Hall last week was widely reported in the *Chronicle*. In fact, I have brought the article here if the hon. Gentleman wants me to pass it over to him so that it can jog his memory.

1840 **Hon. J J Bossano:** Well, I do not know about ‘jogging’ my memory. The fact that the *Chronicle* has said something does not mean that my memory needs jogging. I do not know who reported in the *Chronicle* and I do not know what it is that I am supposed to have said that he wants me to comment on.

Hon. D A Feetham: Well, did he have the meeting, Mr Speaker, and did he make the comment?

1845 **Hon. J J Bossano:** We do not expect to keep anyone for longer than three years. It is true that, from the beginning, when the scheme was set up, we do not expect that the training for anybody would be a training longer than three years. For example, if the trainee is going into the construction training centre... *(Interjection)*

What is the point the hon. Member is asking?

1850 **Hon. D A Feetham:** No, I accept that what the hon. Gentleman’s policy is – training for three years, but even that is a watering down – but take it at its highest, three years, what the hon. Gentleman appears to have said in the meeting, which has been widely reported in the press, is that you do not expect to keep people for longer than those three years, the training period. Can he say to this House why that is the case?

1855 **Hon. J J Bossano:** No, Mr Speaker, I cannot say to this House why it is the case that the *Chronicle* says that I said something that I did not say.

Hon. D A Feetham: Well, does the hon. Member expect to keep people for longer than three years?

1860 **Hon. J J Bossano:** It is not a case of keeping people for longer than three years. We do not expect any training programme to require more than three years. That is the whole point.

The hon. Member must understand that he has *[Inaudible]* vocational trainees on £450 a month and, in some cases, they have been there for six years, which should have been sufficient to train them to be brain surgeons! We are not going to keep people there for the rest of their lives, supposedly training, at the minimum wage. The training will be the training that is required to provide them with the skills to do the job.

1865 There is not watering down. We want people to have skills so that they are not on the dole and others from the outside get taken, on the excuse, by private sector employers, that the skills do not exist. So we are going

to make sure that the skills exist – where the skills are required. Three years: the training programme will be three years.

1870 Where the skills require three months, the training programme will be three months. If somebody has got a driving licence and a van licence and requires a plant operator's licence and that takes a month, or two months, or three months, that is the training they will get and the job they will get at the end.

If somebody comes in and says 'I want to do NVQ level 1, 2 and 3 as a carpenter', then that is what will take three years.

1875 So it is not that we are saying to people, 'Well, we'll only keep you three years, and then sack you' – because that is what he is trying to imply – the nature of the training programme, in our estimation, should not take longer than three years in respect of any of the skills that we have identified require training. If there was a skill that needed more than three years – and I am not aware of any, but if there was – then the programme would carry on longer than three years. There is not a time limit on the training, the time limit is on what is required to produce the skill that the labour market currently says is not available in Gibraltar on the basis of the analysis that has been made of the jobs that go to residents and the jobs that go to outsiders.

1880 In effect, what the programme will achieve is the creation of a pool of skills here, which does not exist and which should exist, so that we rely less on imported labour.

1885 **Hon. D A Feetham:** Will these people be guaranteed employment after the three year... or after their training has been completed?

1890 **Hon. J J Bossano:** Everybody will be guaranteed employment because there will be no training unless a job has already been identified. We have made that clear from the beginning. It is not that the people are being given skills and then said, 'Well, now you've got the skill, now that you've come out of the construction training centre you've got a piece of paper that says you've got an NVQ and now you go and look for a job.'

1895 I can tell the hon. Member that the analysis we have made of that system is that the number of people that finished up in the trade that they learnt is miniscule, compared to the numbers that have been through the system. We are not going to put money, time and effort into training people for something for which there is no job.

1900 **Hon. D A Feetham:** Mr Speaker, if these individuals are not offered jobs in the private sector after their training, would the hon. Member confirm and give a categorical assurance here to this House today that those people will then be employed permanently by Employment Training Company Ltd or another relevant company?

Hon. J J Bossano: No, Mr Speaker, because the answer to his question – which he ought to know, unless he just wants to send some message out which is completely false and misleading – is that their training will not start.

1905 People will not be asked to train for something for which there is not already a commitment on employment. The identification of the job precedes the training. It is not that we train people first and then say, 'Now let's find out who will employ them.'

1910 **Hon. D A Feetham:** That is an absolutely nonsensical statement.

Mr Speaker, does the hon. Member not agree with me that it is not possible to have a situation where, in the private sector, a company guarantees a job to somebody after three years' training, when you do not even know what is going to happen economically, either to Gibraltar or to that company, during that period. Isn't that the case, Mr Speaker?

1915 **Hon. J J Bossano:** Mr Speaker, I do not know whether it is the case or not, but it has nothing to do with what we were talking about, because he has now come and said nobody can guarantee that after three years, as if three years was now the minimum period that they have to train and, therefore, everybody has to tell me who they are going to employ in three years. *He* may think it is nonsensical and he may think it is impossible. I can well believe it, because presumably, if they thought it was a good idea and possible, they would have done it.

1920 I am being charitable to the hon. Member in thinking that it was their ignorance of the possibility of doing something that had prevented them from doing it, and not that they did not care about the situation that they

have been creating in the last 16 years of increasing Gibraltarian unemployment and increasing frontier workers, which is what we are going to put right and which every single statistic from now on will show we are putting right.

1925

Hon. D A Feetham: Mr Speaker, I am just going to read from the hon. Gentleman's manifesto and ask him a supplementary on all of all this:

1930

'Future Job Strategy: there will be, from 1st February, a new dedicated training strategy with a maximum of three years and a guaranteed full-time job on completion.'

1935

Will the hon. Gentleman confirm that if, for whatever reason – as I explained, because of the economic outlook of the company or Gibraltar, or whatever – those individuals that form part of his scheme who are not taken into full-time employment by a private company, will be employed by the Government through a Government-owned company: yes, or no?

1940

Hon. J J Bossano: No, Mr Speaker, I will not guarantee that, because that is precisely what he falsely accused me of wanting to do during the Election campaign, when he said I was going to create an unmanageable situation of masses of people in the public sector with no real jobs to do. What he is asking me to do is to give him a guarantee to do something, which is not what is going to happen because what I will guarantee him is that everybody who terminates the training will have a job. That I will guarantee you.

Hon. D A Feetham: How is he going to guarantee to everybody a job?

1945

Hon. J J Bossano: Mr Speaker, I am afraid that if he does not know how I am going to do it, I am not here to explain to him how I am going to do it. I am here to tell him that that is what is going to be achieved, and he can either believe me now or wait until it happens, in which case he will have to believe me then.

1950

All I can tell him is that for a Government that talked about work in progress and talked about the Opposition not having the right to tell the Government to do things that they did not have in their manifesto, all those ideas seem to have disappeared overnight because, by *their* reckoning of *their* views of the last 16 years, he has no right to demand explanations of things that he would not have done if he had been elected.

I am telling him we will deliver, I am telling him I will deliver, but if he wants to know how I am going to deliver, then he should have stayed in the GSLP. (*Laughter*)

1955

Hon. D A Feetham: Yes, the secret economic plan or derivations thereof. (*Laughter*)

Mr Speaker: Order! Order!

1960

Hon. D A Feetham: Mr Speaker, isn't it extraordinary? Doesn't the hon. Gentleman think it is extraordinary that a party that constantly accused the then administration, our Government, of not complying with manifesto commitments... that it has taken the hon. Gentleman barely a month to renege on one of their largest commitments contained in their manifesto at the last Election? Isn't it extraordinary, Mr Speaker? (*Interjection*)

1965

Hon. J J Bossano: Mr Speaker, if the hon. Member was telling the truth, it would be extraordinary, but it is not. We are not reneging on anything, and I can tell the hon. Member that the 450 who will collect £912.60 in February would not agree with him and the many more people who will be entering into the system after that will not agree with him.

1970

If the hon. Member thinks that reneging on the manifesto is not completing the whole manifesto after five weeks, then by that criteria they have done nothing but renege since 1996.

A Member: Hear, hear.

1975

Hon. P R Caruana: Mr Speaker, as I have understood the Hon. Mr Bossano, he has said that he is starting as of 1st February with the 400 or 450 trainees, people who, in January, were in the training scheme and, of course, he is right, they will be very happy having this sum – someone earning four hundred and something

and now he is going to earn eight hundred and something, albeit that he now has to pay tax and social insurance, which before he did not, but he is still going to be net considerably better off. Those will indeed be very happy and I must congratulate the hon. Member for the speed with which he pays for his votes.

1980

(Interjections)

But, Mr Speaker, the point is that he may want to argue with us about what his manifesto commitment meant, but does he not understand that, apart from the 450 who are going to be very happy immediately, there are another four or five hundred unemployed and... Sorry, there was... (Interjections) Yes, the overall... the difference between the roughly 1,000 – 900 or 1,000 – overall and the 450 who think – *wrongly*, it appears, regardless of who says what during the Election campaign – who *wrongly* believe that they have a commitment from the GSLP Liberal Alliance Government to provide them with this £900-odd job – well, more if you are a graduate – under this scheme for this business.

1985

The questions are not designed to expect him to do it today or tomorrow, or all on the 1st, but simply to establish that the scheme that he has devised indeed extends to those people. He has said that it does, but he has said that they will not be beneficiaries from the 1st, as I understand him, but by... I think he has said within three months the unemployed – which may be whatever the number turns out to be – will be on the scheme. I think that I have correctly understood what he has said.

1990

He has also said – and this is my supplementary – that one of the big differences here, apart from they earn more money, is that these guys are not ‘trainees’, although they are being trained, but their status is not trainee. Their status is full employee. So these people come into this company and they will be trained, although they are full employees.

1995

I think what the hon. Member has just said to my colleague, Mr Feetham, is that they will be let into the company unless they come with a letter from some employer – which could be a public sector employer or a private sector employer – saying, ‘I will employ you when Mr Bossano’s training company has finished training you.’

2000

Given that they will be employees of the Government Training Company, which he has said he wants to use to create a labour pool, if for whatever reason the employer, for example, simply reneges – to put it at its most simple – on his commitment to take on the employee – for good, bad or indifferent reasons, simply says when the time comes, ‘I will not employ this person’ – does he not accept that he then has an employee of a Government company that he can only do one of two things with? He can either sack him and say, ‘Well, I took you on thinking that this other person was going to employ you and they have reneged, so off you go’; or offer them permanent employment, keep them on yourself in the company. In other words, because they are employees and not trainees, they are on your lap.

2005

So, if whatever you thought, the Government thought, was going to happen to take them off your lap does not happen, they are your employees and that status can either be continued or discontinued. If you continue it, you are guaranteeing them employment, and if you do not continue it, you have got to sack them.

2010

So that is my first supplementary: does the hon. Member agree that that would be the position in that scenario? Does he have a concern, or not, that there is a danger that people will see this vehicle as a pre-entry into a public sector employer, in the knowledge that if the private sector does not take them off your hands they stay as employees of a public sector company and that no-one is going to want to be placed with a private sector company because everyone is going to want to go to a public sector placing because, that way, they see scope for staying in the public sector, thus frustrating what the hon. Member had in his mind when he devised the scheme? In other words, everyone will want to go into a public sector place, which was really the case under the Youth Training Scheme already, as he well knows. Everybody wants to place with a public sector employer, not with a private sector employer. Does he consider that these dangers may exist, and does he have these concerns?

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2020

Hon. J J Bossano: We have had no indication of that to date. When we put the scheme into place and it starts working. If there are problems of that nature we will solve those problems.

2025

I can tell the hon. Member that we have not found resistance from employers to what we are doing and that in fact there are people who are volunteering to co-operate with us in the system, and that is a very encouraging (Interjection) early start to it. Therefore, I think that we are going to be successful in achieving what we set out and, if we are, I hope the hon. Member will celebrate that as much as we will.

2030

At this stage, all I can tell him is that what is starting on 1st February is programmed to continue during the next 12 months and that the results will be obvious, verifiable and for the benefit of residents of Gibraltar, and that therefore it ought to be something that everybody in this House should welcome.

Hon. P R Caruana: Mr Speaker, I should say, just by way of preamble to what will be my last supplementary, that the Members on this side of the House, much as they will celebrate if he finds employment for everybody in Gibraltar who is unemployed or a trainee, we have grave, grave scepticism to the point where we think it is fraud in design, this idea that employers are going to commit in advance of so-called training delivered by this company to employ somebody after they have been trained without knowing how they are going to emerge from that training, not least when you include the 400 unemployed people who include some of the most unemployable people in Gibraltar, in terms of the difficulty for one reason or another.

Of course, the hon. Member will find employers willing to co-operate with them – that has always been the case – but he will not find co-operative employers, in the private sector at least, in the thousand... well, 900-1,000, 850-1,000 people who fall into the three categories to which the policy is going to be extended in due course. Does he not recognise that, in those circumstances, there is a danger, which is how people generally have interpreted the effect of the scheme? Whether it was the intended effect is another question, but the effect of the scheme has been interpreted that, effectively, of these 850 or a thousand people, those who are not taken on by the private sector will end up with permanent jobs in this Government-owned company.

We certainly have that concern, which is not to be confused with a wish that it would succeed. Of course we wish that it would succeed, but we do believe it has that fundamental flaw that it actually discourages people from wanting to go to the private sector because they see it as a possible route to stay under the protective umbrella of the public sector which, as he well knows, is the preferred employment option of most Gibraltarians, and certainly of the category that we are discussing here. Does he not have that concern, and will he make a statement in this House when he sees signs that that might be the case?

Hon. J J Bossano: I do not have the concern and I will make the statement.

Clerk: Question 21, the Hon. –

Hon. D A Feetham: I had not, in fact, finished.

Mr Speaker: I thought we had rather exhausted the subject, but I will allow the hon. Member one supplementary on that.

Hon. D A Feetham: With respect, Mr Speaker, the hon. Gentleman has been asked supplementaries about one or two of these Questions. He has bunched, I think, it is about eight questions or seven questions into one answer and he has not actually, for example, answered the Question in relation to the applications received in the GSLP. He has not touched upon that.

But that is not the first supplementary question. The first supplementary question was: has the hon. Gentleman estimated the actual cost of the Future Job Strategy on a monthly basis?

A Member: Or annual?

Hon. D A Feetham: Or an annual basis, of course.

Hon. J J Bossano: The cost for the two months of this financial year will be of the order of £1 million, with 500 people at £10,000 a year.

Hon. P R Caruana: That is the gross cost, Mr Speaker. Not the tax and all of that.

Hon. J J Bossano: The gross cost, yes. It is two months and not a full year, but that is, for the numbers that are coming in at the beginning, what the cost in a year would be.

In terms of the applications, there are no applications. I have already answered that. I have told him that the people are being selected and that the people will be identified and will be offered a contract in a training programme which is programmed to produce a skilled person with a job at the end.

Hon. P R Caruana: Will the hon. Member... Mr Speaker, allow me to ask, then... So an unemployed

2090 person – not on 1st February, because he is not ready, but after 1st February, March, April, May, June, July – an unemployed person cannot go and say, ‘Hi, look, I love Mr Bossano’s job strategy policy. I want to apply to join that strategy.’ The answer will be, ‘No, go and find yourself – or we will help you find – an employer that will commit to employing you at the end of your training, and only if you or we can find such an employer will we let you into this job strategy scheme.’

Is that the position?

2095 **Hon. J J Bossano:** No, that is not the position.

The position is that we have got the jobs already identified and there will be more identified, so the pool of skills in the economy and the pool of skills in the unemployed people who want to become employed are going to be matched. They are going to be matched because we are matching what is there with what is needed, and therefore the programme, as it progresses, will take people from the unemployment list and say to them, ‘Look, we’ve got a job for you, but the person that is giving you the job needs you first to go through this training. You will learn to do this and you will learn to do the other, and then the employer will take you on.’

So we are doing all the work.

2105 **Hon. P R Caruana:** Oh, I see. So, subject to that, and because you have already done all that work, as of right now every unemployed person can go to your Department and ask to participate in the scheme, to get a job, because you have already matched the skills and you have already found job opportunities. So, as of now, all the 400-odd registered Gibraltarians – or others, because this is not just Gibraltarians... any resident person who is unemployed in Gibraltar... Question: can he or she, as of now, go and participate in this scheme to have their skill matched with one of the vacancies that you have identified?

2110

Hon. J J Bossano: No, Mr Speaker, the initiative is not taken by the person; the initiative is taken by us.

Hon. P R Caruana: Oh, I see. So, you pick and choose.

2115

Mr Speaker: Order! Order!

Hon. J J Bossano: No, we do not pick and choose. It is not the case that we ask people who did you vote for, and if they voted for him we say, ‘You cannot go.’ The commitment, which I have already answered, is that it will apply to everybody.

2120

The 450 that are starting have not been selected because of who they vote for; they have been selected because they are already there and they are already in a position to transfer from something that was there into something that is going to be there, which is an improvement on what was there.

2125 The hon. Member may try and pick as many holes as he can think of picking, even before the system starts, which puts in doubt how much he would want it to succeed. I think he seems to be keener to see it failing than succeeding.

Hon. P R Caruana: Mr Speaker, I am not picking holes. I am trying to understand how the hon. Member’s flagship policy is intended to work. I have to say that the hon. Member opposite is not doing a very good job of explaining it, because he contradicts himself constantly.

2130

What we have now established, will he confirm, is that there is no job guarantee for any... The 450 trainees that were there in January will get this new form of employment contract on 1st February. For everybody else, from 450 up to about 1,000 or 900... these people should not go to the Employment Service and say, ‘Look, I read this thing and I want to take part in the scheme.’ No, they remain unemployed and they wait for you or somebody in your Department to call them at some point in the future to be told, ‘We’ve matched your skill to a vacancy and found an employer willing to employ you at the end of the training; so come down and we will now give you one of these new employment contracts.’

2135

But until *you* do that there is nothing that they... They cannot come and... This is not something that they are entitled to come and claim from you in exchange for them having voted.

2140

Hon. J J Bossano: Mr Speaker, the scheme will start on 1st February. The hon. Member can try and ridicule it as much as he likes. The scheme will succeed and then he will have to swallow everything he is

saying now. It is as simple as that, and time will tell who is –

2145 **Hon. P R Caruana:** I am entitled to try and understand the scheme.

Hon. J J Bossano: Yes, of course. You would be even more entitled if you were registered unemployed, but you are not, and therefore the position is that the people we are going to explain it to are the beneficiaries and they will understand it when we explain it to them and they will benefit from it, and the result will be there. It is quite simple, Mr Speaker.

2150 The hon. Member should not be so anxious to bury the scheme even before it starts. He ought to control his anxiety and his wishes in this respect and wait and see what happens over the next few months, and then he will see that in fact the results are that we are getting more Gibraltarians working, which I am sure he must want as much as I do.

2155 **Hon. P R Caruana:** I am not interested in burying the scheme. I am interested in eliciting, for the purposes of the people of Gibraltar, particularly the 400... Well, more than 400, because 400 is just Gibraltarians. There are many other resident persons unemployed.

2160 The purpose of my question is neither to ridicule it – although I think it is not going to work – nor to hope that it does not succeed. It is simply to elicit and establish, for the benefit of my constituents, what it is that the Government's policy entitles them to, so that people can know (a) whether there is anything that they can do today to get access to this scheme to end their unemployment status; and (b) to compare whether the scheme, as you are now explaining it, as the hon. Member is now explaining it, is the same as they were led to understand before 7th December. I think both of those are legitimate objectives, neither of which signals that the Opposition does not want as many unemployed people to be helped by the Government into employment.

2165 I hope that the hon. Member succeeds. I think he will not. I think what he will succeed in doing is filling a Government-owned company, at public expense, with people who start as trainees now earning twice as much and who will, in future, demand more and more and more Government company employee-type conditions, because that is what he has made them.

2170 Does the hon. Member understand and accept that he is making them... With all the best will in the world that he thinks his policy is motivated by, he is making all of these people employees – not trainees – employees, in the same way as employees of GJBS, of a Government-owned company. He has been in politics in Gibraltar long enough to know that this raises people's expectations, and that is our concern principally, as well as the cost.

2175 **Hon. J J Bossano:** I do not know whether it raises their expectations or not, but Mr Speaker, the position is that the scheme will start on 1st February. It will start for the group that I have mentioned. It will be made available over the succeeding months to a greater and greater number of people and those people will be trained and will be employed.

2180 That is what I am committed to achieving, and therefore the hon. Member, when the time comes, can criticise me if I fail, but whether I fail or whether I succeed will not be known until the scheme gets under way.

Hon. P R Caruana: This is not about failure or success.

2185 **Hon. J J Bossano:** Yes, it is, because... Mr Speaker, if everybody stays working in the Government for the rest of their lives, of course it is failure, because that is not what the scheme is about, so he cannot say it is not about failure.

2190 The hon. Member's questions list all the things that can go wrong with it. I am not in the business of finding how many things can go wrong with it; I am in the business of making everything go right with it, and I am telling the hon. Member wait and see, and you will see that your fears are unfounded and will not materialise.

2195

**Future Jobs Strategy
Meeting at John Mackintosh Hall**

2200

Mr Speaker: I think we should progress to Question 21 now.

Clerk: Question 21, Hon. D A Feetham.

2205

Hon. D A Feetham: Can the Minister for Employment confirm that, on or about Thursday, 15th December 2011, he held and chaired a meeting at the John Mackintosh Hall with people who had signed up to the so-called Future Jobs Strategy at GSLP headquarters during the General Election?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

2210

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, the hon. Member is referring to a meeting called by the Gibraltar Socialist Labour Party for party members and for which I am not answerable in this Parliament.

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Hon. D A Feetham: Mr Speaker, does the hon. Gentleman not accept that now he is Minister for Employment, to hold a meeting of that nature, albeit for party members, GSLP members, in relation to the Future Jobs Strategy, is inappropriate and crosses the line of what is proper ministerial behaviour. He has a responsibility to the people of Gibraltar as a whole, to all the trainees, not just to those who are also members of the GSLP, and that kind of meeting crosses that line between proper...

2220

Hon. J J Bossano: No, I do not agree with his view, but then, of course, he does not belong to the GSLP any more, so they may have different rules in the party to which he now belongs. As far as we are concerned, *(Interjection)* I share the view from... *(Laughter)*

2225

Hon. D A Feetham: Thank God.

Hon. J J Bossano: Oh well, I share the view. Thank God he is here.

Mr Speaker: Order! Order! The Hon. Minister is in the middle of his answer. Please, order!

2230

Hon. J J Bossano: A meeting for all the people in the scheme was held by me, as Minister, where I gave them a very detailed explanation. This was organised by my Department and each and every trainee was asked to come to this meeting, and each and every employer with which a trainee was placed was asked to give people time off during working hours to attend that meeting.

2235

Therefore, everybody in the scheme was given a detailed explanation. The meeting lasted two hours and they were able to ask as many questions as they wanted.

The fact that, as well as a Minister, I am a member of the Gibraltar Socialist Labour Party does not mean that because I am a Minister I am not entitled to have party meetings or discuss with my fellow members issues in which the Government is involved and in which the party members are fully committed to help the Government implement the policies on which it has been elected.

2240

Therefore, I do not accept that Ministers cannot attend party meetings.

Hon. D A Feetham: Yes, but, Mr Speaker, does he not accept that we have to review this particular issue and put it in its proper context?

2245

During the General Election, the hon. Member, referring to the Future Jobs Strategy, was asking young people in Gibraltar to attend GSLP headquarters to sign up to the Future Jobs Strategy and then to become members of the GSLP. That is what has been happening at the last General Election.

Doesn't, in the light of that, a meeting of this nature smack of political patronage and jobs for the boys? *(Interjections and banging on desks)*

2250

Hon. J J Bossano: Mr Speaker, let me assure the hon. Member that no GSLP member has been offered patronage or a job for the boys or a job after the Election.

2255 I can tell him that the only people that I have given jobs because they were promised a job before the Election are the people that *he* promised jobs to, which he told me at the official opening of the House, as we were going down the stairs, that he was going to ask, or that I should ask the person that was working with him, to pass me the files because he had seen these people and told them that if he was returned to office he would offer them employment in the public sector, in the Government.

Hon. D A Feetham: Mr Speaker, that is a total –

2260 **Mr Speaker:** Order! Order! Order!

Hon. D A Feetham: That is absolutely not true and I challenge the hon. Member to produce evidence of it.

2265 I did see people in my role as a Government Minister the months preceding the General Election –

Mr Speaker: Is the Member raising a point of order?

Hon. D A Feetham: Mr Speaker, what I am saying is that the hon. Member is simply not telling the truth.

2270 **Mr Speaker:** The Hon. Minister is in the middle of an answer and he may be interrupted only if a point of order is raised.

2275 **Hon. J J Bossano:** If the hon. Member says I am not telling the truth then, of course, I will ask the people who have come to me on the basis that they were promised by him a job if he got re-elected, to put it in writing and sign it, and I will let him have the letters.

2280 He actually said to me, outside the door downstairs, that he had seen these people and that I should ask for their files so that I could see the circumstances in which they were unemployed because he had told them that he would help them to get a job after the Election, if he got re-elected. I am not saying that that was ‘jobs for the boys’; I am not accusing him of having done anything wrong. I am saying that if he is accusing me of ‘jobs for the boys’, the only promises that have been made to employ people have been made by him, not by me, and I am honouring the commitment that he gave.

2285 If he did not give any commitment, then the people who have come to see me asking for those jobs have been, in fact, getting jobs under false pretences because the reason why they got the jobs – some of them are already working – is because I felt that if they had been promised that then they should not be adversely affected by the fact that he was not elected and we were, and therefore it was right that we should honour that. But if he is now saying that that is a lie, then I will go back to the people who lied to me.

2290 Nobody has been given any job, and certainly to give an unemployed person £912, which is the minimum wage... if that is ‘jobs for the boys’, then I would like him to tell me what giving people, seven days before the Election, contracts of £40,000 and £45,000, what kind of ‘jobs for the boys’ those are, because there were people on the eve of the Election getting promotions, getting new contracts and getting contracts under which we may not be able to get out, even though we see no need for those people in the roles in which they were engaged.

2295 But if we go down that route then, Mr Speaker, all I can tell you is that when we say something in this House, if the hon. Member challenges us on the basis of it is not true, we will produce the evidence.

2300 **Hon. D A Feetham:** Mr Speaker, I look forward to seeing the evidence, but does the hon. Gentleman not accept that there is a world of difference between a situation where a previous Government Minister has a conversation with the present incumbent and says, ‘I have seen these people, I was going to try and help these people – see what you can do about that,’ and a situation where you are actually guaranteeing jobs to those people, which is certainly not what I have done. The hon. Gentleman only needs to talk to the Deputy Chief Minister’s PA, who was present at those meetings, and he will confirm that is not the case.

2305 **Hon. J J Bossano:** Well then, Mr Speaker, all I can tell him is that having looked at the cases, as he asked me to do, the cases that we saw came away from meeting him with the impression created – rightly or wrongly, because I was not there in the meeting – that if he got back they would have their jobs. Then they come to see me on the basis that this job was promised to them and would I honour it, and I have said, ‘Yes, if

you were promised it, we will honour it,' like anything else where there is a commitment from the preceding administration that we feel we have to honour, and we will honour it. We might have done something different, and we might not. We might have given them the job, anyway, but their jobs have been given to them on the basis that they claim that that is what they understood that the Minister had told them.

This may be a similar phenomenon to the one the hon. Member, the Leader of the Opposition, expects about people thinking they are going to get jobs in the public sector. Obviously, all those who spoke to the Minister thought they were going to get jobs in the public sector, and they have got them, so their expectation in this limited category has been met.

I can tell him that not one single person has been employed in the employment company, or anywhere else, on the basis that he has been selected for being a member of the GSLP, and therefore where the 'jobs for the boys' come in, I do not know, because in fact there are no 'jobs for the boys'. The whole of the 450 that were in the schemes in the Government are the ones who are going to start work in a Government company on 1st February, *all of them* – nothing to do with whether they are in one party or in another party. So it is jobs for all the boys and all the girls who are getting less than half the minimum wage.

Several Members: Hear, hear.

Hon. P R Caruana: I would like to ask one supplementary and afterwards, and separately, raise what I hope will be a short point of order, with your indulgence.

Does the Hon. the Minister for Employment, the Hon. Mr Bossano, agree with me that whether or not this or the previous Government indulged in 'jobs for the boys'... In other words, Ministers are there to help people in employment, so if somebody comes and says to the Government – as they used to every day, to my clinics and no doubt they will to you. Ministers say 'we will do what we can', fine.

Is he not able to draw a distinction between that situation, which is the one that he has been speaking to just now, and the situation in which people might wrongly have been led to believe that there is a blurring of the lines of distinction between state and party? In other words, if a section of the population – unemployed people, or youth, or trainees – are told by a political party days before an election, 'Come to my party office, register with me' – it is reputed, although I cannot know this for a fact, that they were also being asked to be encouraged to become members of the party – does he not understand... and then that party wins the election, and the first thing that the person that they saw at the party office does is convene them to a public meeting of that sort...

Does the hon. Member not have any degree of sympathy or understanding at all for the view that there is, at the very best, the danger that these people might draw a link – which he says does not exist, but that is not the point – the point is what *they* think, not what *he* thinks – that these people might be led to believe that there is a connection between their prospects and their attendance at the GSLP party meetings?

It is about perception and lines of distinction between party and Government have got to be preserved properly, because people cannot be allowed to think – even wrongly think – that somehow, participating through the party machinery is an advantage, or a potential advantage, when it comes to dealing with the government of the state.

Does he not have any degree of sympathy for the view – does he not share the view – that many people, including us, and this side of the House believe that those lines between party and state have been blurred by the chronology of events from before the election, through the election and these meetings after the election?

Hon. J J Bossano: No, I do not, Mr Speaker.

Indeed, if that perception existed, then it can only exist until the end of January because, on 1st February, the people who are going to be given the opportunity to join the new employment company are going to be the people who are there today, irrespective of whether they are in the GSLP or they are not in the GSLP. So if there was a perception that it would be only for the GSLP, that perception is incorrect.

Hon. P R Caruana: My point does not depend on the correctness of the perception.

Hon. J J Bossano: No, I do not want to accept that the perception exists but, if it does, it can only exist for another week because, at the end of January, it will be seen clearly that the opportunity is going to be offered to every single person and they can take it up, or they may not take it up, but the old scheme is disappearing and everybody is going to begin to go into the new one.

In fact, everything that had to be explained was explained to everybody. As I have already said, if there had been a party meeting exclusively for party members, and there had been nothing for those who were not party members, the meeting that I addressed on the Job Strategy was a meeting held during working hours for all the 450 cadets or trainees, where the Department asked them to come to the meeting and where the employers were asked to give them time off work and a full detailed explanation was given in a meeting that lasted for three hours, where I answered hundreds of questions from the people who are directly affected.

I do not know what more you can do in order to make sure that the people who are going to be affected by a policy be given an opportunity. They did not need to wait for this meeting of Parliament to find out what was going to happen; I actually convened them all, paid them for being there, and explained it all to them, and it is those people, and only those people, who are starting in February.

The fact that, in addition to that, the party is, of course, fully committed to the manifesto and the policies of the Government and that there are many people in the party who are being kept completely up to date of everything that the Government is doing – as they should be – that does not mean that now we are in Government, we forget about the party. No, that will not happen.

A Member: The first meeting was through the party!

Hon. Chief Minister: I had breakfast on the party as well, and really enjoyed it! (*Laughter*)

Hon. P R Caruana: Mr Speaker, a point of order.

I would like to invite the Hon. Chief Minister to withdraw a remark that he made loud enough, not just for everybody in the House to hear, but for everybody in the public gallery to hear, at the beginning of this last exchange, where he said: '*Mira lo que dice, el hijo de Michael Feetham.*'

I think that it is not appropriate to bring our fathers and our mothers into our political debate. I think, on reflection, I am sure he will agree with me that his remark was uncalled for, unnecessary, unparliamentary and, in any case, I do not suppose he was making any imputation against Michael Feetham because, if he were, that would be in breach of another Standing Order. So I am hoping that, without the need for me to go on any further, he will, by now, have reflected on what he said and agree with me that it is not an appropriate remark. One thing is for us to attack each other and another thing is to make imputations about, or attack, our paternal roots.,

So I make that invitation to the hon. Member for him to accept or as he pleases...

Hon. Chief Minister: Mr Speaker, I said in my speech at the ceremonial opening of the House that I would do everything possible to bring down the temperature. I have let myself down with that remark and I am grateful for the hon. Gentleman's invitation to withdraw it – and I do withdraw it.

In particular, Mr Speaker, I would refer the hon. Gentleman to the statements he has made on a number of occasions of the parent of another one of the Members of this House, who is Dr Garcia who, when he was on the other side, often had the hon. Gentleman referring to his particular profession etc.

The hon. Gentleman is absolutely right, it was one of those heated moments of political exchange this morning, where we all get hot under the collar and say things that sometimes we should not say, and I am quite happy that the proceedings today should continue on the basis of us attacking those of us who are here, for the good of our community, so that what we are doing is not attacking but scrutinising each other's policies and nothing more.

Mr Speaker: I am most grateful for that.

Hon. P R Caruana: I am very grateful, too, to the hon. Member for having withdrawn an eminently withdrawable remark. I am grateful to him for doing it, I think he has done well to do so.

On the other hand, I cannot agree with him that it is right to compare that remark – (*Interjections*) which is accusatorial and insinuating about the father of a Member of the House, with a point in which I was being attacked for giving Government-funded advertising in a newspaper simply because they were supportive of the GSD. I was simply saying, 'Look, how can you accuse me of this, when I give Government advertising also to a newspaper that is owned by the father of Dr Garcia?' I do not think the two references... For a start that is a factual statement. Not only is it factual, but it makes no insinuation, adverse, critical or otherwise, of Dr Garcia's father. I honestly do not think the two allusions are comparable in nature.

Hon. Chief Minister: I am grateful, Mr Speaker, that the one thing I should have clarified is that there was no accusation in my remark, other than the hon. Gentleman's father was a member of the GSLP at the time that those accusations were made and that the hon. Member himself was.

So I am happy to clarify that that was the sum total of the accusation contained in the remark, membership of a political party, of which those of us on this side of the House at least are very proud.

Mr Speaker: I think we are in danger of descending into an argument which is not necessary.

The remark has been withdrawn, and we might close that chapter. Move to Question 70.

HEALTH AND ENVIRONMENT

Trees from Engineer's Lane car park Present condition

Clerk: Question 70, the Hon. S M Figueras.

Hon. S M Figueras: Will the Minister with responsibility for the Environment confirm what has happened to the trees which were salvaged from the Engineer's Lane car park and re-sited temporarily on the East-side Reclamation towards the end of last year?

Clerk: Answer, the Hon. Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, would you please allow me to say that this is the first time I have had the honour to address this House and, given my former career, that I am particularly pleased to have been given the opportunity to talk about trees.

Mr Speaker, the trees that were removed from the edge of the Engineer Lane car park and unsuitably re-sited temporarily at the East-side Reclamation have now all been replanted.

Two of the palm trees and the two olive trees were planted at Sir Herbert Miles Road, opposite the access road to the car parking area for Catalan Bay. The Phytolacca and the third palm tree were planted at Corral Road in front of the Landport skate park. All the Robinias were planted along Harbour Views Road, opposite St Bernard's Hospital, where I see them virtually every day.

The sites selected for the trees in question were not all suitable and, in some cases, the trees which should not have been moved in the first place will never fully recover. The locations were chosen and most of the planting carried out during the term of the previous Government.

Hon. S M Figueras: Mr Speaker, the Minister will then concede that he was wrong when he suggested back in October that the previous administration were simply misleading the public in relation to their fate.

Hon. Dr J E Cortes: Sorry, I did not hear the lot, could you repeat that?

Hon. S M Figueras: Yes, of course. The Minister will then concede that he was wrong when he suggested, back in October, that the previous administration of the GSD were simply misleading the public in issuing statements to the effect that the trees were being salvaged and replanted, with the idea of ultimately replanting them permanently in the sites in which they currently are today.

Hon. Dr J E Cortes: I do not believe I am answerable for things that may have been said during an election campaign in this Parliament, (*Laughter*) particularly in heated debates, which some may have seen on television.

Certainly, I was not misleading anybody. The trees should not have been moved. They were moved incorrectly, they were badly treated, and the result of them having been replanted means that they will never thrive. Therefore, the fact that they have been put into sand, and not soil, in some cases, means that the trees' fate may have been sealed. Nature is resilient. They sometimes come back – there is no hard and fast rule about these things, but the trees were badly treated and, therefore, their fate was sealed when they were

removed. I hope that, depending on climatic conditions, they will be able to survive, but there is no guarantee.

2475 **Hon. S M Figueras:** Mr Speaker, will the Minister confirm that it was, indeed, subcontracted to the main contractor who were taken on board to conduct this re-siting of the trees?

Hon. Dr J E Cortes: I have no idea. That was done by the previous administration.

2480 **Hon. S M Figueras:** Well, perhaps, Mr Speaker, the Minister, as the Minister with responsibility for the Environment now, will take an active interest in those trees and re-site them if necessary, if the contractor is indeed found to have done things incorrectly.

2485 **Hon. Dr J E Cortes:** Actually, that is probably not going to be very good for the trees, Mr Speaker, because if they do have a chance, we cannot disturb the roots for a considerable amount of time. So, botanically, I do not think that would be acceptable for the trees.

Hon. S M Figueras: Mr Speaker, at a risk of labouring the point, perhaps too far, it was the contractor's responsibility in respect of those trees to ensure that they were dealt with correctly.
2490 I am happy to leave this point at this juncture.

Hon. Dr J E Cortes: It was done by the previous administration, so I am afraid I have no idea.

2495 **Hon. P R Caruana:** Mr Speaker, I wonder whether the Hon. Minister for the Environment, Dr Cortes, can help me reconcile a predicament, and I ask him to by way of a supplementary.

Can I ask him whether, in his view, we can reconcile the position that has been stated by his colleague, Mr Linares, who is in the House today, that

'it is not for the Minister to decide how to deal with a heritage site'?

2500 Nevertheless, it appears to be. Ministers of the previous Government were appropriately held to account for the appropriateness of the circumstances in which temporarily uprooted trees were stored. Does this not suggest to the hon. Member a rather contradictory approach to ministerial responsibility? How can it be a Minister's responsibility how a tree is temporarily stored? How can that be the responsibility of the Minister of the Environment, as the hon. Members have made clear politically before today... but it not be the Minister
2505 for Heritage's responsibility to decide how to deal with a heritage site?

2510 **Hon. Dr J E Cortes:** I think it is down to style of government and different outlooks will do things in different ways. If the previous Government – the Minister for whatever particular aspect – took a lead interest or perhaps gave certain instructions that some things should be dealt with in a certain way, then I suppose, Mr Speaker, that they should be held accountable. If another administration – indeed another Minister – lets the professionals get on with the job, then there is a different kind of accountability, but the professionals have to do the job that they may or may not be allowed to perform.

2515 **Hon. P R Caruana** Mr Speaker, when the hon. Members, then in Opposition, launched the attack against the Government and its Ministers for the way that the trees had been handled, they did not stop first to find out whether it had been a ministerial decision or a technician's decision as to how the trees were temporarily stored. They simply launched into an attack, holding the Minister...

2520 I am not saying they were unjustified in doing it, by the way. All I am saying is that that view of holding a Minister accountable in this House, and outside of this House, for how trees are handled does not appear to me to be consistent with the view now expressed by them, when they cross the floor of the House to the Government side, that it is not even for the Heritage Minister to decide how to deal with a heritage site. It seems to me a very significant moving of the goal posts of what Ministers' responsibilities are and what Ministers should be held accountable for.

2525 So I am not saying that it is wrong to hold Ministers to account for how trees are handled. All I am saying is that there has to be some consistency, surely, between Ministers being held to account for how trees are handled and whether it is then appropriate to hold Ministers of a party that used to hold Ministers to account

for how trees were handled to now hold them to account for how a heritage site is dealt with.

I just was wondering whether the Member could help me reconcile this apparent contradiction in the level of ministerial responsibility and accountability. But I can see that he cannot, so we will leave it.

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Hon. S E Linares: Mr Speaker, since he mentioned me on this crossover debate, I will tell him that if it were something to do of which I am a professional – and I do not intend to be a professional of heritage, therefore I will leave technicians to do whatever they deem necessary to do, but as we all know, Dr Cortes is a professional in trees – probably knows more than you and I about trees – and if he uses an opinion with the technician, I think that the technicians could hear what he is saying, even though he is a Minister.

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Therefore your argument is flawed, in the sense that, if I were to talk about education and teaching, and even now about law, I could have an opinion as a Minister, and that was what my comment was directed at.

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Hon. P R Caruana: Mr Speaker, my argument is not flawed. What remains flawed and has shown no sign of improvement, despite him being elected to the status of Minister of the Crown, is the Hon. Mr Linares's capacity to listen, understand and analyse.

It is not, in the context of the exchange that I was having with Dr Cortes, Dr Cortes's knowledge of trees that is relevant, but the previous Environment Minister, Mr Britto's knowledge of trees. He has no knowledge of trees, just like you appear to say you have no knowledge of heritage. Therefore, what I was comparing was holding an Environment Minister who is not an expert on trees but was held to account by you when you were in opposition, with now you who are also not an expert on heritage saying that it is not for you because you are not an expert.

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So we are not comparing Dr Cortes's knowledge of trees with your knowledge of heritage; we are comparing the Hon. Mr Britto, the previous Environment Minister's knowledge of trees with your knowledge of heritage.

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Hon. Dr J E Cortes: Mr Speaker, I think it is down, to a large extent, as to what a Minister who may not be an expert on the particular subject listens to advice and as a Minister or Chief Minister, or whatever Minister, is given advice and chooses not to listen to it, that he should be held accountable for not having listened to the advice. That is one thing.

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Another thing is that some Ministers have been known, in the past administration, to go to a particular site, not particularly like a landscaping design, and at very short notice and at considerable cost, change the design that had been prepared by the experts.

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Hon. P R Caruana: Yes, well, Ministers are entitled to views about designs, too. Design is not necessarily about expertise; it can also be about taste. We always found that our taste was invariably better than yours (*Laughter*) – despite your superior expertise on trees.

Now, Mr Speaker, there is no need to pursue this any further, except to say that I agree with what the hon. Member has said about Ministers being held to account for not taking advice. If a Minister chooses not to take technical advice, the least that he must be expected to do is to justify, politically, his departure from the technical advice. I think that that is absolutely spot on correct.

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I still cannot reconcile – and I am not going to labour the point, because I think we have finished it now – but the hon. Member then must now couple that statement with an acknowledgement that, to the extent, that there was previous criticism of the previous Environment Minister's decision for the trees issue – if I can just call it that – they *assumed* that he had taken advice which he ignored, and you assumed, against him, that he was not acting precisely on the basis of the advice or, indeed, that he was simply not aware, and this is what the technical people did. That is what I am saying: either Ministers are held to account for things that technical people decide, because that is where the expertise lies, or they are not; but it cannot be 'yes' for trees when you are in Opposition but not for heritage when you are in Government.

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That is the only point I was making. I think it is just one of consistency.

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Hon. Dr J E Cortes: Mr Speaker, I must comment here. We are speaking about Ernest Britto, who is present in the House and who is a personal friend of mine and, obviously, I have to distinguish anything political with anything else.

What I must say is that I am aware that the Government, which channelled particularly... and which ministry it was directed to – because I know that it was not always the Ministry for the Environment which

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took these sorts of decisions – it was often [*Inaudible*] had been advised about these trees because, in another life, I actually formed part of the body that made that advice available to the Government.

2585 But I think I must correct the Leader of the Opposition in saying that his taste is better than mine, because at least in one project, my taste in designing the landscaping of the Trafalgar Interchange was certainly at least as good as his, because he actually used it to promote his party during the election campaign! So at least on that we agree. (*Interjection*)

2590 **Hon. P R Caruana:** I thought the Trafalgar Interchange is superb, although I have heard somebody else claim credit, other than you and me, so we will just have to have a drink one day and decide, between the three of us, who designed it. It certainly was not me – I will just buy the beer!

Hon. Dr J E Cortes: Accepted!

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**Water pollution at Western Beach
Progress on resolution**

2600 **Clerk:** Question 71, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, will the Minister with responsibility for the Environment confirm how the Government is progressing with the resolution of the water pollution at Western Beach, in particular in respect of the relocation of the Spanish storm drain which empties into the area?

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Clerk: Answer, the Hon. the Minister for Health and the Environment.

2610 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the Government takes the issue of sewage pollution in general, and at Western Beach, extremely seriously, as confirmed by one of the first actions we took on 16th December 2011, which was to close the beach due to the high levels of sewage pollution present since mid-November 2011.

2615 Although we have been in administration for just over a month, I have already had an initial meeting with senior legal advisers to take stock of the existing situation that we have inherited from the previous administration. The Government has already started exploring possible avenues, with the intention of solving the problem of sewage contamination as soon as possible. In the interim, both the Environmental Agency and the Department of the Environment are closely monitoring the situation and providing the Ministry for Health and the Environment with regular briefs on the situation at Western Beach.

2620 The Government will therefore be keeping the public fully apprised of any development in this regard. The ongoing results from the monitoring carried out by the Environmental Agency are available online on the Agency's website, should the public wish to inform themselves of the current quality of the water at Western Beach.

2625 **Hon. S M Figueras:** Mr Speaker, is the Minister able to commit to a timescale in respect of these solutions that the Minister explained are being discussed at the moment?

Hon. Dr J E Cortes: No, I am not.

2630 **Hon. S M Figueras:** Mr Speaker, can the Minister for the Environment confirm whether or not there have been any cross-border communications in respect of the resolution of this issue?

Hon. Dr J E Cortes: Yes, there have.

2635 **Hon. S M Figueras:** Could the Minister provide us with any kind of clarification with respect to the outcome of those discussions?

Hon. Dr J E Cortes: These discussions were held at a technical level before the election.

The Opposition may be aware of the outcome of that, and I am informed that the matter had clearly not been resolved by them, which is why we are seeking legal advice on what Gibraltar's position could be in dealing with the matter.

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Hon. S M Figueras: Sir, for the avoidance of doubt, the Minister has not yet had a cross-border communication in respect of this issue, since the election on 8th December.

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Hon. Dr J E Cortes: Not from Spain, no.

Hon. S M Figueras: Has the Minister attempted to make contact or discuss the matter further beyond the technical meetings held before the election with the authorities in La Línea?

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Hon. Dr J E Cortes: No, we have not. We are seeking advice as to what steps we could take, in order to allow us to better handle such a meeting.

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Hon. P R Caruana: Is the Hon. Minister aware – and it is probably because the same person who used to draft the Answers for us has drafted it for him – that, despite the fuss that he used to make about this issue, the position that he has just described, which to me seems eminently reasonable for his Government to take, is exactly the same position as the previous Government took?

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Can I further ask the hon. Member, when he says that 'this is a situation that we *inherited* from the previous Government' and that it was not resolved by us, does the hon. Member acknowledge that there is nothing physical that any Government of Gibraltar, short of invading La Línea, repairing the thing for them and then making a quick retreat *à la sortie* before the defending garrison awakens (*Laughter*), does the Hon. Minister not understand that there is not a great deal that any Government of Gibraltar can do about this – this is not a situation that he inherited from the previous Government, this is not something that we failed to resolve – and that the steps that he has announced that he is taking are the steps that we have taken.

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We went further than that, and I hope that the technical people advised and informed him in detail of the steps that were taken in terms of meeting with the Junta de Andalucía, in terms of my meeting with the Mayor of La Línea, upon which I am perfectly happy to brief him myself directly, all now embroiled in shortage of money on the Spanish side, shortage of money on the Junta, shortage of money in the Ayuntamiento de La Línea, that this is the physical reality and that any legal route which we have investigated and on which opinions are, I believe, already available to him, any legal approach to this will take years and years to resolve in the courts? So either we suffer the pollution which is not of Gibraltar's making or we go to the courts, if advised that there is a decent... and wait for the European Court to deliver, in 10 years' time, a final outcome or we try to persuade the Spanish authorities to do what they should do and repair...

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Does the hon. Member acknowledge that the previous Government was trying to steer the middle course albeit that, for financial reasons on the Spanish side, it never came to fruition? Does he acknowledge that there is no point in him... [*Interruption*] once he is now on the Government benches, with the responsibility to act, he has to change his chip... There is no point – he is only creating a rod for his own back – in him raising expectations that he has the power to end this unfortunate, regrettable and unacceptable situation because he cannot and, in a year or 18 months' time, I will be here, asking him why he has not fixed it yet – as we used to be asked, not from inside, from outside the Government.

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This is outside of Gibraltar's control. We, on this side, acknowledge that it is outside of his control. We expect him to engage with the Spanish authorities to try and persuade them to do the work, but if that fails we are not going to hold him personally responsible, his Government responsible, for the pollution that Gibraltar suffers for something that is not only not of the Gibraltar Government's making but, indeed, is not in the Gibraltar Government's physical gift or capacity to resolve. Does he accept that?

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Hon. Dr J E Cortes: I certainly do not wish to raise anybody's expectations. Certainly –

Hon. P R Caruana: Not now that he is a Minister!

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Hon. Dr J E Cortes: I do not think... and I will respond to that comment. I do not think I have ever tried to raise anybody's expectations unjustifiably in my previous career when I was not a Minister; I gave people great expectations –

Hon. P R Caruana: Forgetting the debate on television, which you already asked us to airbrush away.

2695 **Hon. Dr J E Cortes:** We will forget the debate on television but, certainly, any expectation that I have given people in the past would have been that I would do my work well and I would convert a dump into a prominent botanic garden. I think that expectation was, in fact, fulfilled. I know that a lot of the electorate actually have great expectations of me and I hope to make Gibraltar bloom in the way that I made the Alameda Gardens bloom.

2700 Certainly I do not want to raise people's expectations on this particular point but, obviously again, members of the Opposition as was did not have access to the information of the Government as they did, and even less when I was not even the Opposition – I was somewhere in the wilderness – and, obviously, I am now aware of some things that I may not have been aware of in the past, but that does not mean that I will not make every effort, without unnecessarily raising expectations, to try and follow some of the avenues that may or may not have been taken by predecessors to try to resolve this.

2705 What I do think is unfortunate is that while the sewage works were being built, and while the trench was being dug – which was evident and visible to anybody who wanted to cross the frontier in those days, perhaps a year or a year and a bit ago – and when concerns were raised by NGOs, the Government apparently did not take any steps then to stop the work being completed, but that is looking in to the past even further than I would wish.

2710 **Hon. P R Caruana:** Mr Speaker, I am sure Question Time is not for the new Opposition to defend, in the face of the new Government, its record in Government, but I suppose it is inevitable that the first few Question sessions will descend to that!

2715 The hon. Member surely must know, because we have made public statements to that effect, firstly that Gibraltar technical people were indeed monitoring the works as they were being carried on – but that does not make it any more possible for us to stop the works, than it is possible now to demand that they are fixed!

2720 Why he thinks that monitoring the works would have strengthened our ability... I know that he thinks... many people in Gibraltar think that all power emanates from Gibraltar, but we did not succeed – and I hope he does succeed – in finding the formula to oblige, coerce, the Kingdom of Spain to do as we demand, order. Please, if he can find the formula to do that, he will find me standing just behind him, on his right shoulder behind him, supporting him, encouraging him and patting him on his back. Until he achieves that, suggesting that any Government of Gibraltar can bring about – other than through attempts to persuade the Spanish to do it, which was done *ad nauseam* – to bring about that unacceptable position which, in my opinion and in Government lawyers' opinions, which he must by now have been told, represents a violation of European Union environmental directives, is not something that we can oblige.

2725 We can demand but we can be ignored or we can try and persuade politically, which is what we attempted to do – got their commitment to do the work – I had a very good meeting with the Mayor of La Línea, who, by the way, before she was Mayor of La Línea had been the official in the Junta de Andalucía before responsible for giving the licence for the work to be done in the first place, in her capacity as environmental officer of the Junta de Andalucía, and there was immediate acknowledgement of the need to fix the problem. But, from that, to actually getting an ayuntamiento which cannot pay its staff their wages, to undertake a major job of repair, because Gibraltar does not like pollution emanating from the beach – I hope he will understand the extent of the difficulty that we faced, and which he now faces, in bringing a rapid end to this situation.

2735 **Hon. Dr J E Cortes:** Mr Speaker, of course we understand difficulties. The Opposition did not succeed at the time. We cannot be blamed for that lack of success, but we will carry on trying, without unnecessarily raising expectations.

2740 **Mr Speaker:** The Hon. the Chief Minister.

2745 **Hon. Chief Minister:** Mr Speaker, I have the honour to move that this House do now adjourn to 3.00 p.m. and if it is of any assistance to the Members opposite, I propose to proceed from Question 80 to Question 106, and then return to Question 72.

Mr Speaker: Is that convenient? All those –

Hon. P R Caruana: I wish the Hon. Chief Minister a good voyage.

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Mr Speaker: Is an adjournment to 3.00 p.m. convenient to all hon. Members? (**Several Members:** Aye.)
This House will adjourn till 3.00 p.m.

The House adjourned at 1.10 p.m. and resumed its sitting at 3.00 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 5.27 p.m.

Gibraltar, Thursday, 19th January 2012

The Gibraltar Parliament

5

The Parliament met at 3.00 p.m.

10

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

15

Questions for Oral Answer

20

CHIEF MINISTER

**Civil Service
Employment of disabled persons**

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Clerk: Answers to Questions continue.
Question 80, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, given the Chief Minister's pronouncement on the review of the Civil Service, will he undertake to review the historical practices in the employment of disabled persons,

30 particularly in ensuring that the application process of Government vacancies are disabled user friendly?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, yes.

35 Any review of anything should include ensuring that established practices are brought up to date with modern practice to ensure that people with disabilities are not in any way disadvantaged.

40 **Potential investors in Gibraltar**
Outcome of discussions

Clerk: Question 81, the Hon. D A Feetham.

45 **Hon. D A Feetham:** Mr Speaker, in an interview with GBC on 12th May 2011, the then Leader of the Opposition confirmed that he was in discussion with potential investors to Gibraltar that he had up his sleeve, should he win the General Election. Can the Hon. the Chief Minister confirm whether those discussions have borne any fruit?

50 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, yes, sir.

Hon. D A Feetham: What is the fruit?

55 **Hon. Chief Minister:** Mr Speaker, I am not in a position to provide the House with that information at this time, but a public statement will be made when it is possible to make such a public statement.

60 **Hon. D A Feetham:** Can he, at the very least, inform the House of what country these potential investors come from?

Hon. Chief Minister: Mr Speaker, from a number of different European countries.

65 **Hon. P R Caruana:** Mr Speaker, were all these people, who are waiting somewhere, waiting for the hon. Member to win the election in order to come to Gibraltar to invest, when they were not otherwise willing to do so?

Can the hon. Member provide any explanation as to why these people should suddenly appear?

70 **Hon. Chief Minister:** Mr Speaker, it is not that they suddenly appeared. They include people who were interested, as a result of a relationship with me, in exploring further contact with Gibraltar and people who had tried to have a relationship with him, but found that sometimes he did not answer their letters.

75 **Hon. P R Caruana:** Mr Speaker, first of all, I am not the Minister with responsibility for inward investment and never have been. Secondly, I am not aware of any inward investor – or at least any serious inward investor – that has sought access to me and failed.

I am aware of a lot of inward investors that were at an advanced stage of negotiation with the outgoing Government, and I look forward to hearing the details of the hon. Member's instant magnetic inward investment attracting qualities, just to make sure that they are not a re-hash of things that were in the pipeline already.

80 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman can rest assured that where there are projects which were commenced under his direction, or the direction of his Government, and they are announced during the course of my Government's tenure, as the administration of Gibraltar, it will be made clear that they were commenced under his. We will not be ungenerous to those projects, in giving credit, if they were

85 commenced and even some of them brought very near to completion, but not at the stage where they could be announced, before the date of the General Election.

90 **Hon. P R Caruana:** Mr Speaker, does the hon. Member acknowledge that the international reputation of Gibraltar is key, that it is, as international reputations of small countries always are, fragile, in the sense that relatively little can destabilise them, to considerable economic consequence, and that it is therefore important to be careful when accepting inward investment, that the source of the inward investment and the people concerned should be of the utmost repute, so that by the nature of the investors, this jurisdiction does not obtain the reputation that other jurisdictions have obtained in that direction?

95 Does he accept, firstly, that that is a factor to be borne in mind and, secondly, that a reputation for Gibraltar as a place where people of less than entirely reputable credentials invest could have serious knock-on adverse implications for the finance service and other important sectors of our economy?

Hon. Chief Minister: Mr Speaker, yes, sir.

100 **Hon. D A Feetham:** Can the Hon. Chief Minister enlighten the House as to what kind of inward investment we are actually talking about?

105 **Hon. Chief Minister:** Mr Speaker, we are talking about many different types of potential inward investment, across a whole range of different industries. It is not that I do not want to give the hon. Gentleman the information; it is that he will have it as soon as it is possible to provide it.

Hon. P R Caruana: It is possible to provide it today. He is not doing it. No-one is asking him for the numbers or the addresses of the people concerned, or even the names of the people concerned – simply to identify the nature of the investments, and I do not see that that is anything commercially sensitive that he cannot provide today.

110 I should remind the hon. Members, since they have been so quick to throw General Orders in the face of the Opposition, having done their best to circumnavigate them for the last eight years from this side of the House, that the *correct* place to announce Government policy is in this House and not outside, in his favoured public relations media mode, and that there are not only rulings from the Gibraltar Speaker but, indeed, from the Westminster Speaker that we rightly rely on, when we need to, that make that clear.

115 So for the hon. Member to say, ‘I am not telling you in the House today – wait and hear my public statement’, is a complete finessing of Parliament in a most unparliamentary way, which is completely inimical to the importance in which he said he wanted to elevate Parliament.

120 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman’s intervention makes a number of assumptions. I will not address them, because they are just that – assumptions; they are not questions.

Where it is necessary or appropriate that statements be made in this House, they will be made in this House, but the hon. Gentleman was in administration for 16 years and very often one got to hear about the things his Government was doing in the press – and sometimes not just in the Gibraltar press.

125 **Hon. P R Caruana:** Mr Speaker, I never declined to answer a Question in Parliament, on the basis that I preferred to make a statement in public in another place later.

130 If the Opposition were asking the Government to provide things which he cannot presently provide, because the deal is not done or because it is not yet enough in the bag or because there are still confidential dimensions to it, that is a reasonable, understandable answer for not being able to give it now, but for giving it later. We are not asking for any of that; we are asking him to identify the *nature* of the investments, which cannot possibly give away any information that is confidential in nature and which cannot possibly be outside of his power and ability to give the House today.

135 **Hon. Chief Minister:** Mr Speaker, I assume that is a question. The answer to it is that, in my estimation, to give any further indication at this stage would be to give away things which are potentially commercially sensitive, would be to give indications which it is not appropriate to give at this stage. We will make a statement when it is necessary to make it and, if it is appropriate to make it in this House, rather than outside, we will make it here. If it is appropriate to make it outside rather than here, we will make it outside.

140 The hon. Gentleman has to understand that the people who make these decisions now are the ones sitting on this side of the House, not him.

Hon. P R Caruana: Yes, well, the phrase ‘rabbits’ and ‘hats’ comes to mind.

145 **Hon. Chief Minister:** Mr Speaker, the phrase ‘Do as I say and not as I do’ also springs to mind, given what he is saying these days.

Mr Speaker: It has to be a question.
The Hon. Daniel Feetham.

150 **Hon. D A Feetham:** Yes, can the Hon. the Chief Minister at least confirm this: that this inward investment is a crucial part of the Government’s predicted – predicted in their manifesto during the election campaign – 12% annual growth in the economy?

155 **Hon. P R Caruana:** 65% employment.

Hon. D A Feetham: Or 65% employment.

Hon. Chief Minister: No, Mr Speaker, it is a part.

160

**Guaranteed Superannuation Fund
Government introduction**

165 **Clerk:** Question 82, the Hon. D A Feetham.

Hon. D A Feetham: Can the Hon. the Chief Minister confirm that the Gibraltar Government has introduced a new guaranteed superannuation fund?

170 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): I will answer this Question together with Question 83.

175

**Guaranteed Superannuation Fund
Exact terms**

180 **Clerk:** Question 83.

Hon. D A Feetham: Can the Hon. the Chief Minister confirm the exact terms of the Guaranteed Superannuation Fund, including but not limited to, the contributions to be made by the employee and the contributions made by the Government or employer and any guarantee on the value of the employee’s fund?

185 **Mr Speaker:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the Guaranteed Superannuation Fund is in the process of being formed under the auspices of the Financial Secretary and will be available with effect from 1st January 2012 to new public service employees and to those presently covered by the No 1, No 2 and No 3 Provident Fund.

190 The intention is that public service employees will be able to contribute up to 7% of their salary as contribution to the Fund and the employer will double that by way of employer contribution. If the employee contributes 8% then the employer will contribute 17%, bringing the total contribution up to 25% of the salary.

195 Mr Speaker, I am reading from the answer I have got. I am quite happy to make a copy available to the hon. Gentleman. It is not a schedule, but I am happy to let him have a copy.

Amounts above a £50,000 salary will not be eligible for the Guaranteed Superannuation Fund. The Fund is also open to private sector employees and the self-employed. Much as there will be no contribution from the Government, the guarantee will still apply.

200 On maturity, contributing persons will have the choice of a 100% tax-free lump sum or the purchase of an annuity provided by the Gibraltar Savings Bank.

Mr Speaker, I should also add that these are matters which are being dealt with by the Minister with responsibility for labour, given that he takes responsibility for the DSS these days.

I am happy to give the hon. Gentleman my copy of this answer. I think I have got an extra one.

205 **Hon. D A Feetham:** Mr Speaker, just dealing with the guarantee first, in their manifesto the hon. Gentleman opposite said that the Government would guarantee the value of the Fund. Is that the case?

210 **Hon. Chief Minister:** Mr Speaker, I really do not mean to be obtuse about this, but the hon. Gentleman asked the question to me directly, to the Chief Minister. It is not a matter in my ministerial responsibility. I would urge that he put the question again at the next meeting of this House, which will be next month; or I am quite happy for us to set this question aside until Mr Bossano is back in the House, given that he is the person dealing with it and he can be asked the supplementaries.

215 **Hon. D A Feetham:** Is he suggesting that he does not know the answer? He is the Chief Minister of Gibraltar.

Hon. Chief Minister: Mr Speaker, I know it is easy to try and score that sort of point. I have been the Chief Minister of Gibraltar for less than four full weeks. I am trying to deal with a lot of other matters, and I am not the person dealing with this matter but the question was addressed to me specifically.

220 If he wants to score that sort of point... Look, it's an open goal, go ahead and score it.

Hon. P R Caruana: Mr Speaker, he is dead right it is an open goal, but it is a thoroughly undesirable open goal!

225 The hon. Member, the Chief Minister, is the Minister responsible for the public finances of Gibraltar. He is the Minister for Finance. How can he possibly have approved the entry by the Government into financial commitments of a long-term nature without knowing what the cost of it will be, for which *he* – not the Minister for Employment, but for which *he*, as Minister for Finance – is responsible?

230 The hon. Members are saying that they guarantee the value of the Fund. What is the cost of that? And he is not just guaranteeing the value of a pension fund for taxpayer employees, for Government employees; if I have correctly understood him, this is available for the private sector and self-employed, too. In other words, all the private pension funds in Gibraltar, or any individual who is self-employed or employed in the private sector can place their pension arrangements in the hands of the Superannuation Fund, and have the value of their pension pot guaranteed by the taxpayer.

235 The Chief Minister, who is head of the Government and the Minister for Finance, has allowed that policy to be committed to and deployed and has no clue of what the scheme is, still less how much it will cost.

Mr Speaker, on this basis, he is going to have to make many more statements like the one he made on television last night, except they will all be true, unlike much of what he said last night.

240 **Hon. Chief Minister:** What was the question?

245 **Hon. P R Caruana:** The question is does the Hon. Minister for Finance believe that it is a proper discharge of his ministerial obligations, as Minister for Finance, to allow his Government to enter into this commitment not just for Government and Government-related employees, but also to the private-sector employed and the self-employed, without knowing the nature of the scheme and therefore the contingent financial liability that this represents on his Government and future governments and the taxpayer?

Does the Hon. Chief Minister consider that it is okay in those circumstances simply to come and say, 'I am not dealing with it; ask my Minister.'?

250 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has given a speech about how incompetent I am to deal with these issues. I am used to him getting up in this House (*Interjection*) and simply, from a different position, saying exactly the same thing. I believe this is a good thing. The Superannuation Fund is a good thing. (*Interjection*) It is not something that I am dealing with specifically; therefore I cannot answer specific questions on it.

255 I tried to be generous by telling the hon. Members opposite who they can direct their questions to. I am quite happy, if they like, for them to write to me and I will provide the specific information that they require. That will be the sum total of my answers. He can now get up and tell us again what a fool I am.

260 **Hon. P R Caruana:** Mr Speaker, how can he know that it is a good thing if he does not know what it is and he does not know what it costs?

265 **Hon. Chief Minister:** Mr Speaker, it is not that I do not know what it is; it is that I do not have to hand the specific information that he is asking me for. That is the position. If the hon. Members were to get into the habit of asking questions of the Government rather than of specific Ministers, then they would have the person responsible for this specific amount that they want to ask about here in the House to deal with it. It is that simple, Mr Speaker.

270 This is about getting through parliamentary business. It is about making sure that the Opposition have the information that they need to have and about holding the Government to account; not about telling me whether I am competent or not competent to do a particular job. That is what the last Parliament was about. It is not what this Parliament should be about. But I can see that the hon. Gentleman wants to continue playing it his way.

275 **Hon. P R Caruana:** Mr Speaker, I have not said that he is incompetent. I happen to believe that he is, but I have not said it. I have not said it on this occasion. I have asked him whether, in his capacity as Minister for Finance... The Minister for Employment may be dealing with the nitty-gritty of the scheme but, as Minister for Finance, *he*, and not the Minister for Employment, is responsible for the financial cost to the Government of every policy in the Government. I have asked him whether he considers that it is appropriate that, in those circumstances, he does not know basic questions about this scheme.

280 Mr Speaker, he may not be dealing with it but he has had five days, at least five days, to ask the Minister for Employment – assuming that they are still on speaking terms – what the details of the scheme are to provide to this House.

Mr Speaker: The Hon. Daniel Feetham.

285 **Hon. D A Feetham:** Is the Hon. the Chief Minister aware that subscribers to the pension fund No 2, for example, actually have a choice of a number of ways in which their pension fund can deal with investments? One of them is income. Another way in which that investment can proceed is investments in, for example, shares in bonds and growth, effectively. Is he aware of that?

290 **Hon. Chief Minister:** Yes, Mr Speaker.

295 **Hon. D A Feetham:** Is it Government policy, then...? I assume that the hon. Gentleman, when he was in private practice, advised... during the course of his private practice, advised pension trustees, or at least their pension funds. Is he not aware that, in fact, investments made by pension funds can either go up or down, and is it Government policy that the Government underwrite, at the taxpayer's expense, bad investments made by pension trustees?

300 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman can put that question to the Minister for Labour as soon as the next House convenes, or he can write to us and we can give him all the details that he wants about these issues. I am happy for this Government to provide as much information as the Opposition want. They just simply need to ask the right person.

Hon. D A Feetham: Mr Speaker, for a party that is supposedly concerned... for a Chief Minister who is supposedly concerned about the state of public finances, he is remarkably unconcerned about the taxpayer

305 picking up huge bills because of bad investments by pension trustees which it appears the Government policy is to guarantee. Is that not the case?

Hon. Chief Minister: Mr Speaker, it appears that the hon. Gentlemen do not want to hear my answers.

310

**Government-funded construction projects
Details of cessation**

315

Clerk: Question 84, the Hon. D A Feetham.

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Hon. D A Feetham: Can the Hon. the Chief Minister provide a list of Government funded construction projects, as at 8th December 2011, indicating which ones the Government or its agents have given instructions for work to cease and whether, in relation to each project, that cessation will be temporary or permanent?

Clerk: Answer, the Hon. Chief Minister.

325

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I am handing the hon. Gentleman a schedule which I am advised contains a full list of all Government-funded construction projects as at 8th December 2011. *[see next page]*

In respect of this list, it will be an irony that may not be lost on the hon. Gentleman that, for the date in respect of which he has asked, I should be asking *him* for the information, as that was the last day in office of the previous administration.

330

It is not possible at this stage to give any further indication than that set out in my ministerial statement of last night as to which projects will progress. A statement about any final decision to cease work on any project will be made when appropriate.

335

Hon. D A Feetham: Can the Hon. the Chief Minister indicate, in relation to the schedule, which ones of these projects are actually paused or work has ceased,

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Hon. Chief Minister: Mr Speaker, none of the projects are 'ceased'. Some of them are paused, some of them are not paused. There are some where the pause is the result of having reached the end of a particular phase before a decision is made whether they should progress to another phase. There are some of them that are paused because they had reached that stage, literally by the time that we got into office, and we are looking at which of them were going to proceed, and, as I said last night, we will have to make careful decisions about which projects now proceed and which do not.

345

Hon. D A Feetham: Mr Speaker, I quite understand what the Hon. the Chief Minister has said, that he cannot indicate to this House which ones of these projects' work will be abandoned on a permanent basis. That is what he is saying: he is reviewing it.

What I am asking, and what the question asked, is which ones of these projects there has been a temporary, at this stage, cessation of work, where there has been a cessation of work at this stage.

350

Hon. Chief Minister: Mr Speaker, on all of those, where work had reached the end of a particular phase, there is now a pause.

I have a different list, Mr Speaker, to this one. I have a different list to the one that has been provided here, where I might have been able to indicate to the hon. Gentleman which are paused and which are not paused. Unfortunately, I cannot give him that information right now. I can give him an indication of those that I am aware are paused.

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Hon. D A Feetham: Mr Speaker, is it not unsatisfactory for the Chief Minister today, this afternoon, not to be able to tell us, in this House, which ones of these projects there has been... he has ordered a cessation of work, and this morning the Hon. the Minister for Employment could not tell us how many redundancies had

360 been caused by that cessation of work. Isn't that unsatisfactory, Mr Speaker?

ANSWER TO QUESTION 84 OF 2012

SCHEDULE OF GOVERNMENT FUNDED CAPITAL PROJECTS AS AT 8 DECEMBER 2011

GLRC Projects

Project	1a	Air Terminal and Frontier Access Roads	(IDF Head 102 - 2(a)(i) Tunnels and Roads to North Front)
	1b	Devil's Tower Road Dualling	(IDF Head 102 - 2(a)(i) Tunnels and Roads to North Front)
	2	Air Terminal	(IDF Head 102 - 5(c) New Airport Terminal Building)
	3	MoD Relocations	(IDF Head 102 - 3(a) MoD Relocations)
	4b	Mid Harbour Reclamation	
	5	GoG Relocations	(IDF Head 102 - 3(b) GoG Relocations)
	6	Infrastructure (includes Pumping Station)	
	7	GoG Rental Housing and Link Road	
	8	New Power Station - Initial setup costs	
	12a	Park and Ride Carpark	
	12b	Short Stay Airport Terminal Carpark	
	14	Revetment Repairs (Harbour Views)	(IDF Head 102 - 5(f) Revetment and Promenades)
	21	Beaches	(IDF Head 101 - 1(c)(iv) Beaches)

Improvement & Development Fund

Head 102	1	BEAUTIFICATION PROJECTS	
		(a)	Orange Bastion/Chatham Counterguard/Fish Market Road/Public Market
		(b)	Orange Bastion - Irish Town Depot
		(c)	Beautification of Europa Point
	2	NEW ROADS AND PARKING PROJECTS	
		(a)	Roads and Tunnel Projects:
		(i)	Other Roads
		(ii)	Parking Projects
		(b)	GIS Development
	5	OTHER PROJECTS	
		(a)	New Prison
		(b)	Rubble Tip Removal
		(d)	Women's Hostel
		(e)	Law Courts
		(f)	Revetment and Promenades
		(g)	Upgrade of Playgrounds
		(h)	Old St Bernard's Hospital Demolition and Conversion Works
		(i)	Old Naval Hospital Conversion and Refurbishment Works
		(j)	Cancer Relief Centre
		(k)	Heritage Building Refurbishments
		(l)	Bus Shelters
		(m)	Public Toilets
		(n)	Smart Bikes
		(o)	Implementation of Parking and Traffic Plan
		(p)	Grand Battery
		(q)	Governor's Parade
		(r)	Upper Town
		(s)	New School Buildings
		(t)	Town Range Building (Clubs)
		(u)	Men's Hostel at Old Guard House
		(v)	The Main Guard (Heritage Trust HQ)
		(w)	Loans for Repairs to Housing Estates
		(x)	Installation of CCTV Cameras
		(y)	Boat Moorings
		(z)	Partial Repayment of Premium on Land Sales - St Peter's Close

Government Companies

Montagu Gardens and Montagu Crescent Repairs
 Ex-OEM Housing Projects
 Waterport Terraces
 Purchase of New Buses
 Retrenchment Block at Lathbury Barracks
 Upper Town Refurbishments
 Repairs to Harbour Views podium
 Brympton Estate Repairs
 Willis's, Sandpits and New Harbour Carparks
 Purchase of Motorcycles - Car Parks
 Proposed New Carparks
 Western Beach
 Eastside Project

OTHER PROJECTS (No Head of Charge identified as yet)

South Jumpers Bastion (Performing Arts Centre)
 Plata Villa
 Improvement Works and Play Zones - Varyl Begg Estate
 Refuse Shelters

Hon. Chief Minister: Mr Speaker, it may be unsatisfactory to him, but the process through which we are working, the number of projects which were ongoing and the work that we need to do to assess whether, in the public interest, they should be continuing and to what extent they are continuing today, even if there is a pause – because there may be two or three men still on site, securing the site and finishing something – is much more complex than me being able to give a list that says, ‘Paused, stopped, ongoing.’

We have been in Government for less than two months. I know that they want to do everything possible to return as soon as they can. I know that their attempts to ridicule us in this first meeting of the House are simply attempts to try and take our seats away from us already but, Mr Speaker, they have to bear with us. We have said that we will be making statements when we make decisions about which projects will progress and which will not.

Hon. P R Caruana: Mr Speaker, the hon. Member cannot defend himself from what is a clear lack of preparation for coming to this House to account for his chief ministerial responsibilities by inventing all these reasons about our motives. Again, I remind him that Standing Orders does not allow him to impute improper motives. I think he is going to live to regret elevating Standing Orders now to us, but if he is going to do it, we are going to do it, too.

Mr Speaker, we understand and respect the fact that a new incoming Government is *entitled*... We may agree or disagree with their decision, but a new incoming Government is entitled to review capital projects in hand and decide whether they want to not start them, or abandon them even though they have started them. That is your right. You will answer for your decisions politically and we will criticise you for those we do not agree with. That is a different issue, Mr Speaker. That is not what he is being questioned on.

He has come out on television on more than one occasion now saying that his Government has stopped Government projects whilst they are each reviewed one at a time to see which are value for money, which they will prioritise, which this and which that. Can the hon. Member say who has made the decision to stop projects for evaluation, which he has said have been stopped? Can the hon. Member say whether he has made those decisions and, if not, who has made the decisions that he has announced?

We are not attributing to him the stopping and starting of projects. He has said publicly, as recently as last night on television, although he had said it before, that the Government had stopped these projects whilst they were re-evaluated. Now I am asking him who has made those decisions, and the Hon. D A Feetham is asking him which have been stopped and which have not been stopped, unless they have all been stopped.

Can I ask him just to bear in mind, when he answers, my third supplementary is that GJBS, a company owned by the Government, has caused its subcontractors to make workers of it redundant, on the basis they have been told that the Government has stopped their work and will not allow them to get on with work. So someone somewhere – either him, or somebody obviously without his knowledge – has issued instructions in specific projects.

The hon. Member must at least be in a position, surely, to make good his public statements that projects have been stopped in order for their re-evaluation. No-one at this stage is commenting on the correctness of the decision to stop or whether the projects should finish or not finish. That is for a later day. The question now is has work stopped on all projects, has work stopped on no projects, or if it is a hybrid, on which projects has work stopped and on which has it not stopped? This is what he has been asked for, and, again, he seems unable to answer. Can he, indeed, answer?

Hon. Chief Minister: That is not the position. The position is that we have made, collectively, the decision to stop all the capital projects. We have also – (*Interjections*)

Hon. P R Caruana: They are all stopped?

Hon. Chief Minister: Mr Speaker, ‘stopped’ does not mean stopped for good (*Interjections*); it means that they were stopped and they are being restarted.

The only issue with not giving the answer that the hon. Gentleman seems to want is that some of them may already have been restarted and I do not have clear indication that they have restarted, and I do not want to be told: ‘You didn’t say that at Montagu Gardens there was going to be somebody on the scaffolding, and there they are and why didn’t you say that?’ That is what I am saying, Mr Speaker. We have started the process of reassessment of the projects. Some of them have been allowed to recommence; some of them have not. There are some, Mr Speaker, where I am very happy to tell him that works have stopped, and he knows.

420 Mr Speaker, the tunnel, for example, across the airport, or under the airport, is a major project. That project is presently stopped and there will have to be a detailed assessment of whether that is going to go ahead. There is another question on the Order Paper that deals with that and my answer on that will also offer the hon. Gentleman a conversation, so there are not things said across the floor of the House that could prejudice Gibraltar PLC – and I am sure that he will accept that that is the position.

425 I can go through this with him, if he likes. A lot of these are projects that actually came to completion by the time that they were leaving No. 6 and Government. Those are not going to be controversial, but I think that there are projects, which are not necessarily on this list that I have been given, which I have seen on another list, and I do not want to mislead the hon. Gentleman. But I am quite happy, Mr Speaker, to show that I know exactly what is happening with all of these projects on this list and go through them one by one.

Therefore, Mr Speaker, GLRC projects –

430 Project 1a: air terminal and frontier access roads. The air terminal continues, obviously. That is number 2, but the access road works have been paused whilst the Government makes a decision. That includes the tunnel.

Project 1b: the Devil's Tower Road dualling. That has been substantially completed, as I understand it.

Project 2: the air terminal. The air terminal is in the process of being completed. That continues.

435 Project 3: MoD relocations. That is in part paused, but in part proceeding because there are demolitions that relate to those MoD relocations which may be going ahead.

Project 4b: Mid Harbour reclamation. That, as I understand it, is substantially completed.

Project 5: GoG relocations. Some of them are ongoing; some of them have been paused.

440 Project 6: infrastructure projects, including the pumping station. I believe that most of those are going ahead.

Project 7: GoG rental housing and link road. I believe that that was substantially completed by the time that the hon. Gentleman left office.

Project 8: the new power station initial set-up costs. The initial set-up has continued, but no decision has yet been made, as the hon. Gentleman knows, on whether we are going to proceed with the power station contract.

445 Project 12a: park-and-ride car parks were substantially completed by the time that the hon. Gentleman left office.

Project 12b: short-stay airport terminal car park. I believe that that is one of the ones that is completed, insofar as it is an open car park outside the terminal, but other works there may have been paused.

450 Project 14: revetment repairs. I understand that that is now substantially completed.

Project 21: beaches. I understand that a lot of that was done in their time in office. I understand there is a second phase which could start very soon, which is paused.

Those are the projects, Mr Speaker, that relate to the work on which Gibraltar Land Reclamation Company is providing advice to the company.

455 On the Improvement and Development Fund head, Mr Speaker, the beautification projects at Orange Bastion and Irish Town Depot and the beautification of Europa Point are paused.

Mr Speaker, the new roads and tunnel projects are substantially paused as well.

The GIS development we are having a meeting on. It is not an infrastructure project in the physical sense. That is more a software project. We are having a meeting on that very soon.

460 Mr Speaker, under head 5 of the Improvement and Development Fund, on the other projects, the new prison is substantially finished.

The rubble tip removal, I believe, was in the process of continuing.

The women's hostel is completed.

The law courts continue; they are not yet completed.

465 The revetment and promenades: I understand that that was substantially completed.

The upgrade of the playgrounds was substantially completed at the time that the hon. Gentleman left office.

The Old St Bernard's Hospital demolition and conversion works continue.

The Old Naval Hospital conversion and refurbishment will continue, subject to some changes which may need to be made to the works being done.

470 The Cancer Relief Centre, as far as I understand, has been substantially completed and that is something that will be welcomed across both sides of the House, and it was substantially completed by the time that the hon. Members opposite left office.

The Heritage Building refurbishment is paused, Mr Speaker. That is something that had not started yet. We are in the process of making a decision about whether it will proceed.

The bus shelters have been substantially completed.

The public toilets, Mr Speaker, thank goodness, have been substantially completed, because those definitely would have been stopped by us.

Mr Speaker, the smart bikes. The first phase was completed. The second phase has not yet commenced. We are assessing how best to proceed with that.

The implementation of the Parking and Traffic Plan is a thing in constant motion. It involves parking, and I will get to issues which relate to parking in a few moments because the next items are car parks. That is something that continues in respect of the car parks at... I have difficulty seeing here where the Arengo's car park and the Engineer Lane car park... That is Grand Battery next, is it?

Hon. P R Caruana: That is not a car park.

Hon. Chief Minister: No, you are right, sorry. So Engineer car park and Arengo's car park are continuing. The others are paused, Mr Speaker.

Grand Battery (*Interjection*) is the top of Casements, that is right. The one at the top of Casements is continuing and soon will be completed, and maybe we will move to a second phase there.

Governor's Parade: there is a phase that is being finished as we speak. Before we move on to the second phase, we need to make an assessment which will relate to some allegations of right of light, which the hon. Gentleman may be aware of, which we need to investigate for ourselves.

The Upper Town and New School Buildings, Mr Speaker, is paused.

The Town Range Building (Clubs) I believe is continuing.

The Men's Hostel at the Old Guard House is paused, Mr Speaker.

The Main Guard is paused.

The loans for repairs to housing estates, as I understand it, have continued.

The installation of CCTV cameras was... All the procurement had been done before the Election. The works had not started. I believe that the works are about to start.

The boat moorings work, I believe, has not been paused. The partial payment of premium on land sales in St Peter's...

Hon. P R Caruana: Not paused but continued.

Hon. Chief Minister: I believe we said at the beginning that that should not be paused. I believe it continued through.

The partial repayment of premium on land sales in St Peter's Close is not a works issue, but it is under that head as an expense.

Mr Speaker, in respect of Government companies, Montagu Gardens and Montagu Crescent repairs, as I understand it, continue.

The ex-OEM housing projects continue. Some of them have been completed and may have to be done again.

The works at Waterport Terraces will continue.

The purchase of the new buses is something that we are looking into.

The retrenchment block at Lathbury Barracks, I believe, was substantially completed in their time in office.

The Upper Town refurbishments will continue, but those are paused at the moment.

The repairs to the Harbour Views podium: as far as I know, we have not been asked to stop those. I do not know whether those were actually completed and did not come to us as an ongoing project.

The Brympton Estate repairs, including Victoria Residency, is an issue that we are discussing, Mr Speaker.

The Willis's, Sandpits and New Harbours car parks, as I understand it, were substantially completed.

The Western Beach project which, as I interpret it, as a capital project, is a reclamation... is something that we expect and hope to be able to start planning quite soon.

The Eastside project, what the hon. Gentleman had given instructions for, which was the reduction of the height of the mound, were substantially completed, less for an area which resembled a cove, which may be

maintained, at least for now, in the area to the north of Catalan Bay. It may be that we progress further works in respect of the Eastside project, but I have not yet had an opportunity of having further discussions with the principals that the hon. Gentleman had entered into an agreement with.

Mr Speaker, in respect of other projects, South Jumpers Bastion is paused.

Plata Villa, I believe, is paused.

The improvement works in the play zones at Varyl Begg Estate – the first phase had finished. We were about to start the second phase, and what we have said in respect of that is that we would like to see the work done in respect of the first phase, which was covered in scaffolding during the course of the General Election campaign, the hon. Gentleman will remember. We want to see it for ourselves before pressing the button on the second phase.

The refuse shelters, Mr Speaker: as I understand it, all of those were completed, or substantially completed, by the time that the General Election was called.

Mr Speaker, I must tell the hon. Gentleman that I think that there are other Government projects which are actually not on this list, because the way that this list has been compiled is from the estimates and I think that there are others that may be out of this list, but I hope that that is helpful.

Hon. P R Caruana: Mr Speaker, it is helpful, but it would have been more helpful if the question had been answered.

The Government asks, as at 7th December, which projects were ongoing... The Opposition asks, rather, which projects were ongoing, and in respect of those which have been paused and which are continuing, and what we get by way of answer is a printout of all the capital... Some of them are not even projects. Some of them are expenditure on motorcycles for Gibraltar Car Parks Ltd. It is just a printout from a computer. No attempt made to actually answer the question asked.

The hon. Member, assuming that the information he has given us on his feet is accurate, could easily have put that into a proper answer to the question asked, instead of giving us a schedule which makes no attempt whatsoever to answer the question asked. That is all. It is not a question of being helpful or unhelpful. Of course, it is helpful to have things rather than not to have them, but he has demonstrated that the Question could have been answered easily.

Mr Speaker: There is no question over there, you know.

Next question.

Increasing the age of consent Government consultation

Clerk: Question 85, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister confirm that his Government will now be consulting the people of Gibraltar on increasing the age of consent?

Clerk: Answer: the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question No. 32/2012.

Crimes Act and Criminal Procedure and Evidence Act Intention to commence

Clerk: Question 32.

Hon. D A Feetham: Mr Speaker, can the Hon. the Minister for Justice state whether the Government intends to commence the Crimes Act and the Criminal Procedure and Evidence Act?

Mr Speaker: I think we had assumed we had reached that Question by now.

585 **Clerk:** Answer, the Hon. the Minister for Education and Financial Services, Gaming, Telecommunications and Justice.

590 **Hon. P R Caruana:** Mr Speaker, with respect, the Chief Minister has said that *he* will be answering it with Question 32, but he can change his mind about this if he wants.

The Minister for Justice (Hon. G H Licudi): What the Chief Minister meant was that *the Government* will answer these two Questions together, because they are, in some way connected. So I will answer this one and the Chief Minister will answer his one, and the Opposition will understand why these are being taken together.

595 **Hon. P R Caruana:** Oh, I see. You are going to answer one and he is going to answer the other.

Hon. G H Licudi: Mr Speaker, Question 32 is asked of me, and the other one is asked of him.

600 Mr Speaker, the Government intends to commence the Crimes Act 2011 and the Criminal Procedure and Evidence Act 2011, although some amendments will be required and not all parts will necessarily be commenced at the same time.

605 I have already held discussions on these matters with the Commissioner of Police and the Commissioner designate. Those discussions are ongoing. The Government is also consulting the Attorney General, the Bar, the Gibraltar Courts Service and the Judiciary on the commencement of the two Acts. A decision on the final form of the Crimes Act and the Criminal Procedure and Evidence Act and which provisions will be commenced on what date will be taken once those discussions and consultation are concluded.

I can, however, inform hon. Members that there are several policy decisions which have already been taken by the Government and which are unaffected by the ongoing discussions.

610 The provisions in part 12 of the Crimes Act which impact on the age of consent will only be brought into effect after a public consultation process has taken place in accordance with the policy announced by the Government when in Opposition. That policy was, and continues to be, that there should be equalisation in the age of consent for heterosexuals and homosexuals but that the age at which equalisation should occur should be fixed by statute only after consultation with the general public has taken place.

615 Equalisation has already occurred as a result of the ruling of the Supreme Court of Gibraltar dated 8th April 2011, following a reference to the Court by the then Chief Minister. Commencement of the relevant provisions in the Crimes Act is not, therefore, necessary to achieve equalisation.

The Government intends to issue a consultation paper on the age at which equalisation should be fixed by statute. The precise form of the relevant sections within part 12 will be determined after the public consultation exercise has concluded.

620 As regards the Criminal Procedure and Evidence Act 2011, the Government intends to repeal those provisions which abolish the right to silence. As stated by me during the debate on the Second Reading of the Bill, the right to silence is a fundamental right and it was, in our view, wrong for the then Government to introduce legislation to abolish this.

625 **Hon. D A Feetham:** Does the hon. Member accept that, given that, as he has rightly pointed out, the Supreme Court of Gibraltar has already equalised the age of consent at the age of 16, what they would effectively be consulting on would be an increase in the age of consent from 16 to 17 or 18 – for everybody, obviously?

630 **Hon. G H Licudi:** Mr Speaker, we will not pre-empt what that consultation will be about. We are currently preparing a consultation paper. The consultation paper will be about what age should be fixed by statute. That is what the consultation paper will be about. We will consider any matters that are brought to our attention during the course of that consultation process, and a final decision would be taken at that stage, and not now.

635 **Hon. D A Feetham:** I am not asking the hon. Member to make a decision now; that is not the question. The question is, in the light of the fact that the Supreme Court of Gibraltar has already reduced the age of

consent for homosexuals from 18 to 16 – they are equalising it at 16 – what the Government is, in fact, consulting on is whether there should be an increase in the age of consent for everybody, either to 17 or to 18.

Hon. G H Licudi: No, Mr Speaker, the Government is not going to be consulting on simply whether there should be an increase. There is a possibility that the age will stay the same, so the consultation will be about what age should be fixed by statute for consultation. I can say the same thing 20 times, if the hon. Member wants.

Hon. D A Feetham: It is just, Mr Speaker, that the Members opposite are in unusually slippery form today. That is why I have had to repeat my question.

Can he say to this House what parts of the Crimes Bill he intends to commence and what parts – in other words, that are non-controversial – he intends to commence on the Crimes Bill and the Criminal Procedure and Evidence Bill? Can he also give an indication to this House of when he intends to commence those parts?

Hon. G H Licudi: Mr Speaker, the position, as I understand it, was very clear in my original Answer and there was nothing slippery at all about that.

I have said that I am holding discussions. In fact, I have had two meetings with the Commissioner of Police where I have discussed this particular issue. I am also in the process of consulting various other interested bodies like the Bar, the Attorney General, the Courts Service and the judiciary, and those discussions and consultations are ongoing. It is not for us to pre-empt what the outcome of those discussions and consultation will be. The final form, the precise form, of what is going to be introduced and when they will be introduced will be determined once that process has concluded.

I can, however, say to the hon. Member this: I have given an indication of specific policy decisions that have been taken in relation to matters which have been brought to our attention which we have considered under the Crimes Act and the Criminal Procedure Act. We will consult and take a final decision at that stage, but what I have also said is that there are some amendments that could be required. In particular, there will be a number of drafting amendments. I am not sure whether the hon. Member was aware, during his time as Minister for Justice, but there are some issues where there is a cross referencing between one Act and the other. Some sections are referred to in one Act as being sections in the other Act. My understanding is that that cross reference does not always match and there is a need to make some amendments to that cross referencing that applies.

There are also a couple of substantive issues – (*Interjection*) Well, we certainly missed it. The Government missed it. The drafters have brought these matters to our attention and it is our responsibility to correct it. So amendments will have to be brought to this House before those matters can be actually commenced.

There are also a number of substantive issues which are being considered and which may, in all likelihood, require amendment. There is a substantive issue, I can say, for example, in relation to the offence of arson, where there is a specific defence provided which, as we understand it, should not be there. So that will require an amendment.

There is another substantive issue in relation to disclosure by the defence, specifically in Magistrates' Court proceedings, where there should be powers given to the Court to disapply the disclosure exercise in very minor, run-of-the-mill cases where it would be cumbersome for disclosure obligations to arise. So those matters are currently being considered.

There is also another substantive issue which is being considered, which is of a sensitive nature, and on which I am happy to brief the hon. Member privately. That is a matter that is being considered.

There are training issues which arise. There are issues related to Customs officers because the Criminal Procedure and Evidence Act extends the provisions of that Act to Customs officers. As I understand it, no provision had been made by the previous administration to provide training. There is a provision for declarations to be made by the Minister with responsibility for Customs for modifications to apply in terms of the procedure when it applies to Customs officers. That had not been done as at 8th December, as we understand it.

There are provisions which relate to other public officers, like factory inspectors, like labour inspectors. Again, there is a provision for modifications to be declared in respect of how the Act is going to apply to those officers. Again, that had not happened as at 8th December.

There are all those issues that are currently in the mix and, on top of that, we are carrying out consultation,

as I have indicated, in respect of the specific commencement of the Act, whether it is possible for the whole of the two Acts to be commenced at the same time, or whether it should be done in various parts. That is part of the consultation exercise. I can tell the hon. Member that my preference is not to do a piecemeal approach, but it really depends on how long it is going to take for all these other matters to come in place, and once all that comes into place we can take a final decision.

What the hon. Member will see is that there has been some progress done. Some discussions and consideration of all these matters have been done. We have been in office for four or five weeks. The hon. Member had these Acts in place and in force for a considerable length of time and these matters were not in place. I would ask that the hon. Member should be at least a bit understanding that this is going to take some time. I am not able to say precisely whether we will be ready in two weeks, in three weeks or a month, but the process is ongoing.

Hon. D A Feetham: I can assure the hon. Gentleman that the Opposition is going to be entirely supportive of the process, provided... and I am sure, from what the hon. Gentleman has told this House today, he intends to make progress with what are seminal pieces of legislation.

I can tell the hon. Gentleman that all this cross reference between sections is all news to me. I did know about the arson point – that was the only point that was brought to my attention – but none of the other points.

I do notice that, in their manifesto, they had a commitment in their crime section to introducing a Rehabilitation of Offenders Act, hate crimes legislation and also a sexual offenders' register, all of which is contained within the Crimes Act. Can the hon. Gentleman given an indication to this House whether it is the intention of the Government to effectively hive off those parts into separate pieces of legislation, or is it the case that the Members opposite had not read the Crimes Bill when they compiled their manifesto?

Hon. G H Licudi: Mr Speaker, the hon. Member knows precisely what the answer to that is because it is an issue that was raised in a debate that we had during the Election campaign, when he made exactly the same point and I gave him the same answer.

Of course, we knew what the provisions of the Crimes Act were. I specifically answered the hon. Member when he presented the Bill and I participated in the debate on the Second Reading of the Bill. The reason those matters were there, as I told the hon. Member just before the Elections, and I will repeat now, is to show the commitment of the Government in respect of specific matters.

The hon. Member will have been satisfied that we are entirely committed to the process that was started by him, and which I commend him for, because these are formidable pieces of legislation and we are committed to this process, subject to some amendments and some policy decisions that we have already taken. It really depends on how long the whole process is going to take. We are committed to the rehabilitation of offenders as quickly as possible, to that sex offenders' register as quickly as possible, and the other matters.

Hon. D A Feetham: As separate pieces of legislation?

Hon. G H Licudi: Not necessarily. It depends on how long the process is going to take. If we see that the process is going to take too long, that it is a protracted process because of the issues that I have raised during the course of my answer today, then the Government will give serious consideration to actually hiving off those specific provisions and enacting them in the form of separate legislation. We hope that that will not be necessary and that the process will continue seamlessly, as has been started, but time will tell.

Hon. D A Feetham: Will the hon. Gentleman at least consider – bearing in mind that the hon. gentlemen opposite are as keen to see rehabilitation of offenders legislation introduced in Gibraltar as the hon. gentlemen and lady this side of the House – that he gives serious consideration not to hiving it off and enacting it in a separate piece of legislation, but commencing those parts relating to the rehabilitation of offenders legislation before other parts? Will he give serious consideration to that suggestion?

Hon. G H Licudi: Yes, I will certainly do that, and we are in the process of doing that.

I can confirm that we have had meetings and I have discussed this matter – not this particular section specifically, but the extent to which a lot of the sections in the parts hang together. For example, I mentioned part 12: a lot of part 12 hangs together as a whole part and it is very difficult to say, 'This particular section is not going to be commenced and this one is,' but to the extent that we can identify specific sections, or parts,

of it that are standalone and can be commenced, we will endeavour to do so as quickly as possible.

750 **Hon. P R Caruana:** Mr Speaker, can I commend for the Hon. Minister the view that he first expressed, or
the preference that he first expressed, which was to keep the Bill intact and also (*Interjections*) the view
expressed now by my colleague, Hon. D A Feetham, to start it piecemeal, if necessary, because one of the
755 virtues of this piece of legislation is that it amounts to a codification of a large area of the law in a single Bill.
It is the closest we have ever come in this jurisdiction to a real codification of our criminal law. It will be a
pity if that codification, that single-document approach, were lost as a matter of chronology of
commencement when it can be achieved in another way.

Mr Speaker, can I ask my supplementary, which is this: while I applaud the hon. Member for his policy, or
for his Government's policy, of consulting on the age of consent, can the hon. Member say when that
consultation might take place?

760 **Hon. G H Licudi:** Mr Speaker, I have already given instructions for the process to draft the consultation
paper to take place. I would have liked to see that as quickly as possible.

I am told that a draft is going to be with me very soon. I will have to consider and make appropriate
765 changes and consult with the necessary parties in order to finalise, but that process has already started, of
actually drafting the consultation paper.

770 **Hon. P R Caruana:** Can the hon. Member say whether the Government, laudable as it is that it should
seek other people's view, too, through a process of consultation, can the hon. Member say whether the
Government has its *own* policy on this question? Does the Government have a policy on whether the age of
consent should remain equalised at the age of 16 or be raised, both for homosexual and heterosexual, and for
all other purposes of the Act or be raised? Does the Government have its own policy view on this or is it
devoid of ideas and just waiting to see what public opinion says on the question?

775 **Hon. G H Licudi:** Mr Speaker, it is not a question of the Government being 'devoid of ideas'. There are
different views from people who sit on the Government benches. There is no collective view that will be put
out there as being the Government's preference. We will consult the people, we will take their views into
account, and then take a collective decision which we will all stand by.

780 **Hon. P R Caruana:** So if there are... if it is presently equalised at 16 and there are different views, then at
least some people on the Government's bench must believe that it should be increased?

785 **Hon. G H Licudi:** Mr Speaker, I am not sure that much is gained with a debate on individual views, all I
can say is that we will stand by collectively what that view is at the end of the day, but that process must take
place.

The Hon. P R Caruana: Well, I accept that Mr Speaker...

790 **Hon. G H Licudi:** Well, we certainly are all of the same view that there should be an equal age for all.
That is the view...

The Hon. P R Caruana: That is a legal requirement...

795 **Hon. G H Licudi:** Well, it is a legal requirement, which the Hon. Leader of the Opposition has resisted in
accepting because he caused the then Minister for Justice to bring in a Private Member's Bill because he *did*
not accept that it was a legal requirement and it was only after he went to court that he was told that this was
the position, even though he had received advice to that effect, that he accepted this was the position.

Our position is that we will act collectively, we will seek the views of the public, then take the final
decision and introduce those provisions in part 12 of the Crimes Act after that process has been considered
and concluded.

800 **Hon. P R Caruana:** With respect, I can ask the questions in which I am interested, not the answers that he
is interested in giving. If he does not want to answer my question, he is free to say I do not want to answer

your question.

805 My question was, given that it is presently set by law at an equalised level and given that I have asked him whether the Government has a policy as to whether it should stay equalised at the current level, or equalised at 17 or 18 or 19 or 20 or 50, it has got to stay equalised by virtue of the court's ruling, but we can equalise it at any level. So it has got to stay equalised. I have asked him whether the Government has a view on whether it should stay at 16 or be raised and he has told me that there are different views about that question in the Government.

810 I have simply asked whether it is equalised at 16 and doing nothing leaves it equalised at 16, if he has said to me that there are differences of view on the Government side, and there is no reason why there should not be – there is nothing wrong with having different views within the Government and, of course, there will be presumably collective responsibility around the majority position adopted in due course. All I have asked is for him to confirm that necessarily that must mean that there are people in the Government who believe it should be equalised at a raised level, because otherwise there would be no difference of view. Everybody would think it has to be at 16; it is inevitable.

815 A further supplementary question would be, regardless of what the Government's policy might be, given that it appears not yet to have been reached in terms of collectivity, can the Minister for Justice, given that *he* is responsible for this area of Government policy, can he at least tell this House what his position on the matter is, even though it may not be subsequently reflected in Government policy?

820 **Hon. Chief Minister:** Mr Speaker dealing with the first supplementary, which was addressed more generally. It is possible, actually, Mr Speaker, for there to be a different mechanism which we want to explore as part of the consultation process, which is that the ages at which people can indulge in that sort of activity could be subject to a sliding scale. In other words, people of a particular age are able to have intercourse with people not above a particular age, but people above another age cannot have intercourse with people of a lower age. This is a more sophisticated system, which I think applies in Canada, which is called the banding system.

830 To give an example, you could not have somebody over the age of 21 having sex with somebody under the age of 19, but you could have somebody under the age of 19 having sex with somebody... somebody of the age of 19 having sex with somebody who is at least over the age of 16. Those are more complicated systems, it maybe they are unworkable, but there are things beyond simply having to have it at 16, 17 or 18 that need, in our view, at least to be explored and that is one of the things that the consultation process will look at, where it is not simply a question of Members on this side of the House insisting on 16 or insisting on 18 or 17.

835 We want to look at that and it may be that those things are completely unworkable, because I do not know whether you can ask people to show you an ID card, when these sorts of moments come up, (*Laughter*) but it is certainly that is something that is worth exploring.

840 Mr Speaker, if he wants an answer –

Hon. P R Caruana: Yes.

845 **Hon. G H Licudi:** Mr Speaker, I am here to answer for Government policy, not to express personal views. What I have said is that it is Government's policy to carry out that consultation process and then we will take a view and the Hon. Chief Minister has explained that there are different models, and I can say that that sort of model will be part of the consultation process and a view as to the specific model for Gibraltar will be taken once that is concluded.

850 **Hon. P R Caruana:** But in that consultation process, will the Government, as is usual in consultation processes, be indicating any sort of steer or preference? Is this a sort of consultation process that says, do you think the Government should leave it or change it and, if change it, to what level? Is it a questionnaire or is it consultation process? In a consultation process Governments normally provide a degree of indication of what the Government's thinking is, which may be changed as a result of the outcome of the consultation, but it is not usual for Governments, unless they are just doing a questionnaire, a vox pop, not usual for Governments to just do a consultation process that does not indicate what the Government is contemplating doing. That is normally what governmental consultation processes are like. So this would be more in the form of a questionnaire seeking people's expression of opinion about what they think should happen.

860 **Hon. G H Licudi:** No, Mr Speaker, that is not what we have said. This is a full consultation. (*Interjection*) This is going to be a full consultation process.

The precise form of the consultation paper itself will be considered by the Government in Cabinet once we have a draft and once we take a particular view as to how to proceed. The issue that the hon. Member has just raised will be part of that consideration when we have a consultation paper to look at.

865 **Hon. D A Feetham:** Mr Speaker, would the hon. Gentleman commit to making public the results of that consultation exercise? Also, will the hon. Gentleman give an indication as to whether they are merely taking into account the views expressed during that consultation exercise, or whether the Government intends to effectively be bound by any overwhelming view that is expressed by people consulted?

870 **Hon. G H Licudi:** Mr Speaker, there is a difference between a referendum and a consultation process. Whether the consultation process leads to a referendum is a different issue and we are not there yet. It is the hon. Members opposite, who have spoken in the past of a consultation and then, possibly, a referendum.

875 At the moment we are talking of a consultation process. As to the publication of the views, clearly subject to any views which may have been given anonymously and protecting any anonymity that may be part of that consultation process, in terms of giving numbers and general views of people, we see no reason why that should not be made public.

Clerk: Question 86.

880 **Mr Speaker:** Does the hon. Member have a supplementary?

Hon. P R Caruana: Yes I do.

885 May I say this as well, that it appears that I will be commencing the Crimes Bill in four years' time when we are returned back into Government at this rate, but (*Interjection*) Mr Speaker, what he is saying is that, effectively, he is going to be consulting the people of Gibraltar, but then the Government is going to be doing whatever it wants to do. Is that what he is saying?

890 **Hon. G H Licudi:** Mr Speaker, that may have been what the hon. Members had in mind when they talked about consultation and it is a very strange consultation process that they have in mind, when they intended to enact, as they have enacted, commenced the provisions and then consulted the people as to what the provisions should be in the first place. That is what they announced that they would be doing.

895 We are not putting the cart before the horse, we are doing things in the way that we think it should be driven. We are not coming at this with, as I have said, a predetermined view. There may be a view that is actually put out there as part of the consultation process, a Government view but, ultimately, consideration will be given. This is not a predetermined process and we are simply going through the motions. This is a proper consultation process to find out what the people of Gibraltar want on this very sensitive and much debated issue.

900 **Hon. P R Caruana:** Mr Speaker does the hon. Member not agree that that is a very ungenerous answer to the question that was asked, given his answer to the previous supplementary. (*Interjections*) It is not what we want to do, it is when asked whether he would commit to any overwhelming outcome of the consultation process, he said 'no'. He said that the Government would then consider what it did, in other words he declined to commit the Government to adhere to an overwhelming outcome of a public consultation. In other words, the consultation does not bind the Government.

905 So what the Government is effectively doing is asking people's opinion without committing even to honour an overwhelming expression of opinion by the people and then deciding whether to adhere to the overwhelming expression of opinion by people on this question or not. So, really, the consultation is to see whether the overwhelming expression of opinion coincides with whatever they decide to do, but they will decide what they do and not be bound by the referendum. I am not criticising (*Interjections*) that, by the way.
910 I think it is perfectly legitimate for Government to carry out a consultation and not be bound by the outcome, but the hon. Member, then, should not put so much store by the consultation, because it is a consultation to inform Government policy. It is not a consultation to see what people want. It is a consultation so the

Government knows what people think when the Government decides its policy, which it has not yet done.
(Interjections)

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Hon. G H Licudi: The Hon. Leader of the Opposition seems to have turned his argument from the very first part of the question to the end of the question.

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The position is the Government cannot commit itself to anything if it is embarking on a consultation process. What we are also not doing is starting this process on the basis of hypotheticals or assumptions: if we get 50%, if we get 60%, if we get 70%, or if we get 90%. We are not proceeding on the basis of hypotheticals. What is an overwhelming amount? Is it 50% or 60% or 75%, or does it have to be 99%? We are not pre-judging this process; we are keeping an open mind, and we are going to take into account the views that are expressed to us. Once those views are known to the Government, a collective decision will be taken.

925

Hon. D A Feetham: Just one more. I hope it is not contentious. Can the hon. Gentleman confirm that, when he undertakes the consultation exercise, he will also pay particular attention to the point that certainly caused me a lot of concern, when I was looking into this issue of the age of consent and increases to 17 or 18, which is that anybody, any 17 or 18-year-old that may be convicted as a consequence of increasing the age of consent to 17 or 18, would then automatically be placed on a sexual offenders register, which then has enormous consequences for that person for the rest of his life? Can he at least confirm that that is a point he will take into account in the consultation exercise and the deliberations of Government?

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Hon. G H Licudi: Yes, sir.

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**Aggregate public debt and cash reserves
Position at 7th December 2011**

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Clerk: Question 86, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, will the Chief Minister please say what were the aggregate public debt and the cash reserves as at 7th December 2011?

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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, as the hon. Gentleman was clearly aware, given his statement that very night of 7th December on the leaders debate, the aggregate public debt as at 7th December 2011, when he was in office, was £520 million and the cash reserves stood at around £234 million.

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**Pensioners' Monthly Income December 2011 4.25% Debentures
Value as at 7th December 2011 and subsequent position**

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Clerk: Question 87, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, will the Chief Minister say the total value of Pensioners' Monthly Income December 2011 4.25% Debentures outstanding as at 7th December 2011 and how much of that amount was withdrawn after 7th December or was redeemed on the expiration date and not reinvested in other Government debentures?

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Clerk: Answer, the Hon. the Chief Minister.

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Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I think we have taken it that it was Monthly Income Debentures of 2011, not December.

The total value of special pensioners three-year fixed 4.25% Monthly Income Debentures as at 7th

December 2011 was £77,874,200. There were no amounts withdrawn after 7th December, other than on the expiration date, which was 31st December 2011, when the amount of £11,955,900 was redeemed and not reinvested in other Government debentures.

Hon. P R Caruana: And of the roughly £65,000,000 of expiring debenture that he has described that *was* reinvested, is he confirming that it was reinvested in Government debentures or had the Chief Minister by then given the necessary instructions for debentures to be issued in the name of – as he subsequently announced – the Gibraltar Savings Bank?

Hon. Chief Minister: Mr Speaker, I have got a schedule that shows that breakdown, which I am happy to let him have. It also shows how the £11,955,000 was paid out and I am happy to let him have that.

Hon. P R Caruana: Does the hon. Member agree that, if that £77 million – I do not know if the 11.95, I will see in a minute when he shows me that paper – whether that was not reinvested in Government, but was reinvested in other things... Whatever the breakdown might be, when I see it, but whatever was available to be reinvested by the depositor, if you could call him that, the expiring debenture holder, had the debenture holder been invited to reinvest that money in Gibraltar Savings Bank's investment, does he agree that the immediate effect of that would have been to reduce the gross public debt by that amount?

Hon. Chief Minister: Mr Speaker, he and I are going to continue to have this debate, I can see, for a long time.

Hon. P R Caruana: It is not the same debate.

Hon. Chief Minister: Yes, I believe that would have been the result.

Hon. P R Caruana: And I agree that you would be right to say that that would have been the result. Can the hon. Member say whether any of that happened, in fact?

Hon. Chief Minister: Mr Speaker, as the hon. Gentleman can see, the £65 million that was reinvested went to the limited issue for the period.

Hon. P R Caruana: Is that the Government, or a savings bank?

Hon. Chief Minister: I believe, that is the Government until 28th February 2017.

Hon. P R Caruana: So the hon. Member passed an opportunity to, despite the concern he has expressed about the level of gross public debt, here he had an opportunity to immediately reduce it by £56.9 million. Instead, he has chosen to preserve the gross public debt in that amount, unnecessarily high, until December 2017.

Why did he not do with that what he has subsequently announced that he was going to be doing, and that is, reissue that through the Gibraltar Savings Bank, instead of announcing yesterday, or the day before, that he had made a start for future debentures, he could have stood up in this House, or made a public statement, saying that he was well on the way to cutting the gross public debt by half in four years, indeed he had reduced it by nearly 12% in four weeks. Why did he not take that opportunity, if he is as concerned as he professes about the level of gross public debt?

Hon. Chief Minister: Mr Speaker, it is because we believe that we will be doing this in another way and he has been offering us this way of doing it since the last Budget. We believe we are going to reduce debt in a different way. We are going to... This will be *part* of what we do, but not all that we do.

Hon. P R Caruana: Mr Speaker, there is no way of reducing gross public debt without repaying the money out of the Government.

Once the Government has repaid the money to the debenture holders, those debenture holders can run off and take it away and put it in a bank, or a piggy bank, or under their mattress, or they can say to the

1025 Government, please issue me with a debenture through the Gibraltar Savings Bank. If they do that, the debenture holders, the investors, the pensioners, whoever they might be, get the benefit of a Government guaranteed investment, but the Government is not saddled with that amount of savings counting as gross public debt. Given that the hon. Member made such a store about gross public debt, is it not normal for people to assume that what he would want to do is reduce it immediately, as soon as possible? Here was an opportunity to reduce it by nearly £60 million *overnight* within three weeks of arriving in office and he nevertheless chose to issue the money, to renew the debentures through the Gibraltar Government savings...

1030 I am not criticising him for doing it, because I think he is wrong on his analysis of gross public debt and it makes no difference to the Government, or to anybody else, whether the debenture is issued by the Government directly, or whether it is issued by the Gibraltar Savings Bank and guaranteed by the Government, as it is. So, this is the debate that we were having about the macro economic irrelevance of gross public debt, because gross public debt is a figure that is just inflated by debenture holders, whose cash is almost all there.

1035 I am not criticising him for not doing it, because we would not have done it. All I am saying to him is, given that *he* was so focused on the irrelevance of gross public debt on the seriousness of gross public debt, on the *significance* of the level of gross public debt to the state of our economy in general and public finances in particular, does it not strike him as illogical that he should have passed this early opportunity at no cost to the Government to have reduced it? That is what I am asking. I would have reduced it.

1040 **Hon. Chief Minister:** Obviously not, Mr Speaker, otherwise I would have done it. But I invite the hon. Gentleman to ask the next question, which deals with an issue which is very similar.

1045 **Hon. P R Caruana:** It is the same question in respect of the monthly one.

Hon. Chief Minister: Exactly.

1050 **Hon. P R Caruana:** Exactly the same question.

Gross Public Debt Reduction through redemption of Debentures

1055 **Clerk:** Question 88, the Hon. P R Caruana.

1060 **Hon. P R Caruana:** Mr Speaker, given the Chief Minister's stated concern with the level of gross or aggregate public debt, can he say whether he will now reduce it by redeeming one-month notice debentures issued by the Government and reissuing them via the Gibraltar Savings Bank, thus instantly reducing the gross public debt by an amount equal to the total value of such debentures?

Clerk: Answer, the Hon. the Chief Minister.

1065 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government will not reduce gross public debt by redeeming its existing one-month-notice debentures and reissuing them via the Gibraltar Savings Bank.

1070 Even if the Government were minded to do so, Mr Speaker, under the terms and conditions of these debenture issues, the Government would have to give debenture holders six months' notice of its intention to do so. Instantly reducing the gross public debt in the manner suggested by the hon. Member here and during the course of the General Election campaign is therefore, I am advised by the Treasury, not a feasible option.

1075 The Government will, however, be discontinuing the sale of Government debentures in order to stop any further growth in gross public debt and will arrange for the Gibraltar Savings Bank to issue a range of savings products which will enable pensioners and other members of our community, who have come to depend on the availability of such debentures, to continue to have a Government guaranteed savings product.

Hon. P R Caruana: Mr Speaker, the issue is not whether the Government has to give six months' notice or not – which I was unaware of and I am grateful to him for pointing it out. The issue is that there were about

1080 £116 million of monthly debentures, which he can give six months' notice of to, in effect, repay – no difficulty for the pensioner or the debenture holder because, as soon as the Government repays them, they can go round to the Gibraltar Savings Bank, does not even have to take his money out, it is all administered within the Treasury – and reissue the same debentures in the name of the Gibraltar Savings Bank.

1085 Hey presto, £116 million is reduced from the gross public debt from that terribly high, terribly dangerous, level of gross public debt. So, why will he not give the six months' notice, if six months' notice is needed? Regardless of whether six months' notice is needed, so that he could not achieve that until June, but given that he has led everybody to believe that he would be a superhero if he reduces it in half over four years, he has had an opportunity, in three weeks, to reduce it by £60 million and he has got an opportunity by June to have reduced it by a total of £194 million, which is 40% of the entire gross public debt.

1090 Why does he set himself the task of reducing it by 50% in four years, when he can reduce it by 40% in six months? I put it to him, that it simply demonstrates the political fraud that was his conduct of an economic debate based on the level of gross public debt, as opposed to the level of net public debt I was recommending to the people of Gibraltar?

1095 **Hon. Chief Minister:** Mr Speaker, there is only one political fraud in this House and it is the gentleman sitting opposite, who pretends to be the Leader of the Opposition.

Hon. P R Caruana: We will see about that on Tuesday

1100 **Unsustainable level of public debt**
Criteria for determination

Clerk: Question 89, the Hon. P R Caruana.

1105 **Hon. P R Caruana:** No, on Tuesday, I am replying to your ridiculous broadcast of last night. *(Laughter)*

Mr Speaker: Order! Order!
Question 89 please.

1110 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister say what level of public debt he considers to be unsustainable? He knows that I am asking because he made this point in his New Year broadcast. Can the Chief Minister say what level of public debt he considers to be unsustainable and by what criteria he fixes the amount at such a figure? Can he also say whether he distinguishes for such purposes between gross and net public debt?

1115 **Clerk:** Answer, the Hon. the Chief Minister.

1120 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, I have a lengthy answer and, to assist the hon. Member, I am quite happy to let him have my copy. It has got numbers in it, so I am quite happy to make it easier for him.

Mr Speaker, as I told the nation last night, the Government considers that the current level of public debt is too high and unsustainable and I know that the hon. Members laugh when I refer to Gibraltar as a nation. As the hon. Members know, the maximum level of public debt is prescribed under the Public Finance (Borrowing Powers) Act 2008.

1125 In terms of net public debt, the maximum level permitted under the Act is the lower of (1) 40% of Gibraltar's gross domestic product or (2) 80% of consolidated fund recurrent annual revenue.

In terms of gross public debt, the maximum level permitted is that which will not cause the annual debt servicing ratio – that is the ratio of annual debt interest payments of the consolidated fund recurrent annual reserve – to exceed 8%.

1130 Mr Speaker, the approved estimates of revenue and expenditure for 2011-12 on page 3 of the published estimates book reflects projected gross public debt, as at 31st March 2012 at £480 million and projected net public debt is projected to be £221.7 million. On 9th December 2011, our first day in office, this Government

was confronted with a situation where gross public debt was £40 million higher, at £520 million, and net public debt was £64 million higher, at £285.8 million.

1135 Mr Speaker, with the maximum net public debt currently permitted under the Public Finance (Borrowing Powers) Act 2008 at £306.2 million, which represents 80% of consolidated fund of current annual revenue for the financial year ending 31st March 2011, the Government found itself with useable cash reserves of just £20 million. Taking into account the expenditure commitments on capital projects entered into by the previous administration, this would have seen cash reserves reduce further to levels that would cause the net public debt to exceed the limits permitted under the Act.

1140 Mr Speaker, this Government considers this state of affairs to be unacceptable. Putting Government in a position where it only has available £20 million of useable cash reserve is, in our view, unsustainable. The Government is not prepared to increase net public debt beyond the limits permitted under the Public Finance (Borrowing Powers) Act 2008 and, indeed, this Government is also committed to halve the current level of gross public debt by the end of its first term in office.

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Hon. P R Caruana: Mr Speaker, if I had wanted to listen to a replay of his ridiculous broadcast of last night, I would have done it on YouTube.

1150 **Hon. Chief Minister:** Mr Speaker, if I had wanted. –

Hon. P R Caruana: I have not asked him this morning. Mr Speaker.
I am sorry... (*Interjections*)

1155 **Hon. Chief Minister:** [*Inaudible*] ...stop calling each other names.

Hon. P R Caruana: No, Mr Speaker, I haven't called him any names. I have called his broadcast ridiculous and I have referred to YouTube as rubbish. (*Interjections*) But, Mr Speaker, it is ridiculous.

1160 **Hon. Chief Minister:** This is how we find our temperatures rise, Mr Speaker.

Hon. P R Caruana: Mr Speaker, look, I have asked him a question. He has chosen not to answer probably, because he understands neither the question nor the answer and, instead, he just reads me out three paragraphs of his broadcast of last night, which have nothing...

1165 First of all, let me correct the hon. Member on the facts. It is not correct that, on 8th December, he was confronted with a gross public debt of £520 million, or has he forgotten two things? First of all, that he has told me, in answer to Question 86, that I myself told him in the leaders debate on the 7th, that it was £520 million and has he also forgotten that, as far back as July last year, immediately on the very afternoon of his speech on the Budget debate, he hotfooted it off to the GSLP office, recorded a little broadcast on public debt, in which he announced that it was £520 million. So if he had known it was £520 million since July 2011, what does he think entitles him to come to this House today to say that he was confronted with that statistic on 8th December?

1170 The hon. Member neither knows the facts nor understands them, nor has the intelligence not to forget what he has already known.

1175 **Mr Speaker:** Order! Order! Order!

The Hon. Leader of the Opposition must know, after his years in this Parliament, Question Time involves asking questions.

1180 **Hon. P R Caruana:** I am asking questions.

Mr Speaker: With respect, the preamble to that question is rather lengthy.

1185 If the Hon Leader of the Opposition wishes to debate this matter of the public debt issue, he can put a motion down and it will be heard, I am sure, pretty promptly, but questions must be questions with a fairly brief preamble.

Hon. P R Caruana: Yes, thank goodness for that, otherwise I do not know where the Hon. the Chief

Minister would be.

1190 Mr Speaker, be all that as it may, the question was... the question is not what the statutory limit of public debt. Does the hon. Member not acknowledge that it was I who explained to him, in July last year, what the statutory definition of the level of public debt? I have not asked him that. What I have asked the hon. Member, given that he appeared on GBC and told 'the nation', as he likes to call it, with a very grave face that public debt levels were unsustainable, well, then he must – even though he knows what I think of his grasp of economic matters – have some economically based view of what level of public debt is sustainable for this economy and what level of public debt is unsustainable for this economy.

1195 He has described the current level of public debt as unsustainable, even though, by his own admission, it is below the statutory legal ceiling. So I have asked him to please tell me, given that he has expressed economic opinions about public finance matters to the people of Gibraltar, I am asking him, in his judgement or, in accordance with the policy of his Government, what level of public debts does he consider to be sustainable for our economy of a gross domestic product of just over £1 billion, and by what economic criteria he fixes the level at whatever level he chooses? Instead of saying to me, I think the level of sustainable public debt for an economy like ours is *x* and therefore the present one is too high, he ignores the question, ignores the answer and gives me some *spiel* about thinking that the present level is too high. So now we know that he thinks that a gross public debt of £520 million and a net public debt of around £280 or £290 million is unsustainable.

1200 At what level does that equilibrium switch to sustainability? There must be *some* level of public debt which he thinks is economically not unsustainable and I am just asking him what that is and to explain the economic criteria by which he fixes that. Is he able to do it, or isn't he?

1210 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has said a lot of things about me in the past year in this House. He has started already today.

Hon. P R Caruana: Answer the question.

1215 **Hon. Chief Minister:** And I will answer the question.

Look, Mr Speaker, if the hon. Gentleman, when I have just got on my feet and started answering the question, if he is going to start mumbling under his breath, 'Answer the question!', then the minute he gets up to ask a supplementary, I am going to start saying 'Ask a question! Ask a question!' because he gives us lectures... He forgets that questions should not be a pretext for debate and he goes on with his usual less than enamouring style of wanting to call everyone much less able than him, at anything that we might turn our hands to.

1220 Let me start by answering, Mr Speaker, the 'ridiculous' – I think that is the word he has chosen and the only one I am going to allow myself to use – the 'ridiculous' statement that he made about my podcast. I did not say in my podcast, Mr Speaker, that has been so much a subject of debate across the floor of this House that gross public debt was £520 million. Mr Speaker, I said that the amount we were debating in this House did not include the £20 million of borrowing, which had been included in the Government company. First point, Mr Speaker.

1225 Second point. The hon. Gentleman said, only in the leaders debate, not before, that the gross public debt of Gibraltar was £520 million and I think he realised that he had said something that he had not said publicly before, because the jaws of the interviewer, the jaws of the member, or the individual, who was there for the PDP and mine dropped – and he was surprised that we were surprised to find out that that was the level of gross public debt.

1230 Mr Speaker, it is not possible in this House for us to have a Westminster-style system of government and opposition, whilst the hon. Gentleman tries to make supplementaries a possibility for him to cast ridicule – to take the word that he has chosen to use first – on members of the Government, as if we were still members of the Opposition.

1235 What I can tell him, Mr Speaker, is that our attitude to answering his questions to debates in this House, will be completely different to his attitude. Therefore, to answer, what should have been his question in his supplementary – if he felt I had not answered it – 'what do I think is an unsustainable level of debt for a Government like that of Gibraltar?': it is the level of debt which he left us, which gave us only £20 million of useable cash on 9th December. That, Mr Speaker, is unsustainable and frankly, in my view, it is that which is ridiculous and frankly, in my view it is that which speaks volumes of his economic competence, that he put

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Gibraltar in a position that, without changing the law and without borrowing more, its Government had not a penny more than £20 million to spend.

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Hon. P R Caruana: Mr Speaker, the first thing I have to say, as a point of order, is that I am astonished that the hon. Member is saying in this House today that he did not in his podcast say that the gross public debt was £520 million. He did. He must know that he did and if he does not withdraw his denial of it, I shall have to bring a motion.

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Does he not recall that he went further than saying it was £520 million, that he said it was £520 million and, therefore, in excess of the legal statutory limit. Does he not remember saying all of that?

Hon. Chief Minister: This is a point of order, Mr Speaker. I have said what I said about the podcast and *Hansard* will reflect it and I invite him to bring the motion.

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This time...

Hon. P R Caruana: I will!

Hon. Chief Minister: I think I can confidently predict that the result will not go his way.

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Hon. P R Caruana: Mr Speaker, the result will not go my way, not because you did not say in your podcast £520 million – which you did – the result will not go my way because you will choose your majority to make your untruths look like the truth. That is why the result will not go my way.

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Mr Speaker: Order! Order again!

I think, we are again deviating from what Question Time is all about. If I recollect my parliamentary practice well, it is the purpose of eliciting information on Government policy, eliciting information. It is not intended for debates of this nature.

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Hon. P R Caruana: Mr Speaker, again, if we are going to limit Question Time in this House to eliciting information, I will, of course, abide by Mr Speaker's ruling, but it will be a very novel experience in this Parliament. I have been in it for 16 – no, for 20 years – and I have never known Question Time to be *only* for eliciting information, including the years that Mr Speaker has been presiding over it in the chair.

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Mr Speaker: I hope the hon. Member will concede I have given a lot of latitude today for debates of a completely different nature.

Hon. P R Caruana: As you have always done. When we were in Government and they were in Opposition, Mr Speaker.

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I think it is laudable and all Speakers before you have done the same.

Hon. Chief Minister: Mr Speaker, if I may say so, there is one difference, just speaking on the point of order that, of course, Parliament now intends to meet every month and there will be another opportunity for questions next month –

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Mr Speaker: And motions.

Hon. Chief Minister: – and motions and not just... Parliament will no longer be meeting only three or four times a year.

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Mr Speaker: May I invite the Hon. Leader of the Opposition to pose a question?

Hon. P R Caruana: I will.

Just as a preamble to my question, I do not ask questions to ridicule the hon. Member, but I cannot help it if the effect of his inability to answer my questions is to bring ridicule on himself. I asked the hon. Member questions to test him and to elicit information on public statements that he has made vitriolically attacking me and my Government when we were in office. When I challenged him on it, demonstrating that he has

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1300 practically no understanding of the issue that he pontificates about, all he can think of saying – and he has *still* not answered the question – is that I want to ridicule him. I do not want to ridicule him, Mr Speaker, I assure him, but I do want to demonstrate what I have believed to be the case since he first started debating economic matters in this House, that he is almost totally ignorant on matters to do with the economy and public finance.

1305 I repeat my question. At what level, would he be content – and if I could mention just one more thing to him – the amount of money that the Government has available to it to spend, which he has put at £20 million, has got absolutely nothing to do with the level of gross public debt, nothing whatsoever. That is a factor of the level of net public debt. Your gross public debt could be £6 billion if you wanted: it would not affect the amount of usable cash available to the Government.

1310 Eventually, I suppose, he will learn and understand these things, but Mr Speaker, will he, given that he has told the people that, at the current levels of gross and net public debt, he considers public debt to be economically unsustainable, will he tell this House and, through it, the people to which he gives economic lectures in Gibraltar, what he considers is a level of sustainable public debt?

Hon. Chief Minister: Mr Speaker, I am not in this House to be tested by anyone. I passed all my tests at Bayside and at Oxford, and I did very well in all of them, thank you very much...

1315 **Hon. P R Caruana:** Not in economics.

Hon. Chief Minister: Frankly, the issue today is just that the hon. Member opposite does not like to hear the answer that he is given, Mr Speaker.

1320 **Hon. P R Caruana:** I want the answer to the question that I have asked, for goodness sake!

Mr Speaker: Order! Order!

1325 **Hon. Chief Minister:** I must say I sometimes get concerned about the hon. Gentleman's health. He needs to relax.

1330 Mr Speaker, the answer – which he does not like – is that the sustainable level of public debt is the level that allows a government more than £20 million of usable cash reserves. He can take it from there that, whether it is in the net calculation or the gross calculation, we believe that debt has to be reduced and the levels to which it has to be reduced, he will know from our manifesto, which is not a document for which we are answerable in this House, but we believe that should be halved and therefore we must think that it is unsustainable for it to be higher than, closer to, half of where it was when we inherited the £520 million debt that he kindly left us on 9th December.

1335 **Hon. P R Caruana:** Mr Speaker, will he say whether the halving relates to gross or to net public debt?

Hon. Chief Minister: Mr Speaker, I am not here to test him, but I thought he could read. Our manifesto says gross.

1340 **Clerk:** Question 90, the Hon. P R Caruana.

1345 **Hon. P R Caruana:** With the Clerk's and the Speaker's indulgence: so the answer that I should rely on is the last one that he has given me, and not the second last. The first answer that he gave me was that an unsustainable level of public debt was a level that only allowed the Government £20 million of spendable cash, from which most people would deduce he means that, provided there is more than £20 million of spendable cash, the level is then sustainable.

1350 He then went on to say that I should impute, from his manifesto – the one that he is not accountable for in this House – that the sustainable level of public debt, in their view, is half the gross public debt as it is today. So I am just seeking confirmation. I should rely on the second answer and disregard the one about the £20 million.

Hon. Chief Minister: Mr Speaker, I know that he wants to make this division between net and gross and that never the twain should meet. He needs to understand, Mr Speaker, that he is the Chief Minister that

achieved some things in 16 years and, in our view, (*Interjection*) failed in some others.

1355 I am the Chief Minister who arrived in office to be told that the previous administration, the previous Chief Minister, had committed Gibraltar to capital commitments, to capital payments, far in excess of the cash that we had available in the kitty and that the first act that I was going to be required to do in this Parliament would be to change the definition of debt in order to enable us to borrow more, in order to be able to pay for the commitments that he had entered into.

1360 He can take my second last answer, he can take my last answer or he can take this answer. It is not sustainable for the hon. Gentleman to have left this community in a position where the useable cash reserve of the Government the day after he left office was £20 million. One issue of unsustainability.

1365 It is not, in our view, sustainable for Gibraltar to have the gross debt that it has today. It will be halved by the time of the next General Election. He can assume, from the fact that I am talking about £20 million of useable cash reserve being too low, that we will therefore also be reducing net debt so that there is more cash available.

Mr Speaker, I know he does not like the answer, but he has to accept that that is the answer.

1370 **Hon. P R Caruana:** Mr Speaker, as we will discover on Tuesday, that answer is wrong. He does not have to change the law relating to the level of public debt in order to have more than £20 million available, but he will have to sit on the edge of his seat during the weekend and listen to the reason why that is so on Tuesday.

1375 Mr Speaker, if he chooses to continue with the debate about public debt being unsustainably high, and by public debt he means gross public debt, as he has now said again, can I then re-put to him my question, which is: why, if gross public debt is unsustainably high, if the effect of gross public debt being so unsustainably high is, in his view, incorrect that the Government only has £20 million to spend, why doesn't he solve all of his problems and apparently the problems which he imagines Gibraltar has, he could have reduced it by 40% – four zero per cent – between now and June? Indeed, he could have done 60% on 1st January this year, 2012, and he could do the other 117 by June because he has got to give the monthly debenture holders a month to switch to the Savings Bank.

1380 If, as he says, the level of gross public debt has the effect that he, incorrectly, refuses to be shaken from, why hasn't he done the obvious thing, which is to slash it by 40% by June and then everybody in Gibraltar can sleep easily at night and breath safely? We can all sleep in the knowledge that we are not all about to go belly-up and bankrupt. He has it in his gift to humour his own false economic principles, but why doesn't he do it, Mr Speaker? Why doesn't he slash the gross public debt of the Government of Gibraltar by £194 million, which is 40% by June? He can do it before the next Budget. Why doesn't he do it if it has the adverse effect that he is describing in this House, or which he has described to the people of Gibraltar?

1385 **Hon. Chief Minister:** For the reasons set out in my answer to the previous Question 88 of 2012. (*Interjections and laughter*)

1390 **Clerk:** Question 90. The Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, what the hon. Member is going to be learning quite quickly is that constant waffle is just not acceptable in a Chief Minister. Substance needs to appear at some point.

1395 **Mr Speaker:** A question, please.

Hon. P R Caruana: What is the Question number?

1400 **Hon. Chief Minister:** I am quite happy to say those things about him, too, Mr Speaker. I am quite happy to get into discussions about these issues.

Mr Speaker, let us give the people of Gibraltar the parliament that they deserve and that they want – (*Applause*) a place where the Government comes to answer questions, not to be subject to the sort of speeches we are getting from the gentleman on the other side.

1405 **Hon. P R Caruana:** Mr Speaker, but I do not believe the people of Gibraltar want a parliament or a Government in which the Chief Minister frightens them and then does not understand, cannot answer the simple question of why he does not lift the fright immediately when he is able to.

I do not think the people of Gibraltar –

1410 **Mr Speaker:** Order! Order!

Hon. P R Caruana: – want a parliament like that at all.

1415 **Mr Speaker:** Order. Order.

Hon. Chief Minister: Mr Speaker, I think the people of Gibraltar do not want a Chief Minister who leaves them with only £20 million of useable cash.

1420 **Mr Speaker:** Order! Order!

The Hon. Leader of the Opposition was called to ask a question, but before he does so, I must remind members of the public gallery that you are invited here to observe the proceedings, not to participate in the proceedings.

1425

**Government revenue and expenditure
Forecast at 31st December 2011**

1430 **Mr Speaker:** The Hon. the Leader of the Opposition, Question 90.

Hon. P R Caruana: Obligated, sir, Mr Speaker.

It is still a good deal more civilised than in the United Kingdom, by the way, you understand that. As we learn everything from the United Kingdom, I think we are still considerably under their ceiling of incivility.

1435 Mr Speaker, can the Chief Minister say what is the overall Revenue and Expenditure in the current financial year, as at 31st December 2011?

Clerk: Answer, the Hon. the Chief Minister.

1440 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, I am advised that these figures have not been provided before, but we are happy to make this information public.

The overall Government revenue, as at 31st December 2011, stood at £314.8 million, whilst overall expenditure stood at £279.3 million.

1445 These figures may not reflect adjustments which are effected by Treasury at the end of the year and therefore represent no more and no less than a snapshot of the position. The figures, therefore, should be viewed in that context, I am advised.

Hon. P R Caruana: Mr Speaker, if the hon. Member has been told that these figures have never been provided before, he has been misinformed.

1450 They have never been provided as simply as these have been asked, but the Hon. the present Minister for Employment, when he was Chief Minister and, I think, subsequently him, or certainly Mr Bossano, continued right up until the end to ask me not just for the totals – which is all I have asked for – but by Department, the total broken down by Department in terms of expenditure.

It is true you did not used to ask about revenue, but you used to ask about expenditure.

1455 **Hon. Chief Minister:** It is true.

Hon. P R Caruana: Yes, thank you very much. I am obliged to the hon. Member for his answer.

1460

Former Chief Minister's 'impenetrable curtain'

Current Chief Minister to explain

1465 **Clerk:** Question 91, the Hon. P R Caruana.

Hon. P R Caruana: Yes, Mr Speaker, although I think this was the Answer that he read out to the last Question.

1470 Can the Hon. the Chief Minister please say what ‘impenetrable curtain’ he has discovered that he believes I set up?

Clerk: Answer, the Hon. the Chief Minister.

1475 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Gentleman clearly ensured that the recent General Election was fought on figures for gross debt, net debt and amounts due from Government wholly owned companies which were based on published estimates presented in April 2011.

As it is now clear from the discussion this morning that Ministers were receiving up-to-date information on every movement in income and expenditure, he would have known that the figures upon which everyone else was debating were no longer accurate.

1480 By not sharing that information, by not calling more frequent meetings of the House for Questions and by continuing to refer to the ‘estimates’ when he knew the actual figures, the hon. Gentleman kept the right data behind an impenetrable curtain.

1485 **Hon. P R Caruana:** I see. Well, he will have to wait for the answer to that on Tuesday as well. *(Interjections)*

Well, I suppose you can see it on YouTube... You are a sort of ‘gadget wallah’ aren’t you? You can see it *(Interjections)* on YouTube.

1490 So the ‘impenetrable curtain’, as I understand it, is the fact that he thinks and he *alleges* that, during the election campaign, I was not using up-to-date gross and net public debt figures. Is that correct? Am I correct, then, in interpreting his answer?

1495 **Hon. Chief Minister:** Mr Speaker, until the night of the leader’s debate, when the hon. Gentleman told those of us who opened the debate, and Gibraltar, the figure of £520 million of gross debt was not a figure that, as far as I am aware, was ever made public.

Hon. P R Caruana: Therefore, will the hon. Member... If I can demonstrate to the hon. Member that he knew this at the Budget time last year, will he withdraw all the nasty allegations he has made about me on television?

1500 **Hon. Chief Minister:** Mr Speaker, I am very sorry that the hon. Gentleman thinks that I have said anything nasty about him.

I have simply put the position, as I see it, in relation to the issues that arise. I am quite happy, Mr Speaker, to tell the hon. Gentleman that I believe that that was the correct position and that we shall have a debate about whether he can demonstrate something or not.

1505 **Hon. P R Caruana:** I am sure that he will.

1510 **Airport tunnel runway
Position of project**

Clerk: Question 92, the Hon. P R Caruana.

1515 **Hon. P R Caruana:** Right, we have had the one about ‘impenetrable curtains’, no? Yes, so this must be ninety-two.

Can the Chief Minister say whether it is the intention of the Government to proceed with the tunnel project

under the runway?

1520 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, as the hon. Gentleman knows, the Government has received a pre-action letter from the original contractors selected by his administration for this project. It would not be in the public interest for me to say more at this stage. I am happy to speak to the hon. Gentleman about how things have developed since he left office on a confidential basis.

A public statement about the status of the tunnel project will be made in the coming weeks and I am happy to say to the House that we will be taking legal advice on what it is right for us to say and not say.

1530 **Hon. P R Caruana:** Mr Speaker, I have not asked him a question about what the legal status is of contractual claim and counter claim between the Government and the sacked contractor. They left the scene months ago. I have not asked him and nothing that he says about whether the Government intends to continue with the tunnel project or not has anything whatsoever to do with the fact that he has received a claim from the contractor that was terminated by the Government on expert legal advice from the United Kingdom and I believe that the Government has absolutely nothing to fear from the letter of claim that they have received.

1535 I offer my services free of charge to the Government, in whatever capacity he thinks I can help the Government – either as an ex Chief Minister or as an ex person involved in the decision to terminate the contract. I offer him my services in whatever consultancy or legal capacity, unpaid, to help him see off this entirely unmeritorious claim.

1540 Mr Speaker, that is not what my question was about. I would like to tackle this question in a sort of politically friendly way because I honestly do not think that the decision about whether we make a tunnel or not should be made on the basis of, ‘It was a Caruana GSD project and I will be damned if I am going to do it.’ There are serious long-term socioeconomic implications from...

1545 If the Government makes the decision that it is not willing to borrow more money, then it cannot build a tunnel, whether it thinks it is a good idea or not. That is why we do not agree with the Government’s decision not to borrow any more money, but I accept that if the Government, as it is entitled to do, makes the policy decision that it does not want to borrow more money, then it does not presently have £55... well, whether it is £55... I suspect £55 million is a back-of-the-envelope estimate by GJBS. It certainly cannot be done for the £15 million left to be paid to the OCL or whatever that figure is... £15, £16, £17 million. It will be some significant sum of money greater than the original £30 million, I think the figure was. But the Government certainly cannot do that immediately without borrowing more money, I can see that, which is why we never put ourselves in that position.

1550 What I would like to – through some supplementaries – try and convey to the hon. Member is the importance of this project to Gibraltar. This project is about two things. Does the hon. Member acknowledge, and will he agree to give due consideration when making his decision, both as to whether to proceed and the timing of when to proceed, to the fact that this project achieves for Gibraltar two important things. Firstly, it makes the new air terminal much more viable because it allows the hon.... who was it who said this morning who was already busy getting?... the Hon. Mr Costa, who was saying this morning that he was busy talking to new airlines already.

1560 Well, Mr Speaker, given that every time an aircraft lands or takes off, there is some degree of traffic paralysis in Gibraltar, therefore decoupling the vehicular traffic from the aviation traffic frees the Government to allow many more flights into Gibraltar than would otherwise be possible or viable without the barrier being up and down all day. So it is linked to the amount of volume of aviation traffic that can reasonably push...

1565 Will he also take into account that it decouples traffic congestion in the rest of Gibraltar from the tailback of frontier traffic because frontier traffic presently fills the loop, comes in front of the old air terminal, then there is a gap across the airfield and then it immediately gets to the Cross of Sacrifice roundabout, and once it gets there, all hell breaks loose. That would be finished because frontier traffic, in future, will have to fill the loop. It can then tail back along one of two lanes westbound, all the length of the frontier fence, all the length of the tunnel, all the length of the new motorway under the runway and parallel to Eastern Beach, and before it has any adverse impact on non frontier traffic: whilst, at the same time, because it is a two-lane road, allow people going to North Front, to the air terminal or to wherever else they are going – not to the frontier – free use of the other lane in both directions. Mr Speaker, these are very long-term socioeconomic things.

1570 The hon. Members will make whatever policy decisions they make. I would just urge them and ask them

to give due consideration that whatever GSD project they decide to cancel for political prioritisation, manifesto prioritisation... no, they have said they are going to do that and they are entitled to do that. 'We want to spend the spending power that we have on our manifesto and not on yours.' Well, I am not going to criticise that. It is perfectly reasonable.

There is one project that Gibraltar will not forgive the present generation of politicians if it does not obtain, and that is a tunnel under the runway. Will the hon. Member at least agree to deal with the pros and cons of that project on an objective basis, stripped of any partisan rivalry consideration?

Hon. Chief Minister: Mr Speaker, first of all, I have not received a pre-action letter. He received it when he was Chief Minister, the Government received it, and it will be dealt with, as he knows, in order to defend the Government position to the best possible abilities of those advising us. Here the identity of the politicians is less relevant.

I must tell him, Mr Speaker, that in all the times that I was sitting where he is, or slightly to his right, and I was given this sort of answer, I simply said, 'Thank you. I will have the conversation' and I know that he has not tried to push me further and I hope that we can have that conversation about why I do not want to be pushed on whether works are going to start on that tunnel or not. But he should know, Mr Speaker, that when it comes to making a decision about whether this project, and other projects that were commenced or about to be commenced in relation to the tunnel, there is a lot done which is not visible, so it is a commenced project. We will not be making decisions based on whether they started it or we started it – whether it was a GSD project or whether it was a GSLP project. We will be making the decisions that we think are in the public interests of Gibraltar and all of the things that he has said are relevant to the decision that we are going to make.

I must tell him that, in the time that we have debated in this House the issues of the air terminal, and we have exchanged views about that, not just in this House but in press releases, he will have seen that we did not criticise the decision to create a tunnel. We might have criticised the way that the works were ongoing, but that was one part of the project of air terminal and associated works that we were not critical of. We were critical of the decision to create the new air terminal and he knows fully what our arguments were on that and we know what his arguments were on that, but the tunnel and the roads were not the subject of criticism by us.

I understand that things have gone pear-shaped. It is now, as he says, unlikely to be something that can be completed on project price of £30 million. I do not want to get drawn into saying more than I agree with him that those are the relevant issues in determining whether we should be pursuing that tunnel project or not, or some other project. He and I should talk, not about his offer to advise – I would expect nothing less from somebody who has been Chief Minister of Gibraltar other than to want to help Gibraltar on an issue like the one that is developing in relation to the tunnel... (*Interjection*) Well... but we should have a conversation (*Interjection*) about why I do not want to be pushed further today on this issue in particular.

Hon. P R Caruana: Well, Mr Speaker, I will not press him, except to ask him – because it would be news to me and no one had ever put this to me when I was in his chair – it has never been suggested to me before that there is any connection between the litigation and whether or not the tunnel proceeds. Now he tells me that there is, or he has now had new advice, which I have never had. I am certainly willing to discuss it with him in private.

Hon. Chief Minister: Mr Speaker, I am not even going to go there and when we speak he will realise why.

New Power Station Commitment to proceed

Clerk: Question 93, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, can the Chief Minister confirm that the Government will proceed with the new power station, as they committed to do in their Election manifesto and other election statements?

Clerk: Answer, the Hon. the Chief Minister.

1630 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, as we committed to do during the campaign, we will respect the agreements that have been signed in respect of the proposed new power station.

A further statement will be made in due course of how that will result in our ensuring that Gibraltar's power needs are provided for.

1635 **Hon. P R Caruana:** Mr Speaker, the hon. Member's answer is, as he must well know, incomplete as to the extent of his election commitments.

1640 It is true that the manifesto costs it in terms of respecting agreements, but the Hon. Dr Cortes, no doubt reflecting the sense of urgency of the environmental lobby groups to get on with the building of the new power station, published articles in both the *Panorama* and the *Chronicle* newspapers... remember, you know, the article it has got a nice picture of him here – these articles that all the candidates had to publish – in which he says... well, not content to just commit him to do it, he actually chastised us for not having done it yet quote:

1645 'The GSD Government has delivered neither the much needed Power Station nor the sewage plant. We are committed to both.'

Hon. Chief Minister: Exactly why, Mr Speaker, in due course we will be making a statement of how we will be ensuring that Gibraltar's power needs are provided for.

1650 **Hon. P R Caruana:** With respect, that is disingenuous.

Dr Cortes, on behalf of the GSLP, was not committing to satisfy Gibraltar's power needs, he was committing the party at the polls to proceed with the 'much needed power station' which he chastised us for not having built yet and the only thing that we had not built yet, which we were planning to build, was the new power station up at Lathbury Barracks. That is what he was committing the GSLP Liberal Alliance to do.

1655 Is the Hon. the Chief Minister now resiling from that? Is he saying that the Government is not committed to proceed with a new power station but just to some alternative means of ensuring that Gibraltar's power supplies are met?

1660 **Hon. Chief Minister:** Mr Speaker, there are many potential permutations which flow from what I have said, some of which include the power station as he planned it and some them which he could include, the power station, but not as he planned it.

1665 Mr Speaker, the Hon. Mr Cortes was absolutely right, of course, to bring this issue to the attention of people in the terms that he did because what the hon. Gentleman might want the public to forget or, in fact, might not want the public to know, is that perhaps the reason he is pushing us so much – and we have been in administration for much less than eight weeks – is that in 1999, I believe, he had a Report, called the Manx Report, that told him that engine sets numbers one and two at Waterport are expected to reach the end of their operational life by 2004, after which either Waterport or OESCO will need to invest in additional generating capacity to maintain security of supplies to Gibraltar.

1670 Mr Speaker, the Report went on to say that, even assuming a more optimistic figure of 120,000 hours of running life, engine sets numbers one and two have only a further four years to run, which does not take them to the termination date of the Power Purchasing Contract of 2010, which is the OESCO contract. He was being told, Mr Speaker, in this Report, the following words:

'Therefore, serious consideration needs to be given to commissioning new generation plant capacity soon.'

1675 Mr Speaker, he got this Report in 1999. It was not until last year that the generating capacity got the importance it appeared to deserve from the hon. Gentleman. He knows that if this project were to go ahead, it will be the largest capital project in the history of Gibraltar. It is an important decision to take, whether we proceed with that project or not, not just because it is the biggest capital project in Gibraltar, not just because of the issues of debt that arise on which we can continue the debate about whether it would be debt or not be debt, whether we would breaking our commitments or not breaking our commitments of debt.

1680 I know what he said about the backing he would give us if we were to do these projects, but he needs to understand that we have not seen the agreements since they were initially drafted. We have not been seeing

the proposal for the funding since the drafting started.

1685 He, of course, was in the driving seat when it was all started. He, I expect, will know it inside out. We have been there for less than six full weeks. We need to make a decision about how we deal with Gibraltar's future generating capacity needs, which we will make as soon as we are able and we will make an announcement as soon as we are able.

1690 **Hon. P R Caruana:** So the answer is that he is not committed to the power station that we have contracted to build and in respect of which he is aware that the export guarantee agencies of three leading EU countries have guaranteed the Government's new borrowing on.

I just say that to identify the project. He is not committed, at this point in time, to building that power station.

1695 **Hon. Chief Minister:** Mr Speaker, at this point in time, having been elected six weeks ago, having started to see the detail of the agreement six weeks ago and not just what the hon. Gentleman was telling us publicly before then, having already met with some of the people who have been assisting us to put in place the financing and having, as he knows, had an opportunity to extend the period for making the final decision to proceed or to 'omit', which is the technical jargon that he will know that contracts carry for a decision to proceed or stop, it is not possible for us, Mr Speaker, to give him a clear statement that we are committed to that power station in that place, in that form. There are many permutations of this which could see that power station, for example, with less generating capacity initially and slowing building up to more. All of those permutations are on the table.

1700 Mr Speaker, what I am saying to him is he needs to stop trying to push me into a corner to say 'yea' or 'nay', because I believe that what we are considering, potentially, is within the letter of what we committed ourselves to do, within the letter of what Mr Cortes said in his articles. Of course, I understand that he is embarrassed because he knew in 1999 that these problems were going to start arising in the middle of the following decade. We are well over that decade. He did nothing whilst he was in power and now he wants to make sure that there are not power cuts in Gibraltar – which would be his fault.

1710 **Hon. P R Caruana:** Mr Speaker, the hon. Member has got to get out of Opposition mode and just accept that he is now the Chief Minister. (**Hon. Chief Minister:** Ditto.) It is not true that we did not do anything. (*Interjections*) No, I am now the Opposition. I am allowed to snipe. I no longer have the responsibility. I can now be as irresponsible as you were when you were on this side of the House! You are the one with the responsibility, (*Interjection*) not me. Whatever you need to...

1715 Mr Speaker, it is not true that the Government did nothing. Does he think that a decision to build a new power station is something that materialises in three months? He must be aware that there were reports and studies that needed to be done to seek a site, that there had to be geological things about... that a site had to be selected. Then there had to be a consultation about technical analysis of the sort of power station, or renewable energy alternatives had to be investigated. Then we had to choose the procurement route.

1720 Then it all had to be specified and, when we were ready to start, we were enjoined by the Court because somebody thought that we were obstructing his view or something, or making too much noise in the new power station. If not, that project would now be beyond the stage where the hon. Members could stop it. The suggestion that the power station, quote: 'achieved prominence a few months before the Elections...' or words to that effect, as the hon. Member... is just to... He must know it is nonsensical. He must know that the technical lead-in time, that the technical lead-in time... (*Interjection*) This project has gone through EU tender. It has been allocated. It has been assessed.

1725 The question is, Mr Speaker – I am not trying to push him into a corner – does the hon. Member not accept that I am just using the experience that I think I gathered over 16 years on that side of the House to urge upon him to continue with the project which, in my view... look, he can come to a different view, but I just want to make sure that he understands that, in my view... and these are the only projects I push him on. I do not push him on, you know...

1730 The tunnel and the power station are, in my view, key to the future social economic viability of Gibraltar and the ability of Gibraltar to comply with EU environmental directives. I just want this not to be a decision that is made... so I push him to urge him to try and do this project, not to push him into a corner. I do not expect him to give me an answer today, except on the power station. I was being a bit political because there was a commitment there by Dr Cortes, but the point of the question is not to embarrass Dr Cortes or him,

1740 although I am entitled to try and do that, that is what politics is, the point of the question is to urge him to come as quickly as possible to the decision that Gibraltar needs a power station. Whether it has got one or two generators more or less is a grade of decision which is a wholly different matter.

Hon. Chief Minister: Mr Speaker, you see, I do not think politics is about embarrassing people, but he can consider me 'urged', I think, on this issue.

1745 The –

Hon. P R Caruana: You used the Report to try and embarrass –

Hon. Chief Minister: I think the issue is clear (*Interjection*) and I think –

1750 **Mr Speaker:** Order! Order!

Hon. Chief Minister: – it is important, Mr Speaker, that the community should know that this has been an issue which the Government of which he was the leader had a report in 1999, because he is urging me –

1755 **Hon. P R Caruana:** You say that to try and embarrass me.

Hon. Chief Minister: No, Mr Speaker. Did not the hon. Gentleman just admit that he brought up the articles in order to try and embarrass us? He is not here to answer questions. It is a rhetorical one. Right? (*Interjections*)

1760 I do not believe that politics is about embarrassing people, but I can see –

Mr Speaker: Order! Order!

1765 **Hon. Chief Minister:** Well, I can see where the hon. Gentleman is going.

I do not think politics is about calling people names, but when I get called a name by him, I call him one back because, unfortunately, I do not want him to think that he can get away with it. That is the only way to deal with bullies, Mr Speaker, to slap them back. (*Interjections*)

1770 **Mr Speaker:** Order!

Hon. Chief Minister: But, anyway, Mr Speaker, the issue is clear.

1775 On this, despite the bluster, we all agree that there is a non-partisan issue to be resolved, which is that future generating capacity that Gibraltar needs to have to have a continuity of supply. He can rest assured that whatever decision we make about the power station, which is, I think, in the lexicon that we have shared across the House – the proposed new power station at Lathbury Barracks, – it will be made *only* with that in mind: the need to have for Gibraltar a secure supply of generating capacity for the future.

If only, Mr Speaker, the work had started earlier.

1780 **Clerk:** Question 94, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, I am just trying to recall when I called him a name... well, I don't recall calling him a name in respect of a question when we were discussing the power station. The only name I called him was 'Chief Minister'. Maybe he thinks that that...

1785 **Mr Speaker:** There were no names today, but there were... (*Interjection*) descriptions like 'nonsense'.

Hon. P R Caruana: So, we will leave it there, if that is potentially embarrassing.
Mr Speaker, Question 94. Yes. Is it 94?

1790 **Mr Speaker:** Yes.

Public holiday

Cost to Government and private sector

1795 **Hon. P R Caruana:** Can the Chief Minister say what is the cost to (1) the Government and (2) the private sector of a public holiday?

Clerk: Answer, the Hon. the Chief Minister.

1800 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, exactly the same as it was when the hon. Gentleman, the Leader of the Opposition, declared a public holiday on 12th January 2009 to celebrate the fantastic victory in the ECJ tax case – which fantastic victory was overturned on appeal!

1805 **Hon. P R Caruana:** Yes, Mr Speaker, but the difference is that he has now declared a public holiday, not on a one-off basis to celebrate one victory which was overturned on appeal, but the benefit of which survived the loss of appeal, by the way. I always have to complete his statements in order to make them completely true!

1810 Not only was mine (*Interjection*) a one-off... His is annual. His is annual and they come within days of each other and I am just wondering, because I have never worked out... He is quite right. He appears to think that I asked this question as a leading question. It is a genuine question. It had never occurred to me in 16 years of being in Government to try and get somebody to calculate what was the cost of a public holiday, and people must know that there are costs. For example, the public sector has to carry on offering public services, Police... not the Police... ambulance, nurses, electricity generators and all of these people on public holidays earn overtime rates. So every time there is a public holiday, there is a cost for Government. The private sector has similar costs and an additional loss of sales and things of that sort.

1815 It is not a question designed to trap him; it was a question designed to see whether the Government could deploy machinery, which he now controls and I no longer have access to, to work out what this holiday is and the hon. Member has chosen to declare a Workers' Memorial Day, the day or two before... Workers' Memorial Day by another name, otherwise known as 'May Day'. One is to celebrate workers as a whole and the other one is to celebrate workers who have died at their place of work. I am just interested to know whether anybody in Gibraltar... whether the Government has any internal information about what the cost is of a public holiday.

1820 Not all my questions are designed to pin him to the ropes. I will indicate to him when they are.

1825 **Hon. Chief Minister:** Mr Speaker, he does not need to. I am quite happy to take him on in the ring whenever he likes and I daresay that it may not always be me that ends up pinned to the ropes.

1830 Mr Speaker, the hon. Gentleman declared a holiday for the Royal Wedding of Prince William, which we supported. He declared a public holiday for the constitution, I think in 2006 or 2007. Mr Speaker, what we have done is what we set out in policy to do during the course of –

Hon. P R Caruana: We are not criticising that!

Mr Speaker: Order! Order!

1835 **Hon. Chief Minister:** – not just the Election campaign, but since I became the leader of the GSLP, and that is that 1st May was already a public holiday given the closest weekend, and that 28th April should be a public holiday to commemorate workers who have died during the course of their work.

1840 Mr Speaker, 1st May celebrates something completely different, which is the struggle of workers to achieve workers' rights. So, in that context, we are perfectly satisfied that declaring a public holiday for every year, instead of declaring one *ad hoc*, depending on what it is that I might decide is worth celebrating in any particular year is quite worthy.

The cost of that, Mr Speaker, the hon. Gentleman knows – and his answer reflected that he knows – is not something that has been calculated previously by any Government.

1845 **Hon. P R Caruana:** I don't know.

Hon. Chief Minister: I agree with him, actually.

1850 **Hon. P R Caruana:** I don't know.

Hon. Chief Minister: I agree with him, Mr Speaker. (*Interjection*)

Well, Mr Speaker, the hon. Gentleman has just said to me that he had never done the exercise of calculating, therefore he must know that it is not an exercise which has been done.

1855 Therefore, Mr Speaker, (*Interjection*) I am quite prepared to see whether it is possible to carry out such an exercise because it may be something that is worth us knowing because it is important that we understand these things. The hon. Gentleman is absolutely right. In other places there are calculations done on this basis.

1860 He will know, Mr Speaker, for example, that shutting down Government for the period between Christmas and New Year, which may or may not be so desirable, depending from which point of view you look at it – fantastic from those of us who work in Government and I am delighted to include myself in that number now, but not so desirable from the point of view of private sector individuals and businesses that need to interact with Government Departments – also costs money and, despite the mechanism that there is that people need to take those days as leave, they are forced to take those days as leave, of course it affects Government cashflow, which is not something that costs us money but does mean that cash is not flowing so readily into Government coffers.

1865 This is an exercise which I am as interested as him in seeing whether it is possible to carry out and perhaps we can do that as an exercise in the coming months.

Hon. P R Caruana: [*Inaudible*] ...to take the pill. I do not see why the hon. Member is so defensive. There is no trap in this question.

1870 I have already told him I do not know and I have been in office for 16 years. I was just wondering whether there was something the Government had to look...

1875 It is easy, peasy for the Government to know what it costs it. I am sure the Treasury will tell him in a flash what one day's overtime cost is for all the essential services in the Government. I mean, you have got a brain, sir. You do not have to ask anybody whether it is possible. I suppose any junior clerk in the payroll section of the Treasury can tell him what the cost is.

It never dawned on me to ask and I was just asking whether the Treasury knew and, if they had asked him he could have told them. I do not see why he has got to go on all this about what the deal is for and what I knew. Certainly, in terms of the private sector cost, this is not something that the Government can calculate by itself.

1880 I do not know. I said I did not know. Why couldn't he just have said, 'Well, I do not know, but I think it is a good idea. Let's commission a study to find out.'?

1885 I think we should find out what the cost is of public holidays in Gibraltar and I think, and I am not criticising this holiday... the fact that you do not think something is a bad idea, does not mean that you do not want to know the cost of it. So I am asking the hon. Member whether he will agree to commission a study to work out what the elements are and then what the aggregate cost is of public holidays in Gibraltar. I think it is worthwhile information. Would he agree to do it?

Mr Speaker: I think he said so.

1890 **Hon. Chief Minister:** Mr Speaker, it is not me that is on the defensive and perhaps if he was not (*Interjection*) on the defensive, he would have heard that that is what I have agreed to do.

1895 Mr Speaker he should know, and I am quite happy to tell the House, that I did ask whether the information was available, and it was not, and therefore that is why I took... I do not think he heard my previous answer, Mr Speaker. I said I asked –

Hon. P R Caruana: Mr Speaker, his answer was a statement when –

Hon. Chief Minister: Mr Speaker, I said –

1900 **Hon. P R Caruana:** That was his answer.

Hon. Chief Minister: Mr Speaker, that was my *first* answer, not my previous answer.

- 1905 **Mr Speaker:** But the Hon. the Chief Minister did say he would commission the estimated costs.
- Hon. Chief Minister:** Mr Speaker, the –
- Hon. P R Caruana:** Eventually.
- 1910 **Mr Speaker:** With respect, we cannot expect any Member of the Government to answer questions in the order and the speed and the way the hon. Member wants him to answer. The answer was there.
- Hon. Chief Minister:** Mr Speaker, in my previous –
- 1915 **Hon. P R Caruana:** The answer would not have been forthcoming if I had not eventually got to it through a supplementary.
- Mr Speaker:** Yes, we do have the answer.
- 1920 **Hon. P R Caruana:** The hon. Member could have said it in the first place.
- Hon. Chief Minister:** Mr Speaker, the hon. Gentleman asked one supplementary. I gave him one supplementary answer. In that supplementary answer, I said that we would do it because I had asked and that information was not available.
- 1925 I commend to him that he should listen to what I say, even though he appears not to like the sound of my voice. Sometimes we are in agreement and sometimes I am giving him the answers that he wants to hear.
- 1930 **British Overseas Territories
NGOs addressing UN Committee of 24**
- Clerk:** Question 95, the Hon. P R Caruana.
- 1935 **Hon. P R Caruana:** Can the Chief Minister say what NGOs from the other British Overseas Territories address the UN Committee of 24?
- Clerk:** Answer, the Hon. the Chief Minister.
- 1940 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, the information sought by the hon. Gentleman is publicly available from information sources at the United Nations. Nonetheless, to assist him, I would refer him to speeches made in my presence and his by, for example, the Chamber of Commerce of the Cayman Islands.
- 1945 **Hon. P R Caruana:** Well, Mr Speaker, I know that there are examples. It is just that, in his broadcast, he says that they are from all the listed territories and I was just trying to elicit what were the NGOs from all the territories which, to my knowledge, most territories do not appear before the committee, either through their Government or through NGOs.
- 1950 Just giving me an example does not get to the point that I was seeking.
- Hon. Chief Minister:** Mr Speaker, I cannot give him a list of all the NGOs from all the territories but, needless to say, they go from some, if not all... I believe that they go from all of those that are populated.
- 1955 Perhaps I should (*Interjection*) have prefaced my statement in the New Year's address by saying, 'All those Overseas Territories that are populated and that attend the UN.' It is only Gibraltar that had a Government, until 9th December, that insisted that they should be the only ones to address the UN.
- Was this a trick one to put me on the ropes, or not?
- Hon. P R Caruana:** No, I mean...yes. (*Interjections*)

1960 Mr Speaker, the point that I was trying to get at is not that he says in his statement, as he is perfectly entitled to do... 'I think that Gibraltar, like some other territories, should go, not just by their Government, but by school children and the Leader of the Opposition, whose fare we will pay, and NGOs and anyone... we all arrive there and sock it to them together.'

1965 Alright, that is fine. I was simply challenging the accuracy of the hon. Member's public statement, where he says that *all* the territories go, suggesting that we were the only one who did not do it in the way that he was now going to do it, when I think he would agree with me that, for example, of the United Kingdom Overseas Territories, *most* do not go near the Committee of 24, let alone with NGOs and school children and the Leader of the Opposition. I was just trying to get to the bottom of when he said '*all the territories*', did he mean all the territories or whether he was just using loose language?

1970 To my knowledge, and to his, it is not the case that *all* the territories make it their business to transact with the Committee of 24. He knows that that is not the case. I know that is not the case.

Hon. Chief Minister: Absolutely correct, Mr Speaker, but those that do, in my experience, but those that do, in my experience, deploy a larger entourage.

1975 **Hon. P R Caruana:** But that is not what he said. What he said to the people of Gibraltar was that *all* the territories go, through their NGOs. That is the only point that I was trying to make. There is an element of rope tightening, but not life threatening...

1980 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman needs to rest assured that I feel not at all threatened by him.

Adjournment

1985

Hon. Chief Minister: Mr Speaker, it was lost on me – and these are the teething troubles that one has – that it is now up to us to decide when we have tea. So could I move the adjournment until a quarter to six?

1990 **Mr Speaker:** The House will recess until a quarter to six

The House adjourned at 5.27 p.m. and resumed its sitting at 5.45 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

EVENING SESSION: 5.45 p.m. – 7.28 p.m.

Gibraltar, Thursday, 19th January 2012

The Gibraltar Parliament

The Parliament met at 5.45 p.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Questions for Oral Answer

Procedural

5 **Clerk:** Question 96, the Hon. P R Caruana.

Mr Speaker: May I inform the lady in the Public Gallery that photography is not permitted without the permission of the House.

10 **Hon. Chief Minister:** Mr Speaker. I do not intend to advocate for anyone who is in the Gallery, but I

understand that the press may have been informed that today was the session to take pictures for their library pictures, and I believe the lady is from one of the publications that was not here this morning.

15 **Hon. P R Caruana:** Panorama.

Hon. Chief Minister: So if the hon. Gentleman opposite will agree, because this is an issue that goes ahead with the consent of the whole House, I would ask that she be allowed, for the purposes of having their gallery of pictures of the House.

20 **Mr Speaker:** I am grateful. I was not aware that it had been consented to.

Hon. P R Caruana: Anything for Dr Garcia's father. *(Laughter)*

25 **Mr Speaker:** Yes.

**UN conditions for de-listing a territory
Gibraltar compliance**

30 **Clerk:** Question 96, the Hon. P R Caruana.

35 **Hon. P R Caruana:** If she is taking a picture, I had better tie up my jacket. Mr Speaker, can the Chief Minister say, what are the United Nations' current conditions for de-listing a territory and can he also say whether he considers that Gibraltar satisfies them all?

Clerk: Answer, the Hon. the Chief Minister.

40 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, the information sought in the Question is publicly available, in that it seeks that the Government should list criteria set out international legal instruments.

I will tell him that my own view is that we have reached the maximum possible level of self-government and should, therefore, be de-listed by the UN. I am surprised he is interested, given his previous statements about how irrelevant he considers de-listing to be.

45 **Hon. P R Caruana:** Mr Speaker, the hon. Member knows that I am a little bit more Machiavellian in the Questions that I formulate to him than simply ask for information that I already know. I never ask a Question to which I do not already know at least part of the answer.

50 Now, Mr Speaker, the question is this: the hon. Member will acknowledge, I am sure, that we are separated across the floor of the House and it is relevant to his invitation to take me on holiday with him to the United Nations in New York, is that we have a different view, not about the Fourth Committee, but about the Committee of 24, the special decolonisation committee. That difference of view is, as I am sure he is aware, based on the fact that the United Nations' de-listing criteria are such that they will not recommend de-listing to the Fourth Committee, if there is anything in the territory's constitution that allows the ex-administering power any residual legislative rights.

55 We presently have a constitution that *does* leave the ex... the United Kingdom, through Her Majesty, with residual legislative rights. On the other hand, the United Kingdom is saying – to all the Overseas Territories, by the way – we are not willing to give up our residual legislative rights, except if you want to retain your constitutional links and your sovereignty links with the United Kingdom. Why? Because we are not willing to have international responsibility, without any wherewithal to put an end to unacceptable behaviour in Overseas Territories.

60 We in Gibraltar want both maximum self-government, but we also say we value our British sovereignty, which we want to retain, and our constitutional links with Britain, which we want to retain. Those continuing constitutional links with Britain that we want to retain, and that British sovereignty which we say we want to retain, are not available to us in a way that can deliver compliance with the United Nations' de-listing criteria, because the United Nations say they are not willing for you to be British sovereign, and to have a

constitutional link with Britain, unless I have legislative last resort, legislative powers, and the United Nations says, 'Well, if you have got legislative powers in the territory, then you are not eligible for max de-listing.'

Because we want, not one of those but both of those, there is no point in changing the UK's mind. The UK is simply saying if you... we want British sovereignty and constitutional links.

So I am asking the hon. Member to consider whether, given that we want both things – de-listing and to retain British sovereignty and our constitutional links with Britain, which are not available without the UK having some sort of final handle over Gibraltar, much as we might not like that aspect of it – is it not logical, rather than carry on saying to the United Nations, 'Delist us, delist us, delist us,' when we are in blatant non-compliance [*Applause*] with one of their de-listing criteria, is it not more logical to say to the United Nations, 'Your de-listing criteria are antiquated and should be changed, because I am entitled to be de-listed and to preserve a constitutional link with Britain and to preserve my British sovereignty', which are the three things that we want. That is what separates us at the United Nations. I have not identified much else that separates us at the United Nations.

I am just asking the hon. Member what the de-listing criteria are and whether he thinks we comply with them, to have a debate to seek his views about whether he shares our assessment that, to obtain de-listing and keep our British sovereignty and our constitutional links with Britain, we are going to have to persuade the United Nations to drop that de-listing criteria with which we cannot comply *and* keep our British sovereignty and constitutional link with Britain, which we say we also want.

Hon. Chief Minister: Mr Speaker, just on a point of form, because there is a lot that we agree on in what has been said, and I will go onto it now. The hon. Gentleman has actually said, 'I am only asking this Question in order to have a debate on this issue'. A Question must not be a pretext for debate...

Hon. P R Caruana: I am asking.

Hon. Chief Minister: Except that, Mr Speaker, this is a very important issue that we should be debating in this House. Therefore, Mr Speaker I would invite that, in future, if there are issues like this, the hon. Gentleman put a motion, because I think it is important that we bring back the concept of debating on motions in this House, not just on issues upon which we disagree, but also on issues where it may be that we want the House to be committed on issues where there is broad agreement.

Mr Speaker, it is not that I want to take the hon. Gentleman on holiday. I wish that we got on better and perhaps we might both look forward to going together on holiday! (*Interjection*) I am not excited at the prospect, so he cannot expect that I am going to invite him to come to the seminar with me as well, or anywhere else – just New York, and for business, Mr Speaker.

But a lot of what the hon. Gentleman has said is a matter of agreement across the floor of the House. In his interpretation, and I know that he has said this before, and in mine, there is a residual legislative power to the United Kingdom, but it is pretty sparse and it is only there to be used in the sparsest of circumstances and I dare say that it is very likely that the United Kingdom would find that it was against both Government and Opposition and any other political party in this place and most people here, if it sought to exercise its reserved powers. The developing case law shows that the good government aspects of those residual powers now must be interpreted only in respect of the good of the territory and not the United Kingdom's wider good, although I am sure that lawyers could argue over those points here and in the Privy Council for days.

The important thing is that we believe that we have achieved the maximum possible level possible of self-government and our attitude – and it may just be a different side of the prism. Our attitude has been to say at the United Nations, 'Can you, Committee of 24, can you, Fourth Committee, please tell us why it is that you think that we have not achieved the maximum possible level of self-government required for you to delist us?' because those residual powers are only in our constitution, not because the United Kingdom has given us such a constitution and has reserved powers to do whatever she likes in the 'colony', which is what was the case when the criteria were established, but because the people of the territory, in an exercise of self-determination, *vide* the preamble of our constitution have chosen that that should be the case. So it is not the old colonial style, where the mother parliament withholds certain powers to herself. It is a modern relationship – of course, we agree it is modern, we just do not think that is enough – where the people of the territory have, in a referendum, chosen the status and we say to the UN, 'In that context delist us or tell us why you think that you cannot delist us, having heard those arguments.'

The hon. Gentleman has taken a different tack. It is true that perhaps it is not analysed in this way, when

we go head-to-head on the issue, but we are all, it appears, trying to reach the same destination.

Hon. P R Caruana: Mr Speaker, does the hon. Member not acknowledge that what he has just said is squarely with what I was saying and demonstrates the need to adopt the GSD Opposition's approach? It is precisely because the territory population has chosen it that the United Nations has to be persuaded that their view that, even when the territory has chosen it, they will not delist if there is a residual legislative power, that that is anachronistic, because we can never comply with that condition.

The United Nations are not saying it is okay for the ex-colonial power to have residual legislative power *if* the colonial people are content. Peter Isola went to say that, and they said they were only content, because the Spanish had gunboats pointing at us!

The United Nations are saying that the United Nations' de-listing criteria say that *even if* the people are content, *even if* the people are content and vote for it in an act of self-determination, it is *still* not acceptable to the United Nations to delist if the ex-colonial power has a residual power of legislation, and we say that is what we have got to demolish. We have got to persuade the United Nations that that condition is undemocratic, anachronistic, for the very reason that the hon. Member has just said, because the people have wanted it, have chosen it in an act of self-determination, and who the hell are the United Nations to decide what is an acceptable form for us to be decolonised and not to be colonised?

That is why I say to the hon. Member, it is not a question of going to ask them to tell you why our constitution is not compliant and in what respect; we know the answer to that question. The answer to that question is, because one of the de-listing criteria is that the ex-colonial power must not have legislative powers, and our constitution provides for the United Kingdom to have legislative powers.

Now, we can spend the next 25 years going to ask the United Nations to tell us what we already know and what is clear to anybody who reads the de-listing criteria and our constitution, and even if they answer the question, the position is still that we cannot comply with it; or we spend the next 25 years trying to persuade the United Nations not to be so damned autocratic and to allow us to delist, notwithstanding that the United Kingdom has residual legislative powers, because that is the will of the people of Gibraltar in an act of self-determination, and they should modify their de-listing criteria, not to forbid de-listing in those circumstances, but to permit de-listing in those circumstances. That is the GSD's position on the matter and has been...

In the meantime, we do not go to the Committee of 24 precisely because we take the view that we have already achieved the maximum level of self-government that we can and we want, if we want to keep our relationship with the UK, which we do, and therefore there is no point going to ask for more than we want which, in any case, they are not going to give us. That is the difference between us. Much of what the hon. Member has said today recommends our approach much more than it would recommend a different approach, Mr Speaker.

Can I just, finally, ask him to acknowledge, if he would, that he is, I think, dangerously understating, in UN terms, he is dangerously understating the nature of the United Kingdom's power of legislation in the Overseas Territories, including Gibraltar. The United Kingdom *habitually* legislate for the other Overseas Territories. Every time the United Kingdom passes an Order in Council applicable to all the Overseas Territories, it is legislating for the Overseas Territories.

It is true that we, in Gibraltar, after a long rearguard action, certainly during all the 16 years that I have been in office, have persuaded the United Kingdom *not* to legislate by Order in Council for Gibraltar, but to allow us, through local domestic legislation, to replicate whatever they were going to do in the Order in Council for us. But the United Kingdom – particularly in aviation matters, for example – habitually passes Orders in Council. That is legislation. The law of the United Kingdom is that Parliament is sovereign and Parliament is free to legislate in the House of Commons, with territorial application in the Overseas Territories, whenever it wants to and, indeed, purported to do so recently – we have now persuaded them to reverse it – but did so under the Armed Forces Act 2006.

So this is not a theoretical or residual or rare thing. It is rare in its application to Gibraltar by agreement between us, but it is not residual in the practice. The United Kingdom is free to do it whenever it pleases. It may choose not to do it, as a matter of relationship or as a matter of whatever, but that distinction is irrelevant to the United Nations. I would ask the hon. Member to consider that the United Nations would simply take stock of the fact that the United Nations, without so much as a by your leave from the people of the territory, are free if they want to legislate as often as they please for the Overseas Territories and that is all they will look at. They will not look and say, 'But they're nice and they don't do it, because they respect' and all of that. That is going to be irrelevant.

180 So, I would ask the hon. Member just to consider, I am not trying to persuade him today to express a definitive view. I would welcome the opportunity for continuing conversations between us, public or private, to see if this difference can be narrowed, so that there is a single Gibraltar view and, frankly, when there is a single Gibraltar view, it is not necessary for me to go with him to New York. I am very happy to be represented by him as the Chief Minister of all Gibraltarians, including me. This is not about who goes and who does not and who pays the fare and does not pay the fare. This is about whether we have a viable, common position with a reasonable prospect of success, as opposed to now a position which sounds very hairy-chested, but has no prospect of getting to where we both want to get, which is to get Gibraltar's name of the UN's list.

185 I would ask the hon. Member to consider at least whether we can continue in discussion.

Hon. Chief Minister: Mr Speaker, of course, we can continue this discussion, publicly or privately, and it is important that we should, because we must do everything possible that, on this important issue, we should not be divided if we can avoid being divided.

190 Mr Speaker, the argument in our view is a little bit more complex than that. For example, short of modifying the UN criteria, it may be possible to persuade the UN to apply its criteria in a more modern way, looking at the way the world has changed.

195 I think, Mr Speaker, that Sir Joshua Hassan, who was Leader of this Parliament for so long and Peter Isola, who contributed so much to this Parliament, did much more than just turn up in New York and say, 'We do not want to be Spanish, because they have got Spanish gunboats pointing at us'. The criteria were there then; they are there now; they are 60 years old.

200 Would that we could achieve that the United Nations change its criteria and model it around the sort of status that we have today to achieve a de-listing, but it is also possible to say that the criteria 60 years ago applied in the modern world must cover a situation such as this, where the ex-colonial people, as we see ourselves, have chosen a constitution which contains these criteria.

Hon. P R Caruana: Mr Speaker, would the hon. Member give way just a second?

205 The answer to his question is 'no' and do you know why it is no? Do you know why it does not extend? Because the United Nations decolonisation crowd assume, as they assumed when Peter Isola and Joshua Hassan went, that we are going there meekly to say that and there is some sort of direct or indirect undue influence by the perfidious United Kingdom that has some sort of hold on us and simply uses us as their lackeys to bring about a result that allows what *they* regard as a continuation of a colonial status.

210 So they assume – they do not believe this business of exercise of self-determination. They assume that nobody would opt for decolonisation through a formula that allows the ex-colonial power to continue to legislate over them. That is anachronistic because they think that, because they recall their own decolonisation experiences.

215 My antidote to the argument is to say, 'Well, look, if you think, United Nations, that having the United Kingdom having legislative powers over a territory that is not part of the union of the United Kingdom makes them a colony, why have you not listed Jersey and Guernsey?' because the United Kingdom have the same legislative powers over Jersey and Guernsey as they have over Gibraltar, but nobody thinks that they are a colony. They are not on any United Nations list.

220 So we have got to attack this as anachronistic and undemocratic, this old 1960s view that if somebody is trying to break from the colonial shackles and comes along and says that they are happy for the ex-colonial power to legislate over them whenever it suits their fancy, they must be lackeys of the colonial power, oppressed, suppressed, cajoled by the colonial power into trotting along to New York to say those things, because they cannot imagine, recalling their own experiences, that they would have accepted anything of the kind. That is the anachronism that we need to break.

I am obliged to the hon. Member for giving way.

225 **Hon. Chief Minister:** It is not usual to give way at Question Time. This is becoming a debate and, if the hon. Member does not mind, I am going to say just a few things and I think we owe it to everybody to get on with the Questions.

230 But, Mr Speaker, the simple answer to why Jersey and Guernsey are not brought onto the list by the United Nations is because it was up to the UK to notify the Territories in the 1950s, and did not. That is the issue.

Of course, the United Kingdom reports to the Committee, to the UN, under article 73. The United Kingdom reaches a consensus decision with Spain. So although it is saying to us, 'The criteria are outdated, you do not need to be involved in that', it is actually taking part in the proceedings of the Committee. This is all the issues that make this much more vexed than just their position or our position. There is a lot in there which I think we should continue to discuss, because if it is possible to have a Gibraltar view on this, we owe it to Gibraltar to reach that view.

Mr Speaker: The Hon. Daniel Feetham.

Hon. D A Feetham: Mr Speaker, I do not want to shatter the *entente cordiale* that has temporarily developed between the Chief Minister and the Leader of the Opposition –

Hon. P R Caruana: On this issue.

Hon. D A Feetham: On this issue.

But in the light of the position he has expressed, the position the Government has expressed, in relation to this issue, that he believes that Gibraltar has the maximum level of self-government, short of independence and short of being commensurate with British sovereignty, does he not accept (1) that that arises out of the new constitution, (2) that, therefore, their position on the new constitution was misconceived, and (3) that the position that he has expressed in this House today is, in fact, a U-turn from the position they adopted on the new constitution?

Hon. Chief Minister: Mr Speaker, it is not a U-turn.

He does not seem to understand the niceties of what we have discussed. We are not here to answer for the things that we did as Opposition; we are here to answer for the things that we do as a Government, but I am quite happy to say that we do not feel that we were wrong in the position that we took.

That sort of contribution is what makes it difficult to reach a consensus for Gibraltar. It is a cheap political point and, frankly, it is better not made.

National Day Potential changes

Clerk: Question 97, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, is the Chief Minister able to say – I realise it is early days – what changes he plans to introduce to the format of National Day to update it?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, not yet, other than to say we will be putting the accent on young people and the political importance of the day that we are celebrating on 10th September every year.

An announcement will be made in due course. It maybe that we will have an opportunity of discussing those issues as well – not across the floor of the House – before the announcement is made.

Hon. P R Caruana: I was just a little taken, Mr Speaker, by one phrase in his broadcast on this Question, when he said that even with all the entertainment things for the youth were going to be refocused, so that these guys understand the political significance of what they are doing, which suggested to me that everything, even the concert, was going to be given a political flavour.

Presumably, the hon. Members may be planning to restore a political event, but they are not suggesting that they are going to be introducing political *content* into the non-political events, like concerts and... This is what he suggested.

I am glad to say, I can see his head shaking, that that is not what he meant.

Hon. Chief Minister: No Mr Speaker, except what we are celebrating is a political event to a great extent, because we are celebrating the referendum, etc. That is what National Day started as.

But I think you will find that this is not going to be us trying to force politics down anybody's throat on that day. There are, of course, civic events – most of them which originated after 1996 – which will be kept as part of the recasting of the whole thing. At Casemates, when we reintroduce the rally, there will be a political element to that, which is the focal point for many of us on that day.

But, as I said to him, I think this is an issue again that if it is possible, we should be discussing outside the confines of Question Time, because this is a day for *all* of Gibraltar and it must be seen as a day for all of Gibraltar. I know that there are very many people who would be very happy to hear that National Day is coming home to Casemates. That is one part of it – not all of it.

**Chief Minister's proposed changes
Consultation with the House**

Clerk: Question 98, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, can the Chief Minister say whether he intends to consult the House and in particular the Opposition Members of it, in relation to the changes that he has said he will introduce soon?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, yes.

Hon. P R Caruana: So, implicit in that, although we recognise that, by their majority, they can change, effectively, whatever they decide, but it is implicit in that that there will be no unilateral or bilateral Speaker-to-Leader of the House changes simply announced to us, the Opposition will get an opportunity to participate through an expression of views, through consultation, in all the restructuring that we are going to do?

Hon. Chief Minister: Yes.

Hon. P R Caruana: I am much obliged.

Hon. Chief Minister: There will be two veins of these changes: one vein will be the independent commission which we are setting up, which will be subject of the difference between us at the time of the motion. That is looking at the long-term changes that might be desirable in this Parliament.

The other vein and other things that we think are important, and we think are deliverable, even absent that sort of investigation of how things should change... The hon. Gentleman will know that I have said that we will now have monthly meetings of the House, as he and I have been discussing – and he knows I have discussed with the Speaker – that means that we will be using the Government majority to adjourn the House *sine die* on a monthly basis and bring it back administratively, as I am entitled to do, on a monthly basis. So there will be monthly question Times and there will be a monthly opportunity for motions. That really was the substance of our debate at the time of the motion, that those things could be done.

There is one thing that has happened during the run-up to this meeting which I think, really, was very much in our gift and would have been in his gift, which was simply to say, to give an indication to the general public and to the Members opposite, of when Parliament was going to sit, when we were going to adjourn to, when it was likely – because it really cannot be more than that, unless we put Parliament into some strictures – that certain questions were going to be dealt with. That has happened because I have no difficulty in giving the Clerk an indication of when I expect to rise, and when we expect to come back and I hope that will have the effect of making Members' lives easier in planning their diaries and the general public who might have an interest in this place, who might have an interest in particular questions, in planning when they need to be here or when they need to have their radios on to hear a particular set of questions.

I do not think it is going to be possible for us to have as clear a timetable as perhaps is the case in other

places, where they know when certain questions are going to be asked, unless those questions are going to be the ones at the beginning of a session. But that was really in the gift of the Leader of the House, the hon. Gentleman could have done it at any time during the 16 years that he was here, and the previous Chief Minister could have done in that way.

I still believe that it is possible to do a lot more that there is more broad agreement on, without waiting for the independent commission to report on the things which may be more controversial across the floor of the House and outside of this place. Certainly, it would not be my intention to try and force those things through, even with the Government majority, if there was a great measure of disagreement on the other side, because I think, in this place, we must not just be bulldozing things through, 10-7. I think that it is important that, unless we have a series disagreement about the benefit of something to the community, we should try and do this by consensus.

The issue of cameras, for example, is one that would not be able to happen simply with a conversation between myself and the Speaker, although we could then turn that into a vote of this House which goes 10-7. That is the sort of thing that I think we need to be talking about, because it is easy to say, 'Let us transmit and let us broadcast' – *(Interjection by Mr Caruana)* It is easy to say, 'Let us transmit and let us broadcast', but that could take many different forms. What does 'broadcast' mean these days? Does it mean television on the airwaves? Does it mean internet? Does that make it more accessible to people because most people during their working day would be accessing the view of Parliament from their PCs at work, rather than at home on television?

So are all of those issues, the hon. Gentleman can rest assured, we will be talking about. It will be, I hope, an inclusive process, and I hope he does not mind me revealing that we have discussed, just before this question, during the break, the possibility that Mr Speaker, the Leader of the Opposition and the Chief Minister will meet, given that there may be different ways of achieving the same effect that we intend to deliver, and that he may be contributing to that. So I am grateful for that indication from him earlier. I hope that we can do this as a Parliament, and not that there should be Government and Opposition debates on this. Of course, there are the independent commission issues which may be more controversial and which will come to the House, once the commission reports.

Alliance Manifesto Total cost of implementation

Clerk: Question 99, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, given that the Chief Minister said, during the recent Election campaign, that the Alliance's manifesto was 'fully costed', will he now say what is the total cost of implementing all the commitments contained in that manifesto?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the costings we did before the Election are not the costings of the Government; they are the costings of the parties that sit on this side of the House.

The cost of each of the projects in our manifesto will be public and subject to all scrutiny as we commence them as a Government. Any such costings will, by then, be the result of open tenders for the projects.

Hon. P R Caruana: Mr Speaker, is he not willing to give me his costings?

Hon. Chief Minister: No, Mr Speaker, I am not.

Hon. P R Caruana: Well, Mr Speaker, I suggest to him that he is not willing to give them to me, because he does not have any because it was not a fully costed manifesto.

Hon. Chief Minister: Mr Speaker, that is not the case. In fact, costings are not mine, they are not of any individuals here. They are the costings of the party, as his costings are the costings of *his* party.

The position is a little bit more complicated than just wanting to share with him what these costings might be, Mr Speaker, because of course, he will understand – and he has deployed this argument with us in the past and I believe we have accepted it, almost without exception – when one delivers information like that across the floor of the House and we are going to go to open tender process for many of these projects, we are giving away what we think something might cost.

Mr Speaker, I do not think that is in the public interest that we should do that. He should rest assured that he is wrong in his assertion. I am sure he makes that mischievously. We know exactly what the cost of delivering our manifesto is, in our estimation. It may be that we can deliver it for less, as a result of the open tendering procedures, or it may be that it is going to cost a little more. Those are issues which he can quiz us on once those projects come on stream, and they are public. You will have the opportunity of asking us then, ‘Is that what you thought it would cost? Did it come in higher or lower?’

Hon. P R Caruana: With respect to the hon. Member, that is completely nonsense.

I am not asking the hon. Member to identify the cost of each project individually. I am asking him to give me one global figure – £400 million, £500 million, £600 million? To say that the entire manifesto will cost £500 million to implement does not help any tenderer when it comes to tendering for building the lake in the Commonwealth Parade! So that whole reasoning is neither here nor there.

The hon. Member knows that, in our *conservative* estimation, the cost of implementing his manifesto is between £400 million and £500 million – £400 million, excluding – although this did not come out in the Election campaign – the halving of the national debt.

Mr Speaker, he has what he says was a fully costed manifesto. He says he will not tell me now, because he is now Government and not the party and he is not in the House to answer for the party, he is in the House to answer for the Government. When we were going head-to-head, party to party, in the Leaders’ debate, I asked him what was the cost of his fully costed manifesto, he would not tell me then, either.

The hon. Member should then not be surprised that people come to the conclusion, when he does not tell me when we were parties and he does not tell me now that we are Government and Opposition, people will come to the conclusion... Does he not accept that he runs a grave risk that people will come to the conclusion that he does not say, because he does not have a clue – which is my view.

Hon. Chief Minister: Well, Mr Speaker, you see, he did not tell us what the cost of *his* manifesto was when he was competing with us in the General Election campaign.

Hon. P R Caruana: You never asked.

Hon. Chief Minister: It became abundantly clear, I think, to the whole of Gibraltar, and certainly to me on 9th December, that I was absolutely right when I was going round the estates, saying that there is only one way to fund it, in the hon. Gentleman’s imagination – D-E-B-T – debt. That is what he was going to do, in order to deliver – take us down the road of more debt.

Mr Speaker, the hon. Gentleman can press me as much as he likes. He is going to get the same answer from me on this issue and it does not take people to the conclusion to which it takes him, which is always the most negative and the most perfidious.

Hon. P R Caruana: Mr Speaker, I was illustrating that the hon. Member’s commitment to all this transparency of statistics and information is tempered by one overriding consideration, which is nothing to do with a commitment to transparency: it is transparency, so long as it does not suit him not to put the information transparently in the public domain.

Hon. Chief Minister: Mr Speaker, this is neither a request for a statistic or information. This is a clear partisan attempt to try and curry some favour with those few supporters that he may have left.

Mr Speaker, I am going to leave it at that. It is up to him whether he wants to come back. Let him come back.

Hon. P R Caruana: Mr Speaker, I do not know how many supporters he thinks I have left. But can I just remind him of what he used to remind me – notwithstanding that I had a bigger majority than him – that he has won this Election by fewer than 400 votes, and that, just to use the calculation that he used to use, that

requires only 240-odd people to have decided to vote differently for me to be sitting on that side and him to be here where I believe he belongs.

The hon. Member is in grave risk of losing that very slender majority, if he is going to go around behaving as if he was a Chief Minister who had been swept into office with a landslide majority, telling the Opposition that has got just 380 votes less than him that he only has a handful of voters left. My advice to him is that he does not go down that well, because a majority of 240 is very easily lost – indeed, he may have lost it this morning, just on the basis of the Minister for Employment’s answers to our Questions on the Employment Strategy.

Mr Speaker: May I remind the Leader of the Opposition, there was no question in that statement. We really must confine ourselves to questions. (*Interjections*)

Hon. Chief Minister: Yes, Mr Speaker. I really am obliged, Mr Speaker. They need to be short and contain questions. (*Interjections*)

Mr Speaker: Order!

Hon. Chief Minister: Mr Speaker, this is one debate I am delighted to have, Mr Speaker. Perhaps rightly, when I said to him after the last General Election, when he saw his voting majority reduced or the percentage by which he won the Election reduced, I said to him, Mr Speaker, the Chief Minister and his party ‘got in by a whisker’ and he said to me, Mr Speaker, ‘That whisker is irrelevant. We are the Government and you must stop arguing these things or you do not have a chance of winning the next General Election.’

Well, Mr Speaker, I carried on. He was wrong about that and he is wrong about this.

Government procurement policy Subject to open tender

Clerk: Question 100, the Hon. P R Caruana.

Hon. P R Caruana: I said that is not a view widely shared in Gibraltar. (*Interjection by the Chief Minister*)

Mr Speaker, can the Chief Minister say whether it is the policy of the Government that all procurement of goods and services by the Government should be subject to an open tender process?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, yes, subject only to the caveat that there may be cases where the public interest requires that the product or service subject to procurement rules may *have* to be procured directly as a result of urgency or other exigency. The rule will be open tender process.

Hon. P R Caruana: Mr Speaker, that was the previous Government’s policy. It did not stop him from criticising those few cases in which public interest and exigency or urgency dictated otherwise. We used to put it in a slightly different way: exceptional circumstances.

So, the hon. Member’s policy is that a tender, yes, unless *they* decide that there is a good reason not to do it.

Hon. Chief Minister: Mr Speaker, I think that is the policy of most governments – in other words, tender yes, unless there is, in the public interest, an urgency or other exigency which requires it.

The hon. Gentleman is putting his question, in my view, as if to suggest that we will find a way out of going to tender when it is not in our interest, as if that were in some way nefarious. He needs to accept that we are the Government of Gibraltar and we will only be taking items out of procurement by tender if it is in the public interest.

Now, he knows that I have taken him to task on this issue in the past, in circumstances which were not

about urgency or exigency, as I read it. The term ‘exceptional circumstances’ could mean something different.

Mr Speaker, I do not share the view that some of the things that were done by *his* Government had to be done outside open tender procurement, and I believe that they were done outside tender procurement for reasons other than in the public interest. That is a debate that he and I, I am sure, can have until the cows come home.

We have not yet procured anything, in my understanding, outside of the open tender mechanism. When we do, he will be entitled to come here and say, ‘Why did you do it in this instance? Was it a case of urgency? Was it a case of exigency and can you satisfy me of that?’ That is what his role is as Leader of the Opposition – but he has got to let us at least start procuring!

Hon. P R Caruana: Mr Speaker, alright, let us deal with the first one. What was the exigency that caused them, as we heard this morning, in answer to a Question on the smoke extractor system... what was the exigency in the public interest that led the Government not to go to tender on a relatively standard piece of equipment as smoke extractors?

Hon. Chief Minister: Mr Speaker, I am sure that he will reconsider, when he sits down, having asked that question because, of course for us, it *is* an exigency that there should be members of the City Fire Brigade – and perhaps the Shadow Minister will share this view – who are suffering with these fumes in the fire station, having been promised an extractor some time ago, because of the Health and Safety need for such an extractor and, where there are only two producers of this type of extractor, to have gone straight to the producers in order to get the best costings available.

Now, Mr Speaker, in my view that makes absolute sense. If there are people who could be inhaling this smoke for longer, from the day that we take over in Government, we want to stop that as soon as possible. That, in my view, is urgent and it is an exigency.

Hon. P R Caruana: So, the word ‘exigency’ is even wider than ‘exceptional’, then. Because, frankly, Mr Speaker, look – first of all, it is very arguable that anybody is inhaling anything. Secondly, it is very arguable that there are only two companies in the world that make these extractors – I do not know whether these are NASA space-rocket-type extractors or whether they are just... I suppose every fire station in the world, we are led to believe, must have them, if what he says is true.

But, in any case, given that this has been the case for 50 or 60 years, does the hon. Member think that it is actually urgent to override the public tender system to do it in six days? This is what I mean by the concept of exigency being very subjective. So what it really boils down to, does he not agree, is that the hon. Members go to tender when they want to do and do not go to tender whenever *they* think there is any sort of reason that justifies not going to tender. I do not think anybody could argue that it is *urgent* – would he agree with me – to correct in six weeks what has prevailed for 60 years?

Hon. Chief Minister: Mr Speaker, I do disagree with him. I think there are some things which have prevailed which it is urgent that we should resolve.

The Hon. Minister with responsibility for the Fire Brigade reminds me that all that has happened is that the Chief Fire Officer is in communication with the two producers. They have not yet been *procured* from anyone. We are seeking information about this and it may be that it is possible to go through the tender process for the procurement. (*Interjection by Mr Caruana*) Mr Speaker, therefore the question is based on a false premise. (*Interjection by Mr Caruana*)

I must tell him, Mr Speaker, that I do not believe that there were exceptional circumstances of *any description* which could have led to the entry into agreements for consultancy services with one particular company that he and I have debated, in respect of that agreement, across the floor of the House, and that we have a serious difference of opinion on that and that that costs Gibraltar *a very large amount of money*.

Mr Speaker, that is an issue which is worth debating and I am happy to debate it with him, if he wants, but to take this point now, when this Government has not yet procured anything, suggests to me, Mr Speaker, that the hon. Gentleman is not feeling sufficiently comfortable in his own skin, in his capacity as Leader of the Opposition, and that he thinks he is still the person who is in charge of procurement.

Hon. P R Caruana: The hon. Member must know that I do not ask the question on a false premise unless the Hon. Mr Linares has made a false premise to the House. It is not a false premise. It is based on the premise

that the Hon. Mr Linares said in the House this morning, in answer to another Question, that they would *not* be going to tender because there are only two manufacturers.

So now I ask a supplementary: on the assumption that we are not going to tender for this, because your Minister told the House this morning that we were not going to tender and gave us the reason, and you say now that it is a false premise because they have... Well, I am delighted if, as a result of our debate now the Hon. Mr Linares' Answer is no longer valid. So, despite Mr Linares having said this morning that they would not be going out to tender, for that pretty unpersuasive reason, the position now is that you might well be going out to tender, which we think is the correct thing to do.

Mr Speaker, the hon. Member wants to persevere with this view that there was a procurement impropriety in the engagement of services –

Hon. Chief Minister: What is the question?

Mr Speaker: Next question please.

Hon. P R Caruana: I will ask a question. In respect of Gibraltar Land Reclamation Ltd, is the hon. Member aware that all Governments of Gibraltar have *always* procured – including the previous GSLP Government – consultancy design services on that basis, including from the heinous company in question? Is he aware of that?

Hon. Chief Minister: Mr Speaker, it is *he* that is suggesting that I am in any way characterising that company as 'heinous'. I am not doing that, Mr Speaker, because that company is not here in the House and it is not answerable to the House.

It is *he*, Mr Speaker, who was in this chair when those agreements were done. He is not here to answer my questions, so it will be a rhetorical one, but is it that he did not know that the procurement rules and the procurement laws changed in January 1996, in order to give compliance to the first tranche of directives on public procurement and that those also affected services?

Mr Speaker, he may or may not like it, but I do not agree with him that there were *any* exceptional circumstances for his Government to enter into those agreements without going out to public procurement. That is the issue. It is not about the company: it is about *his* Government; it is about *his* actions.

Mr Speaker, as far as I am concerned, I am not imputing any improper motive. I am just talking about the *process* of procurement, which was not followed, which *in my view* was required by law after January 1996. Those are the issues, Mr Speaker.

If he gets up, Mr Speaker, he should get up to ask me a question and not give me a speech.

Hon. P R Caruana: Mr Speaker, I will answer his rhetorical question and I will... I know that it does not suit the hon. Member for me to populate my questions with information which he cannot grasp and cannot deal with and cannot...

Is the hon. Member now suggesting to this House and to Gibraltar at large that all his campaign about the Government's contractual relationship with the Gibraltar Land Reclamation Company and its directors and all its people was not to suggest that there had been... If all that he was complaining about was an alleged breach of EU tendering rules and was not, as is his style, suggesting impropriety, why, in his pre-Election manifesto to the Civil Service, did he put in brackets 'a relation of a Minister'? If he was not suggesting corruption, why tell civil servants in his manifesto that, to boot, the person was a relation of the Minister – because that is not relevant to whether there is a breach of EU directives or not which, as he well knows, we do not believe that there was.

Hon. Chief Minister: Mr Speaker, we are entitled in this House to demand that.

Hon. P R Caruana: Exactly.

Mr Speaker: The remark made by the Hon. Leader of the Opposition *was* a question – he did style it as a question – but I must remind the Leader of the Opposition that the questions must be brief. They can be preceded by a *brief* preamble but the questions must be brief. We have spent a whole day dealing with less than 100 Questions. In the past we have dealt with a hundred Questions in a matter of a couple of hours.

Hon. P R Caruana: Yes, Mr Speaker, because in the past the Questions were all statistical, they did not have any supplementaries, and now we are asking political Questions.

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Hon. Chief Minister: Mr Speaker, I am going to give him a political retort to the things he said. The people on this side of the House can grasp the information, and I am sure the people on that side of the House can grasp the information, because this is not a parliament where we come to say that each of us are not able to grasp information.

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Mr Speaker, if he wants to get up and talk about corruption, he is the one getting up to talk about corruption. We have got parliamentary privilege. We can talk about corruption if we want to, but that word is in *his* mouth, not in mine. He is the one casting aspersions, not me.

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I am saying that when he was in this chair, when he was Chief Minister, *he* – not anybody else, *he* – did not follow the procurement laws of Gibraltar and the directives that are relevant. That is all I am saying. If he wants to elevate the issue further, it is a matter for him. Let him stand up; let him ask a question. That is the role the people of Gibraltar have chosen for him: to ask questions, not give speeches. *That* was over on 8th December. (*Applause*)

Mr Speaker: The Hon. Daniel Feetham.

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Hon. D A Feetham: Can the Hon. the Chief Minister enlighten this House as to whether the Government has procured any alternative energy hybrid vehicles, directly and not by tender, because it has been reported in the press that you have done so.

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Hon. Chief Minister: Mr Speaker, the answer is no. The only thing that has happened, if the hon. Gentleman looks at the press release... I do not know what the press has said, but what the press release said was that we had procured a test vehicle of one particular type of model. A test vehicle means, Mr Speaker, that the showroom gives you the car. It is like a test drive. So we have procured nothing that has cost the people of Gibraltar nothing.

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All we have done is start the process – a process that you would have thought *any* Government would have wanted to start earlier – of testing different types of vehicles. That will help us to set the criteria when we go out to tender, to understand exactly what it is that is best in the circumstances of Gibraltar, what it is that is best for our community, how we can lead by example as a Government on all issues of renewable energy, *including* the vehicles that are used as part of the Government fleet.

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It may be, Mr Speaker, that at the end of that exercise we will have to say there are no vehicles which are suitable for Gibraltar because of its topography, and it may be, Mr Speaker, that if the hon. gentlemen opposite, when they were here, had done that, they would not be open to criticism for not having done so. You see, you must not just put your finger in the air and say, 'This car works for Gibraltar, that car does not work in Gibraltar,' or 'We don't need to go down that road for Gibraltar.' You need to ensure that you are doing as much as possible.

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The short answer, Mr Speaker, is we have not procured *anything* in respect of such vehicles outside the tender process. All we have is that we have very kindly been provided with a test vehicle of one particular model and we are seeking other test vehicles of other models from other dealers, some of them in Gibraltar, some of them outside, which other dealers in Gibraltar may be interested in bringing in in the future if they are the right vehicle for Gibraltar.

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Hon. D A Feetham: Can the Hon. the Chief Minister confirm this is the Toyota Prius? Can he confirm when he was provided with this car free of charge and when is he going to, effectively, give the car back to the garage?

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Hon. Chief Minister: Mr Speaker, I cannot give that information because I have not been provided with the car. It is the Technical Services Department of the Government that has reached an arrangement with one particular dealership and they will have set out how long they need it for in order to test it. It may be that the car has already gone back; it may be that we still have it. They are doing the exercise of understanding whether that particular vehicle works in the topography of Gibraltar.

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I actually have not seen the vehicle and not been in it, but the hon. Gentleman will, I am sure, be delighted

to know that when I go to the United Kingdom I use a company that uses Toyota Priuses to ferry people from the airport to the centre of London. It costs almost half because, obviously, the vehicle uses much less petrol when it goes on the M25. I commend it to him. I am delighted to give him the details if he is interested.

675 I am very keen that the Government should also use those vehicles if it makes sense in the UK. It may be that it does not, and again it will be something that will have to be investigated.

680 We are not for making decisions just for the sake of making decisions. This is an important issue. If Gibraltar can be more compliant... If Gibraltar can procure a fleet of Government vehicles that is better for the environment, what is wrong with that and what is wrong with starting the investigation at no cost to the Government? Absolutely nothing, I am sure the hon. Gentleman will say.

685 **Hon. D A Feetham:** I agree entirely. I am not questioning the motive. I am not questioning whether it is an environmentally friendly policy or whether it is not. That is not the point. The point was that it was reported in the press that the hon. Gentleman acquired a Toyota Prius. There is an article here in the *Newsweek Magazine*. I have got it here. I was just wondering whether that had been procured by direct allocation. The hon. Gentleman has explained it.

Can I ask him this: will this tender policy also apply in relation to these foreign investors that the hon. Gentleman confirmed at the interview with GBC that he had up his sleeve, and that he has confirmed during the course of today's session that he is in negotiations with – is it going to apply also to them?

690 **Hon. Chief Minister:** Mr Speaker, if they are going to provide services to the Government and they are going to obtain land from the Government, of course it must mean that we are going to be in a process which is going to be open and fair and is going to allow different approaches to prosper but, of course, give people an opportunity genuinely to compete for those projects.

695 **Hon. D A Feetham:** That does not necessarily follow at all. May I urge the Hon. the Chief Minister to reconsider that?

700 Is it not the case that if you had a situation... and I am just exploring here the parameters of their policy in relation to this tender policy. Is it not the case that if you have a situation where you are in negotiations with foreign investors who come to the Government with an excellent idea to do something in Gibraltar, it would be wrong – having those investors come up with that idea – to then say, 'Hang on a minute, it's your idea; yes, we're interested, but we are also going to put it to tender and allow others to compete on your idea.' I do not know: is that the policy of the Government?

705 **Hon. Chief Minister:** Mr Speaker, I do not see the conflict. I really do not see the conflict.

I think if there are people who are international investors who are interested in coming to Gibraltar, they do not necessarily come and talk to you to say, 'I want to be the person that provides you with this particular service, to the exclusion of everyone else.' That is not the type of international investor that I am talking to. There could be a circumstance where an investment requires the use of land in Gibraltar for a particular new industry, and it may be that, in those circumstances, the Government makes a decision to make an allocation of land to open a new industry that creates employment.

710 In our view, because we would not be procuring services and we would not be buying property or goods from that entity, that is not an issue that would be covered by the procurement directives. Making a direct allocation of a plot of land in the public interest of Gibraltar, in the economic interests of Gibraltar, to create employment etc, is not something that is covered by the procurement directives that we are talking about. We are talking about the Government procuring, i.e. the Government *buying* services or goods. That is what we are talking about. That will always go out to open tender, unless in the situation we have been very clear there have been cases of urgency or exigency which are going to force us in a particular direction.

720 The hon. Gentleman will know – and I do not want to say much more than that, because actually I was supposed to be meeting them an hour ago, and I have to meet them a bit later – that there were people who were talking to *him* about things which are good for Gibraltar, which we all agree were good for Gibraltar, that he was not able to talk about because of certain constraints imposed by the type of group that we are talking about, where there might be an allocation of land that would result in something positive for Gibraltar and the creation of jobs. If the hon. Gentleman looks at my lips, I will tell him what it is... Right.

725 So, in those circumstances – a particular chain of hotels, for example – where you are talking about an allocation of land, if the allocation of land results in great economic activity for Gibraltar, the creation of

jobs... The hon. Members opposite had taken the view that there would be an allocation.

That is not procurement, and this Question, Mr Speaker, is about procurement of goods and services by the Government, and that is why our Answer is absolutely clear on the issue. Procurement of goods and services, in our view, under Gibraltar law already – and under EU directives that we have taken a view would have been directly effective in Gibraltar because their transposition dates have passed – *must* be subject to an open tender procedure and, depending on their cost, they sometimes even have to be European tenders. This Question is about procurement of goods and services, not about allocation of land.

Hon. P R Caruana: In any event, I am interested in the hon. Member's answer, which suggests that he has the same policy as us but, in terms of the other sort of tendering, for the making available, the selling, the alienation of Government land, he is, in effect, continuing the previous Government's policy whereby, if a property developer came to the Government with a proposal which the Government judged was, exceptionally, in the economic interests of Gibraltar, he considers that his Government is free – as I think it should be, and we felt we were free – to make a direct allocation, as we have already agreed to do with the very important hotel chain and the investors behind it that he has alluded to for the site of the – it's no secret – yacht club. That is good.

When we exercised the same judgement in favour of the Mid Town development, the hon. Members will recall the fuss that particularly Dr Garcia made about it, that the propriety or impropriety of such a policy cannot depend on the different judgements across the floor of the House of whether it is interesting, it is a good deal or not – that judgement is for the Government. The hon. Member will enjoy the Opposition's support for a policy that acknowledges you cannot expose inward investors to the lottery of a tender process for a project that is very good for Gibraltar.

Would he, however – and this is the supplementary attached to my very long speech – commit to making a public statement immediately that any such commitment is entered into and which has been exempt from the usual thing, which is that you sell, you alienate Government lands through a sale tender process.

Hon. Chief Minister: Mr Speaker, subject to the fact that we do not agree that the Mid Town project was that sort of project, and that is our position – we never suggested that it was 'improper', because those words have connotations – we believe, Mr Speaker, that that, as a project, should have gone out to tender because to give to a local developing consortium a local piece of land is not to alienate a piece of land in Gibraltar for the purpose of attracting inward investment which will be positive for Gibraltar.

It is not to say that international investors are going to enjoy a better regime than national investors when they come up with the right projects, and it may be, Mr Speaker, that the Westminster model of Government and Opposition means that the Opposition is always going to question whether the Government considers that there are exceptional circumstances in a particular instance. We do not think Mid Town was that sort of thing.

Mr Speaker, I think it is almost conjunctive that if we have made a decision to grant a parcel of land to an investor, international or national, because of what he, she or it are going to do there is in the economic interests of Gibraltar, we will be chomping at the bit to make the public statement, and he has my commitment that I certainly will be looking to make a public statement immediately – and that is an elastic term – as soon as possible after making such a decision, perhaps even before the documents have been signed, because if it is in the public interest of Gibraltar, we will want everyone to know.

Hon. P R Caruana: Mr Speaker, will the hon. Member acknowledge that the project that we are both talking about and we are not identifying is exceptional and in the public interest and we have no professional or other connection with it? We had got to the point of agreeing and negotiating the structure of the transaction and the lawyers just did not deliver the documentation in time to be signed but, certainly, if the hon. Member has come to the conclusion, as we came, that that project is, indeed, exceptionally in the economic interest of Gibraltar, we will support any decision that the Government makes to do a direct allocation of that land to those developers.

Hon. Chief Minister: Mr Speaker, this morning when I was indicating that if we took projects forward which had been started whilst they were in administration we would not be looking to take the credit for them, this is the project I was thinking of.

In other words, if it is completed, there will be a public statement that will say, in respect of negotiations commenced before our election, which we have brought to a head because of our election, this is happening

and it is happening in this plot and we have made the decision that this plot should be used for these purposes in these circumstances. The hon. Gentleman knows that that is not the only plot that is being discussed on that basis as a residue of things that were happening before the Election.

There are a number of others which could be used for one purpose or another and international investors had already indicated an interest in them and *his* Government was taking forward that interest and it may be that my Government reaches a conclusion in respect of those which will result in the grant of land to certain such investors, not just the ones I am *hoping* to see this evening to try and progress it and to try and get it to a stage where Gibraltar has the benefit of that sort of economic activity and the creation of employment.

**Alleged unfairness under previous administration
Referred to Chief Minister and Ministers**

Clerk: Question 101, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, can the Chief Minister say what matters relating to unfairness suffered under the previous administration does he believe many people wish to see him and other ministerial colleagues on?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, there are so many such instances that it would take me days to go through the list.

Suffice to say that I have come across cases of people who have never had letters replied to, having written repeatedly to Ministers on issues which caused them serious personal problems. These range from issues to do with immigration to housing and employment.

Hon. P R Caruana: Mr Speaker, I suspect that the hon. Member will discover that what people call ‘unfairness suffered under the previous administration’ and he now calls ‘unfairness which caused them serious personal injury’ is simply not having got the decision that they wanted out of the system, which people quickly convert into a sense of personal grievance.

Anyway... so these relate to housing and immigration matters and things of that sort? Mr Speaker, I look forward to being able to ask him, in due course, how many of these he has been able to resolve.

I am grateful to him.

Hon. Chief Minister: Mr Speaker, I have never referred to the hon. Gentleman inflicting serious personal *injury* on anyone. If I thought he had done that, I would be reporting him to the Police, I am not trying to sort it out myself.

Of course, I accept that there are some people who think that they have been hard done by but, in fact, their grievance has no merit; but I think that there are people who feel they have been hard done by who have merit in their grievance. That may be an issue between us across the political divide. I am doing my best to resolve as many problems of as many people who need my help as is possible because I see that as one of my roles in politics.

Hon. P R Caruana: As he has not seen them yet and, indeed, the statement was to tell them to be patient because he has not been able to get... As he has not seen them yet, he does not know whether they fall into the category of people who have been *genuinely* treated unfairly by the Government, as opposed to the complainer type. So this is a statement that he makes in his New Year broadcast on the *assumption* that there are people out there of this kind, aggrieved by the unfairness, but because he has not been able to see them yet he does not know whether that is true or not.

Hon. Chief Minister: No, Mr Speaker, unfortunately, again, there are more things in heaven and earth than are thought of in his philosophies. I may have read their letters asking to see me and identified there the grievances which I think are genuine that they need to see me on.

**Alleged unfairness under previous administration
Link to promises made during Election campaign**

Clerk: Question 102, the Hon. P R Caruana.

Hon. P R Caruana: Can the Hon. the Chief Minister say whether he thinks it possible that the many people that he says want to see him and other ministerial colleagues about housing, employment and immigration matters is actually because he spent the Election campaign and much time before promising people to see them, solve their problem and give them what they wanted immediately on his being elected, if they voted for him?

Clerk: Answer: the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Well, Mr Speaker, I do hope so, as politicians are elected to serve people and resolve their problems, not to rule over them imperiously.

Hon. P R Caruana: Yes, Mr Speaker, but he misses the point of the Question, which is that the long queue of people clammering to get into him, which is not humanly possible for him to see all at once, are not because there is a great battalion of people out there who have been injuriously and unfairly treated by the previous administration, but if you go round Gibraltar for three months promising houses to everybody that asks for one, jobs for everybody that asks for one, immigration papers for everyone that asks for one, then when they deliver their part of the bargain, which is to vote for you, and you come into office, they all go clammering to cash in their chips, and that this is why he is inundated with people wanting to see him and not because there is a long list of people.

Mr Speaker, he was dealing with a long list of people *before* the Election. Do you remember when they used to come back here and tell us that, from their Opposition offices, people, constituents, used to go round this building along the pavement queuing to get in to tell them just how badly they had been treated by the GSD Government? So these queues must be generated by a different reason to what used to generate the queues before.

The question is whether the hon. Member thinks that it may be possible that these people who are wanting to see you and that you cannot fit... whose demands for timely meetings you cannot humanly satisfy, are actually the people who are responding to your invitations issued before the Election to do precisely that.

Hon. Chief Minister: Mr Speaker, first of all, there are many people who I have not even heard of, let alone met during the Election campaign, who now want to see me, who write to me and show me that they have serious grievances as a result of the way that they have been treated before the Election, so that cannot be true, Mr Speaker.

Whether before an election, during an election or after an election, in a great measure, that is what we are there for, Mr Speaker – to deal with the problems that the people of Gibraltar have – and perhaps the fact that he did not see himself in that way may mean that that is why I am seeing letters that have not been replied to from 2008, 2009, 2010 and 2011.

Mr Speaker, it is almost as if, in 2007, the hon. Gentleman had made a decision that he was not going to stand for election in 2011, because he has completely neglected some people, some people who I have not met during the General Election campaign and who therefore cannot be queuing outside my door because of anything I told them during the General Election campaign.

In fact, Mr Speaker, I am seeing a lot of people who saw *him* before the General Election campaign, who tell *me* that he promised them things and who tell *me* that he said that if he was elected he would deal with giving them a home. But, of course, Mr Speaker, he deployed another device during this General Election campaign to show that he was the incumbent, to not just go around promising people things but actually giving them things, and I think, Mr Speaker, that was the problem. They cashed in the chip before the vote, and that is why he is there and we are here.

**‘Paperless’ Government
Official policy**

895 **Clerk:** Question 103, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, can the Chief Minister say whether it is the policy of the Government that the Government should go paperless?

900 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, yes.

905 **Hon. P R Caruana:** Mr Speaker, if the Government is to go paperless, can the hon. Member assure the House that there will be a system, and can he explain what that system will be, to ensure that, having gone paperless, which means that nothing is on papers in files, but presumably done by e-mail or something... Can the hon. Member say how he proposes to make good, in any *meaningful* way, his commitment to allow freedom of information, to allow people access to their files and to their papers and to everything, not just the 20-year rule – what is the 20-year rule going to be worth in 20 years’ time if there is not a paper in the Government? – and what will he be showing people if there is no paper in the Government? What system exists? I am sure some system must exist. What system exists and what system will he be implementing to ensure that his supposedly environmentally motivated decision to go paperless does not empty of real meaning his commitment to open, transparent Government, to production of information and to access to files, which then will not exist, of course.

915 **Hon. Chief Minister:** Mr Speaker, despite the apparent aggression with which it is delivered, I detect a humble asking of a Question in respect of a matter on which the hon. Gentleman does not know much. I do not call him a Luddite, but perhaps, generationally, I am better able to deal with issues such as this.

920 Mr Speaker, going paperless does not mean that there are no bits of paper at all. It means that you reduce the bits of paper as much as possible, because that is accepted by everybody else to be environmentally friendly. For that reason, Mr Speaker, we will be reducing the use of paper as much as possible. One of the things that we are doing, Mr Speaker, is that Members are getting only their Questions in printed form to come to that House so that when we are dealing with debates like this we have got a piece of paper, and they are receiving everybody else’s Questions and Answers, in order to be able to follow the debate, by e-mail.

925 Therefore, Mr Speaker, to answer his question – what will freedom of information require in terms of being paperless – it is very simple: when somebody makes a freedom of information request and we go back to the old files, which are on paper, it is very likely, if we are able to get the systems going, that we will simply scan those in and send them to those persons by e-mail, which is the way that it is done in the United Kingdom, you should know.

930 In the United Kingdom, the freedom of information mechanisms work on the basis that the first attempt to interact with the person who is seeking information is to ensure that they have got e-mail to try and send them the documentation in that way, and people can then see on their screens – on their iPads or any other devices that they use – the information, and there are now sophisticated programmes which allow you to even make notes in respect thereof. The same would apply in respect of the 20-year rule. He knows that, before the General Election, he was already looking at digitising the archive, which means that the archive... although 935 what was there in paper will be kept in paper, will also be kept in electronic form. It is almost nonsensical – but I will not say that it is that because I complain when he makes such allegations about things that we say – to suggest that it is not possible to do these things electronically... For years, newspapers have kept *their* records on microfiche rather than in hard copy, although a hard copy may exist in one library somewhere, which is the library of record.

940 So, Mr Speaker, there are many ways of doing this. I would have thought that this is something where we should be getting support from the hon. Gentleman and I will interpret his Question only as seeking information, despite the tone with which I detected it was delivered.

945 **Hon. P R Caruana:** Mr Speaker, I suggest the hon. Member limits himself to what is his statutory duty, which is to answer my questions, not to interpret my tone.

Mr Speaker, I do not know whether I am a Luddite or not. I do not even know whether being called a Luddite is being called a name, which he complains of when I call him one. I do not know whether being called a Luddite is being called a nasty name, which he always makes this fuss about when I call him... but I am not as sensitive as he is about these things.

Nor have I done anything such as he has attributed to me. I have not attempted to suggest (*Interjection*), let alone suggested, that it is not possible for the Government to go paperless. What I have asked him, and I would ask him again –

Hon. Chief Minister: What is the premise of his question. He is not asking a question. He needs to ask questions.

Hon. P R Caruana: Look, Mr Speaker, I do not know how long the Chair in this parliament is going to want to take instructions from one Member of the House from a sedentary position. He knows, Mr Speaker, that it is not for him... This is like a footballer who asks the referee to produce the red card. He should sit there quietly and when the Speaker wants to enforce the rules of Parliament, he will.

Mr Speaker: Order! Order! May we please get on with the question?

Hon. P R Caruana: Yes, exactly, Mr Speaker – prompted by the Chief Minister, there is always an admonition.

The question that I have asked him is not to suggest that it is not possible. I have asked him what *system* he is going to put in place to ensure precisely that the paperless Government... and the first question was whether it was going to be paperless, and he said yes. He did not say, ‘No, the only element of paperlessness is that we are not getting copies of the Questions.’ He said that the Government was going to go paperless. ‘Paperless’ means without paper.

Hon. Chief Minister: It does not.

Hon. P R Caruana: ‘Paperless’ does not mean without paper, okay. Well, it means without paper to most people.

Hon. Chief Minister: It does not.

Hon. P R Caruana: What I have asked him to do is to explain to this House what method, what technology, what system is going to be put in place to ensure that paperless Government does not mean unauditable, inaccessible, unverifiable, recordless Government?

Hon. Chief Minister: Mr Speaker, there are many systems around the world that deliver that. ‘Paperless’ in the context of trying to deliver the use of less paper does not mean no paper.

Mr Speaker, Mr Luddite was a gentleman who destroyed a machine because he thought it was going to rid him and some of his colleagues of work. It is not an insult; it is a description. It is in the dictionary; it has a *meaning*. I am surprised the hon. Gentleman –

Hon. P R Caruana: So is ‘bastard’. I do not think I can call him one.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman says that so is ‘bastard’. Of course ‘bastard’ is in the dictionary. It also has a meaning which is applied even in courts, describing what that name implies. In playgrounds and in people who speak as if they were in playgrounds, that word means something different. ‘Luddite’ in a place like this has the meaning that Mr Luddite bequeathed to those of us who speak the English language.

Mr Speaker, there are many systems that can be used for this purpose. These are the things that we are looking at. Already we are making progress: e-mail is one of them. Frankly, how is it that we can have a row about something like this, Mr Speaker? One really is left to wonder whether there is the animus to have a parliamentary session which works like a parliamentary session should.

Mr Speaker, the hon. Gentleman, in my view – (*Interjection by Mr Caruana*) In giving him my Answer,

Mr Speaker, I want to say this to the hon. Gentleman. He spent a long time asking me a question. In most instances, when we look at *Hansard*, it will be visible for anyone who cares to consult it that today the questions have taken longer than the answers. Mr Speaker, the questions should be that: questions.

1005 **Hon. P R Caruana:** Mr Speaker, the reason why we are having a row about this is that the hon. Member not only does not answer my question; he invents the question that I have asked him and then answers not the question that I asked but the one that he manufactures and attributes to me. That is why, and it is his style. It is his... incorrigible waffler not in control of detailed style, which characterises him not just in this House but outside.

1010 I have not, for example, suggested to him that there is no system. I have asked him to explain to the Opposition, as we are entitled to ask, and I do not care whether he thinks it is a good question or a bad question, whether he approves of it or not. It is none of his business. (*Interjections*) His business is to answer it. I have asked him what system, of all the ones that he thinks exist... Given that he has already issued instructions for the Government to go paperless, he presumably has already chosen a system to allow non
1015 paper-based information to be stored in a retrievable fashion, in a collatable fashion by subject matter, to ensure that, for posterity, it can be protected and retrieved, and all I have done is ask him how he is going to do that, and then I got 'Luddite', and this, and motive and –

1020 **Hon. Chief Minister:** I got 'bastard'. I got 'bastard', Mr Speaker. 'Luddite' is not so bad.

Hon. P R Caruana: You did not get 'bastard'.

Hon. Chief Minister: Well, I mean waffle, not in control of detail. Mr Speaker, come on! (*Interjection by Hon. P R Caruana*)
1025

Mr Speaker: Order! Let's move on to the next Question.

Hon. Chief Minister: There are some things... [*Inaudible*], but one does not say out of politeness.

1030 **Mr Speaker:** Order!

Clerk: Question 104, the Hon. P R Caruana.

1035 **Hon. Chief Minister:** You didn't ask the Question.

Hon. P R Caruana: Yes, I did. I asked you what system you have chosen.

Hon. Chief Minister: You got carried away with yourself, as you usually do.

1040 **Hon. P R Caruana:** So he is not going to tell me what system he has chosen.

Hon. G H Licudi: No, the next Question has been called.

1045 **Hon. P R Caruana:** Exactly, so he is not going to tell me. That is what I have said.

Hon. Chief Minister: I have told him. We are going to have an e-mail system and scan the records.

1050 **Development of Gibraltar**
Modern, vibrant city

1055 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister say what he thinks Gibraltar needs to make it a modern vibrant city?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, four years at least of a GSLP Liberal Government! (*Laughter and applause*)

Hon. P R Caruana: Yes, and what does the GSLP Liberal Government intend to do during those four years, particularly to increase the modernity and the vibrancy of our city? (*Interjection by the Chief Minister*) I would have thought the Question was a reasonable Question. He has given the Answer that he has given and then he wonders why we end up in a row. He knows why we end up in a row.

Hon. Chief Minister: Mr Speaker, all the things that are set out in the manifesto which saw us elected by the people of Gibraltar to become their Government on 9th December.

Hon. P R Caruana: It is implicit that he does not believe that Gibraltar is a modern, vibrant city now, then?

Hon. Chief Minister: Mr Speaker, it is implicit that, as the proud Gibraltarian that I am, I see that this country could be going much further than it has in the past 16 years and that its modernity and its vibrancy have been constrained by the previous Government.

Hon. P R Caruana: Mr Speaker, the hon. Member has not said that he wants to make Gibraltar a more modern and vibrant city; he has said that he wants to make it a modern and vibrant city, namely it is not a modern and vibrant city today. If he had said a more modern and vibrant city, then the answer that he has given might be apposite, but it is not apposite. I want to know whether he considers that Gibraltar today is not a modern and vibrant city and that it needs four years of GSLP Government to become one.

Hon. Chief Minister: Mr Speaker, yes.

Changes to Constitution An 'evolving document'

Clerk: Question 105, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, can the Chief Minister say in what respect our Constitution is an evolving document, and can he say whether he intends to seek further changes to our Constitution?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, every constitution is an evolving document. Ours contains a Chapter on Fundamental Rights and as these evolve so will we need to update that Chapter.

In political terms, if there are changes *de facto* in the way we operate in Gibraltar, we will seek to amend our Constitution, in partnership with the UK, to reflect those changes *de jure* in the letter of our Constitution.

Hon. P R Caruana: But, Mr Speaker, would this be evolving change to increase the level of self government, rather than to decrease it or neuter it?

Hon. Chief Minister: Mr Speaker, I should trust that there will never be any difference between us across the floor of this House or anywhere else that might suggest to anyone that the evolution in our Constitution should actually be *devolution*. 'Evolution' means only one thing –

Hon. P R Caruana: In one direction of travel.

Hon. Chief Minister: In one direction of travel, absolutely right.

Hon. P R Caruana: Good Mr Speaker, we can agree on that, if we have to, here.

1115 Does he agree that evolution means formal change to the document, that this is not a question of reinterpreting any part – you are reinterpreting what is in the document unilaterally – that what we mean is that if he can find a way of increasing our levels of self government he will try to get those reflected in the letter of the document called our Constitution?

Hon. Chief Minister: Mr Speaker, I believe that is exactly what my first Answer said. If it did not, I am delighted to confirm it to him.

1120

**Gibraltar Constitution
External reasons for change**

1125 **Clerk:** Question 106, the Hon. P R Caruana.

Hon. P R Caruana: Yes, and I see that the Clerk is moving me on at his speed. Alright. Mr Speaker, can I –

1130 **The Speaker:** Does the Hon. Leader of the Opposition want to...?

Hon. P R Caruana: No, I was in jest.

1135 Mr Speaker, can the Chief Minister say what reasons external to the relationship between us and the United Kingdom would justify or require changes to our Constitution?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, none that I can think of.

1140 My view is that nothing external to the relationship between the UK and us would justify or require changes to our Constitution. That is what I said in my New Year's message to the nation.

Hon. P R Caruana: Sorry, then I have misread it. Your message to the nation said:

1145 '... and we need to keep that evolution fluid and constant, never believing that it is a document set in stone that cannot be changed for reasons external to the relationship between us and the United Kingdom...'

– which means that it can be changed for reasons. 'Never believing that it cannot be changed' means believing that it can be.

1150 **Hon. Chief Minister:** No, Mr Speaker, I believe that what my message says is that it cannot be prevented from changing for reasons that are external to us.

Mr Speaker, there, what we are saying is Spain cannot stop us from going further if we and the United Kingdom are prepared to go further.

1155 **Hon. P R Caruana:** Oh, I see.

Hon. Chief Minister: That is what I believe that says, and I have read it 20 times to see whether it is possible of mischievous interpretation. I would invite the hon. Gentleman to agree with me that it is not, for reasons that are bigger than him and me.

1160

Hon. P R Caruana: That is a very helpful clarification. I agree with him.

Mr Speaker: The Hon. Daniel Feetham.

1165 **Hon. D A Feetham:** Yes, Mr Speaker. Can the hon. Gentleman, the Hon. the Chief Minister, tell this

House that, in the light of the previous statement that he made earlier on this afternoon – that we now enjoy the maximum level of self government short of independence, or which is compatible with British sovereignty – how does he envisage further constitutional evolution to grant us more self government in the light of that statement?

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Hon. Chief Minister: Mr Speaker, because constitutions are evolving documents and relationships are evolving, and it is possible that, for reasons neither known to him or me today, there can be changes which are positive to the people of Gibraltar.

1175

Frankly, if what he is trying to do is put me in the corner on this one, he needs to put his Gibraltar hat on, take off his GSD hat, and allow us to make that progress if it is possible, and not simply say, ‘You cannot reconcile your statement, so there is no way forward.’

1180

Of course there is a way forward, Mr Speaker. As my Government progresses and perhaps, Mr Speaker, when I am here for four, eight, 12, 16 or, heaven forbid, 20 years – and I would not want to be here for anywhere near that long – we will make progress in our relationship with the United Kingdom which we cannot envisage today. The world changes, things change and it is possible that the maximum possible level of self government today is not the maximum possible level of self government tomorrow.

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The Hon. the Chief Minister, in the ... The Hon. the Leader of the Opposition... (*Interjections*) Teething trouble – he must be giggling where he has gone! The Hon. the Leader of the Opposition (*Interjection*) said before, Mr Speaker –

Hon. D A Feetham: If he wants to change roles now...

1190

Hon. Chief Minister: Mr Speaker, the Hon. the Leader of the Opposition said before that, despite what the Constitution says, the practice has developed that the United Kingdom does not make law for Gibraltar by Order in Council. There is a development, Mr Speaker, that we all bank, rightly, *de facto* and that one day we may be able to reflect *de jure*. There, Mr Speaker, is just one example.

1195

Hon. D A Feetham: Mr Speaker, I am not trying to catch the hon. Gentleman out at all. I am just trying to understand the Government’s policy on this.

The Government has said that its view is that we enjoy here in Gibraltar the maximum level of self government short of independence and compatibility with British sovereignty, and I was just trying to explore with the Hon. the Chief Minister what areas he envisaged might be ripe for further constitutional development in the light of that statement.

1200

So really, at this stage, the answer is that he does not envisage any further... Is that the answer, that he does not envisage, or he cannot come up with any areas for further constitutional development in the future, at this present moment in time?

1205

Hon. Chief Minister: No, Mr Speaker, that is not the position. I am not going to accept that the hon. Gentleman put words in my mouth. I have said what I have said, not necessarily what he said I have said.

The hon. Gentleman who has just come back in the Chamber will be delighted to know that he was called something much better than a Luddite a few moments ago when he was out of it!

1210

Hon. P R Caruana: By whom?

Hon. Chief Minister: By me.

Hon. P R Caruana: You think I should be Chief Minister?

1215

Hon. Chief Minister: No, I don’t think you should be. It was a Freudian slip.

Hon. P R Caruana: It was a dream. I miss all the better ones! My bladder has let me down!

1220

Hon. Chief Minister: Believe me, it was not a dream; it was a nightmare, Mr Speaker.

Mr Speaker, I have already come up with one example of a circumstance which might somehow one day develop and evolve into something that is reflected in... a new constitution and it is the example that the Hon.

the Leader of the Opposition gave, which is that there has been developed a practice that the United Kingdom actually does not make law for Gibraltar by Order in Council – something that we all, of course, welcome, Mr Speaker – that may have consequences and, as time passes, that may become something that we reflect in some way in our Constitution. Of course, that is one example. What we cannot do is pretend to know everything that will happen and how things change.

Therefore, I believe that there are circumstances that could result in us wanting to change the Constitution, even though I have said what I have said, namely, that we have achieved the maximum possible level of self government.

Hon. P R Caruana: Yes, Mr Speaker, the problem is – and perhaps this is what set the kite flying – that if in a New Year message, Gibraltar's newly-elected Chief Minister says the things that he has said, it does make people think whether he has something in his mind that he is setting the scene for and my questions.

I have no doubt my hon. colleagues were in the vein of trying to pick his brain to see whether he did have anything in mind, positive or negative, for Gibraltar in terms of this carefully constructed paragraph which followed immediately after the reference to Mr Liddington's... to the... not Mr Liddington's... to the Overseas Territory Review which had... Bellingham, the Minister of State, the Foreign Office for Overseas Territories, is conducting on a cross overseas territory-wide basis. It was the link.

I was just trying to establish whether there was a link between those, or whether he was simply saying, which is the impression he has left me with this afternoon... whether he is simply saying that the fact that Spain would protest is not a reason for withholding further constitutional development for Gibraltar. If that is all that he is saying, fine, then there is no link of the sort or other implication.

Hon. Chief Minister: Mr Speaker, if the hon. Gentleman ever has that thought again in relation to issues like this, I would say to him I will take your phone call whenever you ring, and it is important that, if there are issues like that (*Interjection by Mr Caruana*) we should not... it depends what type of phone he is calling from. We should not necessarily –

Hon. P R Caruana: From my mobile.

Hon. Chief Minister: – have to talk about them across the floor of the House because if I did have such a thought, it may be that it might have been useful for us to share it. I would call him if I had such a thought before putting it in a statement like this or he would have an indication from me otherwise.

Mr Speaker, what was in my mind then and is in my mind now, and will always be in my mind, is that we had the 1969 constitution for 37 years and we were very often told that that was it and our constitution was never going to be up for renegotiation and it is important that nobody get the impression – and I thought that this would be an issue of common ground – that we accept that where we are is where we are and there is nowhere else to go because it may be that, across the floor of the House, we agree that there is somewhere to go in the future.

In respect of the first Chapter, Mr Speaker, on fundamental rights and freedoms, there are fundamental human rights and freedoms, which are evolving. For example, there are rights for disabled people not to be discriminated against. We now face the possibility, as a result of international legal conventions, that we may be making laws to enshrine those rights and we may find ourselves, Mr Speaker, with certain fundamental rights set out in a constitution and others set out in a statutory provision, and we may agree, Mr Speaker, that it is important that all of those fundamental rights should be equated within the first Chapter of the constitution. There is one example that comes to mind of something that may be very easy for us to agree *inter se* and may be very easy for us to agree with the United Kingdom. There is provision, Mr Speaker, in the constitution for there to be changes to that Chapter for just those reasons.

Hence, Mr Speaker, I believe I am reflecting what the constitution is, a living and, therefore, in our view, and I hope across the floor of the House, only in one direction and positively evolving document.

Hon. P R Caruana: Yes, Mr Speaker, thank goodness we are not all Luddites on this side of the House as my very young and very un-Luddite colleague has been able to give me a copy of the Constitution.

Does he acknowledge, nevertheless that, insofar as the European Convention of Human Rights is concerned – in other words, human rights that are recognised on an inter-government basis in Europe – there is no need to change the constitution to recognise them because the constitution already says precisely that –

that the constitution shall be deemed... I am just trying to get to that... that the... Yes, here it is:

1280 'That the decisions, amendments to the European Convention of Human Rights judges' decisions, declarations of advisory opinions, opinions of the European Commission of Human Rights, decisions of the Commission in connection with article...'

– that these are all effectively incorporated automatically into our constitution. So that is one of the things that we did, in the constitutional... [*Inaudible*] to avoid the constitution ever being out of sync with the European Convention of Human Rights. He is aware of that?

1285 **Hon. Chief Minister:** Mr Speaker, yes, that is what I was saying in my previous answer. That is why it is an evolving document and that is why that chapter can also be changed, but, Mr Speaker, there are some things that come to us not just from Europe. There is an International Convention on the Rights of Disabled People (*Interjection*) which is not necessarily covered by that.

1290 What I am saying, Mr Speaker, is that we may make a decision as a parliament, this is not a decision of the Government unilaterally, but we may make a decision as a parliament and as a political class to incorporate those things in the fundamental chapter and we should not close the door to that and I take it from what I am hearing on the other side that they agree.

1295 **Hon. D A Feetham:** We do not disagree with that, but would the hon. Gentleman agree with me that, in fact, that particular chapter has nothing to do with the levels of self government? It deals with human rights, not levels of self government in Gibraltar that you are talking about.

1300 **Hon. Chief Minister:** Mr Speaker, that is why I spoke before about the issue to do with levels of self government and then spoke about the issues to do with fundamental rights. He may not have been following and I commend the *Hansard* to him, where he will have seen that I was talking about the other matter previously. I should say with his current leader.

1305 **Adjournment motion**

Hon. Chief Minister: Mr Speaker, I have the honour to move that the House do now adjourn to 10 o'clock tomorrow morning.

1310 **Mr Speaker:** I now propose a question, which is that this House do now adjourn until Friday 20 January 2012 at 10.00 a.m.

I now put the question, which is that this House do now adjourn until Friday 20th January 2012 at 10.00 a.m.

1315 Those in favour (**Members:** Aye.) Those against. Passed.
This House will now adjourn until Friday 20th January 2012 at 10.00 a.m.

The House adjourned at 7.28 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.00 a.m. – 11.50 a.m.

Gibraltar, Friday, 20th January 2012

The Gibraltar Parliament

The Parliament met at 10.00 a.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Questions for Oral Answer

Clerk: Sitting of Parliament, Friday, 20th January 2012.
Answers to questions continue.

5

DEPUTY CHIEF MINISTER

10

**Government ‘projects’
Definition for planning purposes**

Clerk: Question 76 of 2012, the Hon. S M Figueras.

15 **Hon. S M Figueras:** Yes, Mr Speaker.
Will the Minister with responsibility for planning define what the Government considers 'projects' in the context of the requirements that all Government projects will be subject to the planning process?

Clerk: Answer, the Hon. the Deputy Chief Minister.

20 **Hon. Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I will answer together with Question 77.

25 **Government 'projects'**
Date subject to planning process

Clerk: Question 77.

30 **Hon. S M Figueras:** Mr Speaker, will the Minister with responsibility for planning confirm the date from which the Government expects all Government projects to be subject to the planning process?

Clerk: Answer, the Hon. the Deputy Chief Minister.

35 **Hon. Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the new Government at this stage intends to continue with the policy of the previous Government not to require the approval of the DPC. However, in line with our philosophy in this matter, Government intends to present all development and planning projects that would ordinarily require planning permission to the DPC for an opinion and for guidance. *(Interjection)* To the DPC, for opinion and for guidance. This will enable a wider input into the
40 process and ensure consistency with the Commission's overall planning policy.

Hon. S M Figueras: Mr Speaker, in relation to the question of which projects it is intended eventually will be required to go to planning, can the Member confirm whether any discussion or consultation has been carried out in respect of which ones will eventually be required to go through that planning process?
45

Hon. Deputy Chief Minister: Mr Speaker, the Government has taken the view that we will not go to the DPC to ask for planning permission for any projects, but will present all projects for an opinion and for guidance from the DPC. So there is not, actually, a list of what will go and what will not. Everything will go to the DPC, except that it will not require planning permission.
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Hon. S M Figueras: Mr Speaker, perhaps the Member can confirm whether it is the Government's intention to not proceed to make Government projects subject to the planning process during the term?

55 **Hon. Deputy Chief Minister:** Mr Speaker, this is too soon to determine. What I can say is that, at this stage, Government projects will not require the approval of the DPC, but we will go to them to seek an opinion and to seek guidance. This may change but, at this stage, that is the policy.

Hon. S M Figueras: This a rather surprising turn of events, in the light of the new Government's claim to this new era of openness and modernisation which, of course, is welcomed, certainly, by myself.
60

It is surprising to notice, is it not, Mr Speaker, the suggestion that all Government projects may – in the General Election that all Government projects *would* indeed go to Planning is now not something that is even scheduled or considered or expected to occur within the foreseeable future. Can the Minister confirm why it is that this apparent change of heart has occurred?

65 **Hon. Deputy Chief Minister:** No, Mr Speaker, but I am certainly happy to clarify the position.

I think the hon. Member may have been misled by reports, which I also read. The Government has actually never said in our policy commitments or manifesto that Government projects would be required to go to the DPC for approval. What we have done is say that we will present them to the DPC for opinion and for

70 guidance, but actually they never have taken the position that they would all go to the DPC for approval. That is the policy at this stage. This may change.

75 **Hon. S M Figueras:** So I see, Mr Speaker, that the projects will be put to the Planning Commission for an opinion, but regardless of what that opinion may be, Government will proceed with those projects. Is that correct?

Hon. Deputy Chief Minister: Mr Speaker, the Government will initially deal with the DPC, in the same way as the previous administration used to deal with the DPC. That is to say, there is no change of policy in this respect. We will present projects to the DPC for opinion and for guidance.

80 **Hon. S M Figueras:** Yes, indeed, Mr Speaker, we understand that that was a policy of the previous administration, but it was a policy for which the previous administration was criticised continuously by the previous Opposition and it is something that certainly that report was allayed to. It is surprising that there is now a change of heart, as it were, in the Government bench and I would be grateful for an explanation as to why that has come about.

85 **Hon. Deputy Chief Minister:** Mr Speaker, the policy of the Government has never been that our projects will go to the DPC. Therefore, there has been no change of heart.

90 **Hon. S M Figueras:** Mr Speaker, yes, indeed, in terms of clarification, the Government projects were put initially to the DPC, as the hon. Member himself has explained... was policy and this was something, failing to take it through the whole planning process... was something that was criticised by the previous Opposition, now the Government. (*Interjections*) I still, unfortunately, have not had an answer from the hon. Member in respect of...

95 **Mr Speaker:** Order! Order!

100 **Hon. Deputy Chief Minister:** I do not recall ever having criticised the previous administration for not having taken projects, or not having presented projects, to the DPC. In fact, my understanding is that they did present projects, up to four or five years ago and then this actually stopped. So it is something which I am now criticised for.

In any case, we are here to answer for our policy as a Government and the policy of the Government is that projects will go to the DPC for an opinion and for guidance.

105 **Hon. S M Figueras:** Mr Speaker, wary as I am of the discussion that was had yesterday in this House in respect of manifesto commitments and their suitability to be mentioned here, I do think it is relevant to mention that, within their manifesto, there is a commitment that Government projects will be subject to the planning process.

110 That is the source of my confusion on this matter and the reason why I am asking the question. Once again, I would ask why the change of heart?

Hon. Deputy Chief Minister: I think the hon. Member may have been misled by information which appeared in the press, contained...

115 **Hon. S M Figueras:** No, Mr Speaker, it was in the manifesto on page 45 of your manifesto.

Hon. Deputy Chief Minister: The policy of the Government is to submit projects to the DPC – that is not going to change what we are doing. It is a change in a sense that they did start doing it as well and then they stopped.

120 We intend to continue with the policy which they initiated, which is to present projects to the DPC for an opinion and for guidance. That may change, but that is the position at the moment.

Hon. P R Caruana: Mr Speaker, is the Hon. Dr Garcia saying that all the innate persistent sniping criticism that persisted about the previous Government's ignoring the DPC, doing its projects without... That

125 all of this had nothing whatsoever to do with the Opposition and actually they were content. It is now the position of the GSLP Liberal Alliance in government that they are content with the policy of the previous Government and the use of the DPC in relation to Government projects to the extent that they are minded to continue it and the Hon. Dr Garcia appears to be unaware of the content of his manifesto.

130 No, he cannot shake his head. The content of the manifesto has been read to him, Mr Speaker, he has said, no. The manifesto, on page 45, says:

‘Government projects will be subject to the planning process.’

135 The planning process is not a process whereby people submit projects to the DPC for their guidance and opinion, the planning process to which they are committed to submit Government projects is a process –

Hon. Chief Minister: Where is the question, Mr Speaker?

Hon. P R Caruana: – a process whereby projects –

140 **Hon. Chief Minister:** This is supposed to be Question Time, Mr Speaker.

Mr Speaker: Order! Order!

145 **Hon. P R Caruana:** – is a process whereby projects are submitted for their approval.

Will the Hon. Dr Garcia therefore concede that the position that he has set out today of a policy of continuing the previous GSD Government’s policy is, firstly, incompatible with the political use they made of this subject before the General Election and, secondly, an entire U-turn from what they put in their manifesto, on the basis of which people voted for them (**Members:** Hear, hear.) (*Applause*)

150 **Hon. Deputy Chief Minister:** Mr Speaker, the policy of the Government – the position of the Government – has not changed. We have said... what I have said is, the Government projects will be submitted to the DPC and they will be submitted for an opinion and for guidance *at this stage*.

155 There is a review of the town planning legislation going on at the moment. I do not want to predetermine the outcome of that review. That position may change. I have kept on saying, ‘at this stage’.

160 **Hon. P R Caruana:** Mr Speaker, the hon. Members have shown remarkable alacrity in applying those parts of their manifesto that do not cost money and which it is within their gift to employ immediately – 30 days, 60 days, 90 days, 6 days. Here is something that they can do immediately, at no cost, complying with their manifesto. They do not need to change the law; all they have to do is say to the DPC, ‘approve or disapprove of this project’ in accord... They can submit voluntarily to the planning process, they simply choose not to do so and it is yet a further resiling from their manifesto, all of which will be listed in due course by the people.

165 Does the hon. Member not see that what he has announced here today is *not* what the manifesto says. He *could* say, if he wanted – I will still say to him there is no reason for the delay – but he could say, yes, it is a manifesto commitment, we are not doing dealing with that commitment just yet, that is for some time in the future, but what he has said today is that this is not what his manifesto says and I want him to acknowledge at least, please, if he would, that what he has said today is not consistent (*Interjections*) with what his manifesto says.

170 **Mr Speaker:** Order! Order! The point has been made by the Chief Minister twice. There was a question in the last question that started off, ‘Is the Hon. Dr Garcia saying...’ so there was a question, albeit followed by a very long text.

175 **Hon. P R Caruana:** I beg your pardon, Mr Speaker.

Hon. Chief Minister: Mr Speaker, that is exactly it.

This is a parliament and it is Question Time and there are moments in Parliament when people can say what they like. It is not a question of trying to stop people from saying what they like, because people can

bring motions and they can say *whatever they like*. That is what they are paid for on that side and, to an extent, it is what we are paid for to do on this side. But at Question Time what they are paid to do... what their obligation is to the people of Gibraltar is to ask questions absent soliloquies.

Mr Speaker: Absolutely. I will listen to the Hon. Leader of the Opposition...

Hon. P R Caruana: The Hon. Mr Speaker has already said there is a question. Now, look, these questions could be briefer and fewer, if they would *answer* the question. The question is, even though he may wish to delay the implementation of the manifesto, will Dr Garcia concede that his manifesto *does* contain a commitment, as has been put to him and as he denied the first time it was put to him, to subject Government projects to the planning process? That is all. For the rest, he can implement his manifesto whenever he wants.

Hon. Chief Minister: We are talking about the issue of questions, not –

Hon. Deputy Chief Minister: Mr Speaker, the policy of the Government is that the Government projects will not be submitted to the DPC, will not be submitted through the planning process at this stage. There is a review of town planning legislation.

Some of the commitments in our manifesto are specifically dated, other commitments in the manifesto are not specifically dated. What we will not allow the hon. Member to do, is to try and manage our manifesto.

Mr Speaker: Before the next question is put, I really must insist that questions *must* be questions, not speeches and if it is necessary to set the question in its proper context, only a short preamble is necessary.

There are at least four lawyers on this side and we all know how to ask questions.

Hon. P R Caruana: Very well, in a very short form: regardless of when he intends to implement it, does the Hon. Dr Garcia acknowledge that his manifesto contains a commitment to subject Government projects to the planning process?

Hon. Deputy Chief Minister: Mr Speaker, that is the wording in the manifesto. (*Laughter*) However, what the manifesto does *not* say is when that is going to happen.

Like I said before, some commitments are time dated with specific dates as to when it is going to happen and other commitments are not dated and do not have specific dates. My answer is at this stage – that is not the intention – there is a review of town planning legislation going on. When that finishes, then we will see what happens.

Hon. P R Caruana: Indeed, Mr Speaker. Will the hon. Member, very briefly, by way of question, therefore now concede that the first answer that he gave in this House, in answer to the Hon. Mr Figueras on that very question, was not correct when he said that that was not what his manifesto said?

Hon. Deputy Chief Minister: Mr Speaker, I will read the first answer for the benefit of the Leader of the Opposition. The new Government at this stage intends to continue with the policy of the previous Government not to require the approval of the DPC. That is what it says, at this stage. That was the first answer.

Hon. P R Caruana: Mr Speaker, with respect you see, they obfuscate and then they complain when it takes a long time to clarify and expose their obfuscation.

Mr Speaker, I have not said the answer... his original answer to the original question... I have said, on the first occasion that he was asked by Mr Figueras to confirm what was in his manifesto. In answer to that, he said that that was not in his manifesto, not in his original answer, in a subsequent supplementary. Will he admit that, prior to clarifying it with me, he had told the Hon. Selwyn Figueras just three minutes earlier that his manifesto *did not* contain a commitment to subject Government projects to the planning process?

Mr Speaker: Before the hon. Member answers, with respect, the purpose of Question Time is to elicit information, to urge a line of policy on the Government and so forth. The answer, which the Hon. Deputy Chief Minister has given, has been given, has been heard and understood by all of us. I do not see the purpose

of Question Time in Parliament as in any way similar to cross examination in court, where we, as lawyers, are intent upon beating confession out of the witness.

The answer has been given. With respect, the question has been posed in different language, but aimed at the same answer.

Hon. P R Caruana: Well, Mr Speaker, as has been the case for the last sixteen years in this Parliament, if Mr Speaker has decided that he wants Parliament, from the beginning of this parliamentary term, to be different from what it has been in the past, then let him say so and then we will all know what the new rules of the game are. He cannot suddenly, surely, start criticising behaviour which replicates what has always been the case and I am certain that Mr Speaker is not suggesting that Question Time is a sterile process, just because the previous Opposition converted it into one... that in the Westminster model of parliamentary democracy, Parliament is for the elucidation of sterile statistical information and not for the conduct of political activity.

This is a novel view of what Parliament is for, which is not the case in the United Kingdom and certainly has never been the case here, but if Mr Speaker rules that that is what this Parliament will be, he can be absolutely sure that I, for one, will comply with his ruling.

Hon. Chief Minister: Mr Speaker, if I may, in relation to that point, the rules of the game have never changed. What has changed is that there is a commitment from this Government – and the hon. Gentleman is aware of it, as is the rest of the community – that there will be a monthly Question Time. Therefore, Mr Speaker, the need of the previous Opposition to set questions and supplementaries in context, which might have related to things that had happened months before the hon. Member opposite subjected himself to scrutiny on them, is no longer there and that is why I think it is absolutely right that you should take the attitude, which *Erskine May* suggests and urges upon you and which the Standing Orders and rules of this House have always required, that at Question Time we are there to elicit information, and information may be political information and need not be statistics and, in fact, Mr Speaker, the hon. Gentleman need only tell us what statistic they are interested in by asking us a question one month and if we believe that it is information which can be put into the public domain, we will ensure that it is put into the public domain every month thereafter for the whole of the community, Mr Speaker.

You are right to insist that, at Question Time, the Opposition's role is to ask questions and the Government's responsibility is to give answers and, in my view, the only thing that is sterile is the hon. Gentleman's political discourse.

Hon. P R Caruana: So, Mr Speaker, then he admits that there *is* a change. He thinks – he has just said so – he thinks, he is urging upon you a different attitude, because *he* says there is now a change in the nature of parliamentary business, because *he* has decided, in a way that has not yet been formally deployed or approved in this Parliament that, as there are now going to be monthly Question Times, this alters the nature of Question Time. So he is *confirming* my statement that there is a view that there should be a *change* in the nature of Question Time. Well, there is not yet before this Parliament any change in the nature of its business, so any change that might be justified to Question Time by any such reform, it certainly cannot be deployed, the change cannot be deployed, before the reform is deployed formally in this Parliament.

Secondly, Mr Speaker, anyone who sat through the previous four years of Question Time and now hears the statement made by the hon. Member, never mind that he professes to be the champion of a vibrant and open and effective Parliament, relevant to what the people use that Parliament for... Never mind that he subscribes to that policy for political purposes, just anybody who compares the Opposition's inquisitorial approach, when they were in government, to Question Time – we used to spend an hour on some questions; 30, 25 supplementaries from all Members, who now compares that behaviour on their part to the attitude that he is now trying to deploy of clipping the wings of the Opposition, *curtailing* this Opposition's ability to do what *they* used to do. Why? Because he is not up to submitting himself to the same degree of scrutiny to which *he* subjected me. He demonstrated yesterday that he was not up to it and he thinks he can modify the practice of this Parliament to protect himself from his serial inability to grasp detail and to prepare for it to come and combat in this Parliament.

Hon. Chief Minister: The hon. Gentleman needs to get used to the fact that he was the loser in the General Election. He is the one now who has been paid by the people of Gibraltar to ask questions, that his

290 capacity to pretend that he has a right from divine intervention to decide for himself what the procedures of this place should be, are absolutely only in his head, Mr Speaker.

295 You are the person who is entitled to determine how this Question Time proceeds. I am the person, because I am so charged by the people of Gibraltar, that has conduct of the timetable of this Parliament and I do not need to go through a parliamentary reform, to decide that I am going to bring my Government to this Parliament once a month to answer the questions that the Opposition rightly puts to us, because that is their role in a parliamentary democracy.

The extent of the questions, how long he can be on his feet, giving us these Hamlet-style soliloquies, that all of us are so bored of listening to and that this community has decided should *not* be the level of political debate to which we are all subjected, is a matter for you and not for him. (*Interjections*)

300 **Hon. P R Caruana:** In as much [*Inaudible*] ...now, as it was before. Mr Speaker, the Hon. Chief Minister is wrong. It is *not* in his power as Chief Minister to decide on the procedures of this House. The procedures of this House.

305 **Hon. G H Licudi:** There is a timetable. A timetable.

Hon. P R Caruana: ...And the order in which it conducts its business are set out in Standing Orders, which would have to be amended by this Parliament. That is something upon which we are all agreed.

310 What I am saying, is two things. First of all, there cannot be a change in the style of what Question Time in this Parliament is for and how it is conducted, without a decision of the Speaker, who has to, if he is going to change the style, say why he wants, or why he feels he is going to change it. Anyone who believes that what we were doing here yesterday and so far this morning, differs from what *they* used to do here during the last four and eight years, Mr Speaker, would not be telling the truth. The reality is that we are doing exactly the same – we may be doing it with more political effect, is a matter of opinion. That may or may not be the case, but we are using Question Time for the very purpose...

315 **Hon. Chief Minister:** Mr Speaker, point of order.

Hon. P R Caruana: No, I am sorry..

320 **Hon. Chief Minister:** I am sorry, Mr Speaker.

Mr Speaker: Order! Order!

325 **Hon. Chief Minister:** The hon. Gentleman needs to get used to the fact (*Interjections*) that he no longer has the last word in this place. Mr Speaker, these are the rules that applied to us as an Opposition and apply to *them* as an Opposition. Standing rule 17.1:

330 'The right to ask questions shall be governed by the following rules, as to the interpretation of which the Speaker shall be the sole judge. Not more than one subject shall be referred to in any one question and a question shall not be of excessive length.'

335 Mr Speaker, those were the rules that applied to us, they are the rules that apply to them. They applied to us in the context of a Chief Minister who, in some years, called no more than two or three meetings, depending on the year. Now this should be applied, Mr Speaker, of course in the factual context, to a Chief Minister who is going to call monthly meetings, however *you* consider is appropriate.

Mr Speaker: I will allow the Leader of the Opposition to finish what he was saying, then I will call the debate to an end by saying what I think.

340 **Hon. P R Caruana:** I was replying and I was interrupted.

Mr Speaker: I know.

Hon. P R Caruana: Alleging a point of order simply to repeat his argument and interrupt the exposition

of mine... which he is allowed to do.

Mr Speaker: I will allow the hon. Member...

Hon. P R Caruana: Mr Speaker, we all know what Standing Order says. The debate is not on the basis of what the Standing Order says, this debate is on the basis that, notwithstanding what Standing Order says, the Gibraltar Parliament has never functioned in that way. If the way the Parliament is going to function is going to suddenly change, coinciding with them moving from the Opposition benches to the Government benches, that is something that has to be noted and specified by the chair, by you, Mr Speaker.

You have got to say that, notwithstanding that this had been so in the past, in the future it is going to be different for this, that, or the other reason. If any such reasoning depends on a change in the parliamentary timetable, or a change in the way Parliament conducts its business, or a change in the number of Question Times, then that change, in my opinion, should not be implemented until those changes, in turn, until those agenda changes, have, in turn, been formally adopted in this Parliament.

That is the view from the Opposition benches and there are plenty of political points that, as we are discussing with you on a point of order, I will not add the many political dimensions that I could to this technical – (*Interjection*)

Mr Speaker: First of all, it is not for me to engage in debate with any Member of this House. I am to serve in this House, my job is to apply the rules to the best of my ability and my understanding. Let me assure every Member of this House I am applying the same Standing Orders which were approved by this House, I think it was in 2007, shortly after the new constitution was promulgated. I have interpreted those Standing Orders in accordance with the same text book, *Erskine May*. *Nothing*, nothing has changed in the last two days.

What I have observed and I have pointed this out – and as I say, it is not for me to engage in debate – but I will ask the Clerk immediately... as soon as possible after the conclusion of this sitting to make a transcript of *Hansard* available to the Hon. Leader of the Opposition. He will see the questions in the last... well, yesterday and so far today have been unduly lengthy and I would invite the Leader of the Opposition to bring to me corresponding texts from corresponding *Hansards* in the last seven years to show whether the questions from the Opposition then were as lengthy. I do not – I may be mistaken – but I do not believe they were as lengthy. I have not curtailed the number of supplementaries – that is not curtailed – and I have no objection to as many supplementaries as are relevant to the subject and arise from the answers, as may be necessary.

My criticism – or rather my plea – to the Opposition has been to curtail the preambles, because every question, or almost every question, has descended upon lengthy speeches, some of it of a political nature, some of it... well, unnecessarily long. But I will invite the Leader of the Opposition to prove me wrong, by comparing yesterday's *Hansard* with any one of the last seven years.

Hon. P R Caruana: I will accept.

Mr Speaker: Thank you.

Can we now proceed with short, sharp, quick questions?

Transparency of planning process Deliberations to be held in public

Clerk: Question 78, the Hon. S M Figueras.

Hon. S M Figueras: Thank you, Mr Speaker.

Will the Minister with responsibility for planning confirm whether there will be any part of the planning process, any at all, including the deliberations of the Development and Planning Commission which will not be held in public?

Clerk: Answer, the Hon. the Deputy Chief Minister.

400 **Hon. Deputy Chief Minister:** Mr Speaker, the only issues that have been raised to date in relation to this have related to security issues and this has been put forward by the Ministry of Defence, to security issues. The Government intends to discuss this matter further with the MOD.

405 **Hon. S M Figueras:** Mr Speaker, in addition to statements already made, would the hon. Member enlighten us as to whether any progress has been made on the holding of meetings in public and publication of the entire planning process online?

410 **Hon. Deputy Chief Minister:** Mr Speaker, the first public meeting of the DPC will be next week and the matter of placing all the application process online, so people can look for themselves and see the state of individual applications, is already underway. It is not, obviously, complete, but we have already started working on it.

Hon. S M Figueras: Mr Speaker, is the hon. Member able to provide me with a timescale for the publication of these applications online?

415 **Hon. Deputy Chief Minister:** Mr Speaker, it is certainly progressing, but I would not like to give a firm date. There is no date in the manifesto, obviously, but I can say it is progressing very quickly.

420 **Hon. S M Figueras:** Mr Speaker, in light of this new approach to planning and openness and certainly bringing the meetings of the Development and Planning Commission to the public, would the Minister concede perhaps that, given the importance of the openness that they are now placing on this process, holding every aspect, or rather, subjecting every aspect, of the planning process to public scrutiny is the desirable outcome of this process of change?

425 **Hon. Deputy Chief Minister:** Mr Speaker, this is our policy. That is exactly what our policy is and it was not the policy of the Members opposite when they were in Government. They are entitled to have a different policy, but our policy is that it should all be open, it should all be online.

There may be issues relating to security or sensitive issues of that nature but, other than that, everything will be open.

430 **Hon. S M Figueras:** Mr Speaker, in light of this clarification that there are, as one would expect, issues relating to security but, however, that everything should, in fact, be put before public scrutiny, will the hon. Member concede that, on the basis that Ministers of Government *and* Opposition are representatives of the people, they will take the initiative to amend the law to permit a Member of the Opposition to sit on the Development and Planning Commission, as a representative of the people, who will be subject and bound to those issues in relation to security?

440 **Hon. Deputy Chief Minister:** Mr Speaker, I appreciate the hon. Member is obviously new to the House and I understand that, but the hon. Members were in Government for 16 years and they never took that initiative. I appreciate it may not have been their policy; they are entitled to have it but, in our case, it is not in our manifesto, we have no commitment to include a Member of the Opposition in the DPC, but there are two Government Ministers represented on the DPC, who represent the people, and given that the meetings will be public and everything will be online, there will certainly be more information available to the Opposition than when *we* were on that side of the House.

445 **Hon. S M Figueras:** Mr Speaker, I am indeed new to the House and certainly finding my feet, but I am aware that it was the previous administration's position... I am aware of their previous position in relation to the Development and Planning Commission.

450 There is a new Government and there is a new approach to the Development and Planning Commission and will the Minister not concede that, perhaps consistent with this new approach, this commitment to openness, this commitment to public scrutiny, that appointing a Member of the Opposition to the Development and Planning Commission may be a good idea?

Hon. G H Licudi: He has answered the question already.

That Question has been answered.

455

Hon. Deputy Chief Minister: The hon. Member is certainly free to come to public meetings of the DPC, as anybody else is entitled to do that and to find out what the procedures are. What I certainly would be willing to consider, is to brief him on the issues which may not be discussed in public, because everything else he will be privy to.

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Hon. S M Figueras: Mr Speaker, I am grateful for that.
Thank you.

465

**Development and Planning Commission Chairperson
Eligibility of Town Planner**

Clerk: Question 79, the Hon. S M Figueras.

470

Hon. S M Figueras: Thank you, Mr Speaker. Will the Minister with responsibility for Planning confirm that he is satisfied that there are no practical, legal, technical, or other reasons why the Town Planner should not be appointed Chairperson of the Development and Planning Commission?

475

Clerk: Answer, the Hon. the Deputy Chief Minister.

Hon. Deputy Chief Minister: Mr Speaker, the advice that the Government has received is that there are no practical, legal or technical reasons, or other reasons, why the Town Planner should not be appointed Chairperson of the DPC.

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Hon. S M Figueras: As suspected, Mr Speaker, meaning no disrespect whatsoever to the office of the Town Planner or the Town Planner himself, will the Minister concede that it is far from ideal to have one of the more junior members of the Commission chairing *any* board or *any* Commission, much less that the person chairing the meeting is not one of two democratically elected representatives of the people at the Commission?

485

Hon. Deputy Chief Minister: Mr Speaker, I certainly do not think the Town Planner can be described as 'a junior person', but having said that... (*Interjections*) certainly, the policy of the Government in our manifesto was that the Town Planner should chair meetings of the DPC and that is already the case.

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At the first meeting, the Town Planner took over the meeting from me and is now the Chairman of the DPC.

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Hon. P R Caruana: Mr Speaker, is it, in the Hon. Dr Garcia's view, usual for somebody to chair *any* board, never mind DPC, *any* board, when there are the Deputy Chief Minister, a Minister, the Government's Chief Technical Officer... Some of the most senior people in the Government are sitting around the table and this person, who is much more junior in the pecking order, is supposed to direct them to, as the Speaker would do here, to ask shorter questions or not to extend so much in debate, or to be relevant, or to stick to the point, I could just see Mr Origo saying to the Deputy Chief Minister, 'Now, Dr Garcia, stick to the point, we have discussed your views long enough and now it is time to move on to the next application.'

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Does he honestly believe that a junior civil servant – oh, not junior, he is not a junior civil servant, but in the context of the Government's Chief Technical Officer and all the other people that sit on the board, does Dr Garcia not accept that it is unlikely that any chair of any board would be able, in effect, to exercise control, as the chair must, over the people sitting around this table, most of whom are his considerable seniors?

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Hon. Deputy Chief Minister: Mr Speaker, this may not have happened under *his* administration, certainly perhaps, it did not, but we have a different policy and it will happen under *our* administration, certainly I think part of that analysis is absurd. This is the policy of the Government. The expert in town planning is a town planner. I know I am not an expert in planning; my colleague, although he has experience in the DPC, is also not an expert in planning and the professional person who is an expert and is qualified to

do that, should chair the DPC. So we do not agree with the analysis.

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Hon. P R Caruana: Of course, the Town Planner is the expert in planning and he is now, as he was then, but experts offer advice to chairmen and board members, they do not *chair* the board that makes the decision. So if the expert on town planning is chairing the decision-making board, who is going to advise the decision-making board?

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Hon. Chief Minister: Mr Speaker, if I may. The manifesto, all of whom sitting opposite, (*Interjections*) have a copy of –

Mr Speaker: Order! Order!

520

Hon. Chief Minister: – says on page 45 – the same page where they have been trying to get us to stick to what it says –

‘The Town Planner will be appointed Chairman of the DPC, while the Minister, as a representative of the people, will retain a seat on the DPC, but will not chair it.’

525

That is our policy –

Hon. J J Bossano: And we are implementing it.

530

Hon. Chief Minister: The people have chosen this policy. Therefore, neither we nor the people, agree with the interpretation of the hon. Member opposite.

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Hon. P R Caruana: Therefore, Mr Speaker, according to *that* – I do not know if that is a Shakespearean soliloquy or not – but according to the Leader... the Chief Minister, so long as it is in their manifesto, even if it relates to the organisation of public bodies, of public affairs, we are not entitled to question them, because they are just implementing their manifesto.

Look, the Hon. the Chief Minister is going to lose his entirely undeserved reputation for being committed to transparency and reform much more quickly than even we suspected that he would lose it. We will ask questions in this House on any matter to do with public affairs or public policy, whether or not the hon. Members are doing things which are in their manifesto.

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My question, on a matter of public affairs, to the Hon. Dr Garcia is, if the expert, to quote his name, to quote what Dr Garcia himself said, the technical expert of the Government in planning matters is chairing the decision-making Development and Planning Commission, who will advise the Development and Planning Commission on matters of expertise – that require expertise on planning?

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Hon. Deputy Chief Minister: Mr Speaker, what we are saying is that we are entitled to *our* policy and they are entitled to *theirs* and if it is different, then so be it.

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Hon. P R Caruana: I know they are entitled to their policies and because their policies relate to the public affairs of Gibraltar, I am entitled to ask the questions I have asked, even if it is their policy. He can say, ‘Lump it, it is our policy and I am not going to answer your question’, which is, who is going to advise the DPC on expertise requiring matters, given that they have put the expert as Chairman of the very board that would require the expertise?

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Hon. Deputy Chief Minister: Mr Speaker, the position is as already answered. This is our policy, we respect it, nobody is saying he cannot come here (*Interjections*) and ask questions –

Mr Speaker: That is the answer.

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Hon. P R Caruana: If the hon. Member is refusing to answer... (*Interjections*)

Hon. Deputy Chief Minister: The hon. Member is on his feet, so the hon. Member should be a bit more –

565 **Mr Speaker:** Order! Order!

Hon. Deputy Chief Minister: The hon. Member is on his feet, so the Leader of the Opposition should keep quiet and listen to the answer.

570 **Hon. Chief Minister:** Hear, hear.

Mr Speaker: That is the answer, we have to accept it.

Hon. P R Caruana: No, it is not an answer, it is a refusal to answer.

575 **Hon. Chief Minister:** It is an answer he does not like.

Mr Speaker: No, that is the answer on the record. We have to accept it for what it is. Comment may be made elsewhere, that is up to whoever it is.

580 **Clerk:** Question –

Hon. P R Caruana: My question was...

585 **Mr Speaker:** I understand the question.

Hon. P R Caruana: Who will advise the Commission? It was not (*Interjections*) – is it the policy of the Government that he should be the Chairman? (*Interjections*) We know that, given that because it is their policy, they have appointed the Town Planner as Chairman of the board, in consequence of the implementation of that policy, who will now advise the Commission on technical matters? That is the question. The answer cannot be, 'It is our policy.'

Mr Speaker: Look, with respect, that is the answer which has been provided on three occasions when the question was posed. It is not for me to direct a particular answer. That is the answer and I have to accept it.

595 **Hon. P R Caruana:** Yes, as do I, Mr Speaker.

At some point I am going to move a motion that the cameras of the GBC be allowed to televise these proceedings as soon as possible and preferably by the next meeting of Parliament. (*Interjections*)

600 **Mr Speaker:** Order! Order!

Hon. Chief Minister: Well, if he does, he will find he will probably have unanimous support, because there could be nothing better...

605 **Hon. P R Caruana:** Well, let us get on with it.

Hon. Chief Minister: Than for the people of Gibraltar to see for themselves the antics that the hon. Gentleman gets up to in this House, his demeanour. The fact that he sometimes stands in front of a camera with his silk tie and pretends to be a nice guy is not the reality day to day in this Parliament, that he is a brute in parliamentary terms that they need to see. (*Interjections*) What was it that you said? (*Interjection*) You got up and said something and I am replying.

610 The hon. Gentleman, Mr Speaker, for all the cameras and for all the viewers, will have to be seen, by the whole of Gibraltar, no longer to have the last word and to see how much it hurts him that he no longer has the last word and how the sour grapes keep coming through every single day and why, because of that, this Parliament is unable to operate as a Parliament.

615 **Hon. P R Caruana:** Mr Speaker, I am very happy for the people of Gibraltar to see that which, of course, they will not. What they will see is the refusal of the hon. Members opposite to answer the questions, the spectacle of a Chief Minister who cannot answer questions and what they will see... If the people of Gibraltar

620 had seen, including my overlong questions, what has happened in this House, during the last day and a half, particularly the performance of the newly elected Government and how it bears no resemblance to what they were served up before the Election as being their policy, Mr Speaker, I tell you that the majority would not, by now, be 250 votes, it would now be no votes at all. So, roll on the cameras!

625 **Hon. Chief Minister:** Actually, what they will see is they will see it once a month, because it was as much in the gift of the previous Chief Minister, as it is in this one, to call the meetings once a month.

What they will see, Mr Speaker, is an attempt to make this place work as a Parliament and what they will see is that the hon. Gentleman just cannot accept what his new role is, that the whole of his political discourse is about trying to say that we already are failing as a Government, that he should have been returned to office, that our majority in votes will be lower next time round, it may be zero already. Mr Speaker, he is in for a big surprise, if he is still around in four years' time, although I see that Cassius has a mean and hungry look and he may not be.

Mr Speaker: Order! Order!

635 **Hon. P R Caruana:** Point of order. I have a point of order.

The hon. Member says that I do not know what my new role is. I do know what my new role is. My new role is to ask questions on behalf of the people of Gibraltar, to hold the Government to account about their public affairs. When I have tried to exercise that right, this morning, by asking a simple question: if the Town Planner is now Chairman of the DPC, who is going to advise the DPC on technical matters, they have refused to answer me.

640 It is, therefore, not that I do not know what my role is, it is that they will not allow us to perform our role, because they refuse to answer straightforward, simple questions about the public affairs of Gibraltar.

Mr Speaker: Order.

645 **Hon. Chief Minister:** I am lost as to what point of order I am answering, other than that the hon. Gentleman wanted to repeat the question *again*, in case, because people have not got the cameras on him, which, obviously, he is dying to have all cameras on him again, they might not have heard it the first time.

650 Mr Speaker, perhaps what we should do in relation to the substance of the question, is read the press releases that we have already issued on the subject and he might find

Mr Speaker: Order.

655 **Hon. Chief Minister:** – himself rather elucidated.

Mr Speaker: Okay. This is not the debate on televising, so I do not think we need to go into that yet. No doubt we will have a chance to debate the issue whenever it happens.

Can we move to the next question please?

HEALTH AND THE ENVIRONMENT

Registry of breast implants Support for patients with PIP implants

660 **Clerk:** Question 72, the Hon. Mrs I M Ellul-Hammond.

670 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, it is not only lawyers who know how to ask questions!

Mr Speaker: No. The hon. Member has probably misunderstood me. I said, as lawyers, we should know better...

675 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, will the Hon. the Minister for Health confirm if the GHA will be setting up a registry of Gibraltar patients who had breast implants fitted through the GHA, including at St Bernard's Hospital; at all UK hospitals, as well as the Royal Marsden Hospital; and at private clinics; and how will women found to have poly implant prosthesis (PIP implants) be supported by the GHA?

680 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, it is not only lawyers who can reply to questions.

685 Mr Speaker, no patients have had PIP implants fitted at St Bernard's Hospital or through St Bernard's on referral to the Royal Marsden. If any patient was referred by the GHA to any other NHS hospital for implants, then that patient would be notified by that NHS hospital. If requested, the GHA will make the necessary enquiries for any individual concerned.

690 With regard to Gibraltar residents who have had breast implants fitted privately, they have been advised to check with the hospital, clinic or surgeon who fitted them and, if they have been fitted, they are advised to seek to have them replaced free of charge by that clinic or hospital. This is the same advice that the UK government is giving patients treated privately in the UK.

695 Should any GPMS-entitled Gibraltar resident present to the GHA with a ruptured PIP implant, they will be immediately referred to the visiting plastic surgeon for treatment. If a GPMS-entitled Gibraltar resident presents to the GHA with evidence of having had a PIP implant fitted and if the hospital, clinic, or surgeon that fitted the prosthesis is unavailable, or unwilling, to replace the implant, then the GHA will offer to remove the implant at no cost to the patient.

700 Should that person wish to have the implant replaced, the GHA will provide the service electively through the visiting consultant plastic surgeon. If there is no medical indication to replace the implant – that is, the original reason for the implant was purely cosmetic – the patient will need to pay for the incremental costs of the new implants.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. the Minister please clarify what he meant by 'other NHS hospitals will be contacting any patients who have had implants'?

705 **Hon. Dr J E Cortes:** Yes, Mr Speaker.

We have carried out an exercise immediately to identify all the patients who we have referred to hospitals in the UK, and all those that we have contacted have responded that they have not used those implants. There is always a chance in any system – and I have inherited this system, clearly – that we may have missed one.

710 You never know, this could have happened some time ago and this is purely to say that if there is any NHS hospital that may have fitted a PIP implant to any patient, including a Gibraltarian patient, then that hospital will, in any case, contact the patient. But if any patient in Gibraltar has had an implant in any other hospital and is concerned, then we will make the necessary enquiries to make sure that we get an answer from the relevant hospital.

715 **Hon. Mrs I M Ellul-Hammond:** Thank you for that, Minister.

Mr Speaker, can the Minister also tell us how far back in the records has the GHA gone, in terms of researching GHA patients who have had implants implanted?

720 **Hon. Dr J E Cortes:** Mr Speaker, I have not got an exact date, but the instruction that I gave, and that has been followed up, leads me to believe that it goes back possibly as far as 10 years. But I would have to confirm that subsequently and I would be happy to provide that information, possibly even by the end of the day.

Hon. Mrs I M Ellul-Hammond: Please, that would be very much appreciated.

725 Also, Mr Speaker, could the Hon. the Minister please let me know how many patients, if possible, have been fitted with breast implants after referral from the GHA, be it as a consequence of breast cancer or for cosmetic purposes?

Hon. Dr J E Cortes: Mr Speaker, obviously that is not information I have with me now, as it was not

originally requested, but I will make that information available.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, I would like to go back just to the first part of the question.

If the Hon. the Minister could confirm if the GHA will be setting up a registry of Gibraltar patients which would include private patients, because, in fact, it would be good practice for there to be a registry of all medical devices, as it transpires that, according to the *British Medical Journal*, the very last one, there seem to be few checks and little regulation on medical devices, once they leave the factory floor to just before they are implanted in the patient.

Just for the sake of traceability and as future reference, it would be good practice for the GHA to set up such a registry.

Hon. Dr J E Cortes: Mr Speaker, the information is available. The question of whether it is in a form that we consider a registry, which nowadays – although this may surprise the Leader of the Opposition – can be done in digital format and not necessarily on paper with the word ‘Registry’ on the front, it is a possibility.

Clearly, if there is not a registry of this nature at the moment, it is because I have not inherited such a registry, but I shall certainly consult the professionals within the Health Authority towards the possibility and we will certainly consider that.

Hon. Mrs I M Ellul-Hammond: Thank you very much.

Concern over KGV Hospital Progress on new mental health hospital

Clerk: Question 73, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, given the Chief Minister’s concern for the KGV Hospital, as relayed in his New Year message, will the hon. Gentleman be expediting the completion of the new mental health hospital at the former Royal Naval Hospital site?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, on coming into office, the Government has become aware that work on the new mental hospital has so far been limited to enabling works. The design for the hospital had not been completed, nor had the staffing needs been identified.

As Minister for Health, I have now initiated an urgent process, and I can report that the design is finally virtually complete and work is progressing at last in identifying staffing needs. This will allow work to finally commence in earnest, with a view to a new mental health facility being operational in the shortest possible time.

There is an urgent need, as the facilities at KGV have been neglected throughout the term of the last Government.

Hon. Mrs I M Ellul-Hammond: Can the Hon. Minister tell us when the date of completion for the new mental health hospital will be?

Hon. Dr J E Cortes: Mr Speaker, I cannot at this stage. The indication that I have been given, following the works as I found them on coming into office was perhaps a year, but I am afraid that because the design had not been completed, I hope to have a completion date very, very soon, and it will be as soon as possible because, as the Members opposite will know, we are giving great priority to the welfare of our mental patients.

Hon. Mrs I M Ellul-Hammond: Is the Hon. the Minister for Health aware, with regard to his New Year message, where the Chief Minister stated that nothing has been spent on the KGV for years that, in fact, a considerable amount had been done and purchased for the KGV these last four years, and that therefore the Chief Minister’s statement is untrue?

785 **Hon. Dr J E Cortes:** Mr Speaker, I have not delved into the annals of the expenditure in specific items in the Health Service of the last administration. What I can say is that if they did spend any amount of money, I could not see the fruits of it; neither could the Chief Minister. Therefore, clearly, that was by no means enough.

790 I am resisting the temptation of commenting further on the state of neglect at KGV Hospital, because that has been evidently clear to the public, so I will say no further at this point.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, the Opposition welcomes the fact that £70,000 will be spent on the KGV over the next few weeks on painting, new furniture and equipment. Can the Hon. Minister tell us, who will be doing the works on the KGV, seeing that there is little GJBS staff left?

795 **Hon. Dr J E Cortes:** Mr Speaker, the works will partly be carried out by the workforce employed for maintenance by the Health Authority, who are normally based at St Bernard's Hospital and were available over the last four, eight and umpteen years, too, actually working in KGV. They will be deployed and we are looking at sourcing work outside, and that is currently a process that is being undertaken by the relevant department of the GHA.

800 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker –

Hon. J J Bossano: Mr Speaker, can I – ?

805 **Mr Speaker:** The Hon. Joe Bossano.

Hon. J J Bossano: Since the Hon. Member opposite has said there is little GJBS staff left, I have to tell her that we have had no notification of any reduction in GJBS in the Employment Service. So, as far as I know –

810 **Hon. Mrs I M Ellul-Hammond:** I am so sorry – subcontractors to GJBS.

Hon. J J Bossano: Subcontractors.

815 **Mr Speaker:** Yes, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Is the Hon. the Minister for Health aware, in fact, if he delves into the annals of the GHA estimates and works that have been done and items that have been purchased that, over the last four years, the steps leading to the entrance of the KGV Hospital were underpinned, the patients' lift was replaced, the building was painted, a new water boiler was installed, a new key locking system was installed, improvements were made to the drainage system, extra sensors for the staff attack system were introduced, seven special mattresses were bought, three special pillows were bought, two blood pressure monitors were purchased, privacy curtains round the beds were installed, dining tables and chairs were bought for the KGV...? A new kitchenette for the acute ward was also installed, Mr Speaker, blinds for the bathrooms were also purchased, a tinted film roll for the patients' smoking room, an ironing board, an iron, a tumble dryer, (Interjection) a large industrial pedal bin, large medicine cabinet, dressing waste pedal bin, thermometers, pots, pans, office furniture, dishwasher and so on?

825 So quite a lot, in fact, was purchased, and money was spent on the KGV. Is he aware – (Interjections) from delving into the...? (Interjections)

830 Is he aware, then, that nothing was spent?

Hon. Dr J E Cortes: I am now aware.

835 But I think the pertinent point is not whether we have underpinned steps and bought ironing boards; I think the case that we have to consider – and I am not here to ask questions of the Opposition – is was that enough, and the answer is clearly not.

It goes further than that. I am not sure when any Member of the Opposition, present or past, last visited KGV, but if they were to visit it today, then they would be embarrassed to run up a list like the list we have just been listening to, because the effect of what they did was certainly nothing to benefit the patients – or

very little to benefit the patients.

840 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, I did visit the KGV last year, and the year before that, and several times in the last four years, as a former member of the GHA.

The Opposition does recognise that the KGV needed work done. Is he aware, because of that, a new mental health hospital had been planned for the last four years and is underway?

845 **Hon. Dr J E Cortes:** I am sorry to hear that the hon. Lady did visit and that, despite that – she was not a Member of the Opposition then – and despite her membership of the GHA board, nothing was done, but I –

Hon. Mrs I M Ellul-Hammond: Yes. A lot was done. I have just read to you the list.

850 **Hon. Dr J E Cortes:** Look, it is not a question of whether... alright, I will rephrase that – of whether *anything* was done. Certainly not enough was done. You can ask anybody who saw the pictures and I invite you to come with me again, if you want – anybody who has had or has relatives in KGV, you just cannot justify the present condition of that institution by reading out a list of what was done. The question is not what was done; the question is what was not done. That is the question, Mr Speaker. So I think we have to place
855 that absolutely in context.

The KGV is not in a state that any of us would like any of our relatives to be in. If you do not believe me, ask the relatives. Starting a mental health facility after 15½ years, or 14½ years, if you started it before, is simply not enough.

860 Mr Speaker, I wanted to resist going on and on, but I have to tell you, I was manager of the hospitals in the Health Authority, coincidentally, from 1988. When I was manager in 1988, we completely restored St Bernard's Hospital and gave it 20 more years of life and we restored KGV Hospital. I last visited as manager of the Health Authority in 1991, and when I first visited within days of being elected by the people, I found it in a worse state than I had left it 20 years ago.

865 **Hon. P R Caruana:** Mr Speaker, does the hon. Member agree with me that you can never do enough to satisfy need, in any public service? If the hon. Member is going to set himself the benchmark of success of 'doing enough', there is always more that can be done and he is very ungenerous in his analysis, Mr Speaker – does he agree with me – if he takes the view that the question is not what you have done, but what you have not done? Actually, even if he wants to do that, should he not more accurately say 'what you did not get time
870 to do'?

Does the hon. Member agree that to point out – which is an obvious reality – that we had embarked on building a new mental hospital but had not finished it, that is true? But, of course, it is not as if we spent the first 15 years doing nothing – surely he recalls that we had introduced a new professional ambulance service when, before, it was done by the Police shift. We had a new primary care centre, we built a new hospital and we have always said that the final piece of the jigsaw was the new mental health hospital and that we were in
875 the process of doing it. Does he acknowledge that, in his analysis of what he has just said?

Mr Speaker, I do not know, in technical terms, what the actual state of the mental health hospital is; but can the Hon. Minister tell me, given that he thinks that the KGV, he has found it in such a shocking state, and even though he was not then a Member of the Opposition, can he tell me how many questions, motions or
880 anything, the previous GSLP Opposition raised, during the last four years, during the last Parliament, about this allegedly shocking state of the mental health hospital because, really, the shocking state did not begin on 8th December?

885 **Hon. Dr J E Cortes:** Mr Speaker, unlike the Members opposite, I have not had the honour of serving in Opposition. Certainly, I cannot answer personally for what the Opposition may or may not have done.

But I can certainly answer personally for what *I* may or may not have done.

Hon. P R Caruana: That is not my question.

890 **Hon. Dr J E Cortes:** I will answer your question, Mr Speaker –

Mr Speaker: Order! The last part of the question was clearly not within the Hon. Minister's ministerial ambit as to what the Opposition did last time.

Carry on.

Hon. Dr J E Cortes: What I can say – I will answer him, because it does cast certain aspersions – is that as far back as a public general meeting of the Health Authority at the John Mackintosh Hall at the time that Mr Azopardi was Minister for Health I publicly said that the mental hospital at the KGV had to be restored or replaced, and nothing happened. That must have been in 2002-03. When the new hospital was planned, as a member of the board of the Health Authority before I was removed for perhaps speaking my mind too freely, I constantly mentioned the fact that KGV needed work to be done. So I, personally, have always maintained and have always been very aware of the needs of the KGV Hospital, but as to how much... about being a work in progress, about not having got round yet to having done something at KGV, how much time do you need to spend a basic £70,000 in giving the patients the dignity that they require?

The hon. Member opposite authorised spending more than double that on plants that died at Europa Point, Mr Speaker, (*Applause*) so they may have done... new ambulances, a new primary care centre, but they have also done new toilets and a new air terminal, whilst these people, who spend all their lives there, who have nowhere else to go to, are living in conditions where we would not want any of our relatives to be in, with broken down toilets, with broken cupboards and with their property in plastic bags. That, Mr Speaker, is shameful – absolutely shameful.

I will not go any further because I am very inexperienced here, and I do not know quite how much I can say without getting into trouble!

Hon. P R Caruana: Does the hon. Member agree with me, firstly, that the outgoing GSD Government was in the process of building a new mental health hospital? Does he also agree with me that if the situation is as shocking as he is now making out, then his current ministerial colleagues, when in Opposition, were in grave dereliction of duty not to have pointed all of this out? Perhaps they were not aware of it, either!

But, certainly, Mr Speaker, to now be faced with the bombardment that we get from Dr Cortes, who has appeared on the scene 15 minutes ago in political terms, and pretending that something is a scandalous shock, when the previous Opposition used to cross-examine the Government on health matters in minute, inquisitorial duty, apparently neither spotted this, nor thought it was so shocking to the extent that no questions have been asked in the last several years, suggests to me that there is more about Dr Cortes in this attack than about his party, because his party did not take this view when he was in Opposition – does he agree with me?

Mr Speaker: There were a couple of –

Hon. Dr J E Cortes: I have... Yes... There is one answer that I could certainly give. Do I agree with him? No, sir.

I do agree that they were in the process of commencing works on a new mental home – not far enough, not fast enough, and they were nowhere near ready enough. If there was dereliction of duty by the Opposition, how much more dereliction of duty by the last Government and the last Minister whose responsibility it was and who at least would have been allowed into the premises, whereas perhaps the Members of the Opposition may not have been.

As to having been here politically for 15 minutes, well, if I am rattling him so much after 15 minutes, just wait till I have been here for a few hours! (*Applause*)

Mr Speaker: The Hon. Daniel Feetham.

Hon. D A Feetham: Yes, can the hon. Gentleman explain to this House, who has advised him that this particular project – the mental hospital, I mean – is going to take another year? When we were in office, we were being advised that, in fact, it was going to be completed by June or summer this year.

Hon. Dr J E Cortes: Mr Speaker, very soon after coming into office, my colleague, the Hon. Minister for Equality and Social Services and myself both took a great interest in the new RNH site. In fact we called a meeting on 4th January of all the stakeholders both in the new mental home and the new Dementia and Alzheimers' unit, where we discussed and we were able to establish where the project was.

Having spoken to people on works on the site, they suggested that it was just about possible to complete in nine months, but it is likely that that will slip, as construction often does, and therefore the period of a year

was the one that was mooted by the people working on the site.

Hon. D A Feetham: So the answer is GJBS.

Hon. Dr J E Cortes: The answer is people working on the site, which include members of GJBS, but obviously it is a team that is working on that.

Hon. D A Feetham: Of course, there are a lot of people working on the site. The hon. Gentleman is not suggesting that he has spoken to a labourer, and taken the labourer's view in relation to this; he has spoken to the management of GJBS, and it is the management of GJBS that have told him that it is going to take nine months – or at a push, nine months – or more realistically a year. Is that the case?

Hon. Dr J E Cortes: I will have spoken to labourers, because I speak to everybody, but that information would have been provided... The team working there is not just GJBS; there are also project managers and so on. We had about 25 people discussing this subject in a room, and this was the consensus that came out.

I do not know what the point of the question is – maybe if I knew where the hon. Member is getting to, I will know what it is he wants. I do not really understand what the relevance is of who told me or did not.

Hon. D A Feetham: It is certainly obvious to all of us on this side as to the reliability of the information that he is actually giving this House – which is at a push, nine months, more realistically, a year – when we had been told, when we were in office, that it would be completed by June, the summer, of this year.

With respect to the hon. Member, will he answer the question: is it the management of GJBS? How high has he gone in order to elucidate this information – the information that he has provided to this Parliament and through it to the people of Gibraltar?

Hon. Dr J E Cortes: The discussion held on site included managers from GJBS.

Mr Speaker: The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, for the purpose of clarification, the Hon. Dr Cortes mentioned that he had a meeting on the site, I think he said, on 4th January –

Hon. Dr J E Cortes: No, sorry, just to correct that, the meeting was not on the site. The meeting was held in the boardroom of the Health Authority.

Hon. J J Netto: The Health Authority where, presumably, I think he said, he discussed the completion date proposed for the mental health hospital and for the Alzheimers' and Dementia hospital – is that correct?

Hon. Dr J E Cortes: Mr Speaker, the meeting was bringing together all the players in both projects, which included contractors, advisers, consultants, members of staff of both the Care Agency and the Health Authority and was chaired jointly by my colleague, Samantha Sacramento, and myself. It was a lengthy meeting in which we discussed not just the buildings themselves but the whole question of Alzheimers' and the mental health policy for Gibraltar.

Hon. J J Netto: Mr Speaker, although there are questions on the Order Paper later on, as far as the completion dates of the Alzheimer's and Dementia hospital, I am only standing up right now in the context that, as far as the Alzheimer's and Dementia hospital is concerned, the completion date that we had was April this year. This is something I will refer to later on.

Hon. Dr J E Cortes: Mr Speaker, I am purely referring to the wing and the other annexes, which are destined to become a mental home or hospital or whatever we want to call it, and I am not referring at all to the Dementia and Alzheimer's wing.

1005

**Gibraltar Health Authority
Possible changes to non-local management**

Clerk: Question 74, the Hon. Mrs I M Ellul-Hammond.

1010

Hon. Mrs I M Ellul-Hammond: Has the Hon. the Minister for Health made any changes to the non-local management of the GHA who they claimed were a hindrance to the GHA staff getting their work done?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

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Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, no changes have yet been made to the management of the Gibraltar Health Authority.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. the Minister for Health tell us if any changes at all have been made to the management structure of the GHA?

Hon. Dr J E Cortes: No changes have yet been made to the management structure of the Gibraltar Health Authority.

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Hon. Mrs I M Ellul-Hammond: Could the Hon. the Minister clarify 'yet been made'? What planned changes does he envisage he will be making?

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Hon. Dr J E Cortes: Mr Speaker, I am currently looking at the whole organisation, with a view to making it more functional, effective for, and in the interests of, the patients and, with the support of the staff, I am looking into the organisation, as I say. It is a work in progress. No changes have yet been made – to the actual structure.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. the Minister for Health confirm whether the current Chief Executive Officer of the GHA will be replaced by someone else?

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Hon. Dr J E Cortes: Mr Speaker, I have not yet made any changes to the management of the GHA, and therefore I cannot answer that question.

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**GHA complaints process
Implementation**

Clerk: Question 75, the Hon. Mrs I M Ellul-Hammond.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. the Minister for Health provide details on the GHA complaints process and how it will be implemented?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

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Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I have been assessing a great many issues during my ongoing process of induction into the Gibraltar Health Authority and the Ministry for Health. No change has yet been made to the complaints process. Once the decision on the process is made, it will be communicated to Parliament.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, in the media and in their manifesto policy, their pledge is to change the complaints system and have it taken over by the ombudsman, so therefore some thought must have gone behind including that commitment. Could he enlighten us a little further on the thought behind that pledged policy statement?

1060 **Hon. Dr J E Cortes:** Mr Speaker, as I said, I am looking into many matters, and this includes the complaints procedure.

The manifesto intention is still there, but the detail of how the complaints procedure develops has to be taken after thought and consideration which cannot be put in place until you are actually there doing the job. Therefore, it will happen in discussion with the staff, with the patients, with relatives, as to how we can improve it, as well, of course, as the members of the board of the Gibraltar Health Authority. Therefore the work is progressing and will progress, but I cannot at this stage make any further comment.

1065 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, could the Minister for Health tell us how complaints on issues considered by the GHA to be minor but yet still important to those making the complaint, how they are now dealt with and how he envisages they will be dealt with?

1070 **Hon. Dr J E Cortes:** Mr Speaker, I have a copy of the current complaints procedure, which was put in place by the previous administration. This covers all the different aspects of complaints. It is a large document. I would be happy to make this available to the Opposition, but going through, stage by stage, what the different procedures are, I think would take unnecessary time for this Parliament.

1075 **Hon. Mrs I M Ellul-Hammond:** That will not be necessary, Mr Speaker, but perhaps he could tell us how he would like to see complaints – these minor complaints – to be dealt with in their new policy.

1080 **Hon. Dr J E Cortes:** Mr Speaker, I think we require a definition of ‘minor complaints’ before I can even attempt to answer that question. What is minor? In the minds of the complainant, it is going to be a major issue; in the eyes of the Authority, perhaps it is not. Perhaps the hon. Member could explain little bit more.

1085 **Hon. Mrs I M Ellul-Hammond:** Informal complaints, Minister.

Hon. Dr J E Cortes: Mr Speaker, clearly this is not directly relevant to the question – but in any case, I will attempt to answer it.

1090 Informal complaints are normally made through the staff of the Health Authority and are contained within that. As I say, it is an intricate system and I am happy to pass this document on. I am not an expert yet on the current complaints procedure, but I have it here in front of me. I can pass it on, and it should be clear there. I do not really know what else I can say at this stage.

1095 **Hon. Mrs I M Ellul-Hammond:** Can the Minister confirm, then, whether this process will be changed as well, as per the manifesto commitment?

Hon. Dr J E Cortes: You mean the process for informal complaints – ?

Hon. Mrs I M Ellul-Hammond: The process for informal complaints and formal complaints.

1100 **Hon. Dr J E Cortes:** Mr Speaker, I like to do things well and I like to consider things thoroughly, and I cannot be rushed here in making a statement to which I will be held accountable for – or for which I will be held accountable, I will get my grammar right! – before I have carried out an extensive exercise, which will include all manner of complaints. When that is done and when the system is changed, in full consultation with staff, patients and relatives, then I will be able to talk about all the complaints and not just the minor complaints.

1105 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, just a final supplementary.

Will the current complement of staff, Minister, working for the GHA’s complaints department then be transferred to the ombudsman’s office or to alternative employment within the GHA?

1110 **Hon. Dr J E Cortes:** Mr Speaker, that consideration will have to be part of the process.

1115 **EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS AND JUSTICE**

**Schools' health and safety audit
Date of commencement and duration**

1120 **Clerk:** Question 25, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, could the Minister for Education confirm when the health and safety audits of every school in Gibraltar commenced, as per the manifesto commitment of a starting date of January 2012, and how long does he envisage it will take?

1125 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1130 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I can confirm that the health and safety audit process for schools has already started. The first site visit will take place in January 2012, as stated in the Government's manifesto commitment. I envisage that the process will take several months.

1135 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does the Hon. the Minister for Education envisage how much this health and safety audit will cost?

Hon. G H Licudi: Mr Speaker, this is being done using internal officers, therefore it will cost nothing.

1140 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Hon. the Minister aware that there is already an Education Health and Safety Policy in place, which all schools abide by, each with their own policy document, which was created in 2010, in consultation with the Gibraltar Teachers' Association?

1145 **Hon. G H Licudi:** Mr Speaker, of course I am aware of that. There is a world of difference between each school having a health and safety policy, which they all have and they all adhere to, and the process we are embarked on, which is a health and safety audit of each school, with a professional coming in from outside and looking at health and safety – auditing the school from a health and safety point of view.

Clearly the policy is there. Clearly, any health and safety issue that arises is dealt with under the policy. The fact that an audit is going to take place, and it will take place over a period of several months, does not mean that nothing is done on health and safety in schools. Those policies are there, those policies are complied with, and this is a new policy which has been introduced, to have a general audit of each school, which will be reported to my colleague, the Minister with responsibility for health and safety, and myself, as Minister with responsibility for Education, and we will see from that audit process what comes out and what needs to be done.

1155 But the individual policy for each school is there and they are complied with.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, so the Minister for Education does not feel this is a repeat exercise? He also mentioned that an expert from the outside will be coming in: surely this would cost money?

1160 **Hon. G H Licudi:** Mr Speaker, I have not said that any expert from outside –

A Member: Yes, you have. (*Interjections*)

Hon. G H Licudi: No, I said an internal expert.

1165 **Hon. D A Feetham:** No, you said professionals from the outside –

Hon. G H Licudi: Not from the outside, Mr Speaker. (*Interjections*) From the inside, an internal expert. The hon. Members were clearly not listening. It is coming from –

1170 **Hon. J J Netto:** You said from the outside!

Hon. G H Licudi: I did not say from the outside. If I did, then – (*Interjections*) I certainly recall saying an internal expert would be conducting this, and that is why it will cost nothing. Of course if it was somebody from outside, then it would have a cost. (*Interjection*)

1175 The hon. Members should perhaps listen to the answer. The experts will be from the Department, from my hon. Colleague, the Minister Balban, and that is why it will cost nothing. It will be done internally.

1180 **Hon. J J Netto:** If I may, Mr Speaker, can the hon. Member confirm – I do not know whether he is listening to the supplementary question – that the audit will be done by the factory inspector?

Hon. G H Licudi: No, sir.

Hon. J J Netto: Can the Minister tell me who then will conduct the audit?

1185 **Hon. G H Licudi:** The health and safety inspector engaged with the Technical Services.

Hon. J J Netto: Can the Minister tell me the range of issues that will cover the audit?

1190 **Hon. G H Licudi:** No, sir. What I have said is that the process has already started.

We are currently considering a document that has to be prepared. It is still not finalised. It will be finalised by next week, and as I have stated in the answer, the first site visit will take place in January 2012. We have started the process which has involved meeting with hon. colleagues, with the technical experts, with the Acting Director of Education, with experts from Technical Services. That is the process that has already been started as a result of that meeting.

1195 Exactly what that document is, which will lead to the audit itself of each school, is something that is currently being finalised and we will certainly be happy to say what that document is when that is finalised.

1200 **Hon. J J Netto:** Mr Speaker, I will rephrase the question. Is the audit being done in order to comply with the management of health and safety?

Hon. G H Licudi: No, Mr Speaker, the audit is being done, because we committed ourselves to carrying out an audit of each school and to identify any issues which require to be redressed.

1205 There is nothing in particular – it is not the case that something has been brought to our attention which says there is a health and safety issue, and some policies are not being complied with. We have simply determined, as a matter of policy, that it is appropriate for each school to have an audit during the course of this year, to identify any issues which ought to be looked at. That is what the audit process is all about.

Hon. P R Caruana: Mr Speaker, is that a one-off audit?

1210 **Hon. G H Licudi:** This is intended to be a yearly audit.

Hon. J J Netto: But in order to comply with the management of health and safety legislation?

1215 **Hon. G H Licudi:** Mr Speaker, we start on the premise that schools already comply with whatever legislation on health and safety exists. There is, as his hon. colleague has already indicated, a health and safety policy which applies to all schools. This is separate from that as an audit process, to identify any issues which ought to be brought to the Government's attention and which may or may not need to be redressed. That is the purpose of the audit.

1220 **Hon. D A Feetham:** Will the Hon. Minister undertake to make the results of the audit public?

Hon. G H Licudi: Yes, sir.

1225 **Clerk:** Question –
Mr Speaker: The Hon. the Leader of the Opposition.

1230 **Hon. P R Caruana:** Implicit in doing an audit, I suppose, is that anything that it shows would have to be done immediately, otherwise the Government would be exposed to any subsequent complaint that they knew that something needed to be done, they did not do it and there was some accident. So implicit in doing annual audits is that, then, the Government commits itself to promptly correcting whatever, if anything, a particular annual audit of a particular school might show. Is that true?

1235 **Hon. G H Licudi:** Mr Speaker, what could be more important than health and safety in schools? The purpose of the audit is to identify any issues which need to be redressed.

Of course, if any issue is identified as needing to be redressed in schools, it will be redressed by this Government!

1240 **Outgoing Director of Education
Replacement**

Clerk: Question 26, the Hon. Mrs I M Ellul-Hammond.

1245 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, would the Hon. Minister for Education confirm that the outgoing Director of Education will be replaced?

1250 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Yes.

1255 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education confirm that he will be replaced by someone from the teaching grades, as has been the tradition up to now?

1260 **Hon. G H Licudi:** Mr Speaker, it is not for me to decide who is appointed as Director of Education. There is a process, there will be an advertisement, this is a matter that will go to the PSC and the PSC will decide in accordance with its normal practice.

1265 **Hon. E J Reyes:** Yes, Mr Speaker, but perhaps what my colleague is trying to ask is that in the past there has always been an agreement with the Gibraltar Teachers' Association, who have the negotiated rights for that grade, that the conditions for the post... it was open to qualified teachers who, on top of that, had to be graduates, as well. Perhaps that is what we are trying to ascertain – are you keeping to the same condition or are we changing?

Hon. Mrs I M Ellul-Hammond: Sorry, to clarify – not from the clerical grades, but from the teaching grades.

1270 **Hon. G H Licudi:** Mr Speaker, that is not what the original question asked. I have not seen the advertisement myself. I would assume that that is the case. The instructions that I have given, as Minister for Education, immediately upon the appointment of the former Director to the post of Chief Secretary, was that the post should be advertised.

1275 I have simply assumed that that will take its normal course and whatever process needs to be done will be done, the adverts will be issued and the matter will be decided by the PSC.

Hon. E J Reyes: Mr Speaker, all I wanted was clarification that it be advertised on the same terms as in the past.

1280 **Hon. G H Licudi:** Mr Speaker, what I have said is that I assume that that is the case. I have not seen the advert itself. I have given instructions for the post of Director to be replaced and the relevant officials are getting on with that in the same way, I imagine, as has been done in the past.

1285 No specific instructions – if this is what the hon. Member is driving at – have been given to change anything that has happened in the past. The instructions have been that the post of Director of Education should be filled.

1290 **Increased complement of teachers
Measures taken to fill posts**

Clerk: Question 27, the Hon. Mrs I M Ellul-Hammond.

1295 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education please explain what measures are being taken to increase the complement by 47 new teaching posts within the Department of Education, by open advertisement or straight from the teaching supply list?

1300 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the complement of teachers will be increased by 47 and, as usual, this will be undertaken by advertisement.

1305 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister tell us how he arrived at the figure of 47?

1310 **Hon. G H Licudi:** Mr Speaker, this was a matter that was considered when we were in Opposition, as to the policy.

It was arrived at, having undergone a process of consultation with professionals, with the GTA. We were aware that there were a significant number of additional teachers that were needed, as a result of information that I have obtained in this House during the course of my time as Opposition Member with responsibility for educational matters.

1315 We set up an Education Committee, before the elections, to look precisely at all education matters, including this one and, having had the necessary feedback from professionals, from the GTA, and having considered the matter in that Committee, a recommendation was made – this is not a Government matter – it was made to the Party at the time, that the figure of 47 would be a sufficient number in order to meet the needs of the profession and our children, in order to carry out the policies that we have identified. As a Government we have adopted that and we will be engaging 47, which will do a number of matters.

1320 First, it will bring to an end the practice which has hitherto been the case of people being permanently on supply, not necessarily the same person, but of particular posts in schools being taken on, year after year, by supply workers: we do not agree that is conducive to good practice and that ought to be replaced, so it will do that.

1325 It will also allow us to comply with our policy of providing additional resources for children with special educational needs and it will also help us in our policy of reduction of class sizes. So after taking all that into account we consider that increase in complement by a figure of 47 was appropriate. That is the policy decision we took and that is what we intend to implement.

1330 **Hon. Mrs I M Ellul-Hammond:** Thank you but, Mr Speaker, can the Minister explain how many, then, of the present supply teachers will form part of the new 47 teaching posts. You have already mentioned some who have been there for a few years filling a post that needed to become permanent and pensionable. What about the *other* supply teachers?

1335 **Hon. G H Licudi:** Well, Mr Speaker, in the original answer I said that this would be undertaken by advertisement so all those members on the supply list, whether they have been working for one year or two, or simply on the supply list and working on an *ad hoc* basis, all those teachers, supply teachers will have the opportunity to apply for specific posts that will be advertised. Then the process – and it will certainly not be up to me to pick individuals and say put this one in this school for this particular subject – the process will be undertaken by advertisement, by interview, and the appropriate candidates will be selected.

1340 What I can say to the hon. Member, that this is a process that will be curriculum led. It will be on the basis of the needs of the curriculum for each school and, therefore, subject specializations for each school – in Secondary I am talking about, because in First and Middle schools teachers tend to teach a broad range of subjects – so subject specializations are at present being considered in terms of which teachers needing which specialization should be advertised as part of the 47 and, once that process has been undertaken and approved by the Director of Education, at the moment the acting Director of Education, in consultation with me, those adverts will go out, all the supply teachers will be able to apply and they will be interviewed and selected by the board. I certainly won't be part of that board.

1350 **Mr Speaker:** The Hon. Edwin Reyes.

Hon. E J Reyes: Yes Mr Speaker, would the Hon. Minister please clarify, would those 47 posts all be posted in schools or would some, perhaps, be used to help increase the advisory service or is an increase in the advisory service going to be something over and above the 47 teaching posts within schools?

1355 **Hon. G H Licudi:** Mr Speaker, it is envisaged that these are teaching posts.

Hon. E J Reyes: Yes Mr Speaker, I would remind the Member, perhaps other colleagues who are qualified teachers and have worked in schools. The advisory service are also qualified teachers.

1360 **Hon. G H Licudi:** But they are not teaching posts. There is a difference between –

Hon. E J Reyes: They certainly are teaching posts Mr Speaker.

1365 **Hon. G H Licudi:** No, no, there is a difference between a teaching post where somebody undertakes teaching in schools and a teacher who happens to have a different post. If the hon. Member were to check the approved estimates which we passed in this House last year, there is a list under Education of the various posts and has the complement of teachers which, as I seem to recall, something like 332/333 and then separately there are different posts – Director of Education, the Senior Education Adviser, the two other Education Advisers – all those happen to be filled by teachers but they are not identified as teaching posts.

1370 The process that is being undertaken at the moment is to identify these specializations, the specific posts that are required to be filled by the 47 so that the applications can be made and everybody knows where those posts, in fact, are.

1375 **Hon. E J Reyes:** Okay, so can I just double check one or two things properly, Mr Speaker. The 47 posts are going to be for teachers working directly within the schools, can I then ask the Hon. Minister, can he confirm that there might be perhaps even an increase, then, in posts within the advisory service?

Hon. G H Licudi: But that is a different exercise Mr Speaker.

1380 What we have also said is, quite apart from this exercise of filling these teaching posts, we need to look at the clerical support that is required, both in schools and in the... if I can finish my answer first... there is a need to identify clerical support and administrative support that is required both in schools and in the Department of Education. The purpose of that is that once a clerical worker is engaged at whatever level – whether it is AO, EO, HEO, whatever level is identified – once that is engaged and they assist either schools, Headmasters, and Deputy Headmasters or in the Department by assisting the, if necessary, the Education Advisers, that will free up time from those persons who are qualified teachers, who will have more time to engage, rather than on the administrative tasks that they undertake at the moment but on the more educational and teaching tasks that they are qualified to undertake.

1385

I am not sure whether that answers the hon. Member's questions, but that is the process we are engaged in.

1390 **Mr Speaker:** The Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Yes, but can the Minister confirm or not whether all schools for all years will be receiving an extra teacher?

1395 **Hon. G H Licudi:** As I have indicated, the process of identifying where those posts are going to be is currently being undertaken by the Department of Education. I did say that that will then be a matter that will clearly have to be considered by the Director of Education in consultation with me. That process has not yet been completed so I certainly have not seen the list of what is proposed because that process is ongoing and has not yet been finalised.

1400 **Hon. Mrs I M Ellul-Hammond:** And as my final supplementary Mr Speaker. Minister, in your press release of 25th November last year you say the increase in permanent posts would not remove the need for real supply teachers to cover occasional demands, as required. Can you please explain what status constitutes 'real supply teachers'?

1405 **Hon. G H Licudi:** Mr Speaker, I can tell the hon. Member, not what may have happened before the 8th December, but what the policy of the Government is.

1410 There is a need to introduce teachers into various schools to fill up posts which actually exist at the moment over and above the complements of the 333 and which are being taken up permanently by supply workers, not necessarily permanently by the same supply workers but, year in year out, many schools have additional numbers of teachers as generally part of the, what may be known as the over complement. That is going to be eradicated. There will clearly also be a need at some point, whenever this exercise is completed, and as from September 2012, where there will be temporary absences from teachers. Teachers may have the flu, may be ill, may be on maternity, so temporary absences will have to be filled from whoever is on the supply list. So this exercise of the 47 is to increase the *permanent* complement of teachers but that will certainly not eradicate the need for temporary provision of supply workers whenever the need arises.

1415 **Hon. Mrs I M Ellul-Hammond:** Thank you for that.

1420 I understand what you are saying but will the status for supply teachers therefore change? Will there be a new arrangement or a new policy on how teachers are registered as supply teachers and their terms and conditions?

1425 **Hon. G H Licudi:** Mr Speaker, the one change that there will be is that those supply teachers who continue to carry out supply work to cover temporary absences, where that temporary absence is for three months or more, the supply teacher will actually get a contract of employment, and therefore it will be a temporary contract of employment for that period that they are carrying out supply, unlike the position at the moment where no contract of employment is actually offered.

1430 **Hon. Mrs I M Ellul-Hammond:** Thank you Minister.

Mr Speaker: The Hon. Edwin Reyes.

1435 **Hon. E J Reyes:** Mr Speaker, just so that we are all clear here. Is the example the Hon. Minister is trying to give, for example a teacher going away on maternity leave, if the period of maternity leave is going to extend over three months then another teacher will be taken on a sort of fixed term contract, and what rights then will that teacher then acquire for the next academic year?

Hon. G H Licudi: Mr Speaker, it is not a question of acquiring rights for the next academic year.

1440 If someone is engaged on a temporary contract of, say, three months or six months, they will have rights as an employee during that period. When the temporary contracts come to an end then whatever needs to happen if the teacher that is part of the complement comes back, then the temporary engagement comes to an end in the normal way, and the teacher, as part of the complement, resumes his or her – well, in the case of maternity, her work.

1445 **Hon. E J Reyes:** So that teacher, then, simply reverts back to the supply list.

Clerk: Question 28 –

1450 **Mr Speaker:** The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker I have the honour to move that the House do now adjourn until 5pm this afternoon.

1455 **Mr Speaker:** Is that convenient to all the hon. Members?
This House will adjourn until 5pm this afternoon.

The House adjourned at 11.50 a.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

EVENING SESSION: 5.00 p.m. – 8.47 p.m.

Gibraltar, Friday, 20th January 2012

The Gibraltar Parliament

The Parliament met at 5.00 p.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Questions for Oral Answer

Clerk: Mr Speaker.

5

Clerk: Answers to questions continue.

10

Equality of educational opportunity Improving the quality of schools

Clerk: Question 28 of 2012, the Hon. Mrs I M Ellul-Hammond.

15 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister for Health, please tell us, sorry, excuse me, for Education, please tell us what measures will the Government be taking to ensure the GTA/NASUWT's wish and recommendation for a move towards equally-sized, equally resourced and equally staffed schools to ensure that all children in Gibraltar are offered exactly the same equality of education regardless of catchment area?

20 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

25 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Government's commitment is to relocate Sacred Heart Middle School. This is being done in consultation with the GTA/NASUWT, in fact discussions on this have already taken place. Potential sites for the relocation are currently under consideration. A redefinition of catchment areas will be an intrinsic part of this process. The Government is in any event satisfied that all children in Gibraltar receive the same standard of education, regardless of catchment area.

30 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the hon. Gentleman tell me what plans the Government has with the old St Bernard's Hospital site and are you committed to relocating St Bernard's School and its Nursery and Sacred Heart School there?

35 **Hon. G H Licudi:** Mr Speaker, the Government is not committed to that. That was not a manifesto commitment of us, nor have we said that we have a policy to do that.

What I have said is that we are carrying out plans to make sure that our commitment to relocate Sacred Heart Middle School is carried out, and that has been done in consultation with the Union. We have already identified potential sites which are under consideration.

40 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker does the Hon. Minister... is he going to take into consideration that the old St Bernard's site was being prepped as a potential school?

45 **Hon. G H Licudi:** Mr Speaker, the information I have is that very, very little work was done in terms of converting that or prepping that as a potential school and that is something that we will clearly take into account but it is not the only matter that is being taken into account.

Hon. D A Feetham: What plans do the Government have for the old St Bernard's Hospital?

Hon. G H Licudi: Mr Speaker, I don't believe that that falls under the question that has been asked, we will have to be given notice of that question.

50 **Mr Speaker:** The Hon. Edwin Reyes.

Hon. E J Reyes: Yes Mr Speaker, the Honourable Minister mentioned the, if I got it right, he intends to carry out a review of the catchment areas.

55 **Hon. G H Licudi:** Yes

Hon. E J Reyes: Does that mean a review of catchment areas for all schools, across all age groups, all sectors, all key stages, or is it just limited to a particular sector?

60 **Hon. G H Licudi:** Mr Speaker, what I said was that a redefinition of catchment areas will be an intrinsic part of the process.

65 Clearly, if there is a relocation of one school, catchment areas will have to be redefined to take into account that there will be another school of that type – that is going to be a Middle School – in a particular area. So until we have the site and we know the school and the number of children that will be in that school we won't know exactly what catchment area needs to be taken into account for that particular school and how it will affect other catchment areas but, clearly, there will be an effect on *other* catchment areas if there is a

redefinition of catchment areas. It is inherent in that process, that it will affect catchment areas for other schools.

Hon. E J Reyes: Okay, thank you for that, Mr Speaker.

I understand that, therefore, it is acceptable that, until the move is made and then one is able to redefine the catchment area... I was trying to take the Minister a bit further – if we are talking about Sacred Heart School, which is a Middle School – will he also take advantage that, in redefining catchment areas, to also perhaps look into redefinition of catchment areas in respect of First Schools?

Hon. G H Licudi: Mr Speaker, catchment areas take into account schools that are available in particular areas. The specific move that we are contemplating is related to the Middle Schools so that we have, as we have already set out, Sacred Heart moving to a different location, whereby there can be an increase in the number of children in the catchment areas.

Let me say this – not in the catchment areas, in that particular school – let me say that this is not, as I have already said, prompted by any concern about the standard or quality of education that is delivered in that particular school, this is simply the result that there has been, and there continues to be, a population shift in Gibraltar. Over the last few years we have seen a population shift towards the west side of Gibraltar, more recently towards the southern end of Gibraltar, with some developments there, and this policy was put in place as a response to that population shift.

That population shift was also recognised by the previous administration because there were plans – and it is not intended by these comments to enter into a political controversy but simply to state, as a fact, that there were plans by the previous administration – to build another school, Middle School, in the Mid Harbour areas. That clearly took into account that there had been that population shift so there was a recognition across both sides of the House, as I understand it, that there is a need for a school because of that population shift, but what we do not go along with, if that is what is intended in the question, that there should be *all* children in Gibraltar in equally sized, equally resourced... to deliver equality of education in Gibraltar.

If that is intended to suggest that unless schools are of equal size the same quality of education is not delivered to all children, we do not accept that. There is... there are very good teachers and very good quality of education that is currently being delivered to children at Sacred Heart, but the fact is that, because of the population shift, the intake of that school each year is getting smaller and there has to be a response to that because we cannot have that school with a first year every year getting smaller and smaller. Because of that we feel that it is necessary to relocate the school and to equalize the size of the schools as much as we can in the middle sector and that will bring benefits all round.

Hon. E J Reyes: Yes, Mr Speaker, thank you for that answer, but the desire and the sort of the philosophy that schools should be as equal in size and as equally resourced as possible is a desire from the professional teaching body represented through the Unions, yes, so is your Hon. Minister saying that he does not necessarily share those views, as held by the profession?

Hon. G H Licudi: Mr Speaker, I share those views but there are different reasons for perhaps those views.

There are two different matters that have to be considered when we talk of equalisation. We can talk of equalisation of numbers in a school and that is desirable from a number of respects, particularly where there is a population shift, so that people have a school as near as possible and, therefore, to the extent possible, if we have schools of more or less equal size that can accommodate catchment areas and have the same number of pupils, that is desirable.

The other view that the hon. Member has expressed in terms of a move towards equalization, as set out by the profession, that also takes into account that, as currently structured, the posts – and I am thinking in particular of TLR posts – Teaching, Learning, Responsibility posts which is I understand what the hon. Member is getting at, they are different in Sacred Heart than they are in other Middle Schools, particularly because of the numbers, because they are posts that are calculated on the basis of the numbers. So we do want to accommodate that request and that wish by the profession to seek equalisation in terms of posts but there is also a need to achieve equalisation on numbers because of the population shift, so what we want to do is, as it were, kill those two birds with one stone.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, the hon. Gentleman mentioned population shift and also to

the south district, so, therefore, will the Government plan... will there be plans for the use of St Christopher's School and its building once pupils are integrated into Gibraltar's education system and could it service this growing population in the south district?

Hon. G H Licudi: Mr Speaker, St Christopher's School has not been handed to the Government yet but it is a matter which is under active consideration.

I can tell the hon. Member that I visited St Christopher's School with the Deputy Chief Minister only about two weeks ago to look at the school and it was the first opportunity we had to see what resources are available there. Those are matters that will be taken into account but it is certainly not a piece of land or school that has been handed yet to the Government, but we will be looking specifically at what use can be made of that school.

Hon. Mrs I M Ellul-Hammond: Mr Speaker will the hon. Gentleman be taking the parental view into consideration when, before finalising a decision on movement of catchment area and movement of schools?

Hon. G H Licudi: Yes

Hon. D A Feetham: Can he also give us an indication as to what sites the Government is considering in terms of possible location of schools to cater for this shift of population and catchment areas? Can he also give an indication as to timeframes for completion of this review that he was talking about earlier?

Hon. G H Licudi: Mr Speaker I cannot give an indication of sites, except to say that potential sites are under consideration and, until the plans are a bit more advanced, I would not want to go with identification of the sites concerned.

In terms of timescale, what I can tell the hon. Member is that it does not appear to be likely or feasible, even if we wanted this to happen, for this move to happen before September of this year so that, for the next academic year, it does not seem likely that there will be a relocation. From there the hon. Member can infer that we will try our utmost to achieve that for the beginning of the next academic year because it does not seem proper to have a move of this nature, to move to a new school, in the middle of an academic year, with the possible disruption – because it needs redefinition of catchment areas, trying to get new children in. That is a move that is properly done at the beginning of the academic year.

As I have said, it does not appear to be likely or feasible that this will happen this year.

Hon. D A Feetham: Just one final question. I am not trying to catch the hon. Gentleman out in any way, shape or form, but can he confirm that the sites under consideration were the sites that we were considering ourselves when we were in Government, or are there any other sites that he is also throwing into the mix?

Hon. G H Licudi: Mr Speaker, I have absolutely no idea what sites were being considered by the previous administration.

Hon. D A Feetham: Well, you know because we had a debate about this in Parliament. There is Rooke, there is the St Bernard's Hospital site, St Christopher's, as my colleague has pointed out.

Are there any other sites, apart from those three, that the Government is considering?

Hon. G H Licudi: Yes, sir.

Hon. E J Reyes: Mr Speaker, would, perhaps – and, again, we are not trying to be, sort of, awkward or whatever but just trying perhaps, for the benefit of the teaching profession, to clarify some matters for them – amongst all the considerations that the Hon. Minister needs time to consider, consult with and so on, hypothetically, could it also even be possible that an existing educational establishment moves elsewhere, so that that particular site then becomes a Middle School?

I do not know if you want me to name them as a hypothetical example, we could.

Hon. G H Licudi: That is possible – and the hon. Member says 'for the benefit of the teaching profession'. These are matters that we are in active consultation with the teaching profession.

Hon. D J Bossino: Mr Speaker, can the Minister give an indication as to at what stage he thinks he will be seeking parental views that he mentioned earlier. At what stage of the process will he be seeking parents' views?

Hon. G H Licudi: Mr Speaker, certainly once the process is somewhat more advanced than it is at this stage.

We have been in office for five weeks, we have already had preliminary meetings specifically on this issue. I have already indicated that there has been one site visit to consider a school that has not even been handed over to us, so there has been some preparatory work. In due course and, once we have clearer views as to where we are going with this, the necessary consultation will take place and I can assure the hon. Member that that is what will happen.

Hon. D J Bossino: Can I ask the Minister what the extent of that consultation will be?

Hon. G H Licudi: The hon. Member can ask.

That is a matter that will have to be determined on advice from the Director of Education, who I expect will be in post by then. Whoever the new Director of Education will be, this is primarily an administrative process that will be led by the Director of Education.

Hon. D J Bossino: The Government does not have a policy in relation to seeking parents' views in relation to that, as such – you are seeking officials' advice in relation to that issue – or have I misunderstood the Minister?

Hon. G H Licudi: Mr Speaker, the policy is as I have said in answer to the question from the hon. Mr Feetham. There will be consultation. How that happens, and when the consultation and how that policy is put into effect, that is a matter on which we will take advice and the Director of Education will take the lead on that. The Government provides the policy and the managers manage.

Free nursery education policy Manifesto details

Clerk: Question 29. The Hon. Mrs I M Ellul-Hammond

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. the Minister for Education provide details on the free nursery education policy, as outlined in their manifesto

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the Government's policy is to provide free optional nursery education. The Government is currently engaged in discussions with the Department of Education on the implementation of this policy. Private nurseries will also be consulted.

An announcement providing further details will be made once the discussions with the Department of Education and private nurseries are concluded.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the hon. Member explain if any extra places will be made available at Government nurseries to provide free nursery education for all?

Hon. G H Licudi: That will be something that will have to be considered as part of the process of the implementation of the policy that is currently underway. At the moment there are, I seem to recall, approximately 300 odd places for nursery education for 3 year olds and applications are received by the Department and are processed. Not, as I understand it, not every applicant is able to get a place.

What we want to ensure is that everybody – because this is an optional, voluntary, it is not education that has been provided to people of statutory age that have to attend school, so this is a voluntary and optional – but what we want to make sure is that those who *want* to take up the nursery place in pre-school are able to do so and to the extent that the process identifies that there is going to be a need for further places to be available, then that will be available in the implementation of the policy. Again I must stress that what we have set out and what I am confirming today is what the *policy* is. How the policy is precisely implemented will be a matter of, on which I will be taking advice and consulting with the right professionals.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can I ask, can the Hon. Minister explain, then, exactly what he means then by ‘on a public/private basis’ which is part of their policy.

Hon. G H Licudi: Mr Speaker. I have explained what the Government’s policy is.

The Government’s policy is that that there should be free nursery education on an optional and voluntary basis. That will be done, because at the moment, at the moment, as I understand it... there are, sorry, Mr Speaker, at the moment, as I understand it, there are insufficient places and there are people who look to private nurseries to provide that facility if they are not able to get into a Government nursery.

We will have to have consultation with – a process of consultation – with those private nurseries and see what the best way of making sure that there are placements for everybody is, and that is why a partnership is something that is on the cards and will have to be considered and discussed. As I have said we have the *policy*, the precise details of the implementation of the policy will have to come at a later date.

Hon. E J Reyes: Yes, Mr Speaker, may I ask one further thing. As a matter of policy, if there is an expansion of nursery placements, would it be the Government’s policy that these nurseries, if need be with new physical buildings, whatever, would come under and be attached and come under the head teacher of an existing or new first school, or would they be totally independent and not come under the guidance of the head teacher of an existing school?

Hon. G H Licudi: Mr Speaker, some nurseries do come under that already and in one particular place there is a separate Government nursery that I am aware of. What we are talking of is making sure that there are places available for everybody, either in those facilities or by carrying out the consultation and that sort of partnership with the private sector that has been identified.

I am unable to give any further details at this stage because the process is ongoing and I have had discussions with the Department of Education on this but we need to have further discussions as to how the policy precisely is going to be implemented but, certainly, the nursery that currently comes under the auspices, if I may say so, of a First School and therefore under the headmaster of that particular school, there are no plans to change that at all.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, sorry I don’t mean to be difficult, just further clarification behind, then, this policy: so are you saying that, perhaps, private nurseries could be compensated to offer free nursery care to some individuals who choose the option to seek free Government nursery place?

Hon. G H Licudi: The details of the implementation of the policy will be announced in due course.

Hon. D A Feetham: And will the hon. Member confirm that teachers actually running the nurseries will be qualified teachers, they won’t, you know... that they will be qualified teachers, not non qualified?

Hon. G H Licudi: Well, the teachers that are at the moment running the nurseries have the necessary, have qualifications to run nurseries so they will have whatever qualifications are necessary in order to run the system that has existed under the previous administration.

We do not... can I say that this is not a policy that envisages any change to the previous administration’s system. This is simply a policy to ensure that *all* children who want to avail themselves, on an optional, voluntary basis, of this facility have this facility available. To the extent that there was a system in place in terms of qualifications, that is something that is going to continue.

Hon. D A Feetham: Well, the reason why I am asking is that, in fact, in 1996 there was a nursery that was

run during a... prior to 1996, was not run by qualified teachers. All nursery places... nurseries that were, that have been created subsequent to that, we made it a point when we were in administration that they would be run by qualified teachers: what I am asking is – is the hon. Gentleman going to return to a policy that was pre-1996 or will he continue with a policy that we instituted post-1996?

That is all. I mean, I am not trying to catch him out. It is just so I understand this.

Hon. G H Licudi: Mr Speaker, there has not been any change; there have not been any instructions to change the current system, so whatever current system is in place will continue.

**Law Courts project
Town Range completion**

Clerk: Question 30, the Hon. D A Feetham.

Hon. D A Feetham: Can the hon. the Minister for Justice state when the Town Range part of the Law Courts project will be completed?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the latest project update provided by the contractors, Gibraltar Joinery and Building Services Ltd, is that the Supreme Court Registry Office at Town Range was due to be completed by 20th January of this year, that is today.

I am, in fact, informed that we anticipate that this will probably happen on 25th January, in other words next Wednesday, so there is a few days' delay from the anticipated date. The target completion date of the new building that houses the Magistrates' Court, Coroner's Court and associated offices is 29th February 2012 and can I just clarify that that is a target completion date. The information I have is that there could, in fact, be a little bit of slippage and we could be talking of the middle of March.

Hon. D A Feetham: Does the hon. Gentleman accept that it is important for the administration of justice for this project to be completed as quickly as possible?

Hon. G H Licudi: Yes, sir.

Hon. D A Feetham: Have there been any instructions for a decrease of labour on this particular site, or is the programme of work that is being adhered to, the programme of works that we instituted when we were in office?

Hon. G H Licudi: Mr Speaker, I don't know what the programme of works were when the hon. Member was in office and what instructions had been given. What I do know is that, what I am advised, is that the target completion date for the new building was around May 2012. It was brought forward to February 2012 and, in fact, it is going to happen in the middle of March 2012 so there has not been any slippage as such. Therefore, works are progressing properly, with a view to having it completed, as far as the contractors are concerned, with a target date of 29th February 2012, which may slip by a couple of weeks.

Hon. D A Feetham: Well, with respect to the hon. Gentleman, that was not the question. Now he must know – and if the answer is 'no', the answer is 'no' – he must know whether there have been any instructions for there to be a decrease of labour on this particular site. That is the question that I am asking. Have there been any instructions?

And let me also say that, in fact, the original target date for completion of that particular project was 30th November and, in fact, there have been slippages from 30th November and now the hon. Gentleman is saying that it is going to be February. But have there been any instructions for there to be a decrease of labour on that

particular site? He must know that.

345 **Hon. G H Licudi:** Mr Speaker, I am not sure what the hon. Member means by 'decrease of labour' to the extent that he talks of evening work and weekend work, then evening work and weekend work is not happening but, on the basis that the work is continuing under the contractor under normal hours of work, there continues to be the normal complement of labour during that time and works are on schedule to be completed, if not by the end of February then a couple of weeks later.

350 **Hon. D A Feetham:** Did he give the instructions for there not to be this, to be work during weekends and I think he mentioned something, I think he mentioned –

Hon. G H Licudi: Evenings.

355 **Hon. D A Feetham:** – evening work. Did he give those instructions?

Hon. G H Licudi: No, sir

360 **Hon. D A Feetham:** Who gave those instructions?

Hon. G H Licudi: Mr Speaker, I am advised that work in the evenings and the weekends has stopped and I have no idea who gave those instructions.

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**Fourth Supreme Court Judge
Sitting to hear criminal cases**

370 **Clerk:** Question 31, the Hon. D A Feetham

Hon. D A Feetham: Can the Hon. the Minister for Justice state when the fourth Supreme Court Judge will begin sitting hearing criminal cases?

375 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

380 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the fourth Supreme Court Judge, Mr Justice Black, is scheduled to begin sitting on criminal case matters from the week commencing 23rd January of this year.

Hon. D A Feetham: So he is sitting as from today?

Hon. G H Licudi: No, the 23rd – Monday

385 **Hon. D A Feetham:** Oh, I beg your pardon I thought he said 20

Hon. G H Licudi: Mr Speaker, apologies if, I do not know if I said 20th or 23rd: it is, in fact, 23rd January, next Monday.

390 **Hon. D A Feetham:** Does he accept that, once the Law Courts project has been completed, whilst the fourth judge is sitting, there is no reason why the delay in hearing criminal cases should not be brought within what are reasonable parameters and reasonable timeframes?

395 **Hon. G H Licudi:** Yes, Mr Speaker, that is precisely what the Gibraltar Court Service is working to.

Hon. D A Feetham: And does he envisage that any delay in the implementation of the Crimes Bill and

the Criminal Procedure – sorry, the Crimes Act and the Criminal Procedure and Evidence Act – might actually have an impact on the timeframes for dealing with criminal cases?

Hon. G H Licudi: Mr Speaker, I am not sure what the hon. Member means by ‘having an impact’, whether he means it is going to have a negative impact on the timetable or a positive impact on the timetable. The position is... (*Interjection by Hon. D A Feetham*) No, no, the position is that there is a backlog of cases. There is a backlog of criminal cases that need to be dealt with. Those are offences which are unaffected by the Crimes Act and the implementation of the legislation that the hon. Member has referred to, those are offences that existed at the time when they were committed. There is a need to clear that backlog.

Mr Justice Black has been brought in. He will be sitting on criminal cases and that will certainly clear the backlog in due course and will bring the administration of cases on criminal and also on civil matters within what the hon. Member has described as ‘reasonable timeframes.’ Unfortunately, without necessarily going into reasons, there has been undue delay in the past in both civil matters and criminal matters and this will certainly help to clear that backlog.

Hon. D A Feetham: Does he accept that, for example, having long committals, which is something that occurs now, and which is going to be done away with through the introduction of the Criminal Procedure and Evidence Act, has an impact on the length of time in which a case actually gets to trial, and therefore does he not accept that any delay in the implementation and commencement of the Crimes Act and the Criminal Procedure and Evidence Act is also, by definition, going to have an impact on how long a case takes from, to get to trial from the moment a person is charged?

Hon. G H Licudi: Mr Speaker, not all cases have long committals. In fact, in my experience very few cases have long committals. That is a process that was used – (*Interjection by Hon. D A Feetham*) It might be an example, but that is the odd occasion, or the rare occasion, rather than the norm, so we cannot exaggerate the impact that removing the ability to have long committals will have on these matters. Clearly, it will have an impact.

As regards the delay the hon. Member has talked about, any delay... Well, these are pieces of legislation that were enacted during the hon. Member’s term. It is not just because of the delay in the courts that these Acts are not implemented. They could have been implemented by the hon. Member when he was in office. They have not been implemented yet. The position on those Acts is as I mentioned yesterday, we are embarking on a consultation process. By and large, we agree, as I indicated during the debate on the Second Reading of both Bills, that the provisions of these Acts ought to be implemented; but there are practical and substantive matters that are being looked at and, again, I am not going to pre-empt the result of that consultation. But let us not exaggerate that removing long committals is going to be the panacea that resolves all problems that have existed in Gibraltar up to now.

Hon. D A Feetham: Thank you very much. So if, effectively, commencing the Crimes Bill, the Criminal Procedure and Evidence Bill is going to have a minimum impact on delays facing criminal trials, does he not accept, therefore, that there are now no excuses why there ought to be delays in criminal trials, bearing in mind the new building and also the criminal judge and everything else that has been done?

Hon. G H Licudi: Mr Speaker, there is a backlog of cases. When the hon. Member says it –

Hon. D A Feetham: Not backlog, future.

Hon. G H Licudi: Well, the future, I am not sure whether the hon. Member means as from next Monday, as from six months’ time or from as from a year’s time.

There is a backlog of cases and I appreciate that the hon. Members took steps in respect of the court buildings, in respect of the engagement of the additional judge – the fourth judge – that has now taken place and I appreciate that all those steps were taken. Those steps are now coming to fruition, with the courts being ready, hopefully very soon, and with the fourth judge already here, having been sworn in and starting work as from Monday.

But there is a backlog of cases, which the Gibraltar Court Service has to deal with. Once that backlog is cleared, then we expect that the normal schedule will be able to operate. That will really depend on the

amount of cases that there are. It is impossible to anticipate what the position will be in, say, six months' or a year's time as to how long a case will take to get to trial, but it will certainly be – and I agree with the hon. Member – it will certainly be less than it has been up to now, which the hon. Member will agree with me has been unacceptable.

Hon. D A Feetham: The hon. Gentleman used to ask me a lot of questions about it when I was Minister for Justice, about the delays (*Interjection*) and he used to comment adversely upon the delays and he used to describe it as being unacceptable.

What I am asking, and what I am trying to get to the bottom of is, does the hon. Gentleman not accept that, with all these measures – I am not talking about the backlog of cases... I accept that those backlog of cases have to be dealt with – but with all these measures that were introduced by the previous administration, there is now *no excuse* why there ought to be the unacceptable delays, which we both agree, the unacceptable delays in dealing with criminal cases that there were in the past. Yes or no?

Mr Speaker: Excuse me, before the Hon. Minister replies, isn't that a hypothetical question because we have established that the new judge will take office on Monday? We have established that all the buildings are not yet in place.

Why are we talking about delays which may or may not...? We have not established there are delays in the future, have we? We can ask about delays today or delays in the past, but delays which may or may not occur in the future is hypothetical.

Hon. D A Feetham: I am not asking about delays in the future. Mr Speaker, with respect... (*Interjection*) No, what I am asking the hon. Gentleman is to confirm that, once all these measures are in place, there will be no excuses for any delays.

Mr Speaker: What delays?

Hon. D A Feetham: Well, we hope –

Mr Speaker: Have you established a week, a month?

Hon. D A Feetham: Well, we all hope that, in fact, there will not be any delays, but if there are delays –

Mr Speaker: But what delays? Are we talking a week's delay, a month's delay? It is all hypothetical.

Hon. D A Feetham: Well, we know that there have been delays in the past.

Mr Speaker: Yes, and the Member (*Interjection*) may ask about existing –

Hon. P R Caruana: Don't argue with –

Mr Speaker: Well, the Members may ask about existing delays and past delays, but asking about delays which may or may not happen... We have not established they have happened. Surely, it is hypothetical?

Clerk: Question 33.

Mr Speaker: But if the Minister wants to answer, he is welcome to answer it. (*Laughter*)

Hon. P R Caruana: He was answering before... (*Interjection*)

Mr Speaker: Well, because the same question was asked three times and he got the same answer three times.

Can we move to the next question?

Insolvency Act
Completion of subsidiary legislation

510 **Clerk:** Question 33, the Hon. D A Feetham.

Hon. D A Feetham: Can the Hon. the Minister for Justice state whether the subsidiary legislation to the Insolvency Act has not been completed?

515 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, it is anticipated that the subsidiary legislation to the Insolvency Act will comprise the following:

520 (1) Insolvency Rules setting out detailed insolvency procedures. These have been drafted and are currently being considered by me.

525 (2) Regulations covering cross-border insolvency. The relevant provisions were, I am told, originally drafted as part of the Insolvency Bill, but a decision was taken at the time, before the Bill was finalised, to include them in separate regulations. These provisions have, therefore, already been drafted and need only be put in the form of Regulations. I have not yet seen these provisions.

(3) Regulations setting out transitional provisions in relation to both the Insolvency Act and the Insolvency (Consequential Provisions) Act. These regulations have not been drafted.

530 (4) Insolvent Partnership Regulations, setting out rules for dealing efficiently with insolvent partnerships. These regulations have not been drafted.

(5) Insolvency Practitioners Regulations and Code, which provide for the detailed regulation of licensed insolvency practitioners. These regulations have not been drafted.

535 (6) Administration of Insolvent Estates Regulations, setting out the rules and procedures for dealing with insolvent estates. These regulations have not been drafted.

I am intending to meet with a legislative draftsman involved on these matters at the earliest opportunity to discuss all outstanding issues. In fact, I can now confirm to the hon. Member that that meeting is scheduled for Thursday of next week.

540 In addition, an Insolvency Consequential Provisions Act to amend the Companies Act and other legislation impacted by the Insolvency Act has been drafted and is currently being considered by me.

545 hon. Members will be aware that the Government will reform the Companies Act with the introduction of a new Act. A decision will need to be taken by Government as to whether the consequential amendments which are required as a result of the Insolvency Act will be introduced as part of the new Companies Act, or whether the current Companies Act will be amended with the Insolvency Consequential Provisions Act being brought to this Parliament. This will depend on how far advanced the drafting of the new Companies Act is when all subsidiary legislation to the Insolvency Act is completed. A decision as to how to proceed will be taken by Government at that stage.

550 **Hon. D A Feetham:** I appreciate and I will try to be as fair as possible with the hon. Gentleman and that it is a difficult question, but does he have a timeframe in mind for the commencement of the Insolvency Act?

Hon. G H Licudi: Well, no, Mr Speaker. As I have said, there are quite a number of regulations that need to be drafted and I am having a meeting next week with the draftsman involved in these matters and until I have those discussions, I really do not know how long that will take.

555

Courts Service
Increased staffing levels

560 **Clerk:** Question 34, the Hon. D A Feetham.

Hon. D A Feetham: Can the Hon. the Minister for Justice confirm that the Government intends to increase staffing levels at the Courts Service?

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Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

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Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, shortly after my appointment as Minister with responsibility for Justice, the issue of staffing levels was raised at my first meeting with the Chief Executive of the Gibraltar Courts Service.

Following the increase in courtrooms now available and the appointment of a fourth Supreme Court Judge, there is a need to review the staffing levels in the Courts to help tackle the backlog of cases.

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The Chief Executive has been asked to submit his requirements to the Chief Secretary. This will then be considered as part of the Government's review of the need for resources across the Civil Service.

Hon. D A Feetham: May I remind him, before I ask my supplemental question, of a question that he asked me about this when our roles were reversed. He said:

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'What changes, if any, are envisaged in terms of staff arrangements in respect of a fourth judge, because one assumes that additional staffing needs will be required if there is a fourth judge and another court being operational at the same time? If there are two jury courts being run, you need extra clerks and extra staff, otherwise you leave nobody in office. What arrangements are being made in that regard?'

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I said the Government is actually reviewing the position – the same answer that the hon. Gentleman is giving me now, I gave to him – and he chastised me because he said that the Government should not be conducting a review. The Government should have an answer to that question.

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Does he not accept that it is the height of political hypocrisy for the hon. Gentleman to adopt the same position that I adopted when I was in his shoes which, in the light of the position that he used to adopt when he was here...?

Hon. G H Licudi: Mr Speaker, so it is hypocritical to adopt the position that he adopted. But what the hon. Member (*Interjection*) has not explained is precisely *why* I chastised him.

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We have been in office for five weeks. At the time of that debate the hon. Member had been in office for almost four years. There had been a building project that was started years ago, not five weeks ago, years ago, and was due to be completed, as the hon. Member has indicated. The information that he had was that that project was due to be completed in November.

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What I could not understand – and I still cannot understand – is that in a project that was designed years ago and where, clearly, there was going to be a need for a review of staffing levels because you knew exactly how many courts were going to be available and what the staffing needs were, that what the hon. Member was telling me at the time was, 'We are going to wait until the project is finished. We are going to wait until the building is finished, even though we have the plans now, even though we know exactly how many courts are going to be run and then, at the end of that process, we will review the staffing levels.' That is what I chastised him for and that is what I actually considered to be unacceptable.

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What I have told the hon. Member today is that, very shortly after coming into office, I raised this in my very first meeting with the Chief Executive, and the Chief Executive, what he has done... It is not for me to say, 'You put this extra number of staff here or there.' What the Chief Executive has been asked to do is to submit his staffing requirements and that is precisely the process we are engaged in. It is a process that should have finished long before the hon. Member left office. Well, we have been in office for five weeks. You cannot complain about us reviewing something when he had years to do it and never did.

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Hon. D A Feetham: Again, the hon. Gentleman is wrong.

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If the position is as simplistic as the hon. Gentleman has just outlined, which is he knew how many courts there were, he knew how many judges and he therefore must have known how many extra staff... Well, look, he knows that is the position that he has outlined. Does he not accept that he knows that knowledge is also... the hon. Gentleman knows exactly how many courts there are, exactly how many judges there are. Why can't he make a decision *now* if it were as simplistic as what he is saying it is?

620 **Hon. G H Licudi:** Mr Speaker, I cannot make a decision now because the Chief Executive has been asked to submit his staffing requirements. Only today I have seen, for the first time, what those staffing requirements are. That is a matter that will need to be considered. I have seen that for the first time today.

The hon. Member cannot expect that I am going to say, 'Well, fine. Go ahead and do whatever.'

Hon. D A Feetham: No, I didn't.

625 **Hon. G H Licudi:** He obviously cannot expect that, but I raised it in my first meeting. There was a public meeting of all... not a public meeting, a meeting of all Heads of Departments, that was conducted by the Chief Minister with the Chief Secretary and all Heads of Department were invited to submit their requirements, including the Chief Executive of the Gibraltar Courts Service.

630 I have today seen the letter of the Chief Executive to the Chief Secretary, with an organogram of staffing requirements – that is something that will have to be looked at, or is it that the hon. Member thinks that we are not entitled to look at anything, even though they had four years to look at this and never did?

635 **Hon. D A Feetham:** No, I am not, in fact. I think that the policy... (*Interjection*) the policy that the hon. Gentleman has just outlined is an eminently reasonable policy. I am not chastising him for the policy. I am chastising him for the position that he took when he was on my side and I was on his side – that is what I am chastising him for.

640 But isn't the reality of the situation, Mr Speaker that, in fact, the question of staffing levels at the courts is far more complicated than just simply the number of courts and the number of judges and that it also has to be looked at in terms of the IT resources available to the courts and factors of that nature. Isn't that the case?

645 **Hon. G H Licudi:** Yes, Mr Speaker, issues of staffing levels will depend on what other resources need to be available. Once the IT infrastructure is in place, which I expect will be in place very shortly after the... well, in fact, the cabling is being done as part of the project, but there will be a need for connections in terms of a sound system and PCs. Those physically need to be put in after the building is handed over by the contractor but, once that is in, the staffing levels that we are looking at are staffing levels in the court administration generally and, in particular, in relation to the running of various courts at the same time. That is the staffing exercise that will need to be conducted.

650 **Hon. D A Feetham:** Has the issue of IT in the courts, actually been settled yet?

Hon. G H Licudi: Mr Speaker, I am not sure what the hon. Member means by the 'issue of IT'? If he is talking about PCs which had been ordered when he was in office –

655 **Hon. D A Feetham:** And computer programmes to be available for staff.

Hon. G H Licudi: Well, as I understand it, PCs were ordered before we came into office and those PCs are there and are available and will be installed.

660 In respect of computer programmes, there is a need to look at precisely the software that is needed to manage the system to make the system compatible, for example, with the Police, where there is a lot of manual inputting that needs to happen, particularly at Magistrates' Courts level because the systems are not compatible. Those are issues that I am discussing actively with both the Gibraltar Courts Service and the Police themselves, but there is going to be a need for a study to be carried out in terms of the IT infrastructure, not the physical infrastructure, but the software infrastructure, and instructions have been given already, so a decision has been taken already for that study to be carried out.

665 **Hon. D A Feetham:** And does he not accept that that also has an impact, if he knew exactly how many staff are required at the Courts Service, the extra staff resources that might be needed in the Courts Service?

670 And also, by way of final supplementary, does the hon. Gentleman accept that, in fact, there is going to be a need to increase staff levels at the Courts Service, even though he might not be able to point out today, and I accept it, the exact numbers?

Hon. G H Licudi: No, Mr Speaker, I have said nothing about Courts Service. I have mentioned PCs. I

have not mentioned Courts Service at all.

675 **Hon. D A Feetham:** I would ask the hon. Gentleman, does he not accept the question of exactly what IT resources, the settling of the question of IT resources at the Courts Service, has an impact on the exact numbers that one would need by way of an increase?

680 I am also asking the hon. Gentleman to confirm that, I know that he cannot actually pinpoint the exact numbers in any increase, but does he accept that an increase in Courts Service numbers – numbers working at the Courts Service – will be needed?

685 **Hon. G H Licudi:** No, Mr Speaker, I do not accept there will be any need to increase the numbers in Courts Service. As I have indicated, the infrastructure that I was talking about was the installation of PCs, not service.

Hon. D J Bossino: I am sure the Minister has addressed this issue and he will forgive me if he has, but when is the Chief Executive expected to come back with the staff requirements to him?

690 **Hon. G H Licudi:** Mr Speaker, I indicated that the Chief Executive was asked to submit his staffing requirements to the Chief Secretary and, in fact, today I have seen a letter to that effect.

Hon. D A Feetham: But if the Chief Executive comes to the Government and says, 'We need five extra staff', can he give a commitment that that is what the Government will do?

695 **Hon. G H Licudi:** Mr Speaker, that is a hypothetical situation.

What I have said is that the Chief Executive has been asked to submit his requirements and that will be considered by the Government in the review of the Civil Service that is currently being carried out.

700 **Hon. D A Feetham:** With respect, it is not hypothetical to ask if more staff is requested, whether Government will accede to the request. And also, it is strange that the hon. Gentleman should adopt that particular line when he was saying, when he was in Opposition, that more staff *would* be needed because of all these reforms – that was the thrust of all his questions. He was saying more staff will be needed and, in fact, I was agreeing with him that more staff was needed and the position that I was adopting was, 'Well, we don't know the exact numbers.'

705 Will he now acknowledge that if the Chief Executive of the Law Courts comes back and says, 'We need extra staff', that the Government will honour that request for extra staff?

710 **Hon. G H Licudi:** No, Mr Speaker. The Chief Executive has been asked to submit a request and that request will be considered in the normal course of events.

The hon. Member cannot possibly say that it has been the policy of any government to commit itself before looking at and studying any requirements which may be submitted by the (**Hon. D A Feetham:** We did.) Head of any Department; but if any Head of Department was going to come in, say, two weeks' time to a Minister and say, 'I need *x*', that the Government was committing itself, two weeks in advance, to provide that. That, as I understand it, was not the policy of the previous administration and it is certainly not the policy of this administration.

715 The policy is to consider requests and, to the extent that those are reasonable, we will seek to accommodate those requests, but I cannot give a commitment as to the outcome of a process that involves the Chief Minister, involves the Chief Secretary – that is a process that will have to be undertaken as part of the Civil Service review which is currently being undertaken by the Office of the Chief Minister.

720 **Hon. D A Feetham:** With respect, we had actually committed ourselves to an increase in levels of staff. The only issue – because it was obvious to us there would be a need for an increase – is just a question of numbers.

725 But does he not accept that the position he is now adopting from the Government benches is a complete U-turn from the position that he adopted when he was here in Opposition?

Hon. G H Licudi: Absolutely not, Mr Speaker. There is no question of any U-turn. I have already

730 explained that what was at the heart of that exchange that the hon. Member has indicated was that the Government *ought* to have had foresight and proper planning, which was certainly not in place.

I have not said that there will be no increase in staff and therefore there is nothing to have a U-turn from. What I have said is that requests are being considered and a decision will be taken. What the outcome of that process will be, I cannot say because I do not have a crystal ball, but there is certainly no indication of any U-turn and no U-turn is intended or will be made.

**Audit review of public buildings
Resolving disabled access**

740 **Clerk:** Question 35, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services state what... Sorry, I think I have got the wrong question. I will start again.

745 Will the Government conduct and provide an audit review of public buildings, which at the moment does not allow disabled persons access, with a view to rectifying this?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

750 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the Government will undertake such an audit of public buildings and undertake reasonable adjustments, as required by law, so as not to discriminate against those with disabilities.

755 **Hon. J J Netto:** I am grateful for that particular answer. Whilst obviously the intention is a generalised one, in terms of providing access to all disabled people where this is possible and feasible to do in public buildings, the reason why I prompted this question so early at the beginning of this Parliament session was perhaps in the context of parliamentary reform.

760 One of the things I would ask the hon. Lady, and, in fact, I would ask the Hon. Chief Minister, is if there is one public building which, above all public buildings, we think is most important it is probably this Parliament and this Parliament, unfortunately, is not accessible to disabled people, particularly those who are in wheelchairs.

765 In the context of the parliamentary review, Mr Speaker, perhaps within the answer that the hon. Lady has given, will priority be given, perhaps, that if we can be able to fit lifts, perhaps, in this building to allow disabled members to go into the Public Gallery or even, one day, perhaps, that we can have a disabled person in Parliament sitting in the Government benches or the Opposition benches... I am sure that, on both sides of the House, it would be something that we would be very proud of.

Hon. Chief Minister: Mr Speaker –

770 **Hon. J J Netto:** The question is: will the hon. Lady or the Chief Minister give priority within the review within this particular building?

775 **Hon. Chief Minister:** Mr Speaker, the answer to that has to be a non-partisan ‘yes’, because I think we all agree on the importance that this building has. It has had it for a long time. It is a pity there was not already, when we arrived, the capability for people to have the access to this building that they need if they are disabled in some way.

780 Despite that, I do not think this is an issue on which we need to make partisan points. What we need to do is ensure that, as part of whatever review there is, we work together and, in particular, on issues on this, we deliver together to people who want to have access to this place, who desire to form part of the democratic process as such, that they are rightly not satisfied with simply listening to the proceedings of this House on radio or seeing it by the time that... or once we have decided that the whole proceeding should be transmitted in whatever way by video link also. Those who want to be here, we need to be embracing with open arms.

There are some people who are disabled in other parts of the world who have reached very high office in

other governments and we need to put this Parliament and the public service at the disposal of people like that. The Rt Hon. David Blunkett, a blind person, became Home Secretary in the United Kingdom and held other high offices of state, that being probably the highest, which was one of three highest offices of state.

So, Mr Speaker, I absolutely agree with the hon. Gentleman. It has not happened by the time that we have come into office, but that is not the issue. The issue is delivering it insofar as possible within the timetable in which those things can be delivered in the context of the Government's other priorities.

Hon. J J Netto: I am grateful for that.

**Disability Action Plan
Costs and starting date**

Clerk: Question 36, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services state what features and objectives the proposed Disability Action Plan will contain, what the cost involved is and by when will it be introduced?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the Government will be meeting all representative organisations in the field of disability in order to establish the features and objectives that the proposed Disability Action Plan will contain. Once we have completed this process, we will then be in a position to assess the exact contents of the plan and will provide an estimate of the cost incurred.

Hon. J J Netto: Well, Mr Speaker, of course the Government will wish to consult as widely as possible in the development of a Disability Action Plan, but given that this is an important issue, at least for the party opposite to be able to mention in their manifesto, one would have thought that, despite consulting other people as to the details of the Disability Action Plan, at the very least the Government, or the party when it was in Opposition, would have had a general idea, a scope of what the issues that are contained within the Disability Action Plan.

What I am asking the hon. Lady is why they thought it so important to put it in the manifesto because, obviously, they must have thought there was a gap and a need to develop this, so what was the scope of the idea that would go within the Disability Action Plan? I am not asking for the details of the Disability Action Plan. At the end of the day, the Disability Action Plan, by definition, is nothing other than a pathway for the disabled people, whether to do in Education, whether it be in Employment, whether it be to do with participation in culture, in the arts etc. Will the hon. Lady at least give me a scope of what she thinks will be contained in the Disability Action Plan?

Hon. Miss S J Sacramento: Well, we have already had representations made to us from certain disability societies and certain disability movements, both before the Election and since taking office. However, this is a plan that we will hope to achieve, that we certainly will achieve in this term of office and it is not a plan that will be rushed. It is a plan that will be given careful consideration and will be given in-depth consultation to make sure that we meet the objectives of the service users to whom we will be delivering this plan. At this moment the Disability Action Plan is at an early stage.

Hon. J J Netto: Mr Speaker, with respect, I do not think the hon. Lady opposite has understood my supplementary question. Of course, the Department will take the time that it needs to be done and, of course, the Government will want to consult with as many stakeholders as is reasonable to do so, but that is not what was my supplementary question.

My supplementary question was: given that they felt it important during the Election to mention it on page 82, surely they must have concluded that there is a need of a Disability Action Plan to be able to do a number of things. I am not saying about what they are going to do over the next four years. What I am saying, the hon.

Lady, is what does she think that the Disability Action Plan will contain, regardless whatever the fruits of the consultation thereafter?

Hon. Miss S J Sacramento: Mr Speaker, it seems that it is the hon. Gentleman opposite who did not understand my response.

My response is that we are not going to tell people with disabilities what is going to be contained in the Disability Action Plan. We want *them* to tell *us* what the Disability Action Plan is going to contain. Therefore, we have already started the consultation process. Clearly, given that we have not been in office for barely two months yet, it is still at a very embryonic stage. *(Applause)*

Hon. J J Netto: Mr Speaker, I am afraid that the hon. Lady is simply not listening to what I am saying. *(Interjections)* I am not telling her –

Hon. Miss S J Sacramento: Mr Speaker –

Hon. J J Netto: Mr Speaker, I know that the hon. Lady is new to this Parliament, but she has to accept and understand that if I am on my feet about to ask a question, she has to have the patience to sit down and listen to the question.

Mr Speaker: I think that is a bit unfair, personally. Worse crimes have been committed in this Parliament!

A Member: Hear, hear.

Hon. J J Netto: Well, Mr Speaker, well, I do not know whether... well, I had better not say.

Mr Speaker, I understand that she will want, along with other stakeholders, to enter into a process of consultation in order to develop, eventually, the details of the Disability Action Plan, but that is not what I am asking. What I am asking her, regardless of whatever the views of other disability representative groups, what *her* views are in relation to the Disability Action Plan for which they think it was important enough to put in their manifesto? That is what I am asking.

Hon. Miss S J Sacramento: Mr Speaker, at the risk of repeating what I have said earlier, I want to make it clear that I do not wish to pre-empt what the ultimate service users are going to ask me what they think is required as part of the consultation process that the Government is going through with them.

A Member: Hear, hear.

Hon. J J Netto: I am not going to hold a gun against her head just because this is embryonic or because I am trying to pre-empt. All I am asking, Mr Speaker, is whether she has *any notion whatsoever* what the Disability Action Plan is going to be – yes or no?

Hon. Dr J E Cortes: Mr Speaker, if I may assist here, the word is ‘consultation’ and the hon. Member must remember that when you consult, you listen to people and you do not try to direct. Unfortunately, he was a Member of a Government where often consultation papers sounded more like decrees. That is not the way we are going to do things. We are going to listen to the people and, after that, of course we will contribute our side, but we want to hear what they have to say because we do not want to impose our wishes. We want to listen to the people. These groups are the ones that know more about it than anybody else.

Hon. P R Caruana: Mr Speaker, I entirely agree with the hon. Member opposite, except his allusions to the previous Government. *(Laughter)*

Does he nevertheless not agree that, laudable as it is to consult other people and seek their views to take them into account, consulting other people to find out their views is not an alternative to having views of your own, or is the Government saying that it will simply do, on this and every other issue, what other people say to them needs doing? That is not what a Government is, and that is not what people expect of a Government.

So the question, which sounded to me rather simple and did not require all this banter, was simple enough, and I will illustrate it for him if he wants. Notwithstanding that they are laudably going to consult, and

separate to what other people may say to them is their view or preference in that consultation, do *they* have a view? For example, let me jog their memory. It is not the case that they will do only what the consultation process say because their manifesto says:

‘...that in Government we will adopt the proposal for a Disability Action Plan which we will develop in close consultation with the Gibraltar Local Disability Movement and their relevant representative organisations. This will include action to increase the number of disabled parking bays and to control abuse of parking spaces...’

So that we know now, from reading their manifesto, that regardless of the consultation process, it is their view that the plan will include at least the number of disabled parking... Now, is there anything else, or do they have no view beyond what should be in such a plan beyond those two points?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman laudably continued to read beyond the sentence that appeared to have prompted the question – so already he sees that there are other issues there.

If he carries on reading the rest of the page, Mr Speaker, he will find a lot of other things, which will necessarily, if we do them, form part of a Disability Action Plan. For example, the issues relating to respite, future planning for the disabled, the disability laws, the import duty waiver that disabled people should be entitled to, the changes in the way the Disability Allowance is granted, home help, funding, orthopaedic equipment, sheltered employment, how we will deal with the blind, all of those things must be an indication to the hon. Gentleman and Lady opposite of the things that would form part of the plan.

I think it is absolutely right when you go to a consultation not to say necessarily, ‘This is what we want to do. Is it okay? Have you got other ideas?’ It is equally valid to say to people, ‘Look, can we have your ideas?’ and, of course, we have been doing that in Opposition and we know what their ideas are and that has informed our thinking on the whole of the page and the action plan will be further informed by that thinking.

The thinking that already forms part of the manifesto is the basis of what an action plan will include in some parts and other things will come through as a result of the consultation. On this issue, I think that there should be very little for us to disagree with.

Life planning for disabled persons Features, costs and implementation

Clerk: Question 37, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services state what features of the programme of life planning for disabled persons will have, as stated in their manifesto, what the costs, if any, are, and when will they implement this policy?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, as a preliminary to the life plan, the Government is in the process of identifying individuals with a disability first, so that we can then proceed to make an assessment of their needs. This is at an early stage.

Hon. J J Netto: Well, again, Mr Speaker, fine, they can assess the needs, but that does not answer the question as to what the features of the life programme will contain.

Are we talking about, perhaps, either some other life planning schemes run by other jurisdictions which look into income and expenses, life skills, educational skills, etc etc. In other words, are they copying the model of, say, the UK model? Are they copying a model of the Australian model? Are they doing a hybrid of the two? What features will it contain?

Hon. Miss S J Sacramento: Again, I will refer to those features that have already been highlighted in our manifesto, which are features that relate to people with disability; but, clearly, before we can identify what feature will relate to each person, we first need to identify what disability each person has.

950 **Hon. J J Netto:** Mr Speaker, does the hon. Lady know how long this process will take?

Hon. Miss S J Sacramento: I cannot at this stage say how long this process will take because, unfortunately, I am finding difficulty in undertaking the first audit of identifying who has a disability and what disability this is.

955 **Hon. J J Netto:** Mr Speaker, doesn't the Care Agency, in relation to the ??? that deals with disability have a register of disabled persons and the disability that that particular person has?

960 **Hon. Miss S J Sacramento:** Mr Speaker, as far as I am aware, the Care Agency has a register of disability of people who come within the remit of the Care Agency, such as the people who use the facilities at St Bernadette's, Dr Giraldi Home and the other care homes, but not of the general public in Gibraltar, Mr Speaker.

965 I am, however, at the stage where I have asked for the information from all the different Government Departments in order to collate a database of people resident in Gibraltar with disability and what their disabilities are.

970 **Hon. J J Netto:** I accept the fact that, perhaps, the only information available to her is information with regard to disabled people who are being provided a service by the Care Agency and not necessarily by all disabled persons in the community. I accept that, but, given that at the very least she has the information in relation to disabled people who have a service by the Care Agency, at the very least in relation to them, she can start the process of a scheme for life planning. Is that not the case?

975 **Hon. Miss S J Sacramento:** Well, Mr Speaker, first of all, one would expect that those that come under the umbrella of the Care Agency already have a certain element of planning. However, what is not desirable in this exercise is for us to go through it piecemeal. First of all, what we need to do is identify the needs and our project can commence from there, Mr Speaker.

980 **Increased Home Help
Date and cost of introduction**

Clerk: Question 38, the Hon. J J Netto.

985 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state what aspects of Home Help will be increased, as stated in the Government's manifesto, by whom, when it will be introduced and what the extra cost will be?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

990 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, a study is currently being undertaken. Phase one of that study will be to identify what aspects of help individuals require in their homes.

995 Phase two of the study relates to the cost of that service and then phase three of that study will be to identify who will provide that service.

Hon. J J Netto: Mr Speaker, in relation to the study, presumably what she means, that the ... What I am trying to get at is what is the type of Home Help that is required?

1000 Are we talking about here 'Home Help' in the sense of, perhaps, providing extra care workers in order to provide some kind of a respite, or perhaps some kind of a sitting service, or perhaps in their own flat in the community? Is that what she means by Home Help or does it mean something else completely?

Hon. Miss S J Sacramento: Well, Mr Speaker, the first issue that we are tackling is that of domiciliary care because, unfortunately, I have inherited a waiting list of people who want domiciliary help and, as of last

- 1005 week, Mr Speaker, the number of people in Gibraltar who require domiciliary care is 309 people.
There are people on this waiting list for domiciliary help dating back to 2003, 2005 and 2006, so the most urgent task that has been undertaken in this regard, Mr Speaker, is to assess the needs of those people on the list and the urgency that may be required for domiciliary help and the level of domiciliary help that may be required.
- 1010 **Hon. J J Netto:** Mr Speaker, I detect a tendency, probably started by the Hon. Dr Cortes, in relation to try and score cheap political points (*Interjections*) and trying to say, 'Well, you know, we have got a waiting list of 309.'
- 1015 Well, let me tell the hon. Lady that domiciliary care did not start with the GSLP Government; it was started by the GSD Government. It started with the GSD Government in 2002, with a budget of £160,000. Currently, this financial year... a current budget of £750,000 and that shows the extent to which the commitment of this GSD Government in relation to providing this kind of help to a lot of people. That is the first thing I have got to tell the lady.
- 1020 But the purpose of me standing up is for the purpose of asking questions, not going backwards... and the purpose of my question is to try and identify whether the domiciliary..... the increase in Home Help, is it going to be targeting, in this particular case, just the elderly or elderly and the disabled, and whether we are talking about here, Mr Speaker, in providing more assistance by way of care workers or perhaps even other things that may be needed by these particular groups of people?
Can she give an answer to that?
- 1025 **Hon. Miss S J Sacramento:** Mr Speaker, if I wanted to score cheap political points, I would have told the hon. Gentleman opposite that it was his Government who had a statutory obligation to make sure that this building did not discriminate against disabled people since 1st March 2007, when the Equal Opportunities Act came into force. I did not do that, Mr Speaker.
- 1030 All I have done is I have stated the facts that –
- Hon. P R Caruana:** You have just! (*Interjection and laughter*)
- Hon. Miss S J Sacramento:** – the waiting list (*Interjections*)
- 1035 **Mr Speaker:** Order, the Hon. Minister is trying to... (*Interjections*) Order! The Hon. Minister is trying to answer the question.
Please continue.
- 1040 **Hon. Miss S J Sacramento:** Yes. So in answer to the question is that immediately what concerned me and alerted me to this problem, having found that 309 people in Gibraltar needed domiciliary care, is to assess what kind of domiciliary care they need.
Now, in answer to the question, as to whether this would just be restricted to the elderly or also extended to the disabled, then my answer to that is that it will be extended to both and any other person who may need domiciliary care, as may be assessed by the Care Agency as necessary and as relevant, Mr Speaker. At the moment what we are doing is assessing the needs of the people on the list, because there has not even been an assessment of need, or of urgent need, of the people on the list.
- 1045 **Hon. J J Netto:** I take issue with that particular comment, because when people put their name on the list, for domiciliary care, the people in charge of domiciliary care take into account the needs of that particular person, so it is not true to say that there is no knowledge about the needs of people who put their name for domiciliary care. There is.
- 1050 When she goes back to the office and when she calls the relevant people to do that, she will find that there is an assessment on the needs of the particular person. In the vast majority of the cases she will find there is a need, perhaps, for more money as we were committed to do to increase it, as we have been increasing it since 2002, right, to be able to give those particular people, more care workers to be there for particular hours during the day.
- 1055 She can do all the assessment and all the consultation she wants, but if she wants to start tackling the problem, she is going to have to put more money into the kitty, as we have done. (*Interjection*) and she can do

1060 it right now, regardless of how much she wants to assess. So the question is, can she start implementing the policies in her manifesto, which will produce a positive result?

Hon. Miss S J Sacramento: Mr Speaker, the short answer is, yes, but I would also like to ask the hon. Gentleman opposite, that if he knew the answer to the question, then why ask?

1065 Having said that, actually, it is not the case that there is assessment of all the people on the list because, otherwise, enquiries that I have been receiving since I have been in office for under two months, or even a month and a half, I have been receiving enquiries from people who have been on the domiciliary waiting list for over two years and have never had an assessment done, Mr Speaker.

1070

**Care Agency staff
Training programme on child protection**

1075 **Clerk:** Question 39, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services confirm that she will continue with the previous Government's training programme on child protection for the Care Agency staff and all other stakeholders and, if so, provide a breakdown of the persons involved in 2012 across public sector organisations, the level of training and when?

1080

Clerk: Answer, the Hon the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I can confirm that such training will continue and, in fact, will be wider and more robust.

1085

I can confirm that the Safeguarding/Child Protection Training programme will continue to be delivered to employees of the Gibraltar Health Authority, the Education Department, the Royal Gibraltar Police and the Care Agency.

In respect of tier 1, Safeguarding/Child Protection and Training, it is proposed that there be one training session each month, as from February through to December, except during the month of August.

1090

In respect of tier 2, Safeguarding/Child Protection and Training, there will be training sessions in February, June and October 2012.

I now hand to the hon. Member a handout with the proposed training dates and, in addition to this training, there also will be a child protection conference, second child protection conference during late summer/early autumn 2012.

1095

The Hon. J J Netto: Mr Speaker, I am grateful for that information and I am grateful also for the fact that she will be continuing with the programme started by the GSD government in relation to these particular training courses being provided, not just to the Care Agency staff but, indeed, all front-line staff of other Government departments and other authorities and agencies in such provision.

1100

Can I ask the hon. Lady, in relation to the training that took place a couple of days ago in Bleak House, who was the person who delivered the training there, Mr Speaker?

Hon. Miss S J Sacramento: I am happy to answer that, Mr Speaker, but that was not child protection training, that was DCRT training, not directly related to the question.

1105

I am happy to answer it, nevertheless, it was Mr Alan Benn.

Hon. J J Netto: Alan Benn. Sorry, I did not quite catch –

Hon. Miss S J Sacramento: I understand he has been providing training for the Care Agency in the past.

1110

Hon. J J Netto: Right. Can the hon. Lady tell me what the aim of this training was?

Hon. Miss S J Sacramento: Mr Speaker, as I said, this question is not related to the original question, it is

1115 in relation to completely different training. I am happy to respond to it.

Mr Speaker: Well, it is up to the Minister if she wishes to provide the information. If she can't, she can't.

1120 **Hon. Miss S J Sacramento:** The DCRT training which was provided last week was in relation to training care workers in dealing with children who have particularly challenging behaviour.

Hon. J J Netto: Right, well, I am grateful for that.

1125 So, basically, if I can jog her memory, the aim of the training was to be able to teach students about awareness of current legislation relating to conflict resolution training, to be able to teach safe breakaway techniques and positive handling strategies, teach students the importance of post-incident analysis, reporting and recording staff and services users support after an incident. That was the aim of the conflict resolution training two days ago, then, by Alan Benn?

1130 **Hon. Miss S J Sacramento:** Yes, it was not conflict resolution provided two days ago. In fact, the training commenced last week, Mr Speaker.

Hon. J J Netto: So, in fact, this particular training was part of the training that was announced by the Care Agency in establishing a development programme for January to December 2011. Can she confirm that?

1135 **Hon. Miss S J Sacramento:** No, Mr Speaker. This is different training, in addition to the training which we had to organise as a result of certain events: this was training that was organised at short notice. It was a five-day training: it is not the training that had already been programmed by the Care Agency.

1140 **Hon. J J Netto:** Could the hon. Lady, Mr Speaker, the hon. Minister, then reconcile the fact that she seems to agree that the training has been delivered by Alan Benn, she agrees with me what were all the aims of the training provided, she will agree with me that it was inserted into the report of the staff training and development programme for December 2011. The only thing that was left in the report, if she – I do not know whether she has got it in hand – but she can look at it, was that a date had to be confirmed, so everything that happened two days ago was scheduled to happen last year? Will she not agree with me?

1145 **Hon. Miss S J Sacramento:** Mr Speaker, can I ask the hon. Gentleman opposite if he is referring to a Care Agency document which is not in the public domain? Is this the document that the hon. Member is referring to?

1150 **Hon. J J Netto:** Mr Speaker, I am referring to the note which, if she wants to cross the floor and sit between Hon. Mr Figueras and myself, she can look at for herself.

Can she answer the question, then, which is, if she agrees with me that the course was delivered by Alan Benn, if she agrees with me on the aim, if she agrees with me that the course was inserted and planned for last year, right, does she agree with me with all of that?

1155 **Hon. Miss S J Sacramento:** No, I do not, because although there was a course which was planned for now, it is not *this* one.

1160 This is a more intense course that was planned as the result of certain incidents, Mr Speaker. It is a new course that was planned a couple of weeks ago, which Alan Benn has already delivered training on these themes. This is not a training course that was delivered to students, it was a level 2 training course, a more intense training course delivered to care workers already in employment and it is a more intense training course than that which was envisaged would be provided at the time when the training programme was commenced, Mr Speaker.

1165 **Hon. J J Netto:** The hon. Lady says that this training almost came about in a kind of emergency way, because there were some incidents. Perhaps she can enlighten us, what incidents she is referring to, and when was the date of the incident that prompted, in such an emerging way, in such a rush and emergency way, to get Alan Benn to get into an aeroplane at Gatwick or wherever he lives in the UK and rush here to prepare this course? Can she, therefore, tell us what incident prompted such an emergency to get this man in an aeroplane,

1170 to come to Gibraltar, to deal with this particular course?

Hon. Miss S J Sacramento: Mr Speaker, perhaps the hon. Gentleman could give notice of the questions he wishes to ask. This one is not related to his original question and if a decision to implement certain training is taken as a result of any incident, then, Mr Speaker, it is done as a responsible measure and it was done because of that.

1175 I will not... I do not think it is appropriate to give any further details in relation to anything. I am happy to do so to the hon. Member in private, Mr Speaker.

1180 **Hon. J J Netto:** I am not asking for things to be said in private, what I am asking her, Mr Speaker, is that, if something serious happened – let us leave aside the details of what happened – but something happened in the last four weeks, surely, as Minister for Social Services, she would have been so concerned about it, right, that she would know when the date of the incident was, which then resulted in her giving instruction to the Care Agency to get this man into an aeroplane, to come to Gibraltar, to get a booking in Bleak House and get all the staff in Bleak House to attend this emergency course?

1185 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, it is called being efficient, although that is not a question, but, yes –

1190 **Hon. J J Netto:** I am asking the hon. Lady, Mr Speaker, when was the date of such a serious incident to get this man into an aeroplane to come to Gibraltar? (*Interjection*)

Hon. Miss S J Sacramento: Mr Speaker, I was satisfied that the incident was serious enough to warrant the organisation of this training. It is training that was organised as the result of an event and not one that was already in the training plan last year, Mr Speaker.

1195 I have already answered the question.

Hon. J J Netto: Mr Speaker, with respect, if this is so serious an incident, does she not remember when it happened? Was it – let's see – they got into government on 9th December. Did it happen before Christmas, or after Christmas?

1200 **Hon. Miss S J Sacramento:** Mr Speaker, this is the result of certain incidents which, in fact, commenced in early December. They continued during December and reached the stage, where, at the end of December/early January it was necessary to take the action that was necessary, which was to make arrangements for a specialist trainer to come and deliver intensive level 2 training, a five-day course to 16 care workers working at the residential homes.

1205 **Hon. P R Caruana:** Mr Speaker, obviously without transgressing into any giving of public details that the hon. Lady may feel is inappropriate, certainly none that identify anybody, is there anything that the hon. Lady can say of the *nature* of the incidents that caused her to take this serious view. In other words (*Interjection*) well, yes, but no-one is suggesting... no-one is blaming you for the incident. I was just asking whether there is anything she can say to identify the *type* of incident. (*Interjection*)

I mean, was it child abuse, was it bad fire drill practice, was it pilfering from... you know, what was it? (*Interjection*)

1215 **Hon. Miss S J Sacramento:** Mr Speaker, I do not believe it is appropriate for me to provide details. It is just something that has been ongoing since early December, Mr Speaker.

1220 **Hon. P R Caruana:** I am not asking for details, I am asking just for a general categorisation of the matter. Are we talking about abuse of power, are we talking about child abuse, are we talking about pilfering, are we talking about bad hygiene practice, I mean, no-one is asking her to identify *anything* by way of detail about a particular incident, I mean, you know, what sort of thing is going on in the Care Agency since early December? I mean, if she thinks there is nothing she can say, but it is pretty odd there is nothing that can be said.

Hon. J J Bossano: Mr Speaker, I think if the hon. Member opposite asks the person responsible before

1225 the Election for the nature of the problem that was having in control in certain circumstances, then the Minister responsible at the time was aware of the problem and the problem got progressively worse. Therefore, the advice provided was that the people in employment were having difficulty in keeping that situation under control and needed a professional input.

1230 **Hon. P R Caruana:** Oh, I see, so it was staff training to assist the staff in better handling an evolving and worsening situation around a particular person. Fine.

1235 **Hon. J J Netto:** Can the hon. Lady perhaps telegraph me whether we are talking about a particular person, which in my time in office or perhaps I will drop it... if I drop it now, will the hon. Lady be able, on a confidential basis, to provide me with the detail of that particular person – (*Interjection*)

Hon. Miss S J Sacramento: Mr Speaker, as you may recall, I offered to do that in my first answer, but not telegraph it across the floor. Maybe the hon. Gentleman may be happy to discuss it with me later. I am happy to discuss it with him on a confidential basis, as I have already informed him that I will be providing him with confidential answers to certain questions that he has asked.

CON'TD ANSWER TO QUESTION 39 OF 2012

The proposed dates for Tier 1 Safeguarding/Child Protection Training are:

1240 22nd February 2012
20th March 2012
19th April 2012
23rd May 2012
12th June 2012
4th July 2012
18th September 2012
18th October 2012
21st November 2012
5th December 2012

The proposed dates for Tier 2 Safeguarding/Child Protection Training are:

9th-10th February 2012
21st-22nd June 2012
25th-26th October 2012

In addition to the above the Child Protection Committee will be planning its second annual Child Protection Conference during late Summer/early Autumn 2012.

1245 **Child Protection Team
Resources available and cost**

Clerk: Question 40, the Hon. J J Netto.

1250 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state what resources over and above current ones will be made available to the child protection team, the cost involved and by when will this be available?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

1255 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, a complete review of the structure of Social Services has already commenced with a view to identifying what resources are required. Once known, this will be costed.

Hon. J J Netto: Does the hon. Lady know how long that review will take place?

1260

Hon. Miss S J Sacramento: This review will be done quickly, because it is something that needs to be resolved quickly. If additional resources are required, then they will be provided quickly.

1265

Hon. J J Netto: Mr Speaker, without wishing to sound pedantic, but when the Hon. Chief Minister used to be on this side of the bench, he used to chastise us on the definition of 'quick'. How quick is quick, he used to say quite often. Can she give us, at least, whether we are talking about weeks, are we talking about months, are we talking about – what – an indication of how quick is quick?

1270

Hon. Miss S J Sacramento: As quick as is needed to do it properly, but as soon as possible.

Hon. J J Netto: Does that mean a day, a week, a month, six months?

1275

Hon. Miss S J Sacramento: Mr Speaker, it is envisaged that it will be done as soon as possible. It could be a number of weeks. It could be a month or two. At this stage I do not know yet. It may be that the review is ongoing, but certainly, I envisage there will be changes to the structure very shortly.

Hon. J J Netto: I am deeply grateful.

1280

Care Plans Documentation criteria

1285

Clerk: Question 41, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services state if all care plans have been fully documented by all relevant staff associated with the individual care plans, needs and objectives within the Agency and, if not, why not?

1290

Clerk: Answer, the Hon. Minister for Equality and Social Services.

1295

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the answer is yes. When a child is first brought into public care, placement plans and an essential information record are presented and completed. This information is then transferred into a residential plan. The objectives of the task identified on the residential plan are translated into a day-to-day plan for each looked-after child, which will highlight meetings, appointments, contacts and the basic needs of the child, including health, education etc.

1300

This document will enable the staff to understand the child's routines and likes and be able to manage behaviours. All looked-after children have an allocated key worker who is responsible for the completion of the tasks identified in the residential and day-to-day plan. All looked-after children are subject to placement reviews, which will result in the residential and care plan being updated. This ensures that plans are continuously monitored and meet the changing needs of every looked-after child.

1305

Hon. J J Netto: I am grateful even though I am very well acquainted with the details of the care plan, as introduced by ourselves.

The point I was trying to labour on, Mr Speaker, and the reason why I have put this particular question here, is because when we moved most looked-after children into Tangier Views we had, for a short period of time, some teething problems with a minority of staff there, who were refusing to??? some of the care plan... not entirely to the care plan...

1310

It is something which I took very seriously with the senior management, because obviously that was unacceptable. The reason I was prompted to ask this particular question is that are they being complied with and the answer the hon. Lady has given me is that it is something that has been dealt with successfully and the care plans have been fully met by the people employed in the Care Agency, so I am grateful for that.

1315 **Court requirements for looked-after children**
Meeting Care Plans

Clerk: Question 43, the Hon. J J Netto.
I beg your pardon, Question 42.

1320 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if all Court requirements for looked-after children, as reflected in the care plans (that is Care Agency, Education, Health etc) are being met and if not, why not?

1325 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I am happy to report that they are being met.

1330 **Hon. J J Netto:** I am grateful for her answer and I am very pleased they are being met.

Once again, the reason why I am prompted to ask this particular question was because, at one time, for a short period of time, we did have problems on the Health Authority side in coming on board with their contribution within the care plan. It is something that we took up with the senior management of the Health Authority and the problem was that GPs did not want to make the contribution that was needed from the Health Authority to ensure that that part of the element of the care plan which dealt with health matters were being looked after.

1335 So perhaps, what I am asking, in this case, the Hon. Minister for Health, Dr Cortes, that he would not mind keeping an eye on this particular issue to ensure, through his senior management, that his GPs do comply with this requirement because, at the end of the day, it is quite an important and significant element of the care plan, as dictated by the courts.

1340 **Hon. Dr J E Cortes:** Mr Speaker, I will assure the hon. Gentleman that I am keeping a close eye on many things and also to assure him that the Health Authority and the Care Agency are working together extremely well and possibly better than ever before.

1345

Unallocated referrals of children
November and December 2011

1350 **Clerk:** Question 43, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services state if, in the months of November and December 2011, there were any unallocated referrals of children waiting for a service, and if so, provide a breakdown of the risk to any such children.

1355

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

1360 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, I am happy to report that, during the months of November and December 2011, the child protection team had no unallocated referrals. Of course, it was not until July 2011 that the backlog of unallocated referrals were dealt with, because, in November 2010, there was a point when there were 52 unallocated referrals outstanding. In May 2010 there were 119 children referrals unallocated and outstanding and in February 2009 the figure was 101.

1365 I can confirm that in November and December 2011 there were none unallocated.

Hon. J J Netto: Obviously, the hon. Lady feels obliged to try and score cheap party political points, but does she not recognise that the reason why there were not any unallocated referrals in October, November, December, was the result of the fruits of the GSD Government by introducing the Children Act and by having more social workers? This is the reason why you do not have any unallocated cases now.

1370 **Hon. Chief Minister:** Mr Speaker, it is Question Time, not 'justification of my sixteen years of Government's time'.

1375 **Hon. J J Netto:** Mr Speaker, I am sorry, it is the hon. Lady who is trying to score cheap party political points.

Hon. Chief Minister: Mr Speaker, it is the hon. Gentleman who has to get up in this House in this part of the Order of the Day to ask questions.

1380 **Mr Speaker:** But I think that was a preamble, which asked the hon. Lady to recognise the fact that there were no unallocated referrals during October, November, December was due to the efforts of his Government. That is what I understood the question to be.

1385 **Hon. Miss S J Sacramento** I can state that, as a matter of fact, there are no unallocated referrals in November and December 2011. That is a matter of fact.

Hon. J J Netto: Mr Speaker, I am grateful for the fact that she acknowledges the success of the GSD Government when there. (*Interjections and laughter*)

1390

**Looked-after children
In employment, education or training**

1395 **Clerk:** Question 44, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services confirm that all its looked-after children are either in employment, education or training and if not, why not?

1400 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

The Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, they all are. Out of the 41 looked-after children, 34 children are in education, seven are registered and are awaiting placements in a vocational training scheme.

1405

**Care Agency
Incidence of bullying or harassment**

1410 **Clerk:** Question 45, the Hon. J J Netto.

1415 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if there have been any acts of bullying or harassment in the Care Agency, since this policy was launched and, if so, can a breakdown be provided showing the number of occasions by month, type (that is, verbal, non-verbal, physical or corporate bullying by line managers etc.) and whether informal or formal measures have been instigated?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

1420 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** The Care Agency's bullying and harassment policy was launched on 17th November 2011. However, I understand this is still in draft format.

I am informed that this policy has not, in fact, been ratified and is therefore not in force. As such, no complaints of bullying and harassment can be made under this policy.

1425

Hon. J J Netto: Mr Speaker, that is news to me.

The policy *was* launched actually and was launched with the support of the union representative. In fact, they were actually the instigators of getting the bullying and harassment policy going. It is something, Mr Speaker, that was launched and I remember rightly now, we made it official with a press communiqué, with a press statement, so the actual policy was initiated, so I do not see why the hon. Member says it has not been initiated.

1430

So the question is, Mr Speaker, for the period in which it was launched, right, were there any acts of bullying during that period?

1435

Hon. Miss S J Sacramento: Mr Speaker, I am advised by senior management that there was a launch but, following the launch the policy was not signed off, was not ratified and therefore not enforced.

This was a question that I asked, because obviously in answer to this question, I asked for a copy of the bullying and harassment policy. The document that I got was in draft. When I queried whether this policy was still in draft, or whether perhaps I had mistakenly been given the wrong document, I was informed by senior management – and again I have queried this today – whether this document is in draft or not, and I have been assured there was a launch on 17th November. I accept there was a launch, I said that in my first answer, but senior management advised me that it was not ratified, therefore not in force. So if it is not in force, no complaints can be made under this policy.

1440

1445

Hon. J J Netto: Mr Speaker, the only reason why the hon. Lady has got a copy of the report there with the word ‘draft’ on the front page is because she has a previous draft that has been given to her. If she cares to look at the draft that was given which was attached to the press statement, obviously it did not have the word ‘draft’ on there.

The only person that sanctions the policy was me, by doing it publicly, so it is not in draft form, it was officially launched and made public to the press.

1450

Hon. Miss S J Sacramento: Mr Speaker, I have checked this point today again, because I was concerned that the document I got said ‘draft’ on it. I therefore checked the matter and I have been assured by senior management at the Care Agency that the document is still in draft. I am told that, in order for it to be enforced, it needed to be ratified and signed by the Minister and that the document was not signed by the previous Minister.

1455

That is what I have been told by senior management, Mr Speaker.

1460

Hon. J J Netto: With respect, if the hon. Lady asked to get a copy of the press statement when I launched the policy, right, she will find that that, by definition, makes it official and is ratified. It may not have, on a little corner by the page, where it is signed or not signed, but if the Minister actually makes a press statement, having done all the consultation process, both internally with management and externally with the union which instigated this policy, and I launch it officially, then it is the official policy of the Care Agency.

I am sorry, Mr Speaker, that is the official policy of the Care Agency, because the Minister has officially launched it, having completed the consultation process. That is the fact, so what I am saying, Mr Speaker, having launched it officially, for that period in time, was there any act of bullying or harassment? *(Interjection)*

1465

1470

Hon. Miss S J Sacramento: Mr Speaker, I am not aware that a press release or a press conference brings a document into force or ratifies a document. I am, of course, conscious of my duty to this House and therefore I have checked more than once with senior management on the position and what I am advised by senior management is that this document is not in force, because it required a signature by the Minister and such signature did not happen. Therefore, the document, I am told, is not in force, Mr Speaker.

1475

Mr Speaker: The Hon. Daniel Feetham.

Hon. D A Feetham: Yes, can the hon. Lady confirm, the Hon. Minister confirm, whether she intends to commence the policy herself, then? *(Interjection)*

Hon. Miss S J Sacramento: Mr Speaker, this is a matter that needs to be reviewed with the Care Agency

1480 and, of course, in line with this Government's Command Paper on the same matter. It is not a commitment that I can make today, Mr Speaker.

1485 **Care Agency Residential Homes**
Recordable acts of violence

Clerk: Question 46, the Hon. J J Netto.

1490 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if there have been any recordable acts of violence in any of the Care Agency residential homes from 8th December 2011 to date and, if so, could she provide a breakdown showing the date of the incident/s, whether the incident was between children, or between children and staff and whether, as a result of the incident, medical attention was required, either at the home or in the hospital and for what purpose?

1495 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Yes, I have a handout of these incidents which I would like to pass to the hon. Gentleman.

ANSWER TO QUESTION 46 of 2012

TABLE SHOWING RECORDABLE ACTS OF VIOLENCE WEF 8/12/11

INCIDENT DATE	INCIDENT BETWEEN		OUTCOME
4/1/11	Child	Carer	NO MEDICAL ATTENTION
2/1/11	Child	Carer	NO MEDICAL ATTENTION
28/11/11	Child	Carer	NO MEDICAL ATTENTION
28/11/11	Child	Carer	MEDICAL ATTENTION
8/12/11	Child	Carer	NO MEDICAL ATTENTION
8/12/11	Child	Carer	NO MEDICAL ATTENTION
11/12/11	Child	Carer	NO MEDICAL ATTENTION
12/12/11	Child	Carer	NO MEDICAL ATTENTION
11/12/11	Child	Carer	NO MEDICAL ATTENTION
12/11/11	Child	Carer	NO MEDICAL ATTENTION
20/12/11	Child	Carer	NO MEDICAL ATTENTION
12/12/11	Child	Carer	NO MEDICAL ATTENTION
14/12/11	Child	Carer	MEDICAL ATTENTION
19/12/11	Child	Carer	MEDICAL ATTENTION
19/12/11	Child	Carer	NO MEDICAL ATTENTION
20/12/11	Child	Carer	NO MEDICAL ATTENTION
24/12/11	Child	Carer	NO MEDICAL ATTENTION
24/12/11	Child	Carer	MEDICAL ATTENTION
25/12/11	Child	Carer	NO MEDICAL ATTENTION
27/12/11	Child	Carer	NO MEDICAL ATTENTION

1500 **Hon. J J Netto:** Mr Speaker, whilst the answer is coming through, could I proceed with my supplementary?

Mr Speaker: Yes, certainly.

1505 **Hon. J J Netto:** Following the incident, whatever the incident and the number of incidents and the nature of the incident, is the Minister satisfied that the right protocols have been invoked after the incident?

Hon. Miss S J Sacramento: I am sorry, Mr Speaker, I did not hear the question.

1510 **Hon. J J Netto:** Mr Speaker, what I am saying, following the incidents – obviously, I am presume she would be informed, just like I was informed before – and is she satisfied that the right protocols of the Care Agency were invoked post incident?

1515 **Hon. Miss S J Sacramento:** Not only am I satisfied that the protocols have been properly employed, but we went over and above, because it is as a result of these incidents that we arranged for the level 2 DRC training by Mr Alan Benn.

Hon. J J Netto: As a result of the incident, were incident forms filled after the incident?

Hon. Miss S J Sacramento: Sorry, I did not hear that, Mr Speaker.

1520 **Hon. J J Netto:** As a result of the incident, was incident forms filled after the incident?

Hon. Miss S J Sacramento: Mr Speaker, I would expect that they were.

1525 **Hon. J J Netto:** Would the hon. Lady, when she has the opportunity to go back to her office, confirm that?

Hon. Miss S J Sacramento: I am happy to confirm it. I do not have the actual information. I will confirm it to the hon. Gentleman on a confidential basis.

1530 **Mr Speaker:** The Hon. Daniel Feetham.

1535 **Hon. D A Feetham:** Do these incidents that the hon. Lady has listed in the schedule that she has been so kind as to produce to this House, do they relate to the incident we were talking about a few moments ago, when the hon. Lady said that she...

Hon. Miss S J Sacramento: Yes, Mr Speaker, the incidents that commenced on 28th November 2011.

1540 **Hon. D A Feetham:** So, effectively, what we are talking about, just so that we are clear, is that there were incidents on 28th, two incidents on 28th November last year and then there is a plethora of incidents as from the date of the General Election on 8th December and all the way through to the end of December? That is correct, isn't it?

1545 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, although some of the incidents do not relate to the same child.

Hon. D A Feetham: So, can the hon. Lady inform this House as to how many children or persons in care do these incidents relate to?

1550 **Hon. Miss S J Sacramento:** Mr Speaker, it is a question that I would rather answer to the hon. Gentleman opposite in private. I would rather do that for the sake of the children involved, Mr Speaker.

1555 **Hon. D A Feetham:** But you see, Mr Speaker, does the hon. Lady not accept that, in fact, my question does not ask her to betray any confidence or reveal anything that is confidential in nature, it is just a question of numbers in relation to these incidents. Is it one more child, two more children, three more children? That is all that we are asking.

Hon. Miss S J Sacramento: Mr Speaker, it is just that if I answer that question, I do run the risk of identifying the child or children.

1560 **Hon. D A Feetham:** Why is that?

Hon. Chief Minister: Mr Speaker, if the hon. Gentleman is truly interested in the information – and the Hon. Minister is telling him he can have the information and she will give it to him – on every occasion that has been the case in the past, particularly on issues like this, we have accepted that. If the hon. Gentleman wants the information, it is there for him to have.

Look, if he makes a judgement that, having been given the information confidentially, it is not information that could possibly have identified the child, then next time when he asks questions on this subject, he can make that point. But the Hon. Minister is not saying that she will not give the information. In her judgement – and the Members opposite have to accept that now it is *our* judgement that matters – before, it was theirs – this could lead to some potential identification. We are not trying not to provide the information, we just want to give it to them, as responsible Members of this House, outside the confines of what everybody else can listen to.

Hon. D A Feetham: Mr Speaker, that may well be your judgement, but that does not mean that we cannot question that judgement, and that is precisely... (*Interjection*) At this stage, that is not what I was doing, but certainly the reality of the situation is that this House is to elicit information, the answers are given in public, unless, of course, there are cogent reasons why those answers should not be given in public.

At the present moment, I just simply cannot understand why the question – how many children does this relate to? – give rise to any potential breach of confidential information? I am entitled to ask that question. Of course, I am not going to press it further and I will wait for the hon. Lady to provide the information and if, of course, we are not satisfied, we will come back and we will ask further questions.

Hon. Chief Minister: Mr Speaker, you see the issue is this. Having the information, as the Minister does, she makes the judgement that it can, in some way, have the effect of disclosing the identity of people whose identity, I am sure, across the floor of the House, we do not want disclosed, because it would not be in their interest. Therefore, the Minister makes that judgement.

What the hon. Gentleman is doing by questioning that is (a) doing something that we have never done, when we were on that side of the House but, look, if they want to do it, they are free to do it, and (b) is, in effect, to say that they want to make the judgement by eliciting further information without knowing what it is that could result in identities being disclosed.

So, look, I will just say to him *on this issue*, which is a sensitive issue involving children, do not press us, because we will give you the information, but not all over the airwaves.

Hon. D A Feetham: Well, Mr Speaker, that is the pot calling the kettle black. As I recall, my hon. Friend, Mr Netto, was consistently and systematically pressed on issues of this nature, when they were in Opposition.

Look, I am not going to press it, though I have to say, again, I cannot see how you could possibly say, that saying there were two children involved, rather than one, raises any issue of confidentiality, or could possibly raise to a trail of inquiry actually identifying that child. But as I say, I am not going to press it and we will hear what the hon. Lady has to say.

Hon. Chief Minister: Mr Speaker, what the hon. Gentleman is doing, is actually the usual ‘do as I say, not as I do’, because he is saying he is not going to do something which he then goes on and does by the manner of his intervention which, frankly, Mr Speaker, he should not be making, because this is Question Time, not ‘reason why I am not going to press the Question Time’.

Mr Speaker: Unless it is a question.

Hon. D A Feetham: May I ask this question?

Mr Speaker: Yes.

Hon. D A Feetham: Can the hon. Lady at least enlighten us in relation to this? Will she accept (1) that the majority of these instances have occurred on *her* watch and (2) would she also inform the House as to whether, in relation to the one or two or three or four other children that this entails, that that is not as the Hon. Mr Bossano indicated earlier on during his intervention that the incidents started prior to the 8th, that the

incidents actually occurred *after* 8th December?

1620 **Hon. Miss S J Sacramento:** If the hon. Member opposite can read, he will see that the incidents actually happened on 28th November and not after 8th December. There are, I accept... it is a matter of fact that there are incidents post 8th December. It is a matter of fact.

1625 **Hon. D A Feetham:** Yes, you see, but of course, I accept that if you are dealing only with one child, then it is absolutely correct to say the incidents in relation to that child commenced on 28th November and they continued and you have 12 to 15 other incidents under *her* watch. What I am saying is, do all the incidents in relation to all the children that appear to be involved, commence on 28th November, or do some of them in relation to some children commence afterwards on *her* watch?

1630 **Hon. Chief Minister:** This information has no partisan political value, I assure him. The only thing he is doing, by pressing us further, is to put us in a position where we may say something which may inadvertently identify a child.

Hon. J J Bossano: It has already.

1635 **Hon. Chief Minister:** I ask him to please do as he said he would, which is not press us further and, when Question Time is over, the hon. Lady will give him the information behind the Speaker's chair. That is the only issue.

1640 **Hon. J J Netto:** If I may ask another supplementary question.
The hon. Lady stated earlier on that, as a result of this incident, or perhaps some other incident, that this was what triggered bringing Alan Benn to do this particular course. Despite that, can she also state whether, as a result of the incident, quite apart from the training course, the Care Agency has introduced any changes in respect... to the practices where the incident took place, or in relation to this child or the people involved in the incident with this child?

1645 **Hon. Chief Minister:** Mr Speaker, if I can be of assistance, the very manner in which the hon. Gentleman has phrased his question leads us to this issue of potentially identifying a child. So can they please, just on this issue, even if they give us no quarter for the next four years on issues which relate to children, can they please just accept that we are not saying we are not going to give them the information. We are going to give them the information behind the Speaker's chair.

1650 If they take the view, when we give them the information behind the Speaker's chair, that they want to issue a press release and break the confidentiality in which that information is provided, because they say that there is no reason for it to have been confidential and they do not care, in *their* judgement, whether making it public is going to affect the child in any way because it may be identified, is a matter for them and they will answer to the electorate on it. But on this issue, if they give us no quarter on anything else, because in *our* judgement it affects potentially identifying a child, can they please just leave it there.

1655 **Hon. D A Feetham:** Mr Speaker, We are going to leave it there but I have to say that we do not agree. We do not accept their judgement for the reasons I have already expressed.

1660 **Mr Speaker:** May I permit myself a supplementary? The first two incidents referred to: is the date correct? They talk of January. That is what my copy says, anyway.

Hon. Miss S J Sacramento: Yes, and mine does as well, Mr Speaker. Those are the figures.

1665 **Mr Speaker:** I am just wondering whether... Anyway...

Hon. Miss S J Sacramento: Yes, those are the figures that have been provided to me –

1670 **Mr Speaker:** I will not press the Minister on that.

Hon. Miss S J Sacramento: – by management, Mr Speaker.

1675

**Care Agency monthly Expenditure Returns
From September 2011**

Clerk: Question 47, the Hon. J J Netto.

1680

Hon. J J Netto: Mr Speaker, can the Minister for Social Services provide a copy of the monthly expenditure returns report from the Care Agency to the Financial Secretary commencing from September 2011 to date?

1685

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, you may recall that this is the same question as Question 13 that was asked to the Hon. Minister for Enterprise, Training and Employment yesterday, and our answer is the same, that is, that this is a matter that we were not aware of until the question was posed to us and is something that is being considered.

1690

Hon. J J Netto: Is the hon. Lady aware that, as a result of the discussion yesterday, the Chief Minister said that they will discuss the matter further and they will give it further consideration?

1695

Hon. Miss S J Sacramento: That is what I have just said, Mr Speaker.

Hon. J J Netto: Sorry?

1700

Hon. Miss S J Sacramento: This question is the same as Question 13 yesterday, Mr Speaker, and my answer to the question is the same as the answer that the Hon. the Chief Minister gave yesterday.

**Discrimination legislation
Scope and application**

1705

Clerk: Question 48, the Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, can the Minister for Equality state what the proposed legislation to protect people from discrimination will contain, what types of discrimination will it cover, and whether such law will apply to all residents, regardless of whether Gibraltarian, European or non-European, and by when?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

1715

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the Government will start by conducting an audit to identify areas which do not protect individuals from discrimination. Once identified, we will be in a position to identify the scope and nature of the legislative programme.

1720

Hon. J J Netto: Despite the process that the hon. Lady has outlined, does she have any idea of any current areas that she thinks are not being covered by current legislation?

Hon. Miss S J Sacramento: Mr Speaker, this is our position at the moment, a month and a half into Government.

Although I have ideas, I will not be entering into that position today.

1725

Hon. J J Netto: Mr Speaker, with respect to the hon. Lady, this is something that, once again, entered into

the opposite Members' manifesto. Surely, Mr Speaker, it is not unreasonable to ask that if it had entered the manifesto, because they had identified an area which is not currently legislated as far as discrimination, it is not unreasonable for me to ask whether the hon. Lady knows that particular area, in order to legislate accordingly.

1730 So, does the hon. Lady know of any particular area that triggered the inclusion of that aim within the manifesto?

1735 **Hon. Chief Minister:** Mr Speaker, the hon. Lady, the Hon. the Chief Minister, the hon. the Members on this side of the House, all of us have, in our experience in the preparation of the manifesto and in our political careers and outside of our political careers, our own views about these issues. What we are not going to do is give him our own views about these issues today.

1740 I would have thought that this is something that, again, should not find great controversy on the floor of this House. All we want to do is to conduct an audit so that we all understand the areas objectively – not subjectively – that create the opportunities for discrimination in our laws and to people of all different characteristics which may give rise to those discriminations.

1745 Our position is that we are not going to share with the hon. Gentleman today our personal views or opinions on the subject. We are going to do the audit. Once the audit is out, it will be a public thing. They will have an opportunity to question us on the things that are in the audit and the things that are not in the audit. It is not as if we are going to attempt to conduct this in private.

If he wants to say to me, 'Once you have conducted the audit are you going to publish it? Are you going to share it with all of us?' Yes, the answer is, 'Yes, we are going to share that, we are going to publish it.'

If he reads just our section in the manifesto on disability, we think that there are discriminations there, but to ask us for just our general views on the subject, frankly I do not think is going to advance the matter.

1750 The hon. Gentleman has been elected to Opposition and therefore he has the obligation to hold us to account on these issues. I think he has got, in our first meeting, a commitment that we are going to publish this audit so that we can progress it. That is probably as far as we are going to take it today.

1755 **Hon. J J Netto:** Mr Speaker, with respect to the Chief Minister, he can do all the audit he wants, but what it stated in the manifesto, and I am quoting word for word:

'We will *legislate* to protect people fully from discrimination.'

1760 Their manifesto does not say, 'When in Government, or if in Government, we will do an audit.' So presumably, just like day follows night, at the time when they drafted this manifesto they must have known some areas where *they* think there is a vacuum, as far as the legislation is concerned. So what I am asking them is at the time they drafted this, what was it that they thought was missing?

1765 **Hon. Chief Minister:** Mr Speaker, at the time that we drafted this manifesto, we were all, at that stage, not even Members of the House, so the hon. Gentleman cannot ask us questions about what we thought at the time that we drafted the manifesto. He can ask us what we think today, and I have told him that I do not want to start giving opinions of each of the Members on this side of the House as to what we think will end up in that audit report. It is coming, it is going to be shared, it will involve our views as Ministers and Members of the Government. It can include their views, as Members of the Opposition, it can include the views of anyone who wishes to participate in the audit and it will be published and shared, but what we are not here to do, Mr Speaker, is to give opinions on what we thought when we were *drafting* our manifesto.

1770 **Hon. D A Feetham:** With respect to the Hon. the Chief Minister, he is merely waffling. Can the Hon. the Chief Minister at least enlighten this House about this: will it include the adoption of children by gay couples?

1775 **Hon. Chief Minister:** Mr Speaker, it may, if that is a discrimination which the audit identifies should be on it; it may not, if the audit does not identify that it will be on it.

1780 **Hon. D A Feetham:** Does the Hon. Chief Minister think that it ought to be on it? Does he think that there is discrimination in regard to gay couples in relation to the adoption of children?

Hon. Chief Minister: Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago.

Hon. J J Netto: Mr Speaker, it is obvious that he does not want to answer the question.

1785 **Mr Speaker:** I would ask the hon. Members to refrain from having a parting shot. Question Time is about asking questions.

Hon. J J Netto: I agree.

1790 **Mr Speaker:** Well, it was a parting shot from the hon. Member without a question... Anyway, next question, please.

1795

**Civil partnerships
Recognition and entitlement to benefits**

Clerk: Question 49, the Hon. J J Netto.

1800 **Hon. J J Netto:** Mr Speaker, given the comments by the hon. Members in their manifesto with regard to civil partnerships, will the Minister for Equality state when it is intended to legislate for the recognition of civil partnerships, regardless of gender or sexual orientation, and whether this would bring entitlement to housing and Social Security benefits?

1805 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, this is a commitment that will be implemented in this term of office.

1810 **Hon. J J Netto:** Will she, which is part of the question... She has not answered the other part of the question, whether this will be an entitlement to those people to housing and Social Security benefits.

1815 **Hon. Miss S J Sacramento:** Mr Speaker, I will refer the hon. Gentleman opposite to the manifesto, and the Government will make an announcement when the legislation is in draft for consultation with the community as a Command Paper.

1820 **Hon. J J Netto:** Is the hon. Lady aware, perhaps, Mr Speaker, that at the moment there may be some Social Security benefits which, obviously, are not entitled to people who may form, later on during the course of this parliament, civil partnerships?

Hon. Miss S J Sacramento: Yes, but... Yes, Mr Speaker.

1825 **Hon. D A Feetham:** Does the hon. Lady have any view as to whether granting homosexuals the right to a civil partnership without granting them the right to adopt children makes civil partnerships meaningless? Does she have any view of that?

Hon. Chief Minister: Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago.

1830 **Mr Speaker:** There is also a Standing Order which deals with asking of opinions.

A Member: Absolutely.

1835 **Mr Speaker:** If the hon. Member accepts my word for it, I will leave it at that; otherwise, I will have to look for it. (*Interjection*) I beg your pardon? (*Interjection*) There is a specific Standing Order against that.

Hon. D A Feetham: It will just require a rephrasing of the question to say does the Government have any policy in that regard.

Mr Speaker: There we are.

1840

Hon. J J Netto: Mr Speaker, if I may, on a supplementary question, I think the hon. Lady, in her first answer, said that they intend to introduce civil partnerships during this period of parliament, which is a very vague answer to give.

1845

Could she perhaps be more precise in that particular answer, and whether she can say whether it will be perhaps within the next 12 months or the next 24 months, or the next 36 months? Could she give an indication whether this is the kind of legislation that the Government will prioritise, or perhaps will not?

1850

Hon. Chief Minister: Mr Speaker, if I may just assist the hon. Gentleman for this and future sessions of the House, our manifesto contains commitments which are timed and it contains commitments which are not timed.

In respect of those which are timed, we will comply with the timings that we have set out in our manifesto. It may be that if we slip up with any of those timings, they will have an opportunity to chastise us for it on behalf of the community, and those which are not timed, Mr Speaker, we will have to comply with in the period of the four years.

1855

Whether we choose, or are able, to comply with them earlier or later will be a matter on which, no doubt, there will be much debate in the community, but it is not a question on which we are going to allow the hon. Gentlemen to push us. They will recall that, in previous parliaments, we were told that we were not going to be allowed to be timekeepers for the then Government. In the areas where we have given specific dated appointments they are free to be the timekeepers; in those where we have not, I am afraid that we are not going to allow them to hold us to a timetable which we set on the hoof.

1860

Hon. J J Netto: Mr Speaker, can, at the very least, the Chief Minister tell us whether this is a particular commitment which is timed, or one of those that is not timed?

1865

Hon. Chief Minister: Mr Speaker, if it were timed, there would be a time for it in the manifesto. If there is not a time for it in the manifesto, it is one of those that is not timed.

1870

Hon. D A Feetham: Mr Speaker, can the Hon. Chief Minister answer this: the manifesto says that regardless of gender or sexual orientation, people will be allowed to enter into civil partnerships. I presume what that means is civil partnerships will apply to homosexual couples, whether they are women or men; or is it the policy of the Government that they will allow some kind of civil partnership to, say, for example, a brother and a sister who live in the same house for years and years and may wish to enter into a form of agreement so that, when one passes away, for example, the other inherits property, tenancies etc?

1875

Hon. Chief Minister: Mr Speaker, the policy of the Government will be set out when we issue a Command Paper on the subject, given this matter deals with amending legislation for the purpose set out in that paragraph of our manifesto.

1880

**Clubhouse for Special Olympics Committee
Site for construction**

Clerk: Question 50, the Hon. J J Netto.

1885

Hon. J J Netto: Mr Speaker, can the Government state if they have a site earmarked for the construction of a clubhouse for the Special Olympic Committee, as stated in their manifesto and, if so, when will work start and finish; or is it that they have identified an existing empty Government property and, if so, which of the two options is it and what is the cost involved?

1890

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

1895 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the manifesto commitment is not to construct a clubhouse for the Special Olympics. The construction of a clubhouse is an option which is open to Government or, alternatively, an existing building can be provided for this purpose. A site has not yet been identified. This is a matter that needs to be assessed and shall be provided in this term of office.

1900 **Alzheimer's and Dementia Hospital**
Date of completion

Clerk: Question 51, the Hon. J J Netto.

1905 **Hon. J J Netto:** Mr Speaker, can the Government provide the date of completion for the Alzheimer's and Dementia Hospital?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

1910 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the previous administration were first given a completion date of October 2011 for a 66-bed dementia unit and a 40-place day centre. These plans were then revised by the previous administration in April 2011 for a 90-bed unit. Then again, in May-June 2011, the plans were revised because the facilities available were not appropriate and sufficient for the 90 residents and, at this time, the completion date was advanced to March 2012 for an 80-bed dementia unit with a day centre being a new build later without a firm date being contained in the plans.

1915 Mr Speaker, we were called to office on 9th December. On 13th December, I went on a site visit to the Alzheimer's and Dementia unit and I was advised by the contractors on site that the completion date for the site, on the basis of the existing plans by the previous administration, was June 2012. It must also be borne in mind that this would be the date of completion and handover of an empty building, and not the date that it would be furnished and equipped. That would have to be commenced by Government once in possession of the building.

1920 **Hon. J J Netto:** Mr Speaker, if she has gone to site and she has asked somebody on the site as to the completion date, and that particular person, whoever that particular person happened to be, told her June, that simply does not square up with information that was available to us in relation to our plans. In relation to our plans it was April.

1925 I can understand, like all construction work on most sites, as far as history is concerned, gets delayed, but the date which we had, the latest date which we had, was April. She now seems to be saying that it is not April, that it is June. If the date is not now April and it is now June, is this due to the fact that the plans have been changed, or is it because one of those particular construction projects... that when the new Government came in, they decided temporarily to stop it just in order to know what was going on?

1930 **Hon. Miss S J Sacramento:** Mr Speaker, as at 13th December, the envisaged completion date told to me by the contractors on site and the Managing Director of Gibraltar Joinery and Building Services Ltd is, and he tells me always has been, June or July 2012. Further, he tells me that March 2012 was a fanciful date and never a realistic date.

1935 It has never been the case that, on the basis of the current plans, completion of the Alzheimer's and Dementia unit would have been ready for March or April 2012. I can confirm, Mr Speaker, that there is no delay on account of the present Government because works have not stopped.

1940 Having said that, when I attended the Alzheimer's and Dementia unit on 13th December, I was very, very concerned by what I saw. My advice is that the unit is not fit for purpose. What we have now done, Mr Speaker, is engage proper consultants in relation to an Alzheimer's and Dementia unit. We are awaiting feedback from them.

1945 As the hon. Member, the Minister for Health and the Environment, said this morning, there was a multi-

disciplinary meeting on 4th January. We are now working from there but, having said that, works have not stopped. The people on site have been redeployed to ensure that, if there are any changes, this will not result in any delay, but what we have to bear in mind is that there have been changes to the site four times already and this, I am told, has resulted in an incredible delay, Mr Speaker.

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Hon. J J Netto: Mr Speaker, I do not deny the fact that the GJBS may have told her that... I think she said in May... No, in June, that it is going to be June. But the same people that have been talking to her have been the same people who have been talking to us, and I can tell her that the expected date of termination of our project, when we started, was April.

1955

I am glad to hear that the plans are moving ahead. What she needs to be aware of... and I am not necessarily saying that GJBS may wish to prolong the project but it is not unusual for contractors to prolong projects. It is a fact that that is what they told us – it was going to be April – and what she needs to realise is that if it was April for us by GJBS, the contractor does not unnecessarily add extra cost by delaying the project now.

1960

Hon. Miss S J Sacramento: Mr Speaker, that is not a question, but when I attended the Alzheimer's and Dementia unit on 13th December, it was absolutely clear to me that that construction site would not be ready and fit for purpose for March or April, or May, for that matter, of 2012.

1965

Had the hon. Gentleman visited the site before 8th December – or on 8th December or the 7th – he, too, would have come to the same conclusion, Mr Speaker.

Mr Speaker: Is there a question? (*Interjection*)

No, it is not a debate. I allowed the last statement, but I think we must make the assumption where any Member stands up and makes a statement and sits down, we must assume there are no further questions.

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Hon. D A Feetham: Can I ask a question?

Mr Speaker: Yes, sure.

1975

Hon. D A Feetham: She said there were changes to the site. Just so I understand it, what changes to the site? She said there had been changes to the site. What changes to the site have been made since she has been elected as a Government Minister?

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Hon. Miss S J Sacramento: No, I have not made any changes to the site. Changes to the site had been made by the previous Government, Mr Speaker, and I am happy to outline them.

The initial proposal for the Alzheimer's and Dementia unit, Mr Speaker, was proposed in April 2010. The first plans were dated July 2010 for a 58-bed dementia unit, an eight-bed young physically disabled unit and a 41-person day centre. In March 2011, the bed capacity was increased to 80, with the loss of the young persons' disabled unit and the day centre. In April 2011, Mr Speaker, the bed capacity increased to 90 beds.

1985

Then, Mr Speaker, we understand that there were great concerns by senior management in the Care Agency because of the lack of recreational space and generally it was felt that the place was totally inadequate to meet the needs of the intended service user, and by the end of May 2011, or June, the bed capacity was once again reduced to 80.

1990

Those were the changes that I was referring to, and that is my answer to the hon. Gentleman's question.

Hon. D A Feetham: So there are no changes to the site.

What is the need, so that I can understand it, for engaging what she describes as 'proper consultants' since she became a Government Minister?

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Hon. Miss S J Sacramento: Well, Mr Speaker, the obvious need is because no medical clinical consultants in the design of this building have ever been engaged. This is an Alzheimer's and Dementia unit, Mr Speaker, where a room needs to accommodate people who, once admitted, will probably not leave, and that will be their home. That room needs to include a bed, a wardrobe, an armchair and a hoist, Mr Speaker. As the plans currently stand, that is not possible; therefore, the place is not fit for purpose.

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What we are doing is we will now consult, and we have had names of clinical architects in this field by

several people, including the Alzheimer's and Dementia Group, which we are told by them have never been consulted in this project, and what we want to do, Mr Speaker, is ensure that, given the amount of money that is being spent on the project and given the user group which it is targeted to accommodate, we will make sure that this project is fit for purpose.

2005

Hon. D A Feetham: Mr Speaker, the hon. Lady has said that there are no changes to the site that have been made or envisaged since she has become a Government Minister. She now says that she needs experts because of beds and hoists and wardrobes.

2010

What do beds, hoists and wardrobes have to do with the *construction* of the Dementia Unit?

Hon. Chief Minister: Hoists might not fit in the bedrooms. It does not take a rocket scientist to work that one out.

2015

Hon. Miss S J Sacramento: Because the construction –

Hon. D A Feetham: If the Hon. the Chief Minister wants to stand up and answer the question on behalf of the hon. Lady, then of course he can, but the point is –

2020

Hon. Chief Minister: Mr Speaker, if I want to stand up and answer a question on behalf of the hon. Lady I can and I will and I do not need to be invited by a Gentleman who needs to realise that he is now in Opposition and not in Government.

Mr Speaker: The Minister *was* answering the question.

2025

Hon. D A Feetham: Exactly.

Mr Speaker: As is customary in this Parliament, we often have remarks said in depositions, but –

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A Member: In every single Parliament.

Mr Speaker: I have not spent much time in other parliaments.
The Hon. Minister, please continue.

2035

Hon. Miss S J Sacramento: Mr Speaker, the construction of the unit includes the construction of the rooms and our concern is that the size of the rooms may not be appropriate. Therefore, what we have done, in order not to delay the project, is that the construction workers have been redeployed elsewhere on site to make sure that there is no delay while we consult on the actual layout of the internal construction, and once the consultation process is complete, then we will reconsider the position, Mr Speaker, but it is part of the construction.

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The construction of a wall is part of the construction, and it was made by the same construction workers who are painting the façade of the building. The façade of the building is ready. The façade of the building was ready before the Election, Mr Speaker.

2045

Hon. J J Netto: Mr Speaker, on a small point of order, the hon. Lady stated that there had been no consultation with the Dementia and Alzheimer's Association.

Hon. G H Licudi: She had been told that.

2050

Hon. J J Netto: Sorry.

Hon. Miss S J Sacramento: I had been told by them.

2055

Hon. G H Licudi: Mr Speaker, on that point of order, the precise words of the hon. Lady were that she had been *told*, not that there was none, but she had been told.

Perhaps the hon. Member –

Hon. J J Netto: For the sake of accuracy and for the record, she can go to her PA – who was my PA – and she can produce the minutes of the meetings that I had personally with the Alzheimer's and Dementia Association, for which they were consulted.

Mr Speaker: There is no point of order there.

Hon. Chief Minister: Mr Speaker, I am grateful to the hon. Gentleman because that helps to clarify what may be a position that has been, according to the hon. Member, misrepresented to the hon. Lady, and I am grateful to him extending to the hon. Lady access to his files in respect of that particular minute that he has identified, which she would otherwise not have access to, and we are grateful for the opportunity to see that minute.

Hon. J J Netto: I have not said that I am giving access to my files.
The Chief Minister is misinterpreting what I have said. What I have said (*Interjection*) is the minutes.

Hon. Chief Minister: The hon. Gentleman – I do not want him to think that I am suggesting access to the file. Access to the file to see *that minute* is what the hon. Gentleman said, and I am thanking him for access to the minute which is in the file.

Hon. J J Netto: Mr Speaker, they do not need access to the file. All she needs is to press the button on the keyboard of the PA to get the minutes.

Hon. Chief Minister: Mr Speaker, I am sorry to tell the hon. Gentleman that is not the way that a change of Government works.

The fact that there may be an electronic Word version on his ex-PA's machine of a file note that has been printed, or a minute that has been printed, and put in his file does not mean that we can access it just because it is in the computer. It would be improper to give us access to that document if we should not otherwise have got access to it because it has been bundled as one of the files that relate to his Government and his time in office.

We are grateful that he is saying that we can have access to that minute. Whether his PA gives us access to the minute by pressing 'Print' and giving us a fresh printout of the document or whether she gives us access to it by giving us a photocopy of the minute that is in the file, either way I am grateful that he is giving us access to it because, from what he is saying, a position has been misrepresented to the hon. Lady –

Hon. G H Licudi: May have been.

Hon. Chief Minister: May have been misrepresented to the hon. Lady and we should get to the bottom of it. I am grateful that he is giving us access to the minute.

Mr Speaker: The Hon. Daniel Feetham.

Hon. D A Feetham: So the position is this: that there might be a need to change the internal layout of the Dementia unit, but no decision as to whether there is going to be a change in the internal layout of the Dementia unit has been taken, and even if there is an alteration of the internal layout of the Dementia unit, the Government still expects the Dementia unit to be completed by June. Is that the position?

Hon. Miss S J Sacramento: In principle, yes. In principle.

Alzheimer's and Dementia Hospital Extra personnel requirements

Clerk: Question 52, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, does the Government have available the new extra personnel requirements for the new Alzheimer's and Dementia Hospital from their senior management and, if so, could it be provided to this House, showing a breakdown of the grades of persons to be employed and by when?

2115 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

2120 **The Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the personnel requirements for the above are now being compiled by senior management. Given the numerous changes to bed capacity made by the previous Government, senior management are now having to revise the staffing requirements once again.

Hon. J J Netto: Mr Speaker, when will the hon. Lady be in a position to get the requirement from the senior management? Does she have an idea whether we are talking about weeks or perhaps months?

2125 The reason why I am asking is because if we are now working towards a deadline of June, recruiting people takes time, so the sooner this process starts the better, leading to the people being recruited and the Alzheimer's and Dementia Hospital starting to provide its services. Does she have any inclination or idea when she will be getting the figures from the senior management?

2130 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, this is something which is underway which I have asked to be prioritised, and I understand I will be getting it very shortly.

By the same token, Mr Speaker, I would like to remind the hon. Gentleman opposite that, in December, when the previous Government were under the impression that the unit would be completed by March, these plans were not in place.

2135 **Hon. J J Netto:** Mr Speaker, with respect, when we heard, by the contractors, that the completion was going to be in April, I instructed senior management to prepare the requirement before we left office. I think it was in November, from the top... So the point I am trying to make, without trying to score any cheap party political points is, if she is talking about... that she will get it soon, when is soon? Is it likely to be in a week or a month? *(Interjections)*

2140 **Hon. Miss S J Sacramento:** 'Soon' means soon, Mr Speaker. *(Laughter)*

2145 I am told that there has been sufficient progress made on these matters. I think they are being reviewed, so I think literally 'soon' means soon. I could probably have an estimate, if not a final product, in the next couple of weeks. Of course, we need to review it properly. Everything needs to be given due consideration, Mr Speaker, but we are confident that we will be able to identify the staffing requirements and, of course, be able to recruit and train in plenty of time in advance of the unit being open.

2150 **Hon. J J Netto:** Will the hon. Lady, once she has the requirement by the senior management, be able to provide me with a copy so that I can be in a position to see what the skill mix of people for recruitment will be?

2155 **Hon. Miss S J Sacramento:** Mr Speaker, the answer is no, and an announcement as to recruitment will be made at the appropriate time.

Alzheimer's and Dementia Day Hospital Projected completion date

2160 **Clerk:** Question 53, the Hon. J J Netto.

2165 **Hon. J J Netto:** Mr Speaker, can the Government confirm that the day hospital for sufferers of Alzheimer's and Dementia at the site of the old Royal Naval Hospital is going ahead and, if so, when will its projected completion date be and the range of services that will be provided therein?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

2170 **The Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, insofar as the day centre at the old RNH hospital, it is anticipated that this is going ahead. However, I need to make it clear that no construction on this has commenced and no completion date is available. A review of the services required will be undertaken to establish the needs of the service users so as to ensure that we can provide a facility that is fit for purpose and meets the needs of the service users.

2175 **Hon. J J Netto:** I do not understand that, Mr Speaker, because she is quite right that the works have not started yet, but even though the work has not started yet for the day hospital, which she is calling the day centre, we did have ideas of the range of different types of services that we would incorporate within the day hospital. We are talking about physiotherapy services, speech therapies, memory clinics, things of that kind. Does she have any idea herself, in relation to the discussion that she may have had with the senior management, as to what elements of services will be provided therein?

2180 **Hon. Miss S J Sacramento:** Yes, because this is a matter that was given a lot of consideration in the multi-disciplinary meeting that I held with my colleague, the Hon. Minister for Health and the Environment.

2185 What I have to say in relation to the proposed plan that existed for the day hospital, or the day centre... and, in fact, it is important because one of the issues at that multi-disciplinary meeting was the issue as to whether it should be a day hospital or a day centre, because there is a distinction. The plan for that has changed and we have changed that immediately because the original plan was for a one-story lightweight structure and it is immediately apparent that that is not big enough and able to service the needs of the community. We are, however, still working on this feature, both in terms of design and in terms of the facilities that will be provided in that unit.

2190 **Hon. J J Netto:** Mr Speaker, I accept that the plans will change. I am not querying that. All I am asking for is whether she has an idea of the type of services, whatever the plans may be in the future, in terms of services that will be provided.

2195 **Hon. Dr J E Cortes:** Mr Speaker, if I may answer this part of the question, or this particular supplementary, because we are working very closely together. We have set up an inter-ministerial team at all levels of all the professionals – which includes care workers, includes occupational therapists, includes nurses and includes doctors – to give us an idea – more than an idea, to give us an indication, a plan – of what that day centre/hospital would require.

2200 It is something which we feel is even more important than the previous administration felt. We want to increase the services it can provide and we are not in a position at this point in time to give further details, but there is actively a team working hard on the matter.

2205

**Alzheimer's and Dementia respite home
Services, cost and when available**

2210 **Clerk:** Question 54, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Government specify to whom will they make available funds to provide a respite home for Alzheimer's and Dementia sufferers, what services will they provide therein, what will the cost involve and by when will this be available?

2215 **Clerk:** Answer: the Hon. the Minister for Equality and Social Services.

The Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, an assessment to provide a respite home to those in need of it has been started to determine the level of need and the services that will be provided.

2220 The Care Agency are working in conjunction with the Gibraltar Health Authority. It is too early to say

what the cost of this will be.

2225 **Hon. J J Netto:** Mr Speaker, can the hon. Lady at least specify whether these new services will be provided by the Care Agency or by, perhaps, the private sector?

Hon. Miss S J Sacramento: Not at this stage, Mr Speaker. We will conduct an assessment first and then assess the cost. We will then assess who the provider of the service will be.

2230

**Alzheimer's and Dementia sufferers home care
Resources and support available**

2235 **Clerk:** Question 55, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Government specify what resources and support will it provide to sufferers of Alzheimer's and Dementia for home care, the cost involved and by when will it be available?

2240 **Clerk:** Answer: the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, as I said in reply to the earlier question, we are now conducting an audit and assessment into domiciliary care. This will, of course, include sufferers of Alzheimer's and Dementia.

2245 Phase 1 will be to identify what aspects of help individuals require in their homes. As in my answer to Question 38, phase 2 of the study will be the cost, and phase 3 will be to identify who will provide the service.

**Debilitating Unit at old Royal Naval Hospital
Date of completion**

2250 **Clerk:** Question 56, the Hon. J J Netto.

2255 **Hon. J J Netto:** Mr Speaker, can the Government provide the date of completion for the Debilitating Unit under construction at the site of the old Naval Hospital?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

2260 **The Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, there is no Debilitating Unit under construction.

2265 Initially, the previous administration, I understand, mooted that a particular building at the RNH site be earmarked for GHA medical nursing staff accommodation. However, this was then changed to a building to be used for physically disabled adults. I am informed that the Care Agency was shown feasibility plans in July 2011 and a request was made to revise these due to lack of facilities available and wheelchair access on these plans for people with disabilities.

We understand that there has been no further communication and that these plans... or that these plans were revised or approved by the previous administration.

2270 **Hon. J J Netto:** Mr Speaker, as far as my recollection is concerned, obviously, as far as progress on the work was being carried out or spearheaded by number 6 Convent Place. *(Laughter)*

As far as I am aware, we did have also a completion date for April/May. So I am bit surprised to hear, if I understood the hon. Lady correctly, that no work has taken place in what used to be the administration block. Is that what she is saying, that no work has been done?

2275 **Hon. Miss S J Sacramento:** If the hon. Gentleman is referring to block E at the RNH site, then no, no

work has been done, Mr Speaker.

When I visited the site on 13th December, I was told by the contractors that the use of that site had not yet been identified and, in fact, neither a commencement date nor a completion date had been given to us by GJBS. So, no, the matter is not under construction as far as I am advised.

2280

Hon. J J Netto: Mr Speaker, I will have to explore this later, so I will leave it for another occasion.

2285

**Debilitating Unit
Extra personnel requirements**

Clerk: Question 57, the Hon. J J Netto.

2290

Hon. J J Netto: Mr Speaker, given that Question 57 is a follow-up of the previous one, I will withdraw it at this moment in time.

2295

HOUSING AND THE ELDERLY

**Independent living complex, old St Bernard's Hospital
Date of completion**

2300

Clerk: Question 58, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Housing state what is the expected date of completion of the independent living complex at the old Mackintosh Wing of the old St Bernard's Hospital?

2305

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, I am informed, through GJBS Limited, that the estimated completion date is April 2012.

2310

Hon. J J Netto: Given the answer the hon. Gentleman has given, that the completion date is April, will the Government continue to provide the services for independent living for the elderly in that particular building?

2315

Hon. C A Bruzon: Yes, Mr Speaker.

Clerk: Question 59 –

Mr Speaker: I think the hon. Member wants to put a question.

2320

Hon. J J Netto: Given that April is not a date which is too far away, does the hon. Member know whether there will be any requirements for, perhaps, recruitment? In other words, if the building is going to be managed more or less like Bishop Canilla, for instance – as he is aware, we have a caretaker service – so what I am asking, basically, is it going to be in the same model as Bishop Canilla where we have a caretaker service and, if so, whether there will be a need for recruitment to provide that service?

2325

Hon. C A Bruzon: I will need notice of that question, Mr Speaker. I have answered the question.

2330

**Government housing blocks
Rolling programme of lift installation**

2335 **Clerk:** Question 59, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Housing state whether the present Government will continue with the previous Government's rolling programme of lift installation in Government housing blocks; and, if so, which blocks are earmarked for this year?

2340 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

2345 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, the Government is committed to the provision of lifts in Government housing wherever this is practically possible to install. Insofar, or as to which blocks will be tackled this year, I can tell the House that options are currently being considered.

Hon. J J Netto: When the hon. Gentleman says this year, he means in this financial year or this calendar year?

2350 **Hon. C A Bruzon:** I have said, this year.

The Hon. J J Netto: Which?

2355 **Hon. C A Bruzon:** I have not been informed as to whether it refers to the calendar year or to any other type of year. So this year I assume refers to 2012.

2360 **Hon. J J Netto:** The reason why I am asking the question, Mr Speaker, because I can understand that with reading what is left of this financial year, he may not have the provision to make a commencement of any particular lift installation in any of the Government housing. So, therefore, he may wish to use the remainder of this financial year to be able to determine and take a decision once the commencement of the new financial year takes place and they can programme the lifts. This is the reason I have asked.

So is it that they are waiting, doing the deliberation right now, so that works on lift installation can start from the beginning of the next financial year?

2365 **Hon. C A Bruzon:** Regrettably, Mr Speaker, I cannot answer the question exactly, so I will find out and let the hon. Member know.

2370 **Disabled housing programme
Costs and implementation**

Clerk: Question 60, the Hon. J J Netto.

2375 **Hon. J J Netto:** Mr Speaker, can the Minister for Housing state what is the housing programme for disabled persons and their families as stated in their manifesto, by showing the site or sites earmarked, the number of flats to be made available, the costs associated with the project and the start and completion dates of this programme?

2380 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

2385 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, as the hon. Member will be aware, the Housing Department has, in the past, and will continue, to supply provision for disabled persons and their families with support from the Gibraltar Health Authority's Occupational Therapist. In addition, our plans for affordable housing will be inclusive of the needs of the disabled, and further details will be publicised accordingly and in due course.

Hon. J J Netto: So, basically, what he is saying is that this manifesto commitment will be honoured in the context when they do new housing projects. Is that what he is saying?

2390 **Hon. C A Bruzon:** That is correct, Mr Speaker.

**Housing Waiting List as at 9th December 2011
Breakdown of flat requirements**

2395

Clerk: Question 61. The Hon. E J Reyes.

2400 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state how many applicants were on the Housing Waiting Lists as on 9th December 2011, giving a breakdown of their flat requirements?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

2405 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Yes, Mr Speaker, I will answer this question, together with Question 62.

**Up to date Housing Waiting List
Breakdown of flat requirements**

2410

Clerk: Question 62.

2415 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state how many applicants are on the Housing Waiting Lists, as up to date as possible, giving a breakdown of their flat requirements?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

2420 **Minister for Housing and the Elderly (Hon. C A Bruzon):** As the Usher hands over to the Members opposite some simple statistics, I will, however, vocalise just the basic aspect of the answer to the question. A total of 962 applicants were on the Housing Waiting Lists as on 9th December 2011 – the details are on those sheets.

In answer to Question 62, a total of 956 applicants were on the Housing Waiting Lists as on 13th January 2012.

2425 **Hon. E J Reyes:** Mr Speaker, would the Hon. Minister be able to confirm that he still intends to keep to his election pledge that the applicants on the Housing Waiting Lists, as on 9th December, would be offered suitable housing before the next General Election?

2430 **Hon. C A Bruzon:** That is indeed our intention.

Hon. E J Reyes: Mr Speaker, would the Hon. Minister, at this early stage, have any idea where the construction of new houses, that I suppose will be needed to cater for these needs, will take place?

2435 **Hon. C A Bruzon:** I am not in a position to give you that information. It will be publicised in due course.

Hon. E J Reyes: Mr Speaker, would the Minister then, more specifically leading to Question 62, which he has chosen to answer together... anyone putting their names down on the Housing Lists after 9th December would be given a suitable flat within three years of their registration for housing?

2440 **Hon. C A Bruzon:** We will try our hardest, most certainly, to achieve that. Yes, Mr Speaker.

2445 **Hon. E J Reyes:** So, Mr Speaker, does it not deduce mathematically from there that if you put your name down on the Housing List any time before 9th December, the allocation date for housing could be any time within four years; yet if you put your name down for housing, say, on 12th December, the deadline happens to be less because it then cuts down to three years? So those who were on the list before 9th December might actually have a year longer to wait than those who put their names down afterwards.

Hon. C A Bruzon: There is an element of hair splitting here, Mr Speaker. We will do our best to provide homes for everybody on the Housing Waiting Lists.

2450 **Hon. E J Reyes:** And priority will be given as and when you put your name down and not in respect of a particular type of flat? One, I assume, will continue a system of accumulating points and so on. In that case then, a sort of limited pecking order, if one wants to call it that, would be according to the chronological date of your application.

2455 **Hon. C A Bruzon:** Mr Speaker, the system is extremely complicated.

2460 We will do our best using whatever gift of wisdom the Good Lord has given the Housing Manager to allocate homes in the fairest possible way; but the system is complicated, as the Member will appreciate, because there are a whole range of different kinds of lists, social categories and medical categories. I would love to concentrate more, not so much on the exact three-year, four-year, but in doing our utmost to provide homes for our people as efficiently and as quickly as possible.

ANSWER TO QUESTION 62

ANSWER TO QUESTION 61

A total of 962 applicants were on the Housing Waiting Lists as at the 9th December 2011, as follows:

1RKB	-	722
2RKB	-	47
3RKB	-	109
4RKB	-	73
5RKB	-	9
6RKB	-	2

ANSWER TO QUESTION 62

A total of 956 applicants were on the Housing Waiting Lists as at 13th January 2012, as follows:

1RKB	-	726
2RKB	-	45
3RKB	-	106
4RKB	-	69
5RKB	-	8
6RKB	-	2

2465

**Housing from the homeless
Applications to Housing Authority**

2470 **Clerk:** Question 63, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Housing state how many applications for housing from homeless persons are currently being dealt with by the Housing Authority?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

2475 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Yes, Mr Speaker, a total of 25 applications for housing from homeless persons are currently being dealt with by the Housing Authority.

2480 **Hon. E J Reyes:** Mr Speaker, is the Hon. Minister able to say at this stage the priority or what sort of system he has implemented to expedite the allocation of suitable premises for these persons, seeing that they are actually homeless?

2485 **Hon. C A Bruzon:** Homelessness does not always necessarily mean that somebody does not have a roof over his or her head. Some people have been described by the previous administration as 'technically' homeless.

The reality is, Mr Speaker, that we, again, are doing our best to address all these issues with the greatest possible wisdom and it is not always easy to determine exactly what yardstick to use because the truth is that there are many, many genuine people in Gibraltar with real human problems and I have not been able, as yet, to identify sufficient homes to cater for all the needs of people on the waiting lists, social lists, A-lists, medical and so forth.

2490 These 25 people who are categorised as homeless, have to be included with a whole range of social cases – social categories As. In fact, these 25 form part of the social category applicants that we have got. Again, we are doing our best to serve our people well and to provide homes for them as soon as possible.

2495 **Hon. E J Reyes:** So, then, Mr Speaker, am I right in deducing from there that they are being considered along with those on the social category, that these applicants do not need to go onto any pre-lists to then be passed onto the Housing List or anything, but are being treated distinctly from a normal applicant.

Hon. C A Bruzon: Sorry, I do not think I have understood the question, Mr Speaker.

2500 **Hon. E J Reyes:** What I am getting at is that these homeless persons, on application for housing, do not have to go through the process of a normal person who is not classified as 'homeless', who first goes onto the pre-list to then pass on onto the other Housing List?

2505 **Hon. C A Bruzon:** I am really not sure what you mean, Mr Speaker.

Hon. E J Reyes: Alright. Let me see if I can explain better, Mr Speaker.

2510 A routine applicant for housing, on applying to the Housing Department, is first placed on the pre-list and then moves onto the Housing List proper. (**Hon. C A Bruzon:** Yes.) Then, am I... I am just double checking myself, have I understood the Minister correctly, in that those who are homeless do not need to go onto the pre-list, but are being considered alongside those of the social housing category?

Hon. C A Bruzon: I understand now, yes.

2515 If anybody is assessed by the Housing Authority to be homeless, they will obviously... an attempt will be made to fast track them, because they are on a special list which the Housing Allocation Committee or, rarely, maybe the Minister himself can determine these are genuine social cases, homeless in this case, and therefore we have to do our best to help them as soon as possible.

2520 **Housing Allocation Committee**
Number of meetings since 9th December 2011

Clerk: Question 64, the Hon. E J Reyes.

2525 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state how many times the Housing Allocation Committee has met since 9th December last?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

2530 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Yes, Mr Speaker, the Housing Allocation Committee has met once since 9th December – that was just last Monday – and they should be meeting a second time this year on Monday, after the weekend.

2535 **Hon. J J Netto:** Mr Speaker, if I may ask a supplementary question because it has been many, many years now since I used to be the Housing Minister. When the Hon. Minister says the Housing Allocation Committee has met, whatever number of times it has met and whatever date it has met, under the current arrangements does it mean that the Housing Allocation Committee incorporates what used to be in the old days, the Medical Committee and the Social Committee within the Housing Allocation Committee? In other words, that there is now no longer to be meetings of the Medical Committee. Is that correct, Mr Speaker?

2540 **Hon. C A Bruzon:** That is correct.

2545 **Allocation of homes since 9th December 2011**
Number and by which authority

Clerk: Question 65, the Hon. E J Reyes.

2550 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state how many homes have been allocated since 9th December, indicating whether these homes have been allocated by the Housing Allocation Committee or by any other authority?

2555 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, a total of 29 homes have been allocated since 9th December 2011, two of which have been allocated by another authority.

2560 **Hon. E J Reyes:** Mr Speaker, is the Minister able to say who was the other authority?

Hon. C A Bruzon: The other Authority was the previous Housing Minister, that is one of them, and I authorised the allocation of the other. This is a case that came over from the previous administration and I saw a note that the previous Housing Minister was recommending that this person should be allocated the home and I approved that recommendation myself.

2565 **Hon. E J Reyes:** I am much obliged to the Hon. Minister, having kept to that commitment. Thank you.

2570 **Government tenants**
Number of homes requiring work done

Clerk: Question 66, the Hon. E J Reyes.

2575 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state how many Government tenants are currently listed as requiring works to be done in their homes by the landlord?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

2580 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, I will answer this question together with Question 67.

2585

**Housing Agency
Number of jobs outstanding**

Clerk: Question 67.

2590

Hon. E J Reyes: Can the Minister for Housing state how many jobs are currently listed as requiring the attention of the Housing Agency?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

2595

Minister for Housing and the Elderly (Hon. C A Bruzon): In answer to Question 66, a total of 1,512 Government tenants are currently listed as requiring works to be done in their homes by the landlord.

In answer to Question 67, a total of 876 jobs are currently listed as requiring the attention of the Housing Works Agency.

2600

Hon. E J Reyes: Mr Speaker, perhaps the Hon. Minister can enlighten me, if it is that 1,512 tenants require works to be done, how can the number of jobs be less than the number of tenants who require jobs to be done? There must be some numbers that fitted, perhaps, into some other category.

2605

Hon. C A Bruzon: The Housing Works Agency usually looks after internal repairs. There are tenants who are still awaiting external repairs to be done.

Hon. E J Reyes: Am I correct in assuming those external is the balance remaining between those figures?

(Hon. C A Bruzon: Sorry?) Yes? The number of external works requiring to be done can be arrived at by subtracting one figure from the other.

2610

Hon. C A Bruzon: I really am not sure, Mr Speaker. I would not like to say yes, without being sure.

2615

Hon. E J Reyes: Okay, and there is no great hurry for the answer either, I mean, Mr Speaker. So perhaps the Hon. Minister at some other stage can be pass on the information when he has been able to get it from his technical advisers and so on.

Can I also ask the Hon. Minister, when we have tenants who require works, if some... I am going to give him perhaps a bit of a hypothetical example – if some of the tenants happen to be elderly citizens, perhaps residents of Bishop Canilla House or Albert Risso House, does the Housing Department, the Housing Ministry in itself, try to prioritise that for senior citizens who tend to be more concerned and their lives are far more easily disrupted when they have got pending repairs to be done at home?

2620

Hon. C A Bruzon: Absolutely, yes, Mr Speaker.

2625

Hon. J J Netto: Could he then clarify that, to my understanding, the works in Bishop Canilla, and I am not quite sure about Albert Risso House, are not done by the Housing Works Agency, they are done by GJBS. Is that not the case?

Hon. C A Bruzon: Yes, that is correct, actually. Yes, that is correct.

2630

Hon. J J Netto: Can I ask a further supplementary question? Within the figures that the Hon. the Minister for Housing has given us, would that include elderly people awaiting a shower to be fitted in their flats?

Hon. C A Bruzon: I would need notice of that question, Mr Speaker.

2635

Hon. J J Netto: Does the hon. Member, if he doesn't mind, look to see whether it does include elderly people awaiting showers to be fitted and, if so, how many in total please? I mean, not that he necessarily has the information there, but I mean if he has not got the information there, whether at some later date he can obtain the information and just pass it over?

2640 **Hon. C A Bruzon:** I would be grateful if you would put a request in writing so that it can go through my staff. If I say yes now, I may not do it, through simple lack of memory or... If you write to me, through my staff, I definitely will give you the information, Mr Speaker.

2645

**Separate Housing List applications
Those wishing to return from Spain**

2650 **Clerk:** Question 68, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Housing state how many persons have registered to date in the separate housing list for applicants who are currently living in Spain and who wish to return home?

2655 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Yes, Mr Speaker, a separate list for those living in Spain wishing to return home will be introduced very shortly.

2660 **Hon. E J Reyes:** Mr Speaker, any indication of whether it will be this side of the summer season or afterwards?

2665 **Hon. C A Bruzon:** Of course, the reaction has been nil at the moment in terms of people wanting to go on such a list. So if there is a demand coming to us soon, then the list would be created immediately... if the Minister knows what I mean.

Hon. E J Reyes: Yes, Mr Speaker, but is the Hon. Minister aware that there are people who have, at least to me, expressed an interest and are patiently, and perhaps correctly, waiting for an announcement to be made by the hon. Member because they are not quite certain of what the terms and conditions would be.

2670 For example, a simple question that was asked is because they wished to return home, would a condition be that they must then surrender or sell the property that they have in Spain because some feel that they might be accused of then having two homes – one in Gibraltar and the other one would be considered more like a holiday home and so on? So I think, you know, the...

2675 **Hon. C A Bruzon:** When the criteria are determined, we will make a statement, Mr Speaker.

2680 **Hon. J J Netto:** Mr Speaker, within the criteria that needs to be discussed amongst the Minister and perhaps the Government generally, will they also take into account, perhaps, the distinction between a person who may have gone... a Gibraltarian who may have gone to live in Spain... as a result of not finding a house here, either in the private sector or in Government, as against Gibraltarians who did have a house here, perhaps, sold the house and, with the money from the sale, went and bought a house in Spain?

2685 **Hon. C A Bruzon:** The answer that I can give at the moment is that we will consider each case as it comes to us and we will act wisely and fairly. The reality is that there are, as the Minister has hinted, people who live in Spain, but who dearly want to live in Gibraltar. Obviously, those people would be placed on the list without giving it a second thought. You know, that is absolutely certain.

Mr Speaker: The Hon. Daniel Feetham.

2690 **Hon. D Feetham:** Is the position that the criteria for this list, who qualifies for this list, has not yet been determined; and, if that is the position, why did he say earlier on that there had been no interest expressed by anybody in coming on to this list? Surely, if the criteria have not developed, then the list is not in place.

Hon. C A Bruzon: Mr Speaker, I was being totally honest. Obviously, the Hon. Mr Reyes has been approached. (*Interjection*) Excuse me... (*Interjection*) No, no. I,

2695 through my staff, have not had a glimmer of a demand *yet* from people... 'Mr Bruzon, I would like to go on the list. I live in Spain, so put me on the list.' Of course, the offer is there, the commitment is there, and, as I said earlier, when we determine the criteria, we will make an announcement.

2700 **Hon. D Feetham:** So is the position that the list is in place, that there is a list, but the criteria has not yet been determined? Is that the position?

Hon. C A Bruzon: Mr Speaker, there is no list yet. There is nobody on the list. The list is not there yet, but the offer of people wanting to be placed on the Government waiting list, that offer is definitely there.

2705

**Co-ownership housing estates
Discussions over increasing service charges**

2710 **Clerk:** Question 69, the Hon. J J Netto.

Hon. E J Reyes: Question 69 is mine.

2715 **Clerk:** Yes, there is an error.
Sixty-nine, the questioner is the Hon. E J Reyes.

Mr Speaker: In my bundle, it shows the Hon. Edwin Reyes initially, but I have now been handed a separate sheet which shows the Hon. J Netto there. This was in the bundle and this one is to do with that.

2720 **Hon. E J Reyes:** I have no problem in accepting, Mr Speaker, it could be a simple –

Mr Speaker: No, I am just –

2725 **Hon. E J Reyes:** – human clerical error.

Mr Speaker: No, I am just trying to find my way around.

Hon. J J Netto: I can assure the House that I have not drafted the question.

2730 **Clerk:** I would agree with that.

Hon. E J Reyes: I can assure Mr Speaker that I signed and handed that question in personally to the Clerk.

2735 Well, Mr Speaker, Question 69: can the Minister for Housing state what discussions he has held with management companies of co-ownership housing estates in order to address the issue of increasing service charges?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

2740 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, none at the moment.

2745 **Hon. E J Reyes:** Mr Speaker, is the Hon. Minister aware that despite his desire, which I have no doubt to work with the management companies in Government co-ownership housing estates to address the problem of increasing service charges that, in many housing estates – and I can let the hon. Member later on have a copy – residents or owners at Harbour Views Estate have been notified just a few days ago that their service charge has increased by 3.8% as from 1st January and, in fact, the letter increases...

The letter goes on to say that this increase is customarily carried out in January of each year. So I would like to work together with the Hon. Minister to address this problem because the fear (*Interjection*) of residents there that they have is that if the trend would be that would be an annual 3% or close to 4% increase

2750 and many residents in that estate, which includes myself, are eagerly awaiting to see what the Hon. Minister can help to do to alleviate these ever increasing charges.

Hon. C A Bruzon: Okay, Mr Speaker. Thank you very much.

2755

TRAFFIC, HEALTH AND SAFETY AND TECHNICAL SERVICES

2760 **Line Wall sewer
Duration of repairs**

Clerk: Question 11, the Hon. S M Figueras.

2765 **Hon. S M Figueras:** Yes, Mr Speaker. Can the Minister with responsibility for Technical Services confirm how long the Government envisages repairs to the Line Wall sewer will take?

Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

2770 **Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the repairs to the section of the main sewer along Line Wall Road, which was blocked, have been completed and the excavation reinstated.

2775 **Hon. S M Figueras:** Mr Speaker, perhaps the hon. Member can enlighten the House in respect of when the traffic flow will be restored as it was originally in light of the completion of the works?

Hon. P J Balban: At the moment there is an inspection of the main sewer, upstream and downstream, as the blockage has identified some other defects. So until we actually look at that, two-way traffic will not be restored. Sorry, the blockage or diversion will still be in place.

2780 **Hon. S M Figueras:** I take it from that, Mr Speaker, that there is no indication of a timescale for that?

Hon. P J Balban: Not at the moment, no.

2785 **Hon. S M Figueras:** Thank you very much. I am obliged. No further supplementaries.

2790 **New roads and parking spaces
Set targets and objectives**

Clerk: Question 12, the Hon. D J Bossino.

2795 **Hon. D J Bossino:** Can the Minister for Traffic, Health and Safety and Technical Services provide details of the set targets and objectives for the building of new roads and the provision of more parking spaces which the Government has announced will form part of its comprehensive traffic plan?

Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

2800 **Minister Traffic, Health and Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the Government has announced it will carry out a major review of the existing traffic arrangements and draw up a comprehensive traffic plan for the whole of Gibraltar.

We have embarked upon a public consultation exercise aimed at seeking the views of all interested parties. These views will be taken into account when the traffic plan is drawn up. It is therefore premature to state targets and objectives at this point in time as they can be subject to revision.

2805 **Hon. D J Bossino:** I see the press statement said that – presumably because it is in line with the Government’s manifesto commitment – the set target and objectives for the building of new roads – in plural... rather the plan will contain set targets and objectives for the building of new roads – in plural, as I said earlier – and the provision of more parking spaces – again, in plural. So, presumably, there is already at least a commitment from the Government in relation to these issues.

2810 **Hon. P J Balban:** As part of the general objectives, although we are not ready to prepare general objectives and targets, obviously there has already been some commitment in terms of looking for new parking spaces, disabled bays etc.

2815 **Hon. D J Bossino:** Well, it is, as I pointed out earlier, a Government manifesto commitment, so therefore must be Government policy that there is an intention to build the new roads – again, more than one road – and new parking spaces. So, in that sense, is the consultation process as open as the Minister suggests?

2820 **Hon. Chief Minister:** Mr Speaker, if I might just assist the House on this.
Before, when we were saying that the consultation process was open and we did not want to give our views of what was going on there and was going to go on as part of that consultation process to then become the document that might become Government policy, we felt that the hon. Members were suggesting that we had to put our views across as to what should be there. Now, Mr Speaker, the hon. Gentleman seems to be again pressing us on this issue to say that, if we have got those said ideas, we need to put them on the agenda now.

2825 Mr Speaker, our manifesto says what it says. The answer says what it says. In due course, there will clearly be a plan, which sets all these things out. Of course, if we have said that in our manifesto, we must have views that suggest that more than one road is needed and more than one extra parking space is needed. He can take that as read.

2830 **Hon. D J Bossino:** No, I am just trying to establish what the Government’s position is and really this is not in any way intended to be maliciously political in any respect whatsoever.

2835 I was just surprised that the Minister himself, Mr Speaker, did not offer the fact that, yes, there would be a public consultation exercise and that he would be receiving the views of those consulted – I will ask him about that in a moment – but then it was somewhat curtailed, it was not as open as initially as he may have suggested to this House and it would be somewhat curtailed in that there is already a manifesto commitment from the Government to build new roads and to build new parking spaces. So, as far as those two issues are concerned, the Government is already committed and intends to do those two things and it will not be dissuaded by any representations, for example, to the contrary, like, for example, from the environmental lobby.

2840 **Hon. Chief Minister:** Mr Speaker, it is not that the process is going to be *curtailed* in any way. Just because we have identified that we believe that there should be new roads and new parking spaces, which happens also to be the policies, I understand, that they put at the General Election, it does not mean that the consultation process is curtailed. It is a consultation process, in this instance based around what we have already said in our manifesto.

2845 **Hon. Dr J E Cortes:** Mr Speaker, may I have further clarification on the environmental point. There is one of my Department’s Environmental Officers in the team that is looking at the traffic plan.

2850 **Hon. D J Bossino:** I am grateful.

Is it at all possible that the Government may be dissuaded from building new roads and new parking spaces as a result of the consultation process which it is undergoing? (*Interjections*)

2855 **Hon. Chief Minister:** Mr Speaker, everything is possible; it is not probable.

Hon. D J Bossino: Mr Speaker, with respect, if it is possible, then if it is within the realms of possibility that the Government may be persuaded, as a result of undergoing a public consultation exercise, *not* to build new roads and not to build new parking spaces, will the Minister accept that, as a result, he would be reneging

2860 on a manifesto commitment?

Mr Speaker: That is hypothetical.

2865 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman needs to go back to the dictionary and look up the definition of 'possible' and compare it to the definition of 'probable'.

Hon. D J Bossino: I am simply trying to establish how wide the consultation will be. So... (*Interjection*) In relation to its width... (*Laughter*)

2870 I have another question: has the Government, or rather, can the Minister clarify when the Government first notified interested parties, as he says in his statement, 'all interested parties', that they could make submissions?

2875 **Hon. P J Balban:** Yes, a press statement was issued to that effect and the closing date will be 30th January.

Hon. D J Bossino: So in terms of timeline, can he confirm that the timeline is from the date of the issue of the press statement, 11th January, up to the 30th January?

2880 **Hon. P J Balban:** Correct.

Hon. D J Bossino: Does the Minister consider that that is a sufficiently lengthy period of time to allow for a substantive and proper consultation period, especially if the Government is seeking what is, as it described in its press statement, 'a major review of the existing traffic arrangements'?

2885 **Hon. P J Balban:** Obviously. (*Laughter*)

Hon. D J Bossino: Can the Minister assist me in advising the House who the interested parties are?

2890 **Hon. P J Balban:** No, not at this stage.

Hon. D J Bossino: With respect, the Minister, and his Department presumably, has issued a press release stating that 'all interested parties will be consulted' and they are seeking their comments. So surely, he must have a view, or must know, who those interested parties are. I just want that clarification.

2895 **Hon. P J Balban:** I will tell you at the next House, at the end of the consultation period... if you ask the question, obviously. (*Interjections*)

2900 **Hon. D J Bossino:** With respect, this is a public statement issued in the press and if the Minister himself does not know who those interested parties are, how will those parties know who they are?

The Hon. Chief Minister: For a very simple reason, Mr Speaker.

2905 **Hon. D J Bossino:** With respect to the Chief Minister, if the answer (*Interjection*) perhaps is... (*Interjection*) and I will assist... Look, we have equality of arms in the sense that I am new to this House, as indeed the Minister is. If the answer is that it is the public in general, that perhaps is an answer. Is that the answer?

2910 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has to ask questions; not ask questions and propose answers.

The answer is, Mr Speaker, that there are people that we have identified who we will be consulting. As a result of the public statement that there may be others that may be consulted. Therefore, we do not want, at this stage, to give an answer that deals only with those that we may have identified. We will give a full answer at the end of the consultation period. If the hon. Gentleman is interested in the information which will set out the people that we consulted and the people that asked us to consult them as a result of the public statement, I

- 2915 would have thought, of all the things that there are to ask about, that this one is fairly fine one..
- The hon. Gentleman, in his virginal appearance in this House, has kept on asking questions on who are the parties that we are consulting and yesterday asking us questions on a bus timetable. We are happy to provide the information once we have got it. At the next House we will have finished the process and we can give him chapter and verse of who has been consulted.
- 2920 **Hon. S M Figueras:** So can the Minister then confirm that by the time of the next House, the process of consultation and the results of that process will have been completed?
- 2925 **Hon. Chief Minister:** Mr Speaker, by the next House, the process that ends on 30th January will have ended and we can tell him what happened in the course of that process; and then we can tell him, as well, Mr Speaker, what other process that might lead on to; and then, Mr Speaker, he can ask us questions about that process once it has been completed; and then, Mr Speaker, he will have the information that he wants.
- 2930 **Hon. S M Figueras:** Mr Speaker, with respect to the Chief Minister, the question was whether the process of consultation and the result of that process would be published by the next meeting.
- Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago.
- 2935 **Hon. D J Bossino:** Maybe the Chief Minister should take his pill and calm down a bit.
- I am completely bemused by the reply received from the Government in relation to this issue. It is a simple matter. You are inviting submissions *in writing*, which should be addressed to the Ministry in a publicly available – set out in the press statement – email.
- If I am an ordinary Joe Bloggs member of the public, do I write or don't I, because it seems that the Government itself either does not know or is not willing to provide – and I still do not know why – the answer to the simple question: who... The answer, again, maybe it is... and this is what I assumed would have been the answer, which is the whole of Gibraltar.
- 2940 All I am asking is: has the Ministry identified the interested parties, who it considers to be the interested parties, who ought to participate in the consultation exercise?
- 2945 **Hon. Chief Minister:** Mr Speaker, I am as bemused as him and I offer him the other half of the pill. If Joe Bloggs is listening at twenty to nine on a Friday, he should write in – that is what we meant.
- Hon. D J Bossino:** So, going back to it, by way of clarification, is it the member of the public, any member of the public can write in to the Ministry in this email address and make submissions in relation to the major review which is being carried out in relation to the traffic plan and the traffic arrangements. Is that correct?
- 2950 **Hon. P J Balban:** Yes, sir, that is correct.
- 2955 **Hon. D J Bossino:** Well, the answer. At last we have got to the answer, Mr Speaker. (*Interjections*)
- Mr Speaker:** Order. Order.
- 2960 **Hon. G H Licudi:** Mr Speaker, the hon. Member is wrong to say, 'at last we have got to the answer', because the answer that he got now was to a direct question, which was very clear. The answers to the previous questions were answers to different questions. So the answer he got now was to the last question, as to whether the general public would be able to write in with their views, and the answer was quite clearly, yes. If he had asked that 10 minutes ago, he would have got the same answer.
- 2965 **Hon. D J Bossino:** I did ask the question.
- Hon. G H Licudi:** No, you didn't. You said, 'Who are the interested parties?'. You did not say whether anybody could write in.

2970 **Hon. D J Bossino:** Has the Minister produced a consultation document which would set out the parameters within which this public consultation exercise is to be carried out? Is there such a consultation document in existence?

2975 **Hon. P J Balban:** No, sir, there isn't.

Hon. D J Bossino: So can he confirm therefore that there aren't any parameters and there is no structure to this consultation exercise?

2980 **Hon. Chief Minister:** Mr Speaker, there is the structure that allows people at this stage, by 30th January, to write in and give us their opinions. Joe Bloggs, Damon Bossino, Fabian Picardo, opinions will be welcomed from all of them, which will lead us to a second stage and that will have a different structure, and there may be a third stage which may have an even different structure.

What he calls 'lack of structure', we may call 'structure'. That is a matter entirely for him.

2985 **Mr Speaker:** The Hon. Daniel Feetham.

Hon. D Feetham: Yes, it is just that we are bemused on this side because is it the position that... Is the position this: that the Government has invited opinions from the general public but, in addition to that, the Hon. Minister has consulted specific interest groups that he has identified as being relevant to this exercise? Is that the position?

Hon. Chief Minister: Mr Speaker, we have set out the position *ad nauseam* –

2995 **Hon. D Feetham:** No, you haven't.

Hon. Chief Minister: – at a quarter to nine in the evening. We are not going to set it out any further. They can ask as many questions as they like. From now on, they are going to get the same answer.

3000 **Hon. D A Feetham:** Is this going to be the practice for the rest of the four years, Mr Speaker, that the Hon. the Chief Minister, every single time that the Government is in difficulty about a particular issue, just simply declines to answer it? (*Applause*)

Hon. Chief Minister: Mr Speaker, we have given the answers that we have given. Whatever other questions they may be asking from now, they will be getting the same answer.

3005 **Hon. D J Bossino:** Yes, exactly. So much for transparency, Mr Speaker. (*Laughter*)

Will the Minister advise this House whether, at the end of the consultation process, his ministry will at least publicise and publish the details of the... or at least a summary of the responses that it has received as a result of the public consultation exercise.

3010 **Hon. P J Balban:** The answer remains as previously stated

Hon. D J Bossino: For my benefit, as it is rather late and I was forty the other week and so maybe I am getting up on... what was the answer they stated earlier.

3015 **Hon. P J Balban:** As I set out before, you may check *Hansard* if you want.

Hon. S M Figueras: Well, with respect to the Minister, we cannot check *Hansard* for that answer because that question has not asked until a minute ago.

3020 **Hon. Chief Minister:** Mr Speaker our position is as already set out in the answers that we have given in respect of this subject matter. We are not going to go further. This is an ongoing consultation process. By the next House the hon. Gentleman will have seen some developments and can ask us about that.

3025 **Hon. D A Feetham:** Can he answer at least this: has the Government identified any new roads they think are necessary and has that been put to any interested parties that he may have consulted?

3030 **Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to the answers we have been given for the past five minutes.

Hon. D A Feetham: So obviously he is not going to answer the question.

3035 **Hon. D J Bossino:** Again, as part of this consultation process will the Minister advise this house whether he intends to provide feedback to the supposed interested parties that are going to be participating in this process?

Hon. P J Balban: The answer remains as previously stated.

3040 **Mr Speaker:** I think... (*Interjections*)

A Member: So the answer has to remain as previously stated, as to a question that has not been asked previously.

3045 **Mr Speaker:** I think if I understood the Hon. the Chief Minister's general response, it is that the Government has gone as far as it is willing to tonight to answer questions on this subject, as I understand it. It seems pointless to ask more questions, then. (*Interjections*)
Have I interpreted the Chief Minister correctly?

3050 **Hon. Chief Minister:** Yes.

Mr Speaker: In that case, I think the hon. Members must accept that that is as far as it is going to go

Hon. J J Netto: Mr Speaker, could I ask –

3055 **Mr Speaker:** Order, order.

Hon. J J Netto: Could I ask if it is a new policy set out by the Chief Minister that when it is quarter to nine that they will never answer a question? (*Applause*)

3060 **Hon. Chief Minister:** Mr Speaker, no. (*Laughter*)

3065 **Hon. D J Bossino:** Mr Speaker, given Government's position, I have another three supplementaries to ask but, if that is their position then that is their position. I will not press the issue. I will ask presumably after the consultation process has been completed – and the Government is relaxed with that?

A Member: Absolutely.

Hon. D J Bossino: Shocking.

3070 **Hon. Chief Minister:** Shocking, you should have been here for eight years (*Inaudible*) (*Laughter*)

Mr Speaker: Order. (*Interjections*)

Order! Order!

3075 Next item

Answers to Written Questions

3080

Clerk: Right, that completes Answers to Oral Questions. We now move onto Answers to Written Questions, the Hon. the Chief Minister.

3085

Hon. Chief Minister: I now have the honour to table the answers to written questions numbered W1 to W48 of 2012 inclusive and, Mr Speaker, may I take this opportunity, despite the lateness of the hour and how frayed tempers get during Question Time, to congratulate all the new Members of the House for their first Question Time and look forward to the next Question Time with them here.

3090

Hon. D A Feetham: May I echo the Hon. the Chief Minister's sentiments and may I ask him that, perhaps the next time, that he may *answer* our questions.

Hon. Chief Minister: Mr Speaker, he can. We have answered for two almost full days many, many questions and to suggest that we have not is really to do the usual attempt to obfuscate the truth.

3095

Government motions

3100

Suspension of Standing Order 19

Clerk: Motion number 1, the Hon. the Chief Minister

3105

Hon. Chief Minister: Mr Speaker I have the honour to move the motion standing in my name, which reads as follows:

'That this House approves, pursuant to Standing Order 59, the suspension of Standing Order 19 but only to the extent that at least five days, exclusive of Saturdays, Sundays and public holidays, notice is required of the motion which has been notified by the Hon Chief Minister on 17th January 2012, and circulated by the Clerk on 18th January 2012.'

3110

Mr Speaker: I now put the question in the terms of the motion proposed by the Hon. the Chief Minister
Those in favour: Aye. Those against.
Carried

3115

Appointment of Permanent Select Committee on Members' Interests

3120

Clerk: Motion number 2, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker I have the honour to move the motion standing in my name, which reads as follows, namely:

3125

'That this House resolves that the following Members should be nominated to the Permanent Select Committee on Members' Interests:-

The Hon C A Bruzon

The Hon S E Linares

The Hon D A Feetham

3130

The Hon J J Netto.'

Mr Speaker, this is the motion that has been moved at every meeting of this House since 1969 to constitute

the permanent select committee on Members' interests. I have nominated two individuals, Mr Bruzon and Mr Linares and the Hon. Leader of the Opposition has nominated two, Mr Feetham and Mr Netto. I commend the terms of the motion to the House.

3135

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. the Chief Minister

Hon. D A Feetham: Mr Speaker, we will be supporting the motion

3140

Mr Speaker: Thank you

I now put the question in the terms of the motion proposed by the Hon. the Chief Minister

Those in favour: Aye. Those against.

Carried.

3145

Clerk: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker I have the honour to move that this House do now adjourn *sine die*.

3150

Mr Speaker: I now propose the question that this house do now adjourn *sine die*.

I now put the question that this house do now adjourn *sine die*.

Those in favour: Aye. Those against.

Passed.

This House will now adjourn *sine die*.

3155

The House adjourned at 8.47 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.00 a.m. – 1.05 p.m.

Gibraltar, Wednesday, 15th February 2012

The Gibraltar Parliament

The Parliament met at 9.00 a.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

PRAYER

Mr Speaker

Order of the Day

Clerk: Meeting of Parliament, 15th February 2012.

1. Oath of allegiance.
2. Confirmation of minutes of the last meeting of Parliament, which commenced on 19th January 2012.

5 **Mr Speaker:** May I sign the minutes as correct? (*It was agreed*) Thank you.

Clerk: 3. Communications from the Chair.
4. Petitions.

10
Announcements

15 **Clerk:** 5. Announcements: the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

20 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, at the last meeting of Parliament, I made an announcement in relation to Command Papers and I indicated that we had announced then a new procedure for publishing Bills in draft in the form of Command Papers. I said to Parliament that draft Bills would be published in the Government's Gibraltar Laws website. I just want to clarify the procedure to avoid any misunderstandings. It is not *all* Bills that will be published in the form of Command Papers. We have realised, since I made that announcement, that there are some Bills which clearly do not fall within that category and do not require to be published in draft.

25 An example is the draft supplementary or, rather, the Supplementary Appropriation Bill. That is clearly not a Bill that ought to be published in draft, which is a procedure to allow the public to comment for a period of two weeks before the Government decides to publish the Bill itself.

30 The other type of Bill that, perhaps, ought not to be published as a Command Paper is in fact one that we did publish as a Command Paper. Command Paper no. 2 was a Bill in relation to civil aviation, which simply changed from 'Minister for Transport' to 'Minister for Civil Aviation'. Again, that is not a Bill that is appropriate to publish in draft form or publish for public comment.

35 What we do intend is that any Bill which introduces a new law, for example, the first one that we did, the law which had to do with smoking, banning in closed public places, freedom of information acts, those kinds of laws which are new laws which we introduced, we will certainly publish those as Command Papers in draft, for a period of two weeks so that the public can comment.

I thought I should clarify that, given my announcement to Parliament on the last occasion.

Mr Speaker: Thank you.

40
Papers laid

45 **Clerk:** Papers to be laid, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

50 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I have the honour to lay on the table the Annual Report of the Gibraltar Prison Board for the year ended 31st December 2011.

Mr Speaker: Ordered to lie.

Clerk: Reports of Committees.

Questions for Oral Answer

60

Clerk: Answers to Oral Questions.

65

TOURISM, PUBLIC TRANSPORT AND THE PORT

Gibraltar Tourist Board Exhibition at FITUR Fair in Madrid

70

Clerk: Question 107 of 2012, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port inform the House whether the Gibraltar Tourist Board exhibited at the FITUR Fair in Madrid in January 2012 and if so, at what cost?

75

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, I will answer this question together with Question 108/2012.

80

FITUR Fair in Madrid Attendance of Minister

85

Clerk: Question 108.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port inform the House whether he attended the Fitur exhibition in Madrid in January 2012 and, if so, at what cost?

90

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, the Gibraltar Tourist Board did exhibit at FITUR in January of this year. The total cost was £31,997, as set out below. I can confirm that I was in attendance and the information requested by the hon. Member is set out in a schedule, which I hand to him now.

ANSWER TO QUESTION NO 108 OF 2012

ANSWER TO QUESTION NO 107 OF 2012

STAND COSTS	20,078.85
SUBSISTENCE	3,959.57
ACCOMODATION	732.14
FLIGHTS	949.34
PRINTING OF BROCHURE	2,300.00
PHOTOGRAPHY	560.00
TRAVELLING EXPENSES	562.71
MISC	2833.83
HOSPITALITY	20.63
GRAND TOTAL	£31,997.07

CONTD ANSWER TO QUESTION NO 108 OF 2012

Contd answer to Question No 107 of 2012

FITUR 2012 EXPENSES

STAND	
IFEMA - COST OF SPACE , ELECTRICAL CHARGES AND INSURANCE	7363.53
ARQUITECTURA DE DISEÑO - ASSEMBLE STAND AND DECORATE	6276.81
ARQUITECTURA DE DISEÑO - STAND & FURNITURE	6438.51
SUBSISTENCE	
D FERRAR 7 NIGHTS FROM 16.01.12 TO 22.01.12	1734.25
G MACEDO 7 NIGHTS FROM 16.01.12 TO 22.01.12	1734.25
M SANGUINETTI 2 NIGHTS FROM 19.01.12 TO 20.01.12	245.53
N COSTA 2 NIGHTS FROM 19.01.12 TO 20.01.12	245.54
ACCOMMODATION	
N COSTA 2 NIGHTS @ MELIA PRINCESSA MADRID 19.01.12 TO 20.01.12	366.07
M SANGUINETTI 2 NIGHTS @ MELIA PRINCESSA 19.01.12 TO 20.01.12	366.07
FLIGHTS	
M SANGUINETTI (IBERIA) 18.01.12 TO 20.01.12	
MAL/MAD/MAL	474.67
N COSTA (IBERIA) 18.01.12 TO 20.01.12 MAL/MAD/MAL	474.67
PRINTING OF BROCHURE	
ERIDES PRINTING OF BROCHURES	2300.00
PHOTOGRAPHY	
I MARTINEZ - 14 IMAGES OF GIBRALTAR FITUR 2012 EXHIBITION	560.00
TRAVELLING EXPENSES	
TRAIN TICKET FOR D FERRAR & M G MACEDO 16.01.12 TO 23.01.12	314.02
TAXIS - AIRPORT/HOTEL, FITUR/HOTEL & HOTEL/AIRPORT	102.32
TAXI TO FITUR	37.01
MARK LOMBARD AND TYRONE TORRES DRIVING MINISTER TO AND FROM MALAGA AIRPORT	94.00
M G MACEDO MILEAGE FROM GIBRALTAR TO ALGECIRAS	15.36
MISC	
M H BLAND - MASCOT ROCKY 3 DAYS FITUR	150.00
SYLVIA MARTINEZ GALLEGO - TRANSLATIONS @ FITUR'12	823.36
COFFEE, TEA BAGS, NAPKINS ETC	17.47
MRW COURIER	1523.00
ERIDES COURIER	320.00
HOSPITALITY	
REFRESHMENT MARKETING FLOAT	20.63
	31997.07

CONTD ANSWER TO QUESTION NO 108 OF 2012

Answer to Question No 108 of 2012

COST OF MINISTER ATTENDING FITUR 2012

SUBSISTENCE 19.01.12 to 20.01.12 (2 nights half subsistence)	£ 245.54
ACCOMODATION 2 nights Melia Princesa Madrid	£ 366.07
TRAVELLING EXPENSES Taxis-Airport/Hotel, FITUR/Hotel and Hotel/Airport	£ 51.16
FLIGHTS N Costa (IBERIA) 18.01.12 to 20.01.12 (MAL/MAD/MAL)	£ 474.67
TOTAL	£1,137.44

95 **Hon. D J Bossino:** Yes, Mr Speaker, given the Government's propensity to issue press releases at almost every turn, I thought it was important for me to ask for better particulars as to how the Fitur exhibition went. I was surprised there was not any public announcement in relation to that, so perhaps can the Minister advise the House whether he attended any meetings while he was at FITUR?

100 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman, just arrived, is now telling the Government when we have to issue a press release. That is first in my reply. Secondly, the reason why we did not issue a press release was very simple. I went to Fitur essentially on a fact-finding mission to determine whether or not... there were many things but, first of all, value for money for Gibraltarians, whether going to FITUR meant that there was going to be business coming to Gibraltar – and I have already set out my position to my Cabinet colleagues, which we will discuss in Parliament in due course.

105 I can tell him that the way that it is currently formatted does not give the full potential that Gibraltar can achieve in an international fair of this sort. I can assure the hon. Gentleman that, when I went, I did not, like I am told someone else did, sit behind and do nothing, I, in fact, held something like six or seven meetings in the one full day that I was there. Not only that, I did meet with international operators, which I will not reveal at this moment because I am in commercial negotiations, and there has been a follow up with one of those international operators here at my office in Europort.

110 So to answer the question of the hon. Gentleman, no, we did not issue a press release, because we did not think at the time that it was for us to do so. Secondly, I did hold meetings, many of them, one of which has already had a follow through and, hopefully, we will be able to make an announcement shortly in respect of that meeting.

115 **Clerk:** Question –

120 **Hon. D J Bossino:** Were all those six or seven meetings with international operators, or can he give any particulars in relation to other meetings that he may have held with other groups? For example, were there press engagements?

125 **Hon. N F Costa:** Mr Speaker, if I recall correctly, I think I gave something like four interviews for Spanish TV channels, which of course meant free press... [*Inaudible*] ...stand. I also gave interviews to papers. There were meetings with international operators, as well.

Clerk: Question 109, the –

130 **Mr Speaker:** I think the Hon. Damon Bossino has another supplementary.

Hon. D J Bossino: I am thinking about one!

Mr Speaker: You will have to think very fast, I am afraid?

135 **Hon. D J Bossino:** No, carry on.

140 **Gibraltar Tourist Board
Exhibition at London Boat Show**

Clerk: Question 109, the Hon. D J Bossino.

145 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port advise the House whether the Gibraltar Tourist Board exhibited at the London Boat Show held in January 2012 and if so, can he provide details of the cost of his participation?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, I will answer this question together with Question 110.

**London Boat Show
Minister's attendance**

Clerk: Question 110.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port advise the House whether he attended the London Boat Show exhibition in January 2012 and, if so, can he provide details of the cost of its participation?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, the Gibraltar Tourist Board did exhibit at the London Boat Show in January of this year, although I did not attend. The total cost was £15,394.79 and the information requested by the hon. Member is set out in a schedule, which I hand to him now.

By way of information the hon. Member may like to know that, last year, the cost was £23,000, in 2010, £20,000 and in 2009, £23,000.

Schedule to Question No 110/2012

London Boat Show 2012

SPACE STAND	5967.86
Less participation fees	-300.00
STAND COSTS - DESIGN, INSTALL AND DISMANTLE	9390.00
MISC / REFRESHMENTS ETC	336.93
ATTENDANCE BY GIB BASED OFFICERS OF THE G.T.B.	0.00
GRAND TOTAL	15,394.79

The GTB pays for the stand and then charges local companies for using part of the stand.

Hon. D J Bossino: Mr Speaker, as I understand it, the London Boat Show is quite an important one for business. The information that I have is that businesses such as sailing schools and yacht charterers lay a lot of importance on this Boat Show, because they take bookings, as I understand it, for the rest of the year, when they attend the Boat Show, so the previous Government laid a lot of emphasis on this particular Boat Show, because they saw it as a way of assisting industry. So, in this context, does the Minister not think it would have been of crucial importance for the Minister responsible for tourism to have attended this particular show?

Hon. N F Costa: Mr Speaker, the participants at the London Boat Show this year were Ocean Village, Tomboy Sailing and the Rock stand. This is handled primarily by the London Office.

As I have already advised the hon. Gentleman, the costs of the previous years were exorbitantly high. Last year was £23,411, 2010 was £20,737.47 and 2009 was the cost was £23,238.88, compared to the £15,000 spent this year.

If the hon. Gentleman were to take some time in looking into the matter, he will see that the turnout in participation in the London Boat Show has dropped year on year and, whereas this is something that has been considered as part of the global tourism policy, that the Cabinet will consider... for Cabinet to discuss, this is

one of the items that would be canvassed. It was not, at this point, thought appropriate to have the *additional cost* of the Minister in the light of the decreasing number of turnouts in the London Boat Show and we felt it was an expense the Government could save at this particular juncture.

195 If we attend next year, it would be a decision the Cabinet would take, having taken into account and having a devised a full, global tourism policy to encompass this Boat Show.

Hon. D J Bossino: Could he confirm that his non-attendance was on account of a cost-saving exercise?

200 **Hon. N F Costa:** Mr Speaker, I have just replied to the question.

No, the answer is that we are looking at the tourism policy globally. That means, of course, Mr Speaker, taking a look at the road shows, the tourist fairs, the boat shows and all of the money that the Gibraltar Tourist Board and, therefore, Government, spends in any international symposium of this type.

205 Whereas I was able to make a determination that, with FITUR, it was important to go and establish fact finding at that point, the particular boat show, the advice received was that it was sufficient to have a Gibraltar presence and, as I say, it does not mean we will not go in the future, it only means that the advice received was that the Gibraltar presence at the moment was sufficient and whether or not the Government takes a policy decision to discontinue or to go next year will be determined in Cabinet. When we are ready to make a policy announcement, as the hon. Gentleman has accused me of already, we shall, no doubt, issue it by way of a press statement.

210

Clerk: Question –

Hon. D J Bossino: Was there any official Gibraltar presence, is that the case?

215

Hon. N F Costa: Mr Speaker, the information is in the schedule I have handed the hon. Gentleman, perhaps if he cares to read it?

220

Hon. D J Bossino: There is an item in the schedule, which reads, ‘attendance by Gibraltar based officers of the GTB zero’. So, other than physically having the stand there, for which, presumably, the Government paid, was any physical, human presence from the Gibraltar Government. Clearly not the Minister, but was there any other official presence at the London Boat Show, Mr Speaker?

225

Hon. N F Costa: Yes, Mr Speaker, I will be able to provide that information to the hon. Gentleman; it is not... I do not have it in my papers, but there was, of course, an official presence in Gibraltar... in the London Boat Show, sorry. I will be able to give him the information if he writes to me.

230

Hon. D J Bossino: That is all very well and good and I will take the Minister up on his offer, but the answer in respect of which I posed a supplementary was that the information was set out in the schedule he had handed to me. Can he confirm, in fact, that is *not* the case; the information is *not* set out in the schedule, which he handed to me?

235

Hon. N F Costa: Yes, Mr Speaker, the information *is* there. What the schedule says is that the cost was zero, but there was an official presence. The schedule that I handed over to the hon. Gentleman says ‘costs zero’. The GTB pays for the stand and then charges local companies for using part of the stand. The officials present were from the London office.

240

Hon. D J Bossino: Okay, so there was a presence and the official from the London office, okay, but clearly not revealed from a *prima facie* look at the schedule, Mr Speaker?

245

Hon. N F Costa: Mr Speaker, as I have already said, in answer to the question, what the schedule shows is the zero cost of the attendance, not that there was not an official presence.

**Gibraltar Tourist Board
Senior management structure**

250 **Clerk:** Question 111, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port provide details of the positions/posts, which comprise the senior management structure of the Gibraltar Tourist Board?

255 **Clerk:** Answer, the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, the Gibraltar Tourist Board... the senior management structure of the Gibraltar Tourist Board is made up as follows: there is one Chief Executive, two senior managers, and eight managers.

260 **Hon. D J Bossino:** Mr Speaker, have all these posts been filled?

Hon. N F Costa: Well, Mr Speaker, that will assume that they are unfilled at present.

265 **Hon. D J Bossino:** Are there any posts unfilled at present?

Hon. N F Costa: Mr Speaker, the hon. Gentleman did not ask about the existing vacancies and how the GTB will be replacing them, if there are any vacancies to be filled.

270 I am not about to answer to him in this House as to the vacancies that are open, by whom they are going to be filled, etc. If he wants specific information on that, he will have to give me notice.

Hon. D J Bossino: Mr Speaker, with respect, that was surely implicit in the question.

275 I have asked for details of the positions, which comprise the senior management structure, as part of that structure. He says that the Minister responsible for his Department... If he is truly responsible and in charge of his brief, he ought to be able to know whether the positions are filled or not. It is a basic question. For example, is the Chief Executive position within the Tourist Board filled? Simple question. I would expect a simple 'yes or no' answer.

280 **Hon. N F Costa:** Mr Speaker, first of all, the hon. Gentleman is not in court cross-examining me, (Members: Ooh!) he is asking me questions in the Gibraltar Parliament.

Then let me tell him what he asks, because the hon. Gentleman, who definitely is keen on making announcements and then saying this Government is erecting an *impenetrable curtain* to his questions, what is clear from the questions that he asks is that the answers, which are very clear, are impenetrable only to the hon. Gentleman opposite.

285 Let me tell him what he asks: 'can the Minister for Tourism etc provide details of the positions/posts, which comprise the senior management structure?' That is the question that he asks and I have answered to him to say, yes, one Chief Executive, two senior managers and eight managers. If he had wanted to know the number of vacancies and the process by which my Department would proceed to fill these, that is an entirely different question and I am not answerable in this House to him, to tell him how am I to do that without written notice of those questions.

290 **Mr Speaker:** I think it is a valid supplementary to the question posed and the answer given. I think it is a valid supplementary to say: are all those posts filled?

295 **Hon. N F Costa:** If the hon. Gentleman wants to ask me a specific supplementary on a particular post that he is referring to, I will be happy to give him the answer.

Hon. D J Bossino: Mr Speaker, I really am *astounded* from this side of the House, that the Minister responsible for tourism does not even... is unable to answer the basic supplementary –

300 **Hon. N F Costa:** On a point of order... On a point of order. (*Intervention by The Speaker*) On a point of

order, on a point of order! (*Interjections*)

Mr Speaker: We will listen to the point of order first.

305

Hon. N F Costa: On the point of order, I did not say – he has just invented this – I have not said I am unable, I said I did not think it was appropriate, given the original question, not that I am unable to do so. That is very different.

310

Hon. D J Bossino: I think the charge remains, Mr Speaker, and the question is –

Mr Speaker: Put the question, please.

315

Hon. D J Bossino: And the question is, is it possible that the Minister with responsibility for his Department, which is tourism, appears to be unwilling, shall we say, not necessarily unable, he says he has the ability to do so, but is unwilling to do so, because I have not given him notice. It is a simple question. Is the position of Chief Executive Officer of the Gibraltar Tourist Board filled or not? Simple question. Is he *willing* to answer the question, or isn't he?

320

Hon. N F Costa: Mr Speaker, with respect, that was not the original supplementary, but if that is *now* the supplementary (*Interjection by The Speaker*) he is asking – but he should not mislead this House that that was the original, it was not – but if that is the specific supplementary he is asking, there is currently an acting Chief Executive.

325

Hon. D J Bossino: Can the Minister advise the House who the acting Chief Executive Officer is? Is he willing to provide that information?

Hon. N F Costa: Sorry, sorry?

330

Hon. D J Bossino: Who the acting Chief Executive Officer is? Is he willing to provide that?

Hon. N F Costa: The hon. Member can look to his right and ask those beside him. It is the same person who has been there since May of last year.

335

Hon. P R Caruana: Mr Speaker, that is the answer. It is the same person. He cannot look to his right. I know that the hon. Members regret finding themselves on this side of the House and wish that we were on that side (*Laughter*) Then I *would* know the answer to the question! But what we are trying to find out is whether there has been a change since they assumed the responsibilities of government.

340

Clerk: Question 112, the hon. D J –

Hon. N F Costa: Mr Speaker, was there a question there or was it just a statement?

345

Mr Speaker: There could have been a rhetorical question, but has there been a change? I think that was the question understood.

Hon. N F Costa: And I gave the answer.

350

Hon. D J Bossino: When does the Minister envisage the acting position to become a full-time, permanent position?

Hon. N F Costa: We will announce it shortly, Mr Speaker.

355

**Gibraltar Port Authority
Post of Marine Officer**

360 **Mr Speaker:** Question 112, the Hon. D J Bossino.

Hon. D J Bossino: Since Question 4/2012 was put to the Minister for Tourism, Public Transport and the Port, can he advise whether the position of marine officer has now been filled?

365 **Clerk:** Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, the Government is currently in the process of advertising the vacancy.

370 **Hon. D J Bossino:** The Minister, I am sure, will be fully aware that the position of marine officer is a crucial aspect of the –

A Member: Of the Chief Secretary! (*Laughter*)

375 **Hon. D J Bossino:** – of the... is a crucial aspect of the architecture of the... I will repeat the question if the Minister wishes me to? (**Hon. N F Costa:** Yes.) A visual aspect of the port architecture... Can he assure this House that efforts will be made to fill this position as quickly as possible?

380 **Hon. N F Costa:** Yes, Mr Speaker, it has been as crucial today as it was since it was vacant in April 2011. I have told the hon. Gentleman that we are in the process of advertising the vacancy. I trust my official would have, in fact, made the vacancy this morning, but, yes, if it was so crucial today, it certainly would have been crucial all the way back since April 2011, since it became vacant.

Members: Hear, hear. (*Applause*)

385 **Clerk:** Question 1 –

Hon. D J Bossino: Can the Minister advise whether the terms and conditions of the post have been revised? In the last House he mentioned that that was being looked at and, given that the Ministry is now poised to advertise, can he advise whether the terms and conditions have been revised?

390 **Hon. N F Costa:** Yes, Mr Speaker, the only – well, what I can do for the gentleman is, I can certainly provide him with a copy of the vacancy, if he so wishes.

395 I can tell him that, in terms of qualification, obviously, the person needs to be suitably qualified to be able to act as a deputy to the Captain of the Port. Part of the vacancy, from recollection, says that he must have considerable experience in maritime and port administration matters, precisely because he would be deputising for the Captain of the Port. Those are the most important qualifications, Mr Speaker, but, as I say, I am perfectly happy to provide him with a copy of it.

400 **Hon. D J Bossino:** Are you writing separately, or are you providing it to us in any case?

Hon. N F Costa: I will provide it.

405 **Hon. D J Bossino:** As part of the qualification, which is that he has to be suitably qualified, can he advise the House whether that will include the Master Mariner requirements, which I understand is a qualification that the Captain of the Port has?

410 **Hon. N F Costa:** Well, Mr Speaker, what the Captain of the Port has is an *unlimited* Master Mariner's certificate and that is not a requirement for the marine officer. He does not need to have an unlimited... There are two types of Master Mariner's certificate, the unlimited, which is the class 1 and then the other certificate of competence, he would not be required to have the unlimited master's certificate.

Hon. D J Bossino: And if he is going to fully deputise for the Captain of the Port, do you think that would be a qualification that would be desired – the unlimited, what is it, Master Mariner’s qualification?

415 **Hon. N F Costa:** Mr Speaker, as the hon. Gentleman will have recalled when I gave my answer to him on the last occasion, there was a period of time where not even the Captain of the Port had an unlimited mariner’s ticket. Let me also tell him that, since this gentleman passed away in May, and there was not a marine officer, there was a sudden departure, as well, of Captain Hall, which meant that, for quite some time, the Port did not have a Captain and did not have a master mariner. That was during the time in their administration, so he can rest assured that, now that we have a Captain starting at the end of February and that we will have a marine officer, hopefully, I feel quite sure that the operational requirements of the Port will be to his full satisfaction covered.

425 **Withdrawal of Gibraltar and Algeciras ferry service**
Meeting with Managing Director of Medex SL

Clerk: Question 113, the Hon. D J Bossino.

430 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port advise the House, when he met the managing director of Medex SL, in respect of the withdrawal of their ferry service between Gibraltar and Algeciras and what transpired during the meeting?

435 **Clerk:** Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, at the request of the managing director of Medex, I met him, Mr Rodriguez, on 23rd January this year with two officials present.

440 During the course of the meeting, Mr Rodriguez briefed me on the financial situation of Medex and that the company, in his words, could not even meet the basic running costs of the maritime operation. He proceeded to request a Government subsidy to maintain the operation afloat.

445 Just for the sake of clarification to the hon. Gentleman, when he requested a subsidy, what we are talking about is between €44,000 to €49,000 *monthly*. I informed him that I would immediately hold discussions with the Chief Minister and the Deputy Chief Minister which, true to my word, I immediately did and that we would have a full discussion at the Cabinet meeting the week after.

450 **Gibraltar Port Authority Licensing Committee**
Applications awaiting determination

Clerk: Question 114, the Hon. D J Bossino.

455 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port provide details of the applications which are currently before the Licensing Committee of the Gibraltar Port Authority which are awaiting determination by the Authority?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

460 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker, I will answer this Question together with Question 115.

465

**Gibraltar Port Authority
Dates of meetings since General Election**

Clerk: Question 115.

Hon. D J Bossino: Mr Speaker, can the Minister for Tourism, Public Transport and the Port provide the dates of the meetings held by the Board of the Gibraltar Port Authority since the last General Election?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, the Gibraltar Port Authority will meet on 22nd March this year. There are currently five applications. In fact, there were five applications at the time the answer was drafted. Now there are four applications pending. There is one application for a tourist sightseeing operator licence, one application for a waste operator licence, one application for a ship agency licence and one application to transfer a bunkering licence.

Clerk: Question 116 –

Hon. D J Bossino: Again, Mr Speaker, I am rather surprised that the Gibraltar Port Authority, which has very wide and crucial statutory powers which it has to discharge, has not met once since the General Election of 8th December and that the first meeting has been scheduled for 22nd March.

As I understand it, the Minister is the Chairman of that Authority. Can he at least advise whether he has met with the current members of the Port Authority, even informally?

Hon. N F Costa: Mr Speaker, in the first place, the Government is in the process, obviously, of making the composition of the new Port Authority, but if what the hon. Gentleman is concerned about is to ensure that there is no effect on the operations of the Port, I can assure him that, other than personally attending to the Port on a couple of occasions, I meet regularly with the Senior Port Officer and with the acting Captain. I can assure him that no operations of the Port are being affected by the fact that the Port Authority has not met yet, and when it does, of course, it will be able to do so very quickly... deal with these applications.

But I can assure him that no operational activity or business is being affected.

**Sea Trade Fair in Miami
Government participation**

Clerk: Question 116, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port inform the House whether the Government intends to participate in the Sea Trade Fair in Miami, USA?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, yes.

Hon. D J Bossino: Has the Minister decided who will be forming part of the Government delegation at this stage?

Hon. N F Costa: Mr Speaker, we are in the process of finalising that detail, but the reason why we felt that it was important to attend the Miami Sea Trade Fair is essentially because of the nature of the explosion.

We want to take the opportunity to meet with the current operators to assure them of the safety of the Port and, of course, not just existing operators but also we have already set up meetings with various operators to ask them and make representations as to why, if they are cruising the Mediterranean, they should come to stop in Gibraltar.

Hon. P R Caruana: Mr Speaker, is the Hon. Minister aware that, whilst we, on this side of the House, welcome the fact that he should continue to attach importance to the comfort that the Port offers cruise operators in particular, that process had already begun under his predecessor and what we found, when we were on that side of the House, was central to that was a commitment by the Government, which was not actually given but it was indicated that the Government – and indeed I gave it in this House – was going to try to deconflict fuel activities from passenger-handling activities at the Port.

Therefore, does the hon. Member agree that continuing to try to relocate the sullage plant and, indeed, other fuel-handling facilities on the North Mole, will be an important part of giving comfort to cruise lines, particularly the affected ones which stood by the Port of Gibraltar, and that, as cruise ships become bigger, longer, the front or the back reaches even the most southerly fuel facility in Gibraltar.

Does the hon. Member therefore attach importance to continuing, as we had started to do, with investigating the possibility of coming to some arrangement with fuel operators to relocate them to other places?

Hon. Chief Minister: Mr Speaker, if I might, because this touches on an area in which the hon. Gentleman was himself involved when he was Chief Minister and I am now involved myself.

As he is aware, there is litigation by one operator touching and concerning exactly these issues, and I think it is probably wise for us not to get into the detail of that at all today. In fact, I think the rules will prevent us from doing so. But let me put it to him this way: I am not going to dispute what he is saying. I think that is sufficient. At least he will understand where we are going.

Clerk: Question –

Hon. P R Caruana: Yes, Mr Speaker, I am grateful to the hon. Member and I acknowledge his difficulty. Our Government had not proposed necessarily to proceed by compulsion. The question was carefully phrased around trying... in agreement with fuel operators, and that certainly would have been our preferred option, as I am sure it will be his.

Hon. D J Bossino: Mr Speaker, on a different matter, but it touches upon the answer given to the Sea Trade question, I appreciate that the Minister has been in office for about three months, but given his attendance at the FITUR Fair and the Government's apparent presence at the London Boat Show and now the intention to attend the Sea Trade Fair, it is looking very much like the previous administration did. Can the Minister advise whether he thinks there is, in fact, now a departure from previous GSD policy in relation to tourism marketing, which was so very much maligned and criticised by his colleague to his left?

Hon. N F Costa: Mr Speaker, perhaps the hon. Gentleman did not hear the part of the answer originally when I told him that the reason why I went to FITUR was precisely to determine whether or not the international markets *do* give value for money. Does he remember now? Does he want me to carry on?

Hon. D J Bossino: It is interesting that, in relation to the FITUR Fair, Mr Speaker, the costs were £10,000 more than last year, but anyway... A very expensive fact-finding mission.

Hon. N F Costa: Sorry?

Mr Speaker: Was there a question there? There should not be remarks... (*Interjection*) ...'expensive fact-finding mission'.

Hon. N F Costa: In respect of what?

Hon. D J Bossino: The Minister is saying that he went to FITUR on a fact-finding mission. (*Interjections*)

Mr Speaker: Order! Order! Order!

The hon. Member said there is no question. Really, we must get used to the practice of asking questions. Next question, please.

Transport Commission
Dates of meetings since General Election

580 **Clerk:** Question 117, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port provide the dates of the meetings held by the Transport Commission since the last General Election, together with a list of all applications currently pending the Commission's determination?

585 **Clerk:** Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, the Transport Commission will meet on 29th of this month.

590 There are currently 13 applications pending: seven applications for renewal of a licence to drive a PSV omnibus; four applications for a renewal of a licence to drive a PSV taxi omnibus; one application for a renewal of a licence to drive a PSV taxi and omnibus; one application for a transport operator's licence.

I am advised by the Gibraltar Regulatory Authority that I cannot disclose the specific details of the applications but I was allowed to list the applications and the categories that were...

595 **Hon. D J Bossino:** Mr Speaker, again, this is a Statutory Board body which has very important statutory powers to discharge, which include advising the Government on matters relating to public transport.

Does the Minister not agree with me it is a very sad and sorry state of affairs that a Commission of this nature, a statutory body of this nature, has, three months in since he took office, not yet met?

600 **Hon. N F Costa:** Mr Speaker, perhaps I can answer the question in this way: we have been in Government for two-and-a-half months and they had been in Government for 15½ years and, in 2011, between 31st May and 19th October, four-and-a-half months, there were no sittings of the Transport Commission.

605 **Hon. D J Bossino:** Well, certainly the membership of the Transport Commission has changed, because I was a member of it and I resigned, given my new role. (*Interjections*) Can the –

Mr Speaker: Order! Order! (*Interjections*) Order! Order!

610 **Hon. D J Bossino:** I am grateful, Mr Speaker.

Can the Minister advise whether the membership of the Transport Commission has already been gazetted, because I have not seen anything published in the *Gazette*.

615 **Hon. N F Costa:** Mr Speaker, I gave instructions for that to happen last week. I will double check now with my office, but if it did not happen last week it should certainly happen this week.

Hon. D J Bossino: I dare say, Mr Speaker, it was as a result of the notice of my Question.

Hon. N F Costa: No, Mr Speaker –

620 **Mr Speaker:** There was no question there.

Hon. N F Costa: No, Mr Speaker, but the answer is certainly no. (*Interjection by Hon. D J Bossino*) (*Laughter*)

625 **Hon. P R Caruana:** Mr Speaker, is the Hon. Minister saying to this House... Did he say to this House – I think I heard him correctly – that the Gibraltar Regulatory Authority had advised him that he could not give details of pending applications?

630 **Hon. N F Costa:** Specific details of applications.

Hon. P R Caruana: Yes, well, Mr Speaker, is the hon. Member aware that the GRA never gave advice of that nature to the previous Government, and they themselves, when sitting on this side of the House, did not feel that any data protection consideration arose when they used to ask similar questions about applications for Development and Planning Commission building licences and the sort?

Are we experiencing yet another example of the hon. Members *slamming* the stable door behind them as soon as they have entered the stable?

Hon. Chief Minister: Mr Speaker, certainly not, because, given that the hon. Gentleman has so much time on his hands,

Hon. P R Caruana: [*Inaudible*] ...the Hon. Minister, not to the Hon. the Chief Minister. (*Interjections*)

Mr Speaker: Order! Order! (*Interjections*) Order! Order! Order!

Hon. J J Bossano: He used to answer all the supplementaries before!

Hon. P R Caruana: A new dawn!

A Member: Mr Speaker –

Mr Speaker: Order!

Hon. Chief Minister: I am on my feet to give the answer.

Hon P R Caruana: A supplementary!

Mr Speaker: Order! Order! Order! The... Order! The Chief Minister has the discretion of deciding who answers questions. (*Interjection*)

Then what are we complaining about?

Hon. P R Caruana: Mr Speaker, the Chief Minister has the discretion. Mr Speaker, it is *not* the role of the Speaker in this House to protect the Government politically from the Chair.

Mr Speaker, just as he is entitled to stand up and answer the supplementary, I am entitled to stand up and ask him why it is not the person who was asked the question that is answering it.

The Hon. Minister gave an answer. The simplest form of supplementary, designed to establish the *reasonableness* of the original answer is not answered by the answerer, but by the Chief Minister, in an attempt to deflect the obvious point, and I am asking Minister Costa, if he cannot answer, then let him not do so. Let him say that he cannot.

My question to him is: what is the difference, in data protection terms, between these questions and the ones that *they* used to ask, particularly Dr Garcia, in relation to such things as planning applications and other applications pending in many areas of public life. I am holding him to his answer, that the GRA has given him the advice that he has said in his answer.

Mr Speaker: Well, having heard the Hon. Leader of the Opposition, it is still my view that the Chief Minister can decide who answers on his side.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman asks a question about *they – us* – closing the door behind us, and of the Government. He has tried to rephrase it to make it of the hon. Gentleman, but his general question originally merits an answer.

Mr Speaker, the hon. Gentleman has a lot of time on his hands now. He can now attend public meetings of the Development and Planning Commission, something which he, in Government, was never in favour of. In those meetings, he can see exactly what is happening in respect of every application, something that he, in Government, prevented the public from doing.

In *his* manifesto he suggested that perhaps minutes of those meetings might be published. In our manifesto we promised that they would be open. So, in respect of the part of his supplementary that deals with the

Development and Planning Commission, the position has changed so greatly, we have opened the doors and opened Government to scrutiny so *massively* that the changes are patent for all to see, and it could only be in an attempt to make a cheap, petty, political point less than 20 minutes after he has arrived *late* to this session of the Parliament, that anybody could want to ask a supplementary like the one the hon. Gentleman has asked.

I think it is absolutely right and proper that a Minister should take advice from the Regulatory Authority in respect of data protection issues and stand by that advice. Is it that he is saying, Mr Speaker, that having taken the advice we should contradict it?

Hon. P R Caruana: No, Mr Speaker, what I am trying to establish from the hon. Member is the accuracy of his answer, that he has had advice to the effect and purport that he believes does not entitle this House to this information.

For example, Mr Speaker, does it not strike the Hon. the Chief Minister, given that he has no confidence in his Minister to defend himself on this issue (*Interjections*) –

Hon. Chief Minister: Mr Speaker, on a point of order – and therefore he must sit down –

Hon. P R Caruana: Does it not strike the Hon. –

Mr Speaker: Order! Order!

Hon. Chief Minister: On a point of order, Mr Speaker.

Mr Speaker: There is a point of order.

Hon. P R Caruana: Mr Speaker –

Mr Speaker: There is a point of order.

Hon. P R Caruana: A point of order is to be established by the Chair, not by the Chief Minister!

Hon. Chief Minister: I have to pronounce it first!

Mr Speaker: A point of order has been raised. I have to listen to the point of order before I can pronounce on it.

Hon. P R Caruana: Every time I ask a question I am interrupted by a point of order.

Hon. Chief Minister: Mr Speaker, I *specifically* said that the reason I was answering was not because I have no confidence in my Minister. I have full confidence in all of my Ministers, as does, obviously, a majority of the electorate, because that is why we are here and they are there. (*Interjection by Hon. P R Caruana*)

The reason that I got up to answer the question was because I said that – (*Interjection by Hon. P R Caruana*)

Mr Speaker: Order! Order!

Hon. Chief Minister: – the hon. Gentleman asked a question of the Government and not of the Minister.

He misrepresents what I said a moment ago, and that is how we get ourselves into lengthy debates. I would ask that, given that they are going to have, not two or three chances a year to hold the Government to scrutiny – they are going to have 10, 11 or 12 sessions a year to hold the Government to scrutiny – he should simply not misrepresent the things that we are saying, because otherwise Question Time becomes extended into a slinging match, which is not what the public are interested in.

Two Members: Hear, hear.

Hon. P R Caruana: Mr Speaker, first of all, the hon. Member does *not* have the confidence of the majority of the electorate; he has the confidence of a minority of the electorate –

A Member: More than you!

Hon. P R Caruana: – a fact that he should not forget.

Secondly, Mr Speaker, we on this side of this House will not accept the mantra that he appears to be trying to establish, which is that the frequency of the opportunity that we get to ask questions in this House degrades the quality of the Government's obligation to provide information in this parliament and to answer questions, and we will challenge in this House, as frequently as possible, waffly answers like that, which are just designed to deny questions to this House.

Mr Speaker, I cannot have misrepresented anything that he said, because I was not into my second sentence before he had interrupted me with an alleged point of order, (*Interjection*) which Mr Speaker was perfectly happy to allow, which was just a pretext to repeat the waffle that he had just served up immediately before already.

Mr Speaker, the question was this: does it not strike the Hon. Chief Minister as odd that the Chief Executive of the Gibraltar Regulatory Office should have advised his Minister that he cannot provide details of applications to this House precisely because – does he not think it odd, *precisely because* – as he has just said, these applications are considered in public? Why does the hon. Member think that there should be a data protection issue and that the GRA would have advised the Minister that he cannot provide information to this House and the very next thing that the Chief Minister says in this House is that it is in the public domain because he could have gone to hear it *live* in the Commission.

Mr Speaker, it is not appropriate that the hon. Members should deny to this Opposition in this House information of the type that they felt free, justified and entitled to ask when they were in Opposition and which we *gave* them when we were in Government, and therefore, Mr Speaker, I ask the hon. Member to reconsider his answer to the question, which is that when the Opposition asks for information about matters that are before these decision-making tribunals, they should give it to us as we used to give it to them for the benefit of Parliament, and that, therefore, Mr Speaker, the question of frequency of Parliament meetings is not germane to that question.

Hon. Chief Minister: Mr Speaker, there is no point in taking each other on, expressing that what one is saying is waffle and what the other is saying is waffle, because let me assure him that if he thinks I am talking waffle, there are no words which are parliamentary enough for me to describe the sort of things that he says. That is first.

Second, our recollection on this side of this House is that we never used to get information relating to what was before tribunals. In any event, if there is an interest in the hon. Gentleman obtaining this information, he can turn up, as he rightly says, to the Commission and hear what is going on at those hearings. (*Interjection by Hon. P R Caruana*) In any event, Mr Speaker, information which is public should not be asked about.

Mr Speaker, the position is actually not about *any of that*, because the hon. Gentleman is trying to avoid the principal point, which is that we have advice from somebody who is responsible for data protection, who tells us that we should not be providing the information and he is the person responsible for determining what is or is not to be provided in terms of data protection, so we rely on that answer. The hon. Gentleman can write to the Gibraltar Regulatory Authority and ask them to change their advice to the Government, if he wishes to.

Hon. P R Caruana: Mr Speaker, have I correctly understood his answer, therefore, to be that if I want the information it is available if I bother to turn up in person to the tribunal, but that this Parliament *cannot* have it on the basis of some pretext relating to the Data Protection Act, which apparently does not apply to the people in the public gallery of the tribunal or the hearing? It is an *incredible, unbelievable* answer, which this side of the House does not accept as to its accuracy. (*Interjections*)

Hon. Chief Minister: Mr Speaker, how *dare* the Hon. the Leader of the Opposition say that something that the Government is saying is a pretext?

Hon. P R Caruana: Yes, it is.

Hon. Chief Minister: We are saying clearly to him and to the community that we have taken advice on the issue, that the advice from the person responsible is that we should not disclose the information, that there is no secrecy agenda, that he can turn up to a tribunal and hear what is going on.

Well, Mr Speaker, if he does not like it, it is *his* data protection law that we are relying on, it is *his* Data Protection Commissioner that is giving us the advice, because all of these laws... and this particular individual was appointed in his time and we have no difficulty with that. We are simply seeking to act in accordance with advice that we have been provided.

But, of course, the hon. Gentleman needs to try as hard as possible to denigrate the absolute and complete transparency that this Government has brought to politics in Gibraltar. (*Applause and banging of desks*) He has to try, by a pretext, at every possible invitation to pretend that we are being more secretive than them. He has to pretend that what he could have done in the past 16 years with a flick of his pen, which was to call a meeting of this Parliament every month, means *nothing* in the context of openness, of transparency and of accountability, because we will not answer a question giving him a list of matters before a tribunal.

Well, Mr Speaker, I have told him before and I will tell him again: he seems to have plenty of time on his hands – he can go and sit in the Commission and make a list of the matters as they are called.

Hon. P R Caruana: Mr Speaker, what is becoming apparent to this side of the House, as indeed it is becoming apparent to much of Gibraltar, quite so recently after a General Election, is that the hon. Member's alleged commitment to transparency and open Government is *paper thin* and it is uttered with a forked tongue. (*Applause*) It actually does not materialise in public. It is froth. It is political mantra adopted for the purposes of *sounding* good, but then it does not actually get delivered in the practice. So I will denigrate the hon. Member's attitude for denying *this* Opposition information which was freely given to them by us when we were in Government, which they felt free to ask and did ask and we answered, and which we now ask from this side of the House, now that the boot is on the other foot, and they answer...

Can I ask the hon. Member whether the advice that is alleged to have been tendered to them by the Data Protection Commissioner was tendered spontaneously or was it *sought* by the Government?

Hon. Chief Minister: Mr Speaker, the only thing that is paper thin is the veneer that the hon. Gentleman sets up around his sour grapes at having lost the Election. The only froth that we see from this side of the House is the froth of the hon. Gentleman trying to continue to make himself relevant to the political debate in this town.

Mr Speaker, the only political mantra that bears any repeating, as far as the hon. Gentleman is concerned, is the political mantra of trying to denigrate a Government that is barely nine weeks into its job.

Mr Speaker, I will say to the hon. Gentleman, let him go into the *Hansards* and identify when this Opposition asked the question of the number of matters pending in the Transport Commission and they gave more information than they have been given today, because that is the premise on which he launches his questions. Let him find it and bring it to the House.

Hon. P R Caruana: No, Mr Speaker, that is not the premise of my question. The premise of my question is not specific to the Transport Commission. The premise of my questions has been generic, not specific, to asking about information on matters before statutory decision-making commissions and tribunals. Surely the Hon. Dr Garcia will remember his regular questions about matters considered and before the Development and Planning Commission. This House – all the Members that were in it in the past Parliament – will remember it.

But he has not answered my supplementary, which is: was the advice by the Chief Executive of the GRA sought or given? I armour him with my motives for asking that supplementary, and that is that, as far as I am aware, the very same Data Protection Commissioner never gave *spontaneous* advice to that effect, and therefore I have to assume that it was specifically sought. I am asking him was it specifically sought, the advice, or was it spontaneously tendered by the GRA without having been solicited by the Government.

Hon. Chief Minister: Mr Speaker, I am grateful that the hon. Gentleman has realised that he was careering fast towards a wall in insisting that they had asked questions about the Transport Commission before, when clearly they had not, and that he has turned just in time before the brakes failed.

Mr Speaker, as I understand it, in relation to the second part of the hon. Gentleman's speech, the advice was sought on the recommendation of a civil servant who saw the question and felt that it required such

advice, and therefore it was sought on the basis of the recommendation of a civil servant.

Hon. P R Caruana: And therefore it was sought by No. 6?

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Hon. Chief Minister: Mr Speaker, it was sought by the civil servant who was dealing with the issue for the Minister. You see, the days of control at No. 6 are a thing of the past.

860

**Yachting tourism in Gibraltar
Government policy**

Clerk: Question 118, the Hon. D J Bossino.

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Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port advise the House what the Government's policy is in relation to yachting tourism in Gibraltar?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

870

The Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, in line with other areas related to tourism, the Government's policy is to increase the visitor numbers, be they from visiting yachts or cruise ships or coming through the border or through the airport.

875

Government has been, since being elected into office, meeting stakeholders in order to formulate and eventually establish a detailed policy plan in order to achieve the objective of increasing tourist arrivals and therefore tourism-generated revenue for Gibraltar.

Of course, an increase in passenger numbers cannot happen without also considering the existing transport infrastructure, which the Government is also addressing equally by a similar process of engaging in an extensive process of dialogue and consultation with the relevant stakeholders in their field.

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At the same time, I am dealing with the Gibraltar Tourist Board and the relevant operators in that field to engage in devising – as I have already said in this House now, I believe, on three occasions – a global and holistic tourism policy.

885

SPORTS, CULTURE, HERITAGE AND YOUTH

**City Fire Brigade
Commencement of new Fire Station**

890

Clerk: Question 119, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. the Minister for the Fire Brigade state when the full audit of the City Fire Brigade will commence and how long does he envisage it will take?

895

Clerk: Question 119.

Mr Speaker: Wrong Question – 119. I think the hon. Lady has missed Question 119.

900

Clerk: Question 119.

Hon. Mrs I M Ellul-Hammond: My apologies, Mr Speaker.

Mr Speaker, can the Hon. the Minister for the Fire Brigade state when the Government will be commencing work on a new fire station and where?

905

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, I will answer this Question together with Question 120/2012.

910

**City Fire Brigade
Commencement and length of audit**

915 **Clerk:** Question 120.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the hon. the Minister for the Fire Brigade state when the full audit of the City Fire Brigade will commence and how long does he envisage it will take?

920 **Clerk:** Answer, the hon. the Minister for Sport, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, it is not known how long the audit review of the City Fire Brigade will take, but it will definitely commence before 9th March 2012.

925 Following the completion of the full audit review, Government will be in a better position to consider the specific requirements for the new fire station and advice on where it should best be located.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister advise who will be conducting the audit?

930 **Hon. S E Linares:** Mr Speaker, the Chief Fire Officer is currently looking at two forces: one from Scotland and one from the Home Office. Once we have established the connections and contact with them and given them the remit, we will decide which force will actually do the audit.

935 **Hon. Mrs I M Ellul-Hammond:** So, Mr Speaker, can the Minister give us an indication on how much the audit could cost us?

Hon. S E Linares: No, not at this stage, because we do not know how long it will take and what the length and the extent of the audit is, so we cannot at this stage, no.

940 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, in relation to the location of the new fire station, seeing that in the Government's manifesto, you state that, within three months of your election as a Government, you will commence work on a new fire station as a priority, does the Hon. Minister have an idea as to where the new fire station would be located?

945 **Hon. S E Linares:** Mr Speaker, the manifesto states that we will be conducting the review within three months, not the fire station – the commencement of work on the fire station. But be that as it may, we are expecting that, after the review, we will be in a better position, like I answered in my question, and that will include locations, because these experts come and do the review, they could also help us in giving us advice on where the best location would be.

950

**25-metre swimming pool
Details of temporary closure**

955 **Clerk:** Question 121, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Sports and Leisure provide details of the occurrences which led to the temporary closure of the 25-metre swimming pool on Saturday, 4th February, with details of the remedial works required to be carried out and estimated timescales of completion?

960

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

965 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the ducts for the humidifier at the 25-metre swimming pool which had not been working for more than six years collapsed into the spectator stand some time during the night of 3rd and early morning of 4th February. Had this happened during the day, it would have caused a catastrophe.

970 When the workers arrived in the morning to open the premises, they realised what had happened and obviously closed the pool to the swimmers and the public. The emergency section of the GJBS was subsequently called upon to remove all debris from the stands area, the poolside and the pool itself. Instructions were further given to remove all the ducts that had remained attached to the ceiling of the pool.

975 A Health and Safety inspection and a structural survey of the ceiling was conducted by officers of the Government Technical Services Department on Monday 6th/Tuesday 7th. On Tuesday, an air quality inspection was carried out by two of our senior officers from the Environmental Agency. On Wednesday, a further structural survey was conducted and some minor repairs to tiles and doors were done to satisfy the Health and Safety officer. The pool was reopened to the swimmers and the public by Thursday.

Hon. E J Reyes: Mr Speaker, would it possible at this stage to have an idea of the estimated costs involved now in carrying out those remedial works that were undertaken?

980 **Hon. S E Linares:** No, they have not sent the invoice yet.

985 **Culture and Heritage Agency**
Number of employees

Clerk: Question 122, the Hon. E J Reyes.

990 **Hon. E J Reyes:** Mr Speaker, can Government state how many persons are currently employed by the Culture and Heritage Agency, giving a breakdown by grade, sex, nationality and department?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

995 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the current information the hon. Member is seeking is the same as existed before 8th December 2011 and therefore I pass the information in this schedule (*on the following page*).

1000 **Hon. E J Reyes:** Mr Speaker, in thanking the hon. Member for this information, I was rather surprised that, at the last meeting, I sought this information through a written question, and the reply I got was that the Government was not yet in a position to provide the information, and yet the Minister now says that there has been absolutely no change from last time.

Could the Minister explain why the information was not available last time round?

1005 **Hon. S E Linares:** Yes, Mr Speaker. Very simply, because when I got the Culture and Heritage Agency, the whole Agency was a mess, quite frankly. There were people from all GDCs, civil servants, private companies, all bunged into a last-minute signing off of these posts, so it has taken a little bit of time, and I was not at the moment in a position to give the hon. Member the information.

1010 Now I have gathered that information. We are still trying to reorganise and reschedule the whole of the Culture and Heritage Agency. We are still doing that.

But, as it currently stands – and the question was ‘currently’ – that is the information which I have given him, which has existed even before 8th December.

ANSWER TO QUESTION 122 OF 2012						
GIBRALTAR CULTURE & HERITAGE AGENCY EMPLOYEES						
TITLE	FIRST NAME	SURNAME	DEPARTMENT	GRADE	GENDER	NATIONALITY
Mr	Carl	Viagas	Culture/Heritage	CEO	M	BRITISH
Mr	Joseph	Brown	Culture	Technical G2	M	BRITISH
Mrs	Angela	Bula	Culture	Grade 4	F	BRITISH
Mr	Seamus	Byrne	Culture	Grade 4	M	BRITISH
Mr	John	Capurro	Culture	Grade 1	M	BRITISH
Mrs	Diana	Cavilla	Culture	Grade 1	F	BRITISH
Mrs	Doris	Gaduzo	Culture	Grade 1	F	BRITISH
Ms	Yolanda	Plicher	Culture	Grade 4	F	BRITISH
Mrs	Yvonne	Richardson	Culture	Grade 1	F	BRITISH
Mr	Victor	Soiza	Culture	Technical G3	M	BRITISH
Mrs	Beryl	Zammit	Culture	Grade 1	F	BRITISH
Ms	Yvette	Zarb	Culture	Grade 6	F	BRITISH
Dr	Jennifer	Baillantine Perera	Culture/Garrison	Grade 5	F	BRITISH
Ms	Jade	Anes	Heritage	Grade 1	F	BRITISH
Dr	Darren	Fa	Heritage	Grade 5	M	BRITISH
Dr	Geraldine	Finlayson	Heritage	Grade 6	F	BRITISH
Prof	Clive	Finlayson	Heritage	Grade 6	M	BRITISH
Mr	Stewart	Finlayson	Heritage	Grade 3	M	BRITISH
Ms	Sylvia	Mifsud	Heritage	Grade 1	F	BRITISH
Mrs	Alicia	Montado	Heritage	Grade 1	F	SPANISH
Mrs	Mane	Mosquera	Heritage	Grade 3	F	BRITISH
Mrs	Annabelle	Revagliatte	Heritage	Grade 2	F	BRITISH

1015 **Hon. E J Reyes:** Mr Speaker, I am a bit surprised with that because, before 8th December, all these persons were already registered at the Ministry of Employment as actually pertaining to the Agency, so at least that basic information should have been quite easily available, given the few days' notice that we gave for the question.

Am I correct in now interpreting what the Minister is saying, that he now intends to review further the structure and the employees to be working from within the Agency?

1020 **Hon. J J Bossano:** Mr Speaker, I think the hon. Member has been misinformed as to the registration of the changes. We are now, in the Employment Service, catching up with a backlog of something like a year, with the Health Authority, of jobs that are no longer there and jobs that have been filled where the records of the Employment Service have never been updated, and that is true of almost all the authorities and all the agencies.

1025 So the information that all were registered with the ETB is not correct.

Hon. E J Reyes: Mr Speaker, can the Hon. Minister now answer the second part of my question, which was, am I correct in interpreting from what he was saying, that he intends to carry out a review and modifications on the number and rate of employees within the Agency?

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Hon. S E Linares: Yes, sir.

Hon. E J Reyes: And, Mr Speaker, does he have any idea when this exercise will be carried out and by when it will be completed?

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Hon. S E Linares: Ongoing.

Hon. E J Reyes: It may be ongoing, Mr Speaker – I have asked does he have any idea by when it will be completed?

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Hon. S E Linares: No, sir.

ENTERPRISE, TRAINING AND EMPLOYMENT

**Widows' and Orphans' Pension Scheme
Selective voluntary reactivation for civil servants**

1045

Clerk: Question 123, the Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, has the Government informed certain civil servants that the Widows' and Orphans' Pension Scheme has been reactivated on a voluntary basis?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

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Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, I will answer this question with Question 124.

1060

**Widows' and Orphans' Pension Scheme
Retired civil servants able to opt back in**

Clerk: Question 124.

1065

Hon. J J Netto: Mr Speaker, has the Government introduced a scheme for retired civil servants who opted out of the Widows' and Orphans' Pension Scheme to opt back in again?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

1070

Minister for Enterprise, Training and Employment (Hon. J J Bossano): No, Mr Speaker. Once any necessary amendments to the Civil Service Widows' and Orphans' Act have been made, those eligible will be informed.

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Hon. J J Netto: Therefore, Mr Speaker, when the hon. Members opposite in their manifesto stated, and I quote:

'The Widows' and Orphans' Pension Scheme will *immediately* be reactivated on a voluntary basis for serving civil servants'

was it just a political comment at the time of the election?

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Hon. J J Bossano: Well, Mr Speaker, it was no more than when they put in their manifesto that a new scheme had been introduced to provide for orphans and widows which, in fact, has not happened. They put in their manifesto that they had already introduced a new replacement scheme, and they *had not* introduced it and they were not telling the truth in their manifesto.

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The reality of it is that the immediate provision of the previous WOPS which dates back to 1958 was made on the assumption that we did not need to change any legislation, in order to provide it. There is no evidence that there is a requirement to do this in terms of meeting a demand – that is to say, the position is, if the hon. Member remembers, that when I asked the question about giving people the opportunity to opt back in, the answer that his Government gave me a number of years ago was that there was no evidence that civil servants, in fact, wanted to go back to the old WOPS and that when we had the last debate, the hon. Members opposite at the time, on this side, thought that there was nobody left in the Civil Service, we discovered that there was one person left who was the Clerk of the House.

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We are going to do it, simply to make it available, but not because we expect to see anybody actually turning up with the desire to re-enter. I can tell him that the commitment is to go back to the original provisions, which is that people would have to pay 1.5% of their salary and, going on the basis of what was there in 1958, they would have to pay the arrears for all the years that they have not paid, and that those arrears would have to be paid with 3% interest.

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The feedback that I have had recently is that, as a result of 100% commutation, there are many people who think they will be better off by commuting, because then they will be able to invest that money and have the *entire* amount of money available for their estate and for their widows.

So, we are going to do it, because we promised that we would do it, but not because we expect there is going to be any take-up.

Hon. J J Netto: The fact is that he will confirm that it was a political con, because the manifesto actually said it would be done immediately. Three months in Government, you have not done it. You promised something to buy votes from the Civil Service and you have not delivered. That is the fact.

So can I ask, Mr Speaker, given that he has confirmed that it was a political con (*Interjection*), given that it was him as Chief Minister, when he actually stopped the Widows' and Orphans' Pension Scheme back in 1989, and as a result since then, there have been many civil servants who have gone into employment and now have been in employment all throughout this time, how is it going to work for those particular civil servants to recuperate a number of years for which they have not been able to contribute towards this fund?

Hon. J J Bossano: Mr Speaker, if we conned the electorate by promising something that apparently nobody wants, then I have to tell him the con that he perpetrated was even bigger, because he actually went with a manifesto saying he had introduced something that had not been introduced. Apparently, it is perfectly alright for him to go and tell people that the Government has already introduced a Widows' and Orphans' Scheme, which in fact was not introduced, was offered to the civil servants, was rejected by the civil servants. It is not there: they were lying in the manifesto when they said they had done it. They had not done it!

We promised to do it on the basis that there had been representations made to us by retired civil servants and therefore we were committed to do it. I have already told him, as far as we are concerned, when it would be done and the law is changed it will be available with effect from 9th December or available from the day the guy entered because, at the end of the day, what we are saying is that anybody that opted out, or anybody that joined and did not opt in, would be able to opt in. But the hon. Member seems to have forgotten that, for years, they were saying that there was no interest in the scheme, and he seems to be now telling me that we won the election on the basis of offering something that we have not done in the first nine weeks but that we intend to do.

Hon. J J Netto: Which you said 'immediately'.

Hon. J J Bossano: Yes, and he said he had *already* done it, Mr Speaker! So I said 'immediately' and I have not done it, (*Interjections*) and he said 'done it already' and he was lying even during the Election! (*Interjections*)

He can only accuse me of not being 100% able to deliver the commitment in nine weeks. He actually lied before the Election by telling people that he had already done something.

Mr Speaker: Order! Order! Order!

I don't want to interrupt the Minister, but he used the word 'lying' earlier on, and you said 'lying' – (*Interjections*)

Hon. J J Bossano: I am not saying he lied himself, Mr Speaker; I am saying the manifesto on which he fought the election contained a lie, which was that something had been introduced which was not introduced. Now if he thinks it is such a horrendous crime for me not yet to have done in nine weeks what I said I would do immediately, even though it will have no effect, because there is nobody who has retired in those nine weeks who will not be able to opt in, because people will be able to opt in, if they are in service or they will be able to opt in if they are retired. So if somebody has retired in those nine weeks and wants to come and join WOPS, he will still be able to do it. The guys are still alive! Nobody has died in these nine weeks and therefore there are no widows and orphans that have been left high and dry!

So the reality is the hon. Member is trying to make a big issue of something that is not a big issue because, as happened in his time, there is no evidence that anybody, when we do it, is actually going to take it up. We are going to do it, because we said that we would do it, not because we think there is a huge demand – or *any demand at all* for that matter, and I have told him that, in fact, what I have done – which was also in the manifesto, although not spelled out – is that we have introduced the opportunity for civil servants to commute

not just 25% of their pension but 100%, and that by commuting 100%, the feedback I have had is that, in fact, people think that that is a better alternative than the WOPS because they do not have to pay anything; they will be able to get a lump sum and therefore if they can get a reasonable return on that lump sum, it may be less than their pension, but if something happens to them, you know the whole of the estate, the whole of the value of their years of service will be available to their widows or their children.

So the fact is that we have put something already in place which probably is better than the WOPS, but we are still going to do the WOPS.

Clerk: Question 1–

Hon. J J Netto: Just one more further supplementary.

The Hon. Minister did actually say that he intends to bring about changes to the legislation. Can the Minister indicate by when he thinks he will be in a position to bring those particular amendments to the legislation?

Hon. J J Bossano: Well, I cannot tell you, because I do not know how long the people who draft these things take to draft them. They seem to be taking an inordinate length of time for some of the things that I thought could be done almost overnight! So it seems to take long – *(Laughter)*

Hon. P R Caruana: Five minutes! If only it could be done in five minutes! *(Laughter)*

Hon. J J Bossano: I thought it could be done in 24 hours! *(Laughter and interjections)* I thought it could be done in 24 hours, because I did not think there was a need to change the law! *(Interjections)* And I simply did not think the law draftsman would take so long to do things that appear to me to be quite simple and straight forward! So I cannot give him a date.

But I can assure him that nobody will actually be prejudiced if it takes longer than I would wish it to take, because there is no evidence that people are queuing up to make use of this.

Hon. P R Caruana: Mr Speaker, I think I heard the hon. Member correctly to say that he was reintroducing, in effect, the old WOPS on a voluntary basis, and I will not refer to his comments about our manifesto – not just in our manifesto; the hon. Member will recall that it was in my Budget speech last year, the introduction of the Spouses' and Dependents' Scheme and that, indeed, the legislation was going to be retrospective to the Budget, but for the same reason, there was just not enough legislative opportunity.

But that brings me to my supplementary, which is, in restoring the WOPS – and it remains to be seen whether there is demand for it or not – obviously, some people thought it sensible, even when there was a commutation opportunity – would the hon. Member at least consider one aspect of our proposed alternative Spouses' Scheme, which is to eliminate the discrimination on the grounds of sex? In other words, why should the taxpayer make provision for the surviving spouse of a male civil servant, but not for the surviving spouse of a female civil servant? That is why we changed from 'widows' to 'spouses' on the basis that, otherwise, this was just a facility available to surviving women, but not to surviving men. I do not think it would be too difficult – particularly if the hon. Member thinks that there is not going to be a huge take-up of this – to go that modern, if I could put it that way, in this area, and just make it on a spouses', rather than a widows' basis.

Hon. J J Bossano: Yes, Mr Speaker, I am grateful to the hon. Member for bringing that to my attention, and I will bring it to the attention of the draftsman.

Hon. P R Caruana: And when he said he was restoring the scheme, has he considered the position of civil servants who have retired already? Will they get the opportunity to pay their arrears, or does he have it in his mind that it would apply only to serving civil servants?

And then, if he goes to existing civil servants, then he has got the question of the surviving widows of deceased civil servants. These are the sorts of issues that we grappled with, when we were aligning... and I am sure he will have to grapple with it, too.

So has he given any thought to whether he would extend at least to retired civil servants who may still be alive?

Hon. J J Bossano: Yes, Mr Speaker.

1210 I answered two questions together and the answer that I gave applied to both categories. There was a question about the current and the retired and I gave one answer to both, on the basis that I am looking at what needs to be done for both – those in service and those who have left. I think what the Government proposed was not implemented, not just because of lack of logistics this time, but because, in fact, it was not found acceptable. So you know, we are committed to what was there before. If, in fact, the proposals of the Government intended to introduce, but were not introduced, had not been done because of lack of time, but had been found acceptable, we would have honoured those, but since they were not accepted –

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Hon. P R Caruana: Could I just add, is the hon. Member aware that what I announced in my Budget speech were not *proposals*; they had been proposals at the time of the Strategic Agreement negotiation with the unions? That agreement was voted down, as he knows. Some of the elements in it were a matter of Government policy and, therefore, in my Budget, I said notwithstanding the agreement, three or four elements of the aborted agreement, was the matter of Government policy going to be approached? The Government does not need the unions' agreement to offer a facility to its employees. Anybody who did not like did not have to take it up, as it was not compulsory.

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1225 So we announced that we were pressing ahead. It was not 'not done' because the unions' agreement was not available – I think the union were quite content with that. At least, they never expressed discontent.

Mr Speaker: Question then, the Hon. Daniel Feetham.

1230 **Hon. D A Feetham:** Yes, can I ask the hon. Gentleman – I think I know the answer – but can he confirm that the intention in relation to the Widows' and Orphans' Pension Scheme is to make it applicable only to, effectively, civil servants in the defined benefits scheme and not in relation to the Provident Fund No 2 – the defined contributions – because, of course, the idea was when it was first introduced by the hon. Gentleman that anybody with a contributory pension, obviously, has a fund that their widows would be able to rely upon in case of the husband being deceased. Is that the position?

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Hon. J J Bossano: Yes, the position is that the people for whom the fund was originally... the provisions of the WOPS was originally available were the people of the final salary scheme where, once the pensioner died – and in some very tragic cases it happened very quickly, immediately after retirement – there was a whole life investment which was lost and this was intended to provide that safety net for the widow.

1240 I think with both the new Superannuation Fund, which can go up to 25% per annum of the salary, and the ones that were already in existence – the No 2 Provident Fund – in those cases there is a cash sum which can be very substantial, and therefore the need to supplement the pension, because the pension is personal to the holder, as it were – it does not really arise in the same way.

1245 **Hon. D A Feetham:** But, of course, now that the hon. Gentleman has also said that, in relation to civil servants, they will be able to commute 100% of their pensions, the distinction, which I understood, is irrelevant, because the civil servant will be able to obtain 100% of their pensions and the Provident Fund No 2 or the Guaranteed Superannuation Fund, they will have a final salary existence.

1250 Does he not think that, therefore, it is slightly illogical for the Government to just make this available in relation to only civil servants, when that distinction really has been blurred by the changes that the hon. Gentleman has indicated the Government will make today?

1255 **Hon. J J Bossano:** No, because, in fact, as I have said in my original answer, I would not think that there is any interest or demand for this, partly because the alternative is better. That is to say, if somebody is able to leave £100 million to their widow, why would they want to be spending 1.5% of their income every year?

So I have made it very clear that this is not being provided as something for civil servants because we think the civil servants require it or want it. We are doing it because we said we would do it, but we do not expect that there will be a demand. If we find that there are people who want to pay that on top of paying to be in the Provident Fund, we will consider opening it, but I think once we move in this direction and have it available, we will see what interest there is.

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We have got no problem with making it available to more people because the whole thing is funded by the contributor, not by the Government. The Government does not put any money into this.

Hon. D A Feetham: The hon. Gentleman has just simply, in the answer he has given, proved the point that I was making in the question: that really, given that the civil servants are being allowed to commute 100% of their pensions as a lump sum, the rationale for introducing a Widows' and Orphans' Pension Scheme in the first place really will not exist, because those civil servants...

But anyway, Mr Speaker, does the hon. Gentleman know, on average, how many civil servants have retired over the last four years?

Hon. J J Bossano: I do not know on average how many have retired. I know, from the questions that I have asked the previous Government, that the average is about 150. So that would have been about 600 in four years.

Hon. D A Feetham: Has he also done the calculations in relation to, say, for example, a civil servant who retires on a final salary of £30,000, how much the Government has to pay in relation to the commuting of 100% pension – the allowing of the civil servant to take 100% of their pension as a lump sum? Has he done those kinds of figures, in order to determine what kind of liability the Government is exposing itself in relation to retiring civil servants for the next four years, for example?

Hon. J J Bossano: Well, Mr Speaker, I would not call it a liability – what we have done is what we think is the right thing to do, which is to give them the same opportunity to convert their pension into a lump sum that is going to be included in the new superannuation fund and is already there in the others. We believe that they should have that choice and that they should be given that choice.

We have not calculated and we cannot calculate because in fact so far, nobody has asked for more than 25% commutation. We will have to see how many people want it.

Hon. D A Feetham: Well, 25% commutation, of course, because those are the existing rules and you have only been in office for two and a half months. (*Interjection*) But surely, the hon. Gentleman and the Government must have given some thought as to the bill that the Government is going to be picking up over the next four years by actually agreeing to pay 100% commutation of civil servants' pensions up front. That was not the position so far. Now, have you given any thought at all to that?

Hon. J J Bossano: I mean, I don't know, Mr Speaker, whether the questions in Parliament which require me to produce information also require that I have to share with the hon. Members opposite what I think, the things I have given thought to or not given thought to.

I can tell him that I am satisfied that if every civil servant decides to commute, the costs can be met.

Hon. D A Feetham: Is the hon. Gentleman aware that, for example, in relation to a civil servant that retires on a final salary of £30,000, the Government is actually looking at a bill of £600,000. Is he aware of that? Just one civil servant.

Hon. J J Bossano: What I am aware of is the fact that the hon. Member is against this policy.

Hon. D A Feetham: No. I have not said that. I am asking questions of the Government as to whether they have given sufficient thought to this particular policy and I am quite entitled to do that because of course... Is it the position of the Government that if it is going to be paying commutation of pensions, over £½ million for 20 civil servants every single year for the next four years...

Does he not accept that, in the light of that, that their arguments in relation to public finances simply do not stand up to closer scrutiny and the public finances of Gibraltar cannot possibly be as bad as the hon. Gentleman and the Government opposite claim to be when, in fact, you are agreeing to provide and pay this amount of money to civil servants up front.

Hon. J J Bossano: The answer is that I do not accept anything he has said and that he is wrong in thinking that the cost will be what he claims the cost will be or that there will be a difficulty in financing it. There is a method of financing which will not produce the result that the hon. Member thinks. The fact that he does not know how to do it, that is his misfortune. I am not here to explain to him how these things are going to be done.

I can tell him that it can be done and that if everyone wants to take it up it will be done in a way that does not produce the results that he claims.

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Hon. P R Caruana: Mr Speaker, is the hon. Member able to confirm whether, in respect of existing civil servants to which I have understood he is going to make this facility of 100% commutation available, the commutation calculation will be on the same basis as they can presently commute part of their pension? In other words, the pension is calculated, and that this is not... the hon. Member is not planning some sort of net present value of a future annual entitlement.

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If it is as I am assuming it is – subject to what he may tell me when he gets up – if it is a simple extension, in percentage terms, of the present permissible commutation, would the hon. Member agree with me that, on the assumption that – which is an assumption – but on the assumption which he believes to be likely to happen, that all civil servants opt for this, the actual cost of it can be relatively easily calculated because, if we know the number of civil servants that retire, we know roughly what the annual cost is of gratuities – which is just another word for the permissible degree of commutation at present – and we just increase that to 100% we know by what factor the present gratuity bill would increase in any year, assuming that there isn't an odd year here or there? It seems to be more or less static, so that the hon. Member has a pretty good idea of how much it would be and that it could be very considerable indeed.

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In other words, if he takes the present commutation bill he can extrapolate, by increasing the percentage of permissible commutation what the per annum, in capital cost, if I could call it that, would be. Although I know that he likes to do financial striptease acts, I just do not see how, for existing civil servants – for *existing* civil servants – I can see how, in the future, the Government make an arrangement of creating a fund to fund this, but for existing civil servants I have to admit that I have to join my friend the Hon. Daniel Feetham in the crowd of people who do not see how this could be funded by anybody other than the Government in respect of existing civil servants. I mean, for example, if there is a civil servant who retires the day after he announces this policy, he implements this policy, the cost of *his* 100% commuted policy can only be funded by the Government and not by anybody else.

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[Technical interruption]

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Hon. J J Bossano: I can confirm that there is no change in the methodology of calculating the commutation. That is to say we have already, we have already changed the regulation so that it is already the case that there is no longer 25% in whatever the regulation is and it now says 100% and I can tell him that there *is* a way of doing it that will not have the result that he predicts and that he will see that when he sees the estimates.

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[Technical interruption]

**Social Security Old Age Pension
Equalisation at 60 for men and women**

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Clerk: Question 125.

Hon J J Netto: Mr Speaker, when will the Government be able to pay the Social Security Old Age Pension at 60 for men and women?

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Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment. Question 125.

Minister for Enterprise, Training & Employment (Hon. J J Bossano): Mr Speaker, the Government expects to pay the Social Security Pension at the age of 60 for men and women when it becomes compulsory under EU law – before 2020.

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Hon J J Netto: Does the Government have any indication whatsoever when they *intend* to do it, given that it is their policy?

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Hon. J J Bossano: Mr Speaker, the policy is to introduce a new pension scheme on 1st July, and that new pension scheme on 1st July, because it is a new pension scheme under EU law, will have to provide for the

people that joined that new one to be eligible when they are 60.

1375 **Hon J J Netto:** Could I ask whether what he is actually saying is that European legislation specifically states that the equalisation has to be at 60 or is it that the European legislation specifies that individual Member States can exercise a level of equality at whatever age they see is fit to do it for that particular jurisdiction?

1380 **Hon. J J Bossano:** The hon. Member is correct in saying what is required is equalisation and therefore it would be possible to meet the EU law by increasing the age of retirement for women, and making them both 65, or by doing what some people have done which is to do it at 63 and bring the men down 2 years and put the women up 3 years. The policy which we announced many years ago, to which we still subscribe, is that the equalisation be done at 60.

1385 **Hon J J Netto:** So I take it, then, that the view that the Government takes is that they will equalise at the age of 60 whenever they are told by the European Union we have to equalise and therefore we will equalise at 60 – which is sometime... you mentioned... sorry?
2020

1390 **Hon J J Netto:** 2020, so I suppose it is quite far away from now? That's alright

Hon. J J Bossano: Okay, thank you.

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**DSS monthly expenditure reports to Financial Secretary
Availability from September 2011**

1400 **Clerk:** Question 126, the Hon J J Netto.
[Technical interruption]

1405 **Hon. J J Netto:** Mr Speaker, is the Government now in a position, following their rethink of last month, to provide a copy of the monthly expenditure returns report from the Department of Social Security to the Financial Secretary commencing from September 2011 to date.

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

1410 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker the Government has decided that they will not be providing this information.

Hon. J J Netto: Mr Speaker, can I ask on what basis?

1415 **Hon J J Bossano:** Well, on the basis that, as far as the Government is concerned, this is information that is required for the controlling officers to do their job and transmit that information to the Financial Secretary.

1420 Ministers are not getting this information, have not been offered it and are not seeking it. When I used to ask for information on the progress of Government revenue and expenditure – I used to ask for it once every 6 months. – I only asked for heads of expenditure. I did not ask for sub-heads and the hon. Member opposite used to tell me I would have to wait a couple of months to get it, and I did. So I think it is not a reasonable thing to produce, basically, the equivalent of the estimates book with every single sub-head every month. We are not seeking this for ourselves: we think it is a job for the controlling officer and for the officials, not for the politicians.

1425 **Hon. J J Netto:** Well, Mr Speaker I have to say that is a very poor excuse for not giving information. I mean the fact that it is a report being done by the controlling officer to the Financial Secretary, right, that doesn't mean that all of us in this legislature, we are not participants of the whole process, because we are the ones in fact who have to vote for the Appropriation Bill right? The fact of the matter is that this is a report that

costs no effort whatsoever to pass a copy to other Members of the Opposition. The extent of the effort that is required is that when the Executive Officer has to print 2 copies – one for the Department and one for the Financial Secretary, the Executive Officer will print a 3rd copy, put it into an envelope and pass it to the Member of the Opposition. So it requires no effort whatsoever, so the hon. Member cannot say that this will produce some kind of disproportionate amount of effort in being able to produce it. It is being done systematically every month and all that is required is sending one extra copy to the printers. He is just being difficult in not passing information. It is the classic attitude that the Members have of not being transparent, particularly him, it is the philosophy of I only have the information, and I am going to be damned if anybody else is going to have the information. It is simply his typical character of not allowing people to be given in this Parliament necessary information and the Chief Minister actually should tell the Minister for Employment that if he wants to take credit for transparency this is the place where he should do it.

Mr Speaker: There is no question there.

Hon J J Bossano: Notwithstanding the fact that he has not asked me anything, Mr Speaker, *(Laughter)* I have to tell him that if he attaches so much importance to this, for 15 years they haven't done it! They haven't volunteered to provide all this information to the people of the Parliament for 15 years. I don't think it is *desirable* for every single month and every single penny and every single change in this book to be made public. We are not seeking it for ourselves. We are not asking for it and therefore it is something that was introduced by the previous administration, apparently, which certainly did not exist in 1996. Therefore, if the hon. Member thinks it is now desirable to do it, if he ever gets re-elected he can volunteer to do it.

We have taken the policy decision on this, and this is the policy decision, but I need to remind him that, in my original answer, I pointed out that I used to be satisfied with much less than he is asking – I asked once a year for total heads of revenue and expenditure to be provided to me and, when I asked for it in October or November, I usually got told that I had to wait until December because that is how long it took to put the information together. From what he is telling me, what I was being told in the House, it was not true – it was readily available all the time, at the end of each month in much more detail than I was asking!

Hon. P R Caruana: Mr Speaker, I am sure the hon. Member would agree with me that the right of this Parliament to information, and a right to ask for information, it may or may not be mirrored by their right to deny it to us. But our right to seek information is not curtailed or circumscribed by the information that they saw fit to ask for when *they* were on this side of the House. Had that been the case, then in 1996 there would not have been an explosion in the increase in information, compared to before. In other words, if every incoming Parl.. if every incoming Government were to say I won't provide you with information that I did not used to ask when I was in Opposition, and that went on and on and on, then there would never be any increase in the amount of information as we presided over.

But, in any event... so, Mr Speaker, we do reserve, on this side, the right to ask for information, whether they saw fit to ask for it before or whether, indeed, the Government spontaneously offered it before. The Government does not spontaneously offer information. But can I say, because the hon. Member said in his last answer that they had taken a policy decision that they did not think it appropriate for this information to be handed out monthly, would it assist the hon. Member in coming to a different conclusion if we were to ask for it less frequently than monthly, say quarterly or something like that.

I tell you what the purpose... I suppose why my colleague is seeking the information and, indeed, why we introduced the system in the first place – this was a means of allowing the Government and, therefore, Parliament to monitor the likelihood that a Department would overspend before the year end, if by, you know, calculating their monthly outgoings you could predict whether a Department would run out of voted funds before the end of the financial year, and this was a means of budgetary control.

Now, I can understand that the hon. Members may not want to give us that information monthly because, I don't know, any number of reasons I can think of that might create a rod for the giver's back. Would it help if it was asked for less frequently, say quarterly or something like that?

Hon J J Bossano: Mr Speaker, the issue is not the frequency with which the information is delivered but the degree of detail – because when he is talking about the value of this information in predicting the result, that is precisely what the information I sought from him was doing because, at the end of the day, if you have got a head of expenditure which has got expenditure of £20 million that is then broken down in to 200 sub-

heads, where one sub-head is going up and another is coming down, it is completely irrelevant to the prediction as to whether the £20 million that had been voted is going to be exceeded or not.

1485 When I used to ask him for the information at the end of September it was precisely to get an idea of whether the level of spending in the first 6 months of the year which he always used to remind me was no indication to the eventual outcome. He always preceded his answer to be by saying (*Interjection by Hon. P R Caruana*)

1490 **Mr Speaker:** Order! Order!

Hon J J Bossano: Well, the answer is not about being quarterly, it is the fact that you are asking not has the £20 million been spent in the first month or three months, or sixth months and therefore we are likely to overspend the 20 million but 'are you spending more on paper clips and less on rubber bands every month?' That level of detail is not about controlling over expenditure.

1495 If you want to know about controlling over expenditure then you ask whether the budget of the Department is likely to be exceeded and that simply requires the figure which we vote because, at the end of the day, as the hon. Member knows, when we vote a head of expenditure the Financial Secretary can, in any case, authorise movement from one sub-head to the other. But the ultimate figure that matters is the headline figure, it is the fact that you are asking for every single line of the book to be provided either monthly or quarterly... (*Interjections*)

1500 **Hon. J J Netto:** If the hon. Member would give way just a minute...

1505 Mr Speaker, the hon. Member seems to be giving the impression that the report I am seeking to have may contain 200/300 pages. The report I am seeking would have 10 pages of information.

Hon J J Bossano: No, that is not correct – it may only contain 10 pages in respect of the one he is asking me about the Department in which he used to be but if we do it for everybody – presumably he is not saying 'can I be the one that is given this information and don't give it to anyone else in the Opposition?' In each Department that is what he is asking for that Department. It means the whole book.

1510 Yes, it does, because when he waved that piece of paper at me at the last meeting of the House, I went back and asked to be given a copy of it because I had not seen it. Then what I saw was that, in fact, it was the change in the first month, with seven columns showing every single item in the sub-heads, how they had gone up and down, and now, if you do that for the whole book, it means you take the approved estimates voted by the House with every single sub-head and every single movement up and down and every single prediction based on every single movement, and that is seven more columns.

1515 That system, which *they* introduced to have an effective running total, the internal accounts of the Government... That is what he is asking for, the whole internal accounts of the Government. I remember, at one stage, the Hon. Leader of the Opposition, as Chief Minister, told me on one occasion about some information that I was asking for the Government... to give him a copy of everything that goes through the Treasury and the Accountant General. Well, that is exactly what is being requested now.

1520 It is something that we are not seeking because he might have had... I doubt that he had the time, frankly, to go through all this mass of figures when he was here, but certainly I cannot think of any of us that have got the time to even look at this thing, never mind scrutinise it on the basis to try and make some kind of political judgement as to whether too much money has been spent in one month, as opposed to the other.

1525 But, at the end of the day, the point that I make is that the argument about the control of public spending, which is the role of the Government and, indeed, the role of the Parliament, is met totally by the figure that you vote for the heads. So if you vote £20 million for Social Services and we are finding that we are spending more money on social assistance and less money on something else, at the end of the day that is all in the final figure. The estimates only need to be supplemented, either through a supplementary appropriation sub-head at the end of the estimate or by bringing a Supplementary Appropriation Bill. If the head is exceeded within that head, heads of department and controlling officers and the Financial Secretary have got the freedom that, if they overspend on one sub-head and they have got under-spending in another one, they can vire the money from one sub-head to the other and do it.

1530 So, the controlling of the Parliament and the controlling of the Government is on the basis that the overall budget and the budget per Department should be adhered to and be as close as possible to the approved estimate. We accept that that is the rule, but not that every time somebody says, 'Well, look, this month we

1540 have had a lot of people seeking supplementary benefit'... Well, if he asks about supplementary benefit, he gets the information, but we do not accept that it is desirable for either *us* to all be involved in doing all this figure work, or indeed for all that to be put in the public domain and open up the entire movement of every penny in and out of every Department on every item. It has never been done before. I do not expect it will ever be done. It never occurred to us to ask for it and I doubt very much whether they would volunteer to do it if they were ever back here.

1545 **Hon. P R Caruana:** Mr Speaker, if I am correctly understanding the hon. Member, his position is this – is it ?– the information *can* be provided and it is available, without the usual parliamentary reason of disproportionate administrative effort, but the Government does not consider it *appropriate* to give that information to the House, on the basis that they think it is too detailed, or too transient or too unforensic about anything that the House should be interested in?

1550 **Hon. J J Bossano:** It is as I have explained. What I can tell him is that the Government can provide him with more than he provided to us, in the sense that he thought asking for the figures more than once a year, on the totals for the six months, was asking for too much. We are happy to give him the totals every month,

1555 *[Technical interruption]*

but the detailed breakdowns he is asking for

[Technical interruption]

1560

The House recessed for 15 minutes from 11.00 a.m. to 11.15 a.m.

1565 **Clerk:** Mr Speaker.

Hon. J J Netto: Mr Speaker, just before we go on –

Clerk: We were on Question 126.

1570 **Mr Speaker:** Yes, the Minister for Employment was cut off in mid stream, with apologies. Do carry on.

The Minister for Enterprise, Training and Employment (Hon. J J Bossano): Well, I think the main stream has dried up! I will leave it where I left it.

1575 **Hon. J J Netto:** Mr Speaker, clearly the Government is not going to change its policy decision in providing me with a copy of the monthly report, no matter how reasonable my argument is.

1580 The fact is that the policy decision is only intended to silence me in my ability to ask questions to the Member opposite on matters of financial control in the Department of Social Security, which is a matter for which we all collectively have responsibility by voting the Appropriation Bill but, whatever the argument, he has decided he is not going to give me the information. He thinks he can silence me as a result of that.

1585 I think it is a sad day for Parliament. It is a sad day for democracy. It runs totally contrary to the image that the Chief Minister is trying to portray of transparency and, quite frankly, I have to tell the hon. Member that, whilst I cannot *force* him to give me the information, right, I will certainly continue in different ways to get the information.

Mr Speaker: One moment.

I must remind the Hon. Mr Netto that they have to be questions. One cannot end a mini-debate on a question, followed by supplementaries, with a parting shot of a statement. There has to be a question.

1590 The Hon. the Minister for Employment, do you want to say anything?
We move on to the next Question.

**Disability Allowance
Withdrawal from those entering employment**

1595 **Clerk:** Question 127, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, when does the Minister for Social Security and Employment intend to withdraw the Disability Allowance from disabled persons who are in employment, in accordance with their GSLP/Liberal manifesto?

1600 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Can I just point out to the hon. Member that he is misquoting the GSLP/Liberal manifesto but, of course, it is not his manifesto, so he probably is entitled to say what he likes about it.

1605 The position is that, under the present administrative arrangements, that have been there for a very long time, a disabled person's Disability Allowance had until now been completely withdrawn when the disabled person commenced full-time employment. The Government intends to reduce the disabled person's Disability Allowance on a staggered basis, instead of all at once, and this will not commence until the second month in employment. So in the first month there will be no deduction from the Disability Allowance.

Hon. J J Netto: Mr Speaker, the hon. Member says I am misquoting the hon. Member. What the manifesto says is:

1615 'When disabled people in receipt of Disability Allowance start work, the Allowance will be withdrawn on a staggered basis.'

So, whether staggered or not staggered, you are saying – the people in the Government today were saying at the time that it was going to be withdrawn.

1620 That is what actually prompted my question.

My supplementary question, Mr Speaker, given that the hon. Member seems to be saying that it is going to be on a staggered basis, will this take into account the fact that, by doing such a process, some disabled people could be out of pocket, because some disabled people, by the nature of the disability, may have to either periodically buy certain equipment, certain services which they need to have, which some of them, in some cases, are expensive in nature? One of the things that can actually happen is that a disabled person can get a job, hopefully, and start drawing an income, as a result of that particular job, then start losing the Disability Allowance on a staggered basis, and then find himself financially in a much worse situation than before.

1625 So should not the Government then consider that by simply having a process that does not take into account the circumstances of the disabled person, that particular disabled person might be worse off?

1630 **Hon. J J Bossano:** Mr Speaker, the reason why I drew the hon. Member's attention to the original question is that the original question said 'intend to withdraw', as if, in fact, it had never been withdrawn in the past! Is it that he does not know that, when he was in office, it was withdrawn immediately and that what we are doing is an improvement on what existed, and that we are now going to do it in stages?

1635 That is the point that I am making in my original answer. We are actually saying the administrative system that has been there, not just when he was in Government, going all the way back – it has always been there – was that the Disability Allowance ended when you got your first pay packet. We are now saying it will not end when you get your first pay packet. In the second month, so as to make sure that you are not caught between two stools, given that the Disability Allowance is paid up front, and the wages are paid with retrospection, normally, you could actually finish up removing the allowance before you get paid. That is not the intention and, therefore, we do not want that to happen.

1640 In the second month, the position is that we will introduce a system where we do it in stages, so that you do not have the abrupt shift, and the adjustment for the person will be gradual.

If, indeed, there are any cases such as the one that is mentioned, then I will certainly make sure that the people that manage these payments are aware of that risk and bear it in mind in the nature of the stages.

1645 But all I can tell him is that I do not believe that can be very common because, otherwise, it would have shown up when the allowance was being eliminated immediately. If somebody gets employment and they lost

the allowance immediately then, by definition, if the allowance was more than the pay, the guy will simply give up his job and go back to the allowance – he will be better off!

1650 **Hon. J J Netto:** But, in actual fact, Mr Speaker, the allowance was not withdrawn, neither in the four years I was as Minister, and perhaps he might even notice himself, but when... I think I have got it here, actually – yes, in response to a Written Question, Question 20 of 2012, when I asked ‘Can the Minister for Social Security state how many persons were in receipt of a Disability Allowance, blah, blah...?’ at the bottom, it says:

1655 ‘As of 30th January 2012, 162 persons are currently in receipt of Disability Allowance, of which six are in long-term employment and 15 in supported employment.’

1660 So we know there have been at least six disabled persons in long-term employment. I do not know how long they have been, but certainly for a long while. So, what I am saying to the hon. Member is that, even in relation to these ones, already in long-term employment, if they start removing the Disability Allowance, they could find themselves out of pocket as a result of the introduction of this policy by the new Government.

1665 Presumably, as the hon. Member seems to be suggesting, before actually taking away the Disability Allowance, they will look at the circumstances of both these six and the other... I cannot remember the number now – the other 15, before such a decision is taken. Is that the case?

Hon. J J Bossano: Well, the case is, Mr Speaker, according to the people who run the system, there is an arrangement where part 5, article 15(3), states:

1670 ‘The payment of the allowance shall be suspended if the disabled person is employed in full-time employment.’

1675 Therefore the advice that I have been given is that if people have full-time employment, they lose the allowance. I would have thought that if the allowance was more than the full-time employment, nobody would be encouraged to go into full-time employment, to be actually worse off than they were when they were getting the allowance.

1680 The purpose of the exercise that we are introducing now is to make sure that people are not worse off as a result of employment than they were before. We are going to do it in stages, and I will make sure that those who operate the stages will never allow a stage to be reached where people are actually in the red as a result of employment. The point that is made – I have noted it and I will make sure that those people take that into factoring the way the stages operate, so that, you know what he thinks, could happen if we are not on the look-out for it, might happen, and I will make sure that it does not happen.

1685 **Unemployment benefit**
Resident applications by nationality and industry

Clerk: Question 128, the Hon. J J Netto.

1690 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Security and Employment state how many resident persons applied for unemployment benefit in the month of January 2012, broken down by nationality and industry group?

1695 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, I hand over to the hon. Member the list giving him the information he has requested.

1700 **Hon. J J Netto:** Mr Speaker, if I may, in relation to the figures given in the first particular column, under ‘Construction’, we have 11 British, 7 Moroccan and 2 Spanish: will the Minister indicate whether these particular persons who receive unemployment benefit are mainly from the various subsidiary companies that were attached to GJBS? Does he know that, from the information he might have available?

Answer to Question 128 of 2012

The following table shows the number of resident persons who have applied for Unemployment Benefit, broken down by nationality and industry group, for the month of January 2012:

Industry Group	British	Moroccan	Spanish	Other EU
Electricity and Water Supply	1	-	-	-
Construction	11	7	2	-
Wholesale and Retail Trade	10	1	1	1
Hotels and Restaurants	6	2	-	-
Financial Intermediation	3	-	-	-
Real Estate and Business Activities	11	1	-	-
Public Administration and Defence	4	-	-	-
Health and Social Work	2	-	-	-
Other Services	10	-	1	-
Total	58	11	4	1

1705 **Hon. J J Bossano:** Well, Mr Speaker, I have not asked the Department to provide me with the names of the people who were receiving unemployment benefit but, in fact, I would say that a turnover of 21 persons in the construction industry in one month is probably normal.

1710 There is, as the hon. Member must know, a constant taking on and laying off of people in all the construction sites. So there is no particular reason why these 21 should have come from subsidiaries of GJBS on Government projects if... in fact, I think most of the people who were laid off were frontier workers and will have claimed unemployment benefit on the other side, where it is considerably higher.

1715 **Statutory Benefit Fund**
January payments arising from an insolvent employee

Clerk: Question 129, the Hon. J J Netto.

1720 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Security and Employment state what payments were made out of the Statutory Benefit Fund for the month of January 2012 arising from the insolvency of an employee?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

1725 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** I will answer the question with Question 130, Mr Speaker.

1730

**Statutory Benefit Fund
January payments arising from employers' insolvency**

Clerk: Question 130.

1735

Hon. J J Netto: My colleague seems to be saying that I misread the word 'employer' for 'employee', so anyway...

Clerk: Question 130.

1740

Hon. J J Netto: Mr Speaker, can the Minister for Social Security and Employment provide a statement of the payments made from the Statutory Benefits Fund in respect of employers' insolvency in the month of January 2012, showing the amount paid due to redundancy pay obligations, the amount paid in respect of other sums payable to employees, the number of companies involved, the industry group affected and the number of beneficiaries that are either residents or not?

1745

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

1750

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, happily, there was no insolvency of employers in January 2012, so no payments are to be made.

Clerk: Question –

Mr Speaker: No, the Hon. Jaime Netto.

1755

Hon. J J Netto: If there was no insolvency, when does the...? I suppose that the demise of the subsidiary company of GJBS might have occurred in December then. Is that the case?

1760

Hon. J J Bossano: No subsidiary Government company has been declared insolvent. (*Interjections*) Any payments that were due to them were paid by the company.

**Social assistance
Numbers and breakdown of January claimants**

1765

Clerk: Question 131, the Hon. J J Netto.

1770

Hon. J J Netto: Mr Speaker, can the Minister for Social Security and Employment state what was the number of persons receiving social assistance at the end of January 2012, giving a breakdown by age and sex and showing periods in receipt of social assistance broken down in groups of less than three months, four to six months, seven to twelve months, between one to two years, two to five years, five to ten years, and over ten years?

1775

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, I now hand over to the hon. Member the list giving the information that he has requested. [*see following page*]

1780

Hon. J J Netto: Mr Speaker, I notice that part of the information at the bottom is that the breakdown I am seeking to have in those particular periods of time cannot be made available because of the computer database system that they have. Is it something they have that... the software system that they have and the way they record the information can be made available at a future date, perhaps?

Hon. J J Bossano: Apparently not, from what they tell me. When they input a figure, the previous figure

1785 disappears, so with the Microsoft Excel spreadsheet, they can only provide the information on the day that they access it, but they do not have any historical record of what it was a month before or two months before, three months before, and that is the system they have been using all the time.

1790 I do not know whether there is an alternative programme that they can use which would keep the historical data. There is no objection politically to them changing the system if they can think of another system that provides the information and can show... But the only way, it seems to me, from the way the explanation has been given to us and to him is that, clearly, only by getting the figures every month can you tell from one month to the next what the totals have changed. But that does not tell us whether the 531 total people on supplementary benefits at the end of January were the same as the month earlier, even if the figure is the same. So even if the figure has changed from one month to another, the changes could be new people getting social assistance and other people getting employment and no longer getting social assistance, because the time that they have been on it is not provided.

I think it can be done manually but, of course, that would mean going through 531 one by one.

Answer to Question 131 of 2012

Persons receiving social assistance at the end of January 2012 by month, age and sex.

	Age 18-25	Age 26-35	Age 36-45	Age 46-60	Total	Males	Females
Jan-12	87	136	136	172	531	200	331

I am informed by the department that the information requested with regard to how many of the above listed persons have been receiving Social Assistance, broken down in periods of less than 3 months, 4 to 6 months, 7 to 12 months, between 1-2 years, 2-5 years, 5-10 years and over 10 years, cannot be provided due to the information not being held in a dedicated computer database system. This information is held in an MS Excel spreadsheet which does not retain historical information.

1800 **Hon. J J Netto:** No, Mr Speaker, I am not suggesting that the work should be done monthly, but I think, at the very least, that if the Minister can perhaps take a policy decision and, in future, it can be changed, obviously that would be welcome.

1805 The other way perhaps, thinking aloud, that can be done is because if the Department of Social Security have the printout at the end of the month on the question he is asked, and that particular printout with names is given to your own staff at the Ministry of Employment, actually, they, I do believe, can provide figures for those particular breakdowns between those particular months and years, at least for those people in social assistance who are registered unemployed.

1810 In other words, if there were to be some communication between your staff in Social Security and your staff in the Employment Department, for the purpose of saying, well, Social Security cannot go retrospectively but certainly they can have a printout, send it over to Employment and, given that Employment do have the software programme which is not labour intensive, then they can do it, inasmuch as those who are registered unemployed and getting social assistance... It may not give me the whole picture of everyone in social assistance, but it would probably give me a good, fair, accurate picture for a lot of them.

1815 **Hon. J J Bossano:** I do not think that would produce the result the hon. Member...

First of all, I think the numbers that are actually registered unemployed are of the order of 10%. So we might be talking about 53 out of 530. Secondly, even if we were able to say to the hon. Member for how long the 53 had been unemployed, it would not necessarily follow that all the time they had been unemployed they had been getting social assistance. There is nothing in the Profile 2000 program that tell us if people are on social assistance or not.

1820 So I think, short of changing the programme from Excel to something else, I do not think it can be done. It is either that or manually, as far as I can tell.

Hon. J J Netto: But the 2000 programme can be amended to incorporate that, surely?

1825 **Hon. J J Bossano:** I do not know whether it can or not. I mean, he is the one who introduced it in 2000! I am told it is something nobody uses any more, and the one guy that is left that understands it has to be brought out from London every time something has got to be done to it! So I am not very sure how much longer we are going to be using that, frankly.

1830 I would prefer to find a way in which a programme that is not specifically written for us in the Department but one that many people can share could be made more useful than what we have got at the moment. I think the best thing to do is to ask people to look to see if they can produce a system in the DLSS that can give them a breakdown of how long people have been getting social assistance, because I think it is useful information for them there – quite apart from the Employment Department.

1835 **Hon. J J Netto:** So do I take it, then, that the hon. Members is going to request that to the Department of Social Security?

Hon. J J Bossano: I am going to ask them to look into whether it can be done. I do not know enough about computer programming to be able to say that it can be done.

1840 **Hon. J J Netto:** I am grateful, Mr Speaker.

1845 **Future Job Strategy**
Employment Training Company participants

Clerk: Question 132, the Hon. D A Feetham.

1850 **Hon. D A Feetham:** Will the Minister for Employment confirm whether there are any individuals employed by Employment Training Company Ltd as part of the Future Job Strategy on 11-month contracts, and if so, how many?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

1855 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** I will answer this question with Questions 133 and 134.

1860 **Future Job Strategy**
Transferees into Employment Training Company

Clerk: Question 133.

1865 **Hon. D A Feetham:** In relation to any employees employed by Employment Training Company Ltd as part of the Future Job Strategy on 11-month contracts, how many of these were transferred to that scheme from existing training schemes, where their training contracts exceeded 11 months?

1870 **Employment Training Company**
Management structure

1875 **Clerk:** Question 134.

Hon. D A Feetham: Can the Minister for Employment explain the management structure of Employment

Training Company Ltd, and whether anyone has been employed to run that company?

1880 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, the number of employees in the company with contracts of up to 11 months is at present 270, none of whom were training on contracts that exceeded 11 months. There are no managers employed by the company.

1885 **Hon. D A Feetham:** Sorry, I did not quite get the last bit.

Hon. J J Bossano: There are no managers. The company employs just the trainees, nothing else.

1890 **Hon. D A Feetham:** May I ask the hon. Gentleman to actually check, go back to his officials in his Department, because I know of at least one person who was on a three-year training contract in relation, in fact, with the Training and Construction Centre as part of the European Structural Fund Vocational Training Scheme on a three-year contract and now he has been placed on 11-month contract. Would the hon. Gentleman undertake to go back and re-check with his officials whether that is the case?

1895 **Hon. J J Bossano:** Mr Speaker, all the people that are in training, other than in employment placements – that is to say, the people who are doing nurse training, construction training, Gibdock training – all those will continue beyond 11 months. The 11 months are just related to their wages from the employment which replaces the previous allowances. Therefore, everybody currently is on 11 months. In fact, it does not mean that people at the end of the 11 months will lose their income; it just means that is how the company has been set up initially, and we expect the bulk of them to be in other permanent jobs *before* the 11 months and there will be a movement of people in and out of this company.

1900 But the apprenticeship schemes that go beyond the period that this contract is for continue in place. That has not changed.

1905 **Hon. D A Feetham:** With respect to the hon. Gentleman, he has not answered my question.

I asked my original question. Your answer was ‘there is nobody that is now on 11-month contract that was, in fact, on more than 11 months before they were placed on 11-month contract.’ What I am suggesting to you is that, in fact, I know of one individual who had a contract for three years with the Construction Training Centre and now has been shifted to 11-month contract. I am asking the hon. Gentleman – it is not contentious – whether he will go back to his officials and check the position.

1910 **Hon. J J Bossano:** I do not need to go back and check, Mr Speaker. The information that I have is that the people who were in the Construction Training Centre getting £450 did not have a contract saying ‘you will get £450 for three years’. They had a training contract with the Centre and their pay, which came from Bleak House, was not on the basis that that was their pay for three years. Therefore, the contract that gives them £912 has replaced the payment they were getting of £450, which was not guaranteed for three years, or one year or at all.

1915 **Hon. D A Feetham:** Well, I am not trying to be controversial. When I am going to be controversial as, in fact, will be the case later on, no doubt, the hon. Gentleman is going to blow a gasket!

1920 Does he not accept that there is a difference between the position of somebody earning... As he has outlined, nobody is going to be earning x amount for x amount of time. What I am saying to you is that, in fact, there were people – at least one individual – who was on a three-year contract with the Construction Training Centre. All I am asking is: will you go back and just check? That is all I am asking.

1925 **Hon. J J Bossano:** I know, Mr Speaker, and I have told him that I have already checked and that the answer is there are people in the Construction Training Centre who are doing NVQ 1, NVQ 2 and NVQ 3. If they have done NVQ 1, they go on to NVQ 2. That does not mean that they are guaranteed that they will stay three years if they do not pass NVQ 1. So they do not have a contract –

1930 **Hon. D A Feetham:** If they pass, of course they are!

Hon. J J Bossano: If they pass, right. So, therefore, what the new contract is doing is increasing their pay from £450 to £912 in each of the three years, and therefore they have three one-year placements, one for each year. If they pass year 1, they go to year 2. That has not changed.

1935

The nature of the relationship with the Construction Training Centre has not been changed at all, and they still have the same relationship, with the same guarantees that they had before.

So what the hon. Member is trying to imply is that, as opposed to being able to carry on three years in the Construction Training Centre, they are only going to be there now for 11 months, the answer is no. The 11-month contract with the Employment Company is only as regards to their getting paid the new salary and does not alter whatever they have got in writing from the Construction Training Centre.

1940

Hon. D A Feetham: Is the reason for these 11-month contracts to prevent trainees from acquiring statutory unfair dismissal rights after 12 months? (*Applause*)

1945

Hon. J J Bossano: Well, Mr Speaker, no more than the previous system and the £450 which excluded them, irrespective of how long they were, from all the statutory rights, where the definition of 'worker' excluded people on Government training schemes. (**Several Members:** Shame!) (*Interjections*)

I think that to suggest that, somehow, we are removing rights after 11 months from people who had zero rights before we gave them the rights during the 11 months, is quite extraordinary!

1950

The reality of it is that the 11 months is because the scheme starts on 1st February, and is designed for the 11 months of 2012. Those people that require to continue (*Interjections*) will be given up to three years, if that is the time they need for the training, (**A Member:** Hear, hear.) depending on the nature of the training that they require and the nature of the skills that they are getting! (*Applause*) So they are getting a contract for this year. (*Interjections*)

1955

Hon. D A Feetham: So the answer is that, yes, they are being given 11-month contracts in order to prevent them from acquiring statutory unfair dismissal rights, is it?

1960

Hon. J J Bossano: No, the answer is no, that is not the reason!

The reason is because there are 11 months left in 2012 and it started on 1st February. It is a contract for 2012. If there were 13 months, they would have got a contract for 12 months. That is the answer. (*Applause*)

Hon. D A Feetham: So, of course, if they get taken on in November or December, they only get one-month contracts. Is that the position?

1965

Hon. J J Bossano: Well, I have not yet discussed whether we should be doing that or not – (**Several Members:** Ah!) (*Laughter*) We may well do it – I do not know what we will do in March. I can tell him that everybody who starts in February will get an 11-month contract, and it is quite possible that those who start in March will get 10 so that all the contracts are renewed on 1st January.

1970

But if we wanted to deprive them of their statutory rights to unfair dismissal, all we had to do was to leave them on the terms they were for the last 15 years and – (*Applause and interjections*) (**Several Members:** Hear, hear!) when they had no right to unfair dismissal, no right to the minimum wage, no right to annual leave, no right to sick leave, no right to injury at work. So I would have thought (*Interjection*) that even if the hon. Member was correct – which he is not – and I am not confirming what he said; I am denying it – even if he were correct, it would mean that out of 12 things that they were previously denied, we have given them 11. But he is wrong: we have given them the 12. (*Applause*)

1975

Hon. D A Feetham: Does he not accept – (**Several Members:** No!) (*Laughter*) Listen to the answer first!

Does he not accept, and does he not agree with me, that the purported reason for the introduction of this particular scheme, as outlined on numerous occasions by the hon. Gentleman opposite, was to ensure that trainees have full statutory employment rights (*Applause*) and that the effect of giving them an 11-month contract is to do the complete opposite? (**Several Members:** Hear, hear!) (*Applause*) Isn't that what – ?

1980

Several Members: Hear, hear! (*Applause*)

1985

Hon. J J Bossano: Mr Speaker, I have already said 'no' to him three times. I am quite happy to stand up

and say, no, I do not accept that and I do not agree, (*Interjections*)

1990 **Mr Speaker:** Order. Order.

Hon. J J Bossano: The hon. Member is imputing a reason – and he is wrong – that might be the reason *he* would have if *he* were doing it because it is quite obvious, if he thinks I am doing it, it must be because that is what *he* would be doing if he were in my place.

1995 I am not doing it to deprive them of the right of unfair dismissal, because they will not be unfairly dismissed, period.

Clerk: Question 1 –

2000 **Mr Speaker:** The Hon. Daniel Feetham.

Hon. D A Feetham: The hon. Gentleman is obviously determined not to answer the question, so I am not going to press him on that, but does he think that it is very socialist for a socialist Government to be introducing a policy that could have the effect of depriving trainees of statutory unfair dismissal rights? (*Interjections*)

2005 **Hon. J J Bossano:** I certainly do not think the hon. Member's history allows him to express judgements on what is socialist or not socialist. (**Members:** Hear, hear.) That is clear and the fact that somebody has a contract for 11 months is not evidence that the intention is to sack him at the end of the 11 months and not give him the right to go to a tribunal. This is nonsense, because then the hon. Member is saying that everybody *ought* to be given a 12-month contract, something they never did in 15 years with hundreds and hundreds of youngsters that went through the schemes.

2010 If he thinks it is the right thing to do, why did they not implement it in 15 years? He is now criticising something that, by any stretch of the imagination, is an improvement on what there was. I can tell him that nobody will lose their job at the end of the 11 months. He can take it or leave it. Time will tell who is telling the truth.

2015 **Clerk:** Question 1 –

2020 **Mr Speaker:** The Hon. Leader of the Opposition.

Hon. P R Caruana: Mr Speaker, does the hon. Member acknowledge that my colleague's last supplementary asked him not about his *motives* for doing it, but the *effect* of doing it.

2025 **Hon. J J Bossano:** No.

Hon. P R Caruana: In other words, the question that he had answered three times and threatened to answer a fourth, was actually a different question. The first three were denials by him – does he acknowledge? – of whether this was the reason why he had done it, to which he said no. On the fourth occasion my friend asked him, will he acknowledge that is the *effect* of it, regardless of what his intention might have been and then, because he assumed that he had been asked the same question again, he gave the same answer. It is a slightly different question: the effect, *in law*, and the other thing is what the hon. Member may intend to do or not to do – but in law, the *effect* of only having an 11-month contract is, is it not, to ensure that certain employee rights, amongst them that one, are not obtained.

2030 Mr Speaker, will the hon. Member also acknowledge that, of course, he can list all the employee rights that he wants and they will be different from what they are today, that is because *we* treated such individuals as trainees and not as employees, and therefore we made no pretence about them enjoying employee rights? Will he, however, acknowledge that it is *their* policy that is under scrutiny here?

2035 *Their* policy is that they should be employees; he said publicly that they would enjoy *all* employee rights and therefore it is legitimate for us to cross-examine him, to ask him to ensure that they do, *in fact*, enjoy all employee rights – and it is no answer to that to say, 'they are better off than they were when *you* were in Government' – we know that because they have now become employees, as opposed to trainees.

2040

(Interjections)

2045 **Hon. J J Bossano:** Mr Speaker, first of all, I did answer the last question by adding that no-one would lose employment at the end of 11 months and I am saying that in Parliament and the hon. Member and the trainees can hold me to that statement.

2050 Secondly, it is not true that an 11-month contract automatically deprives you of the right to unfair dismissal, because there are a whole range of categories where the 11 months, or the one month, does not apply. There are reasons for dismissal where there is an automatic right to unfair dismissal and automatic compensation.

Members: No, no.

2055 **Hon. J J Bossano:** No, I am not talking about... I am saying that protection against unfair dismissal of 12 months applies for a number of categories, but there are other categories where the protection is from day one, so it is not true that automatically everybody, because it is 11 months, can go for unfair dismissal. But the bottom line is I am giving a commitment in Parliament that it will *not* be the case that anybody who comes to the end of the 11 months will be made redundant or be dismissed.

2060 **Hon. P R Caruana:** Even a subsequent period of 11 months, so even if they cannot get a placing with an employer, they will be kept on then?

2065 **Hon. J J Bossano:** Well, everybody that is now in the system is in placements. Of those... *(Interjection by Mr Caruana)* but, in the future, what is going on at the moment with people that are coming in and the employers I am talking to, is that the intention is that we match the candidates to the placements. The placements are identified first, otherwise what would we do with the people we have taken on?

2070 **Hon. P R Caruana:** Yes, but if for any reason an employer, contrary to the hon. Member's expectation, if an employer, in fact, does not convert the employment from a placement into a permanent employment with the company, with the private sector company, in those circumstances the Government company will retain the employee, will they?

2075 **Hon. J J Bossano:** If an employer does not honour the commitment, then that person will come back to us and we will find him another placement, yes.

Hon. P R Caruana: So they will stay as employees of the Government?

2080 **Hon. J J Bossano:** Absolutely.

Mr Speaker: The Hon. Daniel Feetham.

2085 **Hon. D A Feetham:** Just one more question. I think the hon. Gentleman took exception to my using the term 'socialist Government' and, of course, he is right. The hon. Members opposite are an eclectic mix of socialists and liberals, headed by a former liberal. *(Interjections)*

But may I ask the hon. Gentleman – *(Interjections)*

2090 **Mr Speaker:** Order! Order! *(Interjections)*

Hon. D A Feetham: The hon. Gentleman talks about 'turncoats', but the hon. Gentleman to his left broke the GSLP manifesto on public television and... *(Multiple interjections)*

2095 **Mr Speaker:** Order! Order! *(Continuing interjections)*

Hon. C A Bruzon: The relevancy of manifesto breaking – what has that got to do with the debate?

Mr Speaker: Let us get to the question that the Hon. Daniel Feetham wants to pose.

2100 **Hon. D A Feetham:** May I ask the hon. Gentleman whether this was a decision taken by the socialist Minister for Employment or was it the Cabinet?

Hon. J J Bossano: What decision is the hon. Member talking about?

2105 **Hon. D A Feetham:** The 11-month contracts rather than longer contracts.

Hon. J J Bossano: The decision on the 11 months was taken by me with the people that are running the system, on the basis that we were starting on 1st February.

2110 This is not a policy decision that the Cabinet decided they would make everybody redundant in 11 months and have them back on our books. Does the hon. Member really think that anybody in Gibraltar is going to believe that we want to go into a system where we take all the people that are out of work and put them into a system to provide them with work, only to sack them all and have them all back in the Employment Service registered as unemployed?

2115 **Hon. D A Feetham:** To prevent them suing the Government for unfair dismissal, yes.

Hon. J J Bossano: Mr Speaker, the Government will not be sued for unfair dismissal, even if it were true, which is *not* the case.

2120 The people who would be sued for unfair dismissal would be the employment training company and, in fact, we would not be breaking new ground, because the first time the Government of Gibraltar was sued for unfair dismissal was in 1996 when there was a change of Government and the first thing the GSD did was that they sacked three people working for the Government, all of whom took the Government to court for unfair dismissal and all three won.

2125 So we do not expect, in *our* term of office, to face claims of unfair dismissal, but if it happens, all that would be happening would be what happened in 1996.

Clerk: Question 1 – (*Interjections*)

Mr Speaker: Order! Order! (*Interjections*)

2130

**Approaches to Unite UK
Discussions re leadership of Unite**

2135 **Clerk:** Question 135, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state whether he has spoken to or written to anyone from Unite UK about the leadership of Unite, since he became a Government Minister?

2140 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

The Minister for Enterprise, Training and Employment (Hon. J J Bossano): No, Mr Speaker.

2145 **Hon. D A Feetham:** Has he asked anybody to speak to Unite on his behalf?

Hon. J J Bossano: No, Mr Speaker.

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**Gibraltar Development Corporation
Role within the public service**

2155 **Clerk:** Question 136, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state what the Government's policy is in relation to the Gibraltar Development Corporation and its role within the public service?

2160 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

2165 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, the Government's policy in relation to the GDC and its role within the public service remains as established in its constitution – 'The object of the Corporation shall be to secure the regeneration and economic expansion of Gibraltar.'

Hon. D A Feetham: Does the Government propose to expand and extend the use of GDC?

2170 **Hon. J J Bossano:** The Government expects that it will play a much bigger role in the economic regeneration of Gibraltar than it has done in the last 15 years, or that he would have done if he had been in Government since they were going to abolish it.

2175 **Hon. P R Caruana:** Does the hon. Member envisage that the GDC will increase its staff? I have in mind certain remarks that he is alleged to have made to some of the people who were leaving the GDC to the Civil Service. Apparently, he gave an indication that there would be more career opportunities and an expanded role, so should we correctly interpret that to mean that it will play a more prominent role in quantum terms?

2180 **Hon. J J Bossano:** That, indeed, is the expectation. For example, one of the things we are committed to is the expansion of the Gibraltar Savings Bank and, therefore, there will be opportunities when that institution is able to operate.

I have set a target that is probably too ambitious, doing this in one year, but if we are able to do that, it will no longer be possible for this to be run as a sideline in the Treasury, it will have his own staff and there will be opportunities for people in the GDC in areas like that, which will be new areas of expansion.

2185 **Hon. P R Caruana:** So the Government envisages the possibility that activities that are presently carried out by civil servants, may in future be carried out by GDC and GDC employees?

Hon. J J Bossano: No, Mr Speaker, activities are at present not being carried out by anybody.

2190 **Hon. P R Caruana:** What about the Savings Bank?

2195 **Hon. J J Bossano:** What the Savings Bank is doing at the moment is in terms of the Treasury, booking sales of debentures. Certainly, if that was all that was going to be done with the Savings Bank, there would be no change.

**Gibraltar Development Corporation
Employees appointed to Civil Service prior to General Election**

2200 **Clerk:** Question 137, the Hon. D A Feetham.

2205 **Hon. D A Feetham:** Can the Minister for Employment state what the Government's policy is in relation to former GDC employees who were appointed to the Civil Service prior to 8th December 2011?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, all GDC employees appointed to the Civil Service prior to 8th December have been able to remain in the Civil Service on the terms of their appointment, if they wanted to do so.

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Hon. P R Caruana: Mr Speaker, can the hon. Member explain to the House what offer he made to those employees who have not yet signed on the dotted line? As the hon. Member knows, the Government have sent a letter saying 'PSC or something has admitted you: if you accept the terms, sign below.' Some people have, some people have not.

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There is a difference across the floor of this House – which is not relevant to this question – about whether the fact that the Employment Service had or had not yet registered that change had any impact at all on the legality of the employment relationship, but, leaving that to one side, can the hon. Member explain what offer he made to those, either those who had not already signed, I do not know whether he offered even those who had already signed, the possibility of going back to the GDC and, if so, what was it that he suggested, or offered, that might have induced somebody to leave the Civil Service, which had been the sort of panacea to try and get into, and leave it again?

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Hon. J J Bossano: Mr Speaker, although the hon. Member says it is a matter which we may have a different view in this House, the reality of it is that, on 9th December, everybody that was supposedly, on 1st October, in the Civil Service was registered to be as still being in the GDC.

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Although the hon. Member may not attach any importance to it, he actually brought legislation to this House with very severe penalties for failure to notify terminations and commencements and changes. My view is that, if Government authorities and agencies do not comply with the requirements of the employment law in registering changes in employment and commencement and terminations, they hardly have the authority to go round fining people, especially when some of the labour inspectors themselves were, in fact, not correctly registered with their employer and were going round inspecting other people.

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So, certainly, it is an anomaly that I found very peculiar and I would have thought if I was unemployed and I was taken to court by a labour inspector for not registering the termination of my employee, I would appeal to the judge to take into account that my accuser himself was guilty of the same offence.

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Putting that to one side, as he wants me to do, I have to tell him that there were 92 who had not signed the letter. Therefore, my view was that, irrespective of the fact that the position of the Human Resources was that, whether they had signed the letter or not, they were already in the Civil Service, the position of those who had not signed was that they were being asked to sign on the basis that signing meant acceptance, although, in fact, the letter simply said, 'I have read the contents of the letter and understand it' – not that I have read and agree. So even the ones who had signed were subsequently arguing that, by signing, they had not agreed and that, therefore, they could not be transferred without their agreement, irrespective of what had been signed with anybody because, in fact, it was a change in their relationship with their former employer.

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The initial decision that I took, after discussing it with many of the people concerned, many of whom were in the Department that was under employment – and most of the people who had not signed were there – was that they did not have to go to the Civil Service if they did not want to, because, at the end of the day, we had made a statement at the Budget in response to what the Government was introducing, suggesting that giving them the same pay and conditions and keeping them where they were, would be a better alternative, so that that was the statement we had made in the Budget and we stood by it. So they did not have to sign, if they did not want to.

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Then, a few of the people in the Department who had signed, came back and argued that they had not signed to transfer, they had signed simply to say 'I have read and understood what the letter says' and that, in fact, at the time the decision was being taken, on 8th October, it was really a one-way decision, because if you are told the entity that employs you is going to be dissolved and discontinued and not going to continue employing people, then if you do not go, where are you or where do you remain? On that basis, I agreed that even those who had signed should be given the option of, as it were, 'returning home', if they wanted to do that, to the GDC.

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Given that much of the second thoughts that people were expressing was because of the ring fencing, I said to them, 'Look, the position is that you are guaranteed that the pay will be the pay in your original letter, the conditions will be the conditions in your original letter: from now on, the GDC will track the Civil Service'. So these are not conditions personal to the holder.

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Everybody that gets taken on by the GDC will have the same pay and the same conditions that have been

introduced and since you will not be ring-fenced and it is the intention, as a matter of Government policy, to expand the role of the GDC, rather than move in the opposite direction, you probably have got better opportunities if you stay in the GDC but, at the end of the day, the Government and I do not have a particular preference; we do not want to push people in one direction or the other. It is a matter that each individual will be able to choose which way they want to go.

In practice, there has tended to be a situation where, in each group, most of the people have gone the same way. So in one area almost everybody is Civil Service and in another area almost everybody is GDC, so it has turned out quite tidy at the end of the day, because it is not a fragmented situation, where people are half in and half out, but the final result is that 67 opted to be in the Civil Service and 94 opted to stay in the GDC.

Hon. P R Caruana: Two things: first of all, going briefly back to the issues that we have agreed to put aside, everything that the hon. Member says about... I have never known whether civil servants get registered at the ETB or not, because of the PSC, but assuming, taking in what is implicit in what he says that, even the civil servants registered and deregistered at the matter of administrative act?, which is not something that I am familiar with, but presumably he concedes that whatever may be the desirability or need for public servants to be in order, at the Employment Service, it does not undermine... In other words, any administrative failure is not germane to whether or not you are an employee of a particular person or not, which is a matter of employment laws. In other words, once you get inducted into the Civil Service you are a civil servant, even if the Civil Service is then incurred in an administrative failure in not doing the registration paperwork at the Civil Service.

So that he can answer both together, could I just also ask whether the effect of the fact that 67 have opted to stay in the Civil Service, I think he said – unless I have got them the wrong way round – and 94 remained behind or went back... how many of those went back to, or never left... but the effect is that, for the 67 that chose to remain in the Civil Service, the ring fence... the fence in the ring fence has become tighter, has it, because there are now fewer posts for them to be able to opt to, fewer other posts for them, or can they still opt for all the posts, even the ones currently occupied by someone who has chosen to go back to the GDC?

Hon. J J Bossano: I do not think it has become tighter but, taking the first point: the whole point, Mr Speaker, is that in the GDC there were 160 people registered with the ETB, right? And their employer was the GDC. The law says that if the GDC terminates the employment of its people, like any other employer in Gibraltar, there is a penalty if they do not do it. (*Interjection*) Well, no, penalty is one thing, complying with the law is one thing... The rule of law... I am no QC, but I would have thought that the rule of law is important and if the inspector is breaking the law, how can the inspector take somebody to court for breaking the law that *he* is breaking?

It is not just the GDC. There are people in all the other companies, that are still shown in the GDC as working somewhere else, in breach of the requirements of the Employment Act, which was considered to be so important when the hon. Member brought it here, that he may remember he wanted to fine people £3,500 for not putting termination... and I thought that was a bit steep.

I can tell the hon. Member that the Employment Service now takes its duties in this respect very seriously, is fining everybody in sight, from the GDC on! They have not decided whether they should fine themselves, but certainly everybody else is being fined for not doing what the law requires them to do. The result of that is that I hope – (*Interjection*) – certainly.

Hon. P R Caruana: Does he agree with me... I agree with him that, of course, there is a rule in the law that has to be complied with, and it applies to the GDC or Government companies and, of course, there is an obligation to comply with it and the sanction is the same and it might even undermine your moral standing, as an enforcer, if you are not yourself in order.

Will he, on reflection, agree with me that he cannot take that so far as to say... and, therefore, any employment relationship that is the object of this administrative irregularity is not valid, *cannot be right*, because, otherwise, all an employer would need to do to defeat the employment contract aspect of the employer's relationship with its employee is simply not register and pay a fine? In other words, compliance by an employer with the administrative, legal, penalisable obligation to do certain things that the ETB does not, if it is not complied with, mean that the worker concerned is not actually, in contract law, a contracted employee of that employer. That is the only point I was making.

Hon. J J Bossano: I do not agree with him although, Mr Speaker, I do not pretend to be somebody trained in law, but I can tell him, that if I was an employee of the GDC and I was told on 1st October 'You are a civil servant, whether you like it or you do not', without my consent... Yes, that is what happened, because people were told, as a result of an agreement with a union, that the Public Service Commission has decided to put you all in the Civil Service. Here is a letter on your pay and your conditions and the Official Secrets Act and all the rest of it. Sign it! And 92 said: 'I do not sign it'.

If those people did not sign it, and if –

Hon. P R Caruana: A good point: he is right, those people are not, therefore, changing their employer. In other words, you cannot unilaterally be passed from one employer to another by the employer.

That is not the point I am making. The point I am making is that, when there is consensus, when the employee *has* agreed where an employee has been agreed to change from one employer to another, that transfer, that new relationship with the second new employer is not conditional for its legal validity on the paperwork being put in place in the ETB.

That is the point I am making but, of course, I agree with *him* that you cannot be transferred, so anyone who did not consciously agree to be transferred did not, in fact, transfer.

Hon. J J Bossano: Right, Mr Speaker, but that is not what people were told. (*Interjections*) No, no, but the 92 who did not sign, were told that the fact that you have not signed is neither here nor there, because the Public Service Commission has made you public servants. It is an issue that was reflected in a letter that he wrote and gave to Mr Albert Hewitt to read in a meeting, where he said that because the Public Service Commission has transferred you, you were transferred and that is it, and you have all been civil servants since 1st October.

I do not agree that that is the correct position in law and I certainly think that the 92 people who did not sign, who thought that if the letter required their signature, it was because they had an option to sign or not sign and that, therefore, it made a difference whether they signed or they did not sign... So, independent of the fact that the GDC failed to notify the Employment Service that *x* number of their employees had left employment and were now in the Civil Service, on top of that, even those who have not chosen to leave, were told that, whether they liked it or not, they also had left the GDC and were civil servants.

So, the net result is, because 94 have come back, it is true that the ring-fencing is now the ring-fencing of the 67, but also –

Hon. P R Caruana: In those posts?

Hon. J J Bossano: In those posts, but it is also, by definition, a position where only the 67 can compete for those jobs, so there are around 94 people who are excluded from the equation and, in the end, the only way one could see whether, actually, the 67 are better off or worse off, is dependent on the number of higher-grade posts that there are in the 67.

Hon. P R Caruana: They may be better off, Mr Speaker, would he agree, in terms of competition for 67 posts, but they are worse off in terms of the range of activities that they could opt to do, so that is what I had meant, when I said that the rings were getting tighter. Whereas, before, they had 150 something posts scattered around many activities, that anyone could have cross fertilised from one activity to another, now it is the number of activities and posts within the 67 that have stayed behind.

Hon. J J Bossano: That is, in fact, an accurate description, but I have to point out to the hon. Member that, from what I have seen of the spread of activities and the time that people have been in the area, it seems, really, that the people who are in the Tourist area are in the Tourist area because they want to be in the Tourist area and the people in the Employment area are in the Employment area because that is where they want to be. There has been very little, if any, movement between these sectors.

So what now happens is that, really, the people are staying in the kind of work they want to be and I would imagine that, even though the 94 may have more opportunity in other fields, it is more likely to be an opportunity that people who are at AO level will want to take up and not the people who are higher up the structure.

Mr Speaker: The Hon. Daniel Feetham.

2375 **Hon. D A Feetham:** Can the hon. Gentleman confirm that, in fact, Unite have expressed a view to you that ring-fencing the ring-fence, so to speak, in relation to the 67 civil servants, the 67 people, that that amounts to a unilateral variation of those individuals' contracts?

2380 **Hon. J J Bossano:** Well, Unite can have the view that it likes and it can take the matter for a judge to decide whether it is or it is not. In my view, the decision to put them all in the Civil Service, without their individual consents, was a unilateral decision of the contracts of the GDC employees.

2385 **Hon. D A Feetham:** So would the hon. Gentleman confirm that the answer is 'yes', that Unite have expressed the view to you that what he is doing amounts to a unilateral variation of these employees' contracts.

Hon. J J Bossano: Yes, Unite, that was responsible for the unilateral variation of the GDC contracts, believes that what they did to 166 was right and that what I am doing to 67 is wrong. That is correct.

2390 **Hon. D A Feetham:** Thank you very much – it was not that difficult! (*Laughter*)
Can the hon. Gentleman confirm that Unite have also asked for a meeting with the hon. Gentleman to discuss this and have asked for the process to be frozen until after that meeting.

2395 **Hon. J J Bossano:** Well, they have not asked it now, because the process is long gone by, and people have taken a decision. At the time that I gave the people the choice, Unite considered that having had two months to think about it was insufficient time, although they accepted that, with the previous administration, having had eight days to think about it was a sufficient time.

2400 So people were told on the 1st they were going to be moved and they had to decide by 8th October. I came in on 9th December and I gave them two months to think about it, and the people who had thought that eight days was sufficient before thought now that eight weeks was too little time after!

2405 Given that nobody was being forced – unlike the first time, when they were moved, whether they liked it or not – the second was that if they did not want to come back, they could all stay in the Civil Service. The view that I took was that I have gone to the length of giving them an option that did not exist, so therefore it was something that I was not obliged to give – I inherited a situation where they were all told they were in the Civil Service, take it or leave it. I came in and I said, 'Well, look, you do not have to take it or leave it, you can change your mind.' I explained it individually. I called a meeting of all 166, I answered all their questions over three and a half hours, and I thought I had given them a greater deal of consultation, involvement and participation than anything they had enjoyed previously and that, therefore, there was no justification in the request by Unite to delay the process, other than to delay the process - period.

2410 In any event, given that their concern was about the people in the Civil Service, I am not responsible for the people in the Civil Service; I am responsible for the people in the GDC. So, therefore, if the people in the Civil Service were unhappy about the offer for moving to the GDC, all they had to do was to stay as they were on 1st October, because there was no preference to bring them back. If they had chosen to stay in the Civil Service, then the GDC would simply have gone ahead with doing whatever it wanted to do with the new employees.

2415 **Hon. D A Feetham:** So the answer is that the Government does a song and dance about greater consultation, greater transparency, greater accountability, but the Minister for Employment of that Government refused to meet Unite and refused a two-week freeze of the process – a two-week freeze of the process! – in order to allow the union representatives of these employees to meet with you and to discuss it. Is that not the case?

2420 **Hon. J J Bossano:** No, the case is that Unite was happy, when he was in Government, to have a decision taken in eight days and when we came in, we gave eight weeks – and when we gave them eight weeks, Unite thought it was too little and they wanted at least two weeks. The answer to that was it was quite simple: if they did not like what was on offer, all they had to do was stay with what they had signed up to and accepted from the previous administration.

2430 So the position of Unite had absolutely no basis and no justification, because they were not being told they could not have what they had. They had what they had and they could keep it! So why should the new Government, having given them more than they had, now have to enter into a period of consultation, when they were ready to accept less before?

2435 **Hon. P R Caruana:** Well, Mr Speaker, does he not accept that the reason might be because it is not as clear cut a choice as the hon. Member is describing? It sounds very good for him to say, 'Why do you need more than two weeks if, after all, you can stay as you are and just don't accept the offer that I am giving you two months to think about – or that I have given you two months to think about, which is either not to go at all or to come back?'

2440 Does he not understand that the reason might be that those who had already gone, and had to decide whether or not they wanted to come back, had legitimate concerns about how what the hon. Member was proposing would affect their ring-fencing rights, some of which I have asked him this morning in the questions, and they wanted clarification from the hon. Member about what the impact would be upon those who chose to keep what the previous Government had done for them and not entertained the hon. Member, and that the two weeks were needed, whilst those workers decided whether they should stay or come back, once they understood how their position might have been altered by this new development?

2445 **Hon. J J Bossano:** The answer to that question, Mr Speaker, is that if it was not that the two weeks was needed; it is that they wanted at least two *more* weeks with no - (**A Member:** No.) Yes, that is what the letter said – (*Interjection*)

2450 **Mr Speaker:** Order! The Minister is answering.

2455 **Hon. J J Bossano:** - to take a decision on something where it was not a 'take it or leave it' position. It was a position that had been under discussion for a number of weeks before and, in a three and a half hour face-to-face meeting in the theatre of the Mackintosh Hall, where people were able to ask as many questions as they could possibly think of, the two weeks would not have enabled me to give them more answers, more detailed answers or more explanations than had already been given to them.

2460 They already raised all these issues. They were already told that this was the position and that, therefore, nobody was putting a gun to their head. The position was that there were people who did not want to go and we wanted to give them the opportunity to stay; that the people who had already decided to go, to whom we had no obligation because they chose to do that, we were giving them the opportunity of coming back if they wanted to come back, and that having had eight weeks to do it...

2465 Well, look, the thing happened on 1st October. The election was on 8th December. Between 1st October and 8th December, no consultation, no meeting, no discussion, no nothing! We come in on 9th December and then, finally, after two months, they want two more weeks. We are not talking about two weeks any more; we are talking about five months since the original decision was taken. What is it - that the union had to wait for me to arrive on the scene before they could discuss it with anybody?

2470 **Hon. D A Feetham:** Let me ask the hon. Gentleman a question that was put in correspondence to a Human Resources manager, copied to the Chief Minister of Gibraltar, which was not answered - perhaps he could answer it now here in this Parliament and, indirectly, to GDC members.

'Doesn't the hon. Gentleman think that refusing to meet Unite'

– refusing to meet with them – refusing a simple two-week freeze – just a simple two-week freeze –

2475 'that this has obliged many affected members, who required further clarification of their terms and conditions, to take a decision under duress?'

That is a direct quote from a letter on behalf of Unite to the Chief Minister of Gibraltar.

2480 **Hon. J J Bossano:** Well, I do not know who drafted the letter from Unite. Certainly, the people who signed it I do not think were capable of spelling out the word 'duress'.
Nevertheless –

2485 **Hon. D A Feetham:** That appears to be the problem. The problem is your relationship with Unite and your – (*Interjections*)

Mr Speaker: Order! Order! Order!
The Hon. Minister is answering a question.

2490 **Hon. J J Bossano:** Mr Speaker, I do not have a problem with Unite. If Unite has a problem with me, then I think you should talk to them and not to me.

2495 The fact that Unite writes to me about something to do with the Civil Service is not something that I am going to answer, because I am not responsible for the Civil Service. I am responsible for the GDC, and the people in the GDC have not gone to Unite, asking Unite to say anything. The people who were complaining were the people remaining in the Civil Service who had no right to complain, as far as I am concerned, because I was giving them an option that they did not have on 1st October, that they had not complained about after 1st October, that they had from 9th December to think about, that they had eight weeks to think about it, that they had three and a half hours with me – and that is a level of consultation of workers involved in the GDC that they have never experienced in the entire 15 years.

2500 So the answer is, I do not agree with his analysis and, therefore, all he is trying to do is make political capital out of being the champion of Unite. Well, look, if he wants to be the champion of Unite, then he can be the champion of Unite. I do not want to compete with him in that area.

2505 **Hon. C A Bruzon:** Mr Speaker, please, on a point of order.
If you allow me, hon. Member, I honestly cannot remember the original question, Mr Speaker.

Mr Speaker: Well, I can.

Hon. C A Bruzon: You can. Are we still on the - ?

2510 **Mr Speaker:** Well, we are still on the subject and, in my discretion, I will allow the supplementary.

Hon. C A Bruzon: Okay.

2515 **Hon. D A Feetham:** How many times has the hon. Gentleman met in an official capacity with Mr Sisarello or Victor Ochello from 9th December last year?

Hon. J J Bossano: None - either official or unofficial. (*Interjections*)

2520 **Hon. D A Feetham:** It is the first straight answer that we have got from the hon. Gentleman in the whole morning! (*Laughter*)

2525 Just one final question. Again, I want to just read, before I ask him, from a letter on behalf of GDC members that was written to Brenda Cumbo but copied to the Chief Minister of Gibraltar. It was written because, in fact, there was a previous letter from the same source, to the hon. Gentleman, that went without response, and it says this:

2530 ‘The fact that *their* [GDC] members’ genuine and reasonable request for further information and time to consider the same have been dismissed out of hand and without even the courtesy of a written reply has left many of the said members very distressed. Many of these members feel that they have been bullied into making an abrupt decision and go forward in an atmosphere of uncertainty, distrust and fear.’

Does the hon. Gentleman feel proud the GDC members feel in that particular way because of decisions that he has made?

2535 **Hon. J J Bossano:** Well, I work very closely with GDC members and that is not what they are transmitting to me. That is the view of people who are probably out of touch with their own membership and, therefore, I do not agree.

Hon. P R Caruana: Mr Speaker, I detected a certain degree of relish, almost pride, in the hon. Member’s

2540 answer that he had not had a single meeting with any of the elected officers of Unite since 9th December. I think that, Mr Speaker... would he accept that that is precisely an issue which is worthy of comment.

Does it not strike him, as being a Minister in a Government that prides itself and, indeed, got elected riding on the crest of a wave on openness, consultation, stake holding, relationships with outside stakeholders, that the Minister for Employment, himself an ex-trade union leader, has presided in the last eight or nine weeks over some pretty *significant* changes of policy, involving worker rights and interests, for example, the GDC part reversal albeit voluntary that he has presided over, the superannuation fund, the employment trainees - a shift of people from trainees to employ...?

2545 That this *huge* change, really, in areas affecting working people in Gibraltar, members of Unite. Does it not strike the hon. Member as odd that he should not have had a single meeting with the union, Unite, in respect of *any* of those matters? Does he not agree that that reflects a state of personal animosity between him and the then leadership of Unite?

Hon. J J Bossano: I do not accept that it reflects what he says it reflects in his last remark.

2555 I will tell him what it reflects. It reflects the fact that the things that we have introduced, as a Government, are things that the union never requested, never thought of fighting for, never asked anybody to do. Therefore, I do not see how we need to consult if we have produced a situation, where the union is happy that people should get £450, I do not see any need to consult the union as to whether they agree that they should get £912. Or does he think that...?

2560 **Hon. P R Caruana:** The basis of consultation is not whether you agree or disagree!

Hon. J J Bossano: No, no, no, the union based on consultation is that the union is consulted about things, on the basis that the person consulting the union thinks they need the union agreement to do something, not because you are giving something that nobody is asking for.

2565 The introduction of the GSLP/Liberal manifesto is an electoral commitment with the electorate not with Unite. Therefore, we are delivering what we set out to deliver and the people that we had to consult, we consulted on 8th December. Those people that we consulted decided by a majority that they approved the programme and we are going to implement it. I do not accept that the implementation of the manifesto on which we have been elected requires consultation with Unite.

2570 That is the answer.

Hon. P R Caruana: A democratically elected Government can use its executive powers and its parliamentary majority to do what it likes without consulting anybody, without the courtesy of bringing in representative bodies to explain to them in advance... of course, that is the case.

2575 But *this* particular Government was elected on the promise of not doing that – of doing the opposite, Mr Speaker. That is the point. The point is that the hon. Members have made *huge* changes in things affecting the union which, with a Government with a normal relationship with the union would not have contemplated, surely, in introducing these changes without at least bringing the union in and explaining to them *in advance* what they might be contemplating doing.

2580 Will the hon. Member at least say whether, since the 9th December, to his knowledge, either the current District Officer, Charles Sisarello, or his deputy, the Branch Officer, Mr Ochello, had sought access to him – have sought a meeting with him?

2585 **Hon. J J Bossano:** They have not sought a meeting with me for anything for which I am responsible, which does not include industrial relations of the Civil Service. I am not –

Hon. P R Caruana: Have they sought a meeting with him?

2590 **Hon. J J Bossano:** Not for anything for which I am responsible. If they seek a meeting for me on an industrial relations problem in the Civil Service, they are pointed in the right direction - which is not me.

Hon. P R Caruana: Is it not the case, Mr Speaker, therefore that they *have* sought a meeting with him, that he apparently now is arguing that it has been denied to them because it was for something not to do with them -

- 2595 **Hon. J J Bossano:** No, I have not, no, no, no -
- Hon. P R Caruana:** The union, Unite, has sought a meeting, yes or no?
- Hon. J J Bossano:** No, I have not said -
- 2600 **Hon. P R Caruana:** Have they sought a meeting?
- Hon. J J Bossano:** No, I have not said that; I have said, *if* they sought a meeting with me on an industrial problem, in anywhere in the Civil Service -
- 2605 **Hon. P R Caruana:** My question was not qualified.
- Hon. J J Bossano:** I do not know whether they have or they have not but, if they have, they will have been pointed in the right direction, which is in the direction of the Minister with responsibility for industrial relations, which is not me.
- 2610 **Hon. P R Caruana:** I see. So they may have sought a meeting with you.
So will the hon. Member confirm that it is *not* the case that he has said to anybody that he would not meet with either of those two gentlemen?
- 2615 **Hon. J J Bossano:** That is correct.
- Hon. P R Caruana:** It is correct that he has not said that?
- Hon. J J Bossano:** I have not said that, no.
- 2620 **Hon. P R Caruana:** And you are, therefore, quite open to meeting with them -
- Hon. J J Bossano:** Well, no, I am not quite open to meeting with them. I will meet them if what they raise is something which I am responsible for, and not otherwise – obviously.
- 2625 **Hon. P R Caruana:** Mr Speaker, the hon. Member is the Minister for Employment! (**Hon. J J Bossano:** Yes.) This idea that if a union wants access to the socialist Minister for Employment, they have to calibrate the subject matter precisely so that the hon. Member is not able to say ‘That is not my responsibility’ is itself an extraordinary state of affairs, is it not?
- 2630 **Hon. J J Bossano:** It is not... I will tell him why it is not an extraordinary state of affairs: because in the last 15 years, although the Minister for Employment had industrial relations in his portfolio gazetted, all the negotiations were done with him.
- 2635 Now the industrial relations is not gazetted as being mine, and therefore unions do not negotiate with me; unions negotiate with the Chief Minister, which they were doing before the 9th, except that, theoretically, the person responsible was Mr Montiel who was the last person to find out what was going on. That is the difference.
- 2640 **Hon. P R Caruana:** Mr Speaker, is he not the Minister with responsibility for the GDC? (**Hon. J J Bossano:** Yes.) And if he is the Minister with responsibility for the GDC, surely the union, Unite, is entitled to ask for a meeting with him about GDC matters?
- Hon. J J Bossano:** Yes, but the union, Unite, was not making representations to me about the GDC matter. It was making representations to me about civil servants who, having accepted that they were staying in the Civil Service, now wanted to come back, having had a meeting in Unite, where Unite said the position of the Leader of the Opposition and the position of Unite is the same - that everybody is a civil servant.
- 2645 I do not know whether he has been converted, because he always used to remind me that he was not a socialist and now he has become part of the hierarchy of Unite, but the fact that he and Unite coincided in that

2650 they were all civil servants on 1st October, as far as I am concerned does not give Unite the right to talk about the positions of those who did not want to be in the Civil Service and who chose to stay in the GDC. If there are people in the 94 that came in to the GDC, bullied under duress, then I will write to each one of the 94 and let us see what they tell me, because I do not want people who do not want to be where they are.

2655 **Hon. P R Caruana:** But is it not the case, if he can hone this back to the GDC 67 or 94, however you like, had or had not... the fact that he is on that territory... surely, he accepts and understands the fact that he looks through a magnifying glass at the reason why union leaders want meetings with him, to decide whether they are appropriate or not, is the answer that I am trying to get to.

2660 Is it not the case that the Branch Officer and the District Officer of Unite have asked for meetings with him for general purposes and that he has refused to see them?

Hon. J J Bossano: If they have – and I cannot say without going back and checking – I would have refused to see them if they wanted to see me for general purposes. I am not the Minister for General Purposes! (*Interjections*) Therefore, they can only see me for something that I am responsible for.

2665 **Hon. P R Caruana:** General employment purposes...!

2670 **Hon. J J Bossano:** Well, no, they certainly have not come to see me about general employment purposes – and they certainly have not expressed one single word of concern about the fact that there are 1,300 people unemployed, which I find quite extraordinary from committed trade unionists!

Mr Speaker: The Hon. – Sorry, the Hon. Leader of the Opposition.

2675 **Hon. P R Caruana:** My final supplementary, Mr Speaker, on this issue.
Mr Speaker, will the hon. Member acknowledge in this House that, in his relationship towards the union, Unite, to date, and in his willingness to see them or not see them, he has been motivated in significant part, not by the normality of fluidity and accessibility that there ought to be between an Employment Minister and the leadership of Gibraltar's largest trade union, but rather by a degree of personal and possibly even political animosity towards the individuals that were in the leadership of that union?

2680 **Hon. J J Bossano:** No, I do not, Mr Speaker.

2685 **Industrial Tribunal (Calculation of Compensation) Regulations 1992
Changes to Basic Award**

Clerk: Question 138, the Hon. D A Feetham.

2690 **Hon. D A Feetham:** Can the Minister for Employment state whether it was the Government's intention when making the changes to the Basic Award in the Industrial Tribunal (Calculation of Compensation) Regulations 1992 to give those changes retrospective effect and make them applicable to claims that had already been lodged with the Industrial Tribunal?

2695 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

2700 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, irrespective of the date when any claim is lodged, the changes to the Basic Award in the Industrial Tribunal (Calculation of Compensation) Regulations 1992 will apply in respect of any determination by the Tribunal made after this amendment.

Hon. D A Feetham: Did the hon. Member consult anyone before introducing these changes?

Hon. J J Bossano: No, Mr Speaker. I did not consult anybody, because I had fought an election saying we

would do it if we got elected.

2705 As far as I know, when the previous Government removed the provision which we have now put back, in 2008, they did not consult anybody, either.

Hon. D A Feetham: Well, the hon. Gentleman would be wrong in making that assumption because, in fact, I did. I consulted all the chairmen of the Industrial Tribunal.

2710 The reason why *we* made the change was because the vast majority of the chairmen of the Industrial Tribunal took the view that the provisions as they then stood provided no discretion in relation to the Basic Award. What we did was we actually clarified the law in order to make that absolutely clear.

2715 Does the hon. Gentleman think that it is good practice to actually change the law and give it retrospective effect and that is affecting parties' rights in this particular way?

Hon. J J Bossano: Well, Mr Speaker, if it is not good practice, then he should not have done it in 2008, because when he did it in 2008, he cut the figure at £2,200 for all the pending cases as well, so if what is with them now is retrospection, what he did in 2008 was retrospection.

2720 **Hon. D A Feetham:** Mr Speaker, again for the hon. Gentleman's benefit, we did not retrospectively change anything. All we did was make sure that the law, as we were being told... We made clear that the law, as we were being told by the Industrial chairmen was the position – we made clear that was the position. That is not *changing* anything retrospectively.

2725 But does he not accept that this particular change causes huge uncertainty for employers and also for lawyers, who cannot now calculate the compensation payable to employees?

Hon. J J Bossano: Well, I do not know whether it causes great uncertainty or not. I can tell the hon. Member that it did not cause great uncertainty to lawyers or anybody else between 1992 and 2008. The law was there for 16 years. For 12 of the 16 years – that is for longer than it was under the GSLP...

2730 Mr Speaker, does the hon. Member have an interest in the answer or does he...? Is he interested in the answer?

Mr Speaker: I cannot order a Member to listen, but...

2735 **Hon. J J Bossano:** No, no, but if he is not interested in the answer, I will not bother to give it; I will sit down.

Mr Speaker: I will leave it to the Minister to answer...

2740 **Hon. P R Caruana:** I think the correct parliamentary procedure is that the hon. Member is addressing the Chair and addressing the whole House, not just the questioner.

2745 **Hon. J J Bossano:** Well, I have no doubt that the Chair and the whole House *is* interested, but if the questioner is not interested, then I do not know whether it is worth doing it for the sake of the whole House and the Chair.

Mr Speaker: But I am interested –

2750 **Hon. D A Feetham:** The hon. Gentleman should not assume that I am not listening, simply because I am not looking at him directly.

Hon. J J Bossano: No, no, no, because he was in deep conversation with his 'mentor' and I do not know whether it was his 'mentor' was already preparing his next supplementary for him.

2755 The answer is that - *(Interjection and laughter)* Peppermint instead of 'mentor', is it?

The answer to the hon. Member's question is that the law was introduced on the basis that the award could be not less than £2,200 but there was no upper limit.

In 2008, the Government decided to change the law and make the £2,200 the maximum, because it was the *only* amount that could be awarded. He calls that 'clarification'; I can tell him that there were a number of

2760 pending cases that I was dealing with in the Tribunal, where the workers who might have got £2,200 or £2,300 or £2,400 were capped because of the change that was brought in, and he did not seem to think that depriving them of the legitimate expectation that they had before the cap was put was retrospective. But he is saying that this is now retrospective. Well, I do not know why it is retrospective *now* and it was not retrospective then, when the effect is similar.

2765 But, in any event, this does not require anybody to give more than £2,200; it makes it *possible*. So that there is no doubt, the wording that was there before has not been restored, so that we now make it very clear that it is at the discretion of the Chairman, how much above the £2,200 he wants to go. Now it may be that the lawyers that represent employers may find this something that is not very welcome. I am sure the lawyers that represent dismissed persons will welcome it.

2770 **Hon. N F Costa:** Mr Speaker, just by way of clarification to the hon. Gentleman, and I am working from recollection, but I am quite sure I remember reading two judgments where one chairman did, in fact, increase the basic award from £2,000 to around £5,000-£6,000, so there is judicial precedent by which chairmen can guide themselves, so it is not an insurmountable or impossible task. There is judicial precedent that I recall.

2775 **Hon. D A Feetham:** No, there was, in fact, I think, one decision by an industrial tribunal chairman. I had a meeting with all the chairmen of the Industrial Tribunal... In fact, I am not sure that the Speaker was there because I think that it was not appropriate to ask the Speaker.

2780 **Mr Speaker:** I had abandoned that practice by then.

2785 **Hon. D A Feetham:** - or he had abandoned the practice by then. But I had a meeting and the view that was expressed to me was that, as a matter of statutory interpretation, it was not right for... the cap was £2,300, as a matter of statutory interpretation. That was the view that was expressed to me, and that it was unsatisfactory that you had a situation where you had one or two chairmen of the Industrial Tribunal that took a different position to *all* the others.

2790 So the Government then took a decision to clarify the situation and say, 'Right, this is the law as it *exists*,' because it is clearly unsatisfactory for some chairmen to take the view... the vast majority of chairmen to take the view that it gave no discretion, and there were one or two, as I recall, that took a different position altogether.

2790 But may I ask the hon. Member opposite: how will lawyers and also employers calculate how much of the basic award is actually payable to *anybody*? Does he know? Does he have a clue about that at all?

2795 **Hon. J J Bossano:** I can tell the hon. Member, first, that when the law was introduced by the GSLP in 1992 it was introduced on the basis that what we were producing was a *minimum* of £2,200 and no maximum and that, therefore, if some people have chosen to pay the £2,200 and other people have chosen more, at no stage did people come to us and say, 'We interpret not less than £2,200 as meaning no more than £2,200.'

2800 I do not have the benefit of being a lawyer, so I read the English language as it is written, and therefore, for me, 'not less than' means that you can go, as a minimum, for £2,200. For some people to say that it is a matter of interpretation whether 'not less than' means not less than or not more than, which is what the hon. Member is telling the different views of different Tribunal chairmen has been, is something that was never put to me. If it had been put to me, I can tell him the wording would have been changed to make it crystal clear that 'not less than' means *at least* £2,200.

2805 Now, to make sure that that argument no longer holds true, it says *not less than* £2,200 and at the discretion of the chairman. The chairman is free to award whatever amount he thinks appropriate, using his discretion, in the circumstances of the case. There are, for example, in the United Kingdom, *unlimited* awards for compensation for a variety of grounds for dismissal, which do not exist in Gibraltar and which I hope to bring in as well.

2810 **Hon. D A Feetham:** But does the hon. Gentleman not accept that, in fact, the difference between the hon. Gentleman and myself in relation to this particular issue is that I happened to bother consulting the people who are administering the system: the chairmen of the industrial tribunal. You have not bothered to consult *anybody*, and this from the Government of many consultations!

2815 **Hon. J J Bossano:** I can tell him that the intention of Parliament – not the views of the lawyers that go to Tribunals; the intention of Parliament in 1992 – was that the minimum should be £2,200. (*Interjection*) At no time has anybody... Yes, the intention of Parliament, because that was done when we were in Government.

2820 **Hon. D A Feetham:** No, not the intention of Parliament; the intention of the Minister, because it never came to Parliament. It was subsidiary legislation.

Hon. J J Bossano: Well, right, but it was a regulation made under the provisions of the law and the intention was then clearly spelt out that the minimum was £2,200.

2825 As far as I am concerned, the Tribunal chairmen have either given £2,200 or given more than £2,200 because they were not allowed to give less. It was not because they were not permitted to give more. The fact that his consultants and people have told him ‘We haven’t given more because we didn’t think we could,’ should make those people happy now, because now they know they can. So what I have given now to all the people who said to him, ‘We have got a problem, that we do not know if we can go over,’ now that problem has been removed. The uncertainty that worried all those lawyers representing employers has now been removed by the action we have taken. Now it is clear they can give more, they can now sleep at night, comfortable in the idea that the sky is the limit and they can give workers as much money as they want. (*Interjections*)

2835 **Hon. D A Feetham:** The hon. Gentleman may laugh at this but, in fact, there are many employers that feel very concerned about this particular situation, because now... and, indeed, there are a lot of lawyers that feel very concerned about this particular situation because the compensatory award is there to compensate for... to place the person in a position where they would have been had the employer, for example, not undertaken the breach of contract or not done what they have done.

2840 The basic award is something over and above that, but now, as the legislation stands... Does he not accept that that is the uncertainty? As the legislation stands, there are no principles *at all* on which anybody can calculate the basic award. The hon. Gentleman laughs, but what he is really saying is, ‘Well, look, I don’t care – it is up to the chairman of the Industrial Tribunal to decide what the basic award is,’ but that creates *uncertainty* for employers, for employees and also for lawyers. Does he not accept that? (*Interjections*)

2845 **Hon. C A Bruzon:** Where is the question?

2850 **Hon. J J Bossano:** Mr Speaker, I do not accept anything that he has said. I do not accept anything that he has said, because the intention in 1992, which they changed 16 years later – that is, it took them 16 years to realise there was uncertainty – (*Applause*) and after 16 years they decided to cap it, and I have to tell him that there were many occasions in the past, when we were in Government, where fixing a limit on what could be the penalty on something we were told was interfering with the independence of the judiciary...

So, yes, there were many occasions when I was told that. The hon. Member can shake his head, but I was told that.

2855 **Hon. P R Caruana:** Not on that occasion.

Hon. J J Bossano: Well, surely if you cannot say to a lawyer, to a magistrate, how much he can fine somebody for parking or driving, then you should not be able to tell the tribunal, which is a judicial entity, how much it can award in compensation.

2860 So, as far as I am concerned, it was the intention in 1992. It was, in my view, *scandalous* that a former trade union official, Louis Montiel, should be the one that presided over the capping in 2008, and I am happy that one of the first things we have done is put back what was taken away in 2008 and what was happening before 2008 and what was intended in 1992. (*Applause*)

2865 **Hon. P R Caruana:** Mr Speaker, of course it is open to the hon. Members as a matter of policy that the situation that the hon. Member has just described should be brought about. No-one is disputing that they have the right, as a matter of policy, to adopt whatever position is lawful, constitutional, and they wish to adopt in the matter of the re-balancing of the rights and risks between employers and employees.

But can I ask the hon. Member if he would consider that, from that side of the House, the responsibility is

2870 wider than that: that the primary purpose of the legislation we are discussing is, of course, the compensation of people who, let us not forget, have been found to have been unfairly dismissed, and that that is a very laudable objective and that the hon. Member should have as a policy that such people should be properly compensated, I think that is a perfectly legitimate policy. Whether we agree or do not agree with the exact figure, that is another matter.

2875 But that there is another objective, could I ask the hon. Member to take into account, by the Government, should have, and that is to encourage and not *discourage*, particularly given the efforts that the hon. Member is making on the training and employment front, that Government's policies need to balance everything that I have just said with not making it, not discouraging, not disincentivising employers from creating speculative employment because, if an employer cannot know what the financial cost or what the order of the financial cost would be to extricate himself unfairly – unfairly, it has to be said, because we are in the realms of unfair dismissal – from an employment situation, he is going to think much harder before taking that on.

2880 The issue here is not whether £2,200 is too high or too low or whether it was always *intended* to be a minimum and never a maximum, which is what the hon. Member keeps on harping back to, but rather whether the law should provide a framework that allows a calculation of the ballpark of potential liability, as opposed to an open cheque. There are no criteria, there are no guidelines, there are no benchmarks against which an employer or a lawyer advising an employer can possibly form a view about what the exposure might be.

2885 So the issue here is not between the position that occurred in 1992 as against the position that we brought about in, whenever it was, two-thousand and whatever, (**A Member:** Eight.) and eight. The position is that, now that he has done what he has done, in a way which is intended to signal an end to the cap, and the tribunals will take that into account, there is, for the first time – because there is a coincidence of clarification and new law – a complete *vacuum* of reckoner. There is a complete vacuum of criteria against which to calculate potential exposure liability, because it is all literally limitless in the discretion of a tribunal, and that, I think, is a point which may be worth more consideration in slower order than may be implicit in some of the hon. Member's answers.

2890 I would ask him to agree.

Hon. J J Bossano: Mr Speaker, there is no evidence from the 16 years when it was not less than £2,200 that any of the problems... (*Interjection*) Well, it did not operate... I do not accept that it did not operate because the people concerned thought they could not do it. It is because they thought they did not want to do it. I have never been in any tribunal where the tribunal chairman – and I have been to many, many, many, many – has said, 'I would like to give you £2,200 but, in my view, the law does not allow me.' That has never been said. They have just said, 'Well, look, £2,200 is what I have to give you,' and that is it. I have often argued for more and I have never ever been told by a chairman, 'I cannot accept your argument because my interpretation is that I am not *able* to give you more. Whenever it has been turned down, it has been turned down on the basis that the chairman has decided that £2,200 is enough, and when they have got over –

Hon. P R Caruana: Regardless of the figure?

2900 **Hon. J J Bossano:** Regardless of the figure in the –

Hon. P R Caruana: In the regulations?

2915 **Hon. J J Bossano:** Throughout the 16 years, in all the Tribunals that I have been, where I have always asked for the maximum in everything, because I think that what you are going to need to do when you go to a Tribunal... But whenever I have asked for more on the basic award, there have been a few occasions when the chairman has been persuaded to maybe say, 'Well, I will give you £2,200 plus inflation since 1992.' But I have never had a chairman who says, 'Well, I think this is a deserving case. I would like to give you £2,200 but my interpretation is that I am not permitted by the wording to go beyond £2,200.'

2920 I have never come across that in any Tribunal that I have ever been in and, therefore, I see no reason for supposing that what I have not experienced in 16 years is going to happen now. But if, indeed, there is a problem in the future which has not happened in the past and it needs to be revisited, I will revisit it – but I do not believe there will be a problem.

2925 **Hon. D A Feetham:** Just one final... Does he not accept that the very fact that he has not reverted to the former wording 'not less than', but has used a completely different wording, actually implicitly accepts that the position was not clear?

2930 **Hon. J J Bossano:** No, I accept that there were people like him that *thought* it was not clear, (*Laughter*) and therefore to make sure that he does not make the mistake again. (*Applause*)

Hon. D A Feetham: The hon. Gentleman gives me too much importance, I have to say.

Hon. J J Bossano: Well, it shows how much I think about about him, Mr Speaker.

2935 **Mr Speaker:** Next question, please.

A Member: As opposed to...?

2940 **Mr Speaker:** The Hon. –

Hon. Dr J J Garcia: Mr Speaker, I move the House to now adjourn to three o'clock today.

2945 **Mr Speaker:** Is that convenient to all the hon. Members? This House will adjourn until 3.00 p.m. this afternoon.

The House adjourned at 1.05 p.m. and resumed its sitting at 3.00 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 5.15 p.m.

Gibraltar, Wednesday, 15th February 2012

The Gibraltar Parliament

The Parliament met at 3.00 p.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Questions for Oral Answer

ENTERPRISE, TRAINING AND EMPLOYMENT

**Offers of employment by and through Government
Guarantees to staff recruited through recruitment agencies**

Clerk: Answers to questions continue.
Question 139 of 2012, the Hon. D A Feetham.

5 **Hon. D A Feetham:** Will the Minister for Employment confirm that he will respect and honour any offer of employment made by any Government Agency or Authority to employees referred to them by recruitment agencies prior to his instructions that Government Agencies or Authorities should not recruit employees in that manner?

10 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, I am not aware of the employees that the Member is referring to.

15 **Hon. D A Feetham:** Will the hon. Gentleman confirm that if I refer him to a specific individual who attended an interview - in fact, an interview with the GHA referred to from a recruitment agency - who was offered the job prior to the hon. Gentleman giving the instructions that he gave, will he undertake to this House that he will honour that offer of employment?

20 **Hon. J J Bossano:** No, Mr Speaker. When he tells me about the case I will look into it, but I do not think the GHA or anybody else has got the power to make promises to recruitment agencies.

The position at the moment is that all Government agencies and authorities have to do the same as the private sector has to do, which is to open vacancies with the ETB fourteen days before they are filled, which is what the law requires.

25

**Future Job Strategy
Graduate applications**

30 **Clerk:** Question 140, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state how many graduates have applied to take advantage of the Future Job Strategy?

35 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

40 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** The 10 graduates, Mr Speaker, who were being paid £450 allowance a month, have been transferred to the Graduate Company, earning a salary of £1,368.90.

Hon. D A Feetham: Is it a policy of the Government to use graduate trainees in order to cover maternity leave in Government agencies?

45 **Hon. J J Bossano:** No. The policy of the Government is to employ unemployed graduates and those who were previously on £450 a month on the training that may be relevant to them – if there is a job for them – or in carrying out research work for the Government.

In fact, some of these graduates, two or three of them, were actually working in the Health Service and in other areas on £450 a month and now they are in the same place doing whatever it was they were doing before, but getting £1,368.

50

55 **Hon. D A Feetham:** Yes, but does he not accept that it would be quite wrong for the Government to be using the Graduate Trainee Scheme in order, for example, to just pick somebody, a graduate, from the unemployment list, and place them, for example, in the GHA to cover for somebody's maternity leave as part of the Graduate Trainee Scheme, with that person not learning anything? He is just covering for maternity, covering for a job, and therefore ought to be paid at the rates that that job actually carries. Would he not agree with me about that?

60 **Hon. J J Bossano:** I do not agree with anything that he has said because it is all hypothetical. What I have to tell him is that the people who are now in the Health Authority, *now*, at this moment in time, were already there before, except they were being paid £450, instead of £1,368. So whatever it is that it is wrong that they are doing it for £1,300, it was three times as wrong before when they were getting one third!

65 **Hon. D A Feetham:** But, again, the hon. Gentleman has a habit... although I have to say that I have to congratulate him because he has really fine-tuned it to an art form. He obfuscates every single time that I ask a question. He does not want to answer the question.

I have asked him: if you are using... the use of the Graduate Trainee Scheme to cover for maternity leave, that that would be wrong - yes or no? Does he agree with me on that?

70 **Hon. J J Bossano:** Mr Speaker, I do not agree with him because I do not have to agree with any hypothetical suggestion that comes into his head.

75 I have already told him there are 10 and I have told him what the 10 are doing, and he is asking me, 'Suppose, instead of 10 there are 200 in a year's time and they are doing something different, would it be wrong?' I can tell him that, at the moment, the 10 people that are in the Scheme are the same 10 people that were there a month ago. They are in the same place as they were a month ago, which is where they were on 8th December, except that they are now getting £1,300 instead of £450. That is the information that is available that I can give him about the people who are employed in the Graduate Scheme.

80 What may or may not occur in a future date is a hypothetical question and I do not have to answer hypothetical questions.

Hon. D A Feetham: Of course, the hon. Gentleman assumes it is hypothetical, but it is not hypothetical. It is, in fact, linked to the question that I asked in my previous question.

85 There is an individual who was referred to the GHA by a recruitment agency, who attended the interview to cover for maternity leave, who was offered the job by the GHA, who had that offer of a job retracted because of the instructions that he gave round about the same time, and she has now been offered the job – in other words, covering for maternity leave – not at the rates of pay that would have appertained to that post, but on the pay of graduate trainees. It is not hypothetical. Does he agree with me that that is *wrong*?

90 **Hon. J J Bossano:** I do not agree with you that that is wrong, because I do not accept that that is what is happening, but I will investigate it. (*Interjections*)

95 **Future Job Strategy**
Company contracts to refund ETC expenses

Clerk: Question 141, the Hon. D A Feetham.

100 **Hon. D A Feetham:** Can the Minister for Employment state how many companies have signed contracts under the Future Job Strategy agreeing to refund the expenses incurred by Employment Training Company Limited in training that individual if he or she is not employed by that company?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

105 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, around 70

employers have so far confirmed their willingness to enter into a Business Partnership Agreement with the Employment Training Company to employ trainees placed with them on completion of a training period.

110 **Hon. D A Feetham:** Mr Speaker, but that was not the question.
What I asked was how many employers have signed contracts – have actually signed contracts? Can he answer the question, please?

115 **Hon. J J Bossano:** The answer to the question is that employers are required to sign the contract after 30 days and no employee has had that training for 30 days.

Hon. D A Feetham: So the answer is that no employer has, as yet, signed any of these contracts?

120 **Hon. J J Bossano:** The answer is that no employer, as yet, has been asked to sign. They have been asked to say whether they are willing to sign if they are satisfied with the employee after 30 days and (*Laughter*) 70 have said they are willing to sign at the end of the 30 days. So it is not that we are asking them to do it now and they are refusing.

Hon. D A Feetham: So you are asking a hypothetical question!

125 **Hon. J J Bossano:** No, I am not asking a... It is a clear question. (*Interjection*) Are you willing... (*Interjection*)

130 Mr Speaker, if the hon. Member wants to have information, then I am prepared to provide him with information. If what the hon. Member wants to do is have things that he can twist to his own advantage (*Laughter*) and make use for the propaganda that he wants to make use, then he is not going to get that from me, (*Interjection*) so he should stop trying. (*Interjection*) He can try, but he is not going to get it.

135 So the answer to the question is that, of the people that have had persons already been placed with them, they have now been notified that, under the new system, they have got up to 30 days to make up their minds, based on whether they think the person would be suitable for the job that is lined up for them. If, at the end of the day, they decide that that person is not suitable, they can then return the person to us.

If they do not return the person to us because the person is suitable, then they sign an agreement. Seventy employers have said, if they are satisfied at the end of the 30 days, they will sign. The employers who have not done that have been informed that we will find alternative placements for the people with them.

140 **Hon. D A Feetham:** Is he still satisfied that this Scheme, effectively relying on private sector employees to sign these contracts, that this fulfils their manifesto commitment, and I quote,

‘to give trainees a *guaranteed* full-time job on completion’?

145 **Hon. J J Bossano:** It satisfies everything that we have explained to all the interested parties that have approached us on how this Scheme would work. It does not satisfy the misrepresentation that the hon. Member gave when he said I was going to *ruin* Gibraltar by putting everybody into the public sector. So since he wants to be able to attack me for ruining Gibraltar, even though I have no intention of doing it, he now wants to say that I am going back on my intention of ruining Gibraltar!

150 Now either he has got to make up his mind whether putting everybody in the Government is a very good thing for which he should congratulate me, or not putting them in the Government is something for which he should congratulate me. Clearly, he wants to congratulate me for nothing, so he is going to attack me whatever I do and, therefore, given that he is going to attack me, whatever I do, I will tell him what I am doing and therefore he has to accept that that is what is going to happen. The result will be, I hope, and I am convinced that it will be, that there will be less people unemployed in a year’s time than there are now, which is the purpose of the exercise, which I am sure he wants me, at least in that, to succeed.

155 **Hon. D A Feetham:** I have a copy of... Can I pass up to the hon.... (*Interjections*)
Can he confirm that this is the contract that employers are being asked to sign, guaranteeing the trainees a job at the end of their training? Is this it?

160

Hon. J J Bossano: Yes, it is, Mr Speaker. This is the one that says:

‘...to confirm to the ETCL within 30 days of the start of the Employment Training that there will be a permanent job at the end of this period, subject to successful completion of the employment training period.’

Seventy employers have said ‘yes’ to one.

Hon. D A Feetham: What happens in a situation where, for example, the trainee is, in fact, employed, but then sacked a week later? Does he not agree with me that this, actually, does not cater for this situation and that, in fact, it is easily circumvented?

Hon. J J Bossano: I can tell the hon. Member that I do not think employers are going to be irresponsible and want to renege on their commitments.

So far the employers that I have dealt with all seem to be responsible people who want the good of Gibraltar but, of course, if the hon. Member is saying that this paper is not worth anything because people can simply wriggle out of it without any commitment, first of all, it is at least an improvement on what was there before when they had to give no commitment of any kind at all. They did not even have to wriggle. They just simply said, ‘Go back and send me another one’; but, in any event, he has got to make up his mind. Either this is something that is too onerous for the private sector or something that is meaningless and places no burden on them. The last time in the last Question Time, he was standing up in defence of the private sector, saying how difficult I was making things for private sector employers.

I think the hon. Member has to accept that we are in the middle of February, that this started on 1st February, and that he wants me to speculate as to how successful it will be and all I can tell him is that I am determined to make it a success. Therefore, he can tell me that I have failed when I have failed, but I have not failed yet...

Hon. D A Feetham: Does he not accept that, in actual fact, one looks at this... any cursory examination of this contract, you would be bound to conclude that employers could easily circumvent the so-called ‘job guarantee’ by just sacking a trainee a week or two weeks, or a month later and they would have to repay absolutely nothing; and, in the light of that, it makes a mockery, an *absolute mockery*, of the guarantee that the hon. Gentleman provided, and the Government opposite, provided in their manifesto – that everybody who undertook training would be guaranteed a full-time job? Isn’t that the case?

Hon. J J Bossano: No, Mr Speaker, it is not the case. What is the case is that the hon. Member, ever since he has spoken on this subject in the House and outside the House, has been rubbishing it. He has called it a con. He said I have reneged. He accused me of being Stalinist and wanted to put everybody in the public sector!

The answer is that I think he is afraid that it will work and he wants to undermine it and put a time bomb underneath and undermine confidence in it. I only ask him to please continue doing this because he has got 1,200 persons who are starting to benefit from this, who will be very attentive to all the fault-finding that he is engaged in and I think that will do the support of the Government the power of good. He should keep on doing this and rubbishing it. We will prove him wrong in a year’s time.

He will have to eat his words in a year’s time, when it will be a reasonable time to take stock and, on top of that, it will give me an opportunity to remind all the people that we have got in employment that, if he had been here, they would not be working.

Hon. D A Feetham: I have to say that, again, it is a masterful performance of obfuscation (*Laughter*) but does he not accept that this is a monumental U-turn because, at the end of the day, there is absolutely no guarantee at all? Does he not accept that there is a world of difference from what he promised at the last General Election, which was to employ everybody in a public company, in a Government-owned company, to the situation that we have now, which is a guarantee in the private sector that is not worth the paper it is written on? Isn’t that the case?

Hon. J J Bossano: No, Mr Speaker.

I accept one thing: that he is the prime expert in Gibraltar on monumental U-turns and that, therefore, he is

better qualified than anybody in Gibraltar to assess what is a monumental U-turn. But this is not a monumental U-turn. What is a monumental U-turn is what he told me in my office when he came back from England, which was that he had a wonderful career there, that he was not interested in coming to Gibraltar because he had political ambitions. He was only here to get rid of the man sitting next to him who had done so much damage to his family (*Interjections*) That is a monumental U-turn. (*Interjections*) That is what he told me. (*Applause*)

I have to say that, for the benefit and the *safety* of the Hon. Leader of the Opposition, with whom I have shared so many happy moments in this House, (*Laughter*) I am glad that he has made the U-turn and that he has got him so close, otherwise he might be in danger!

Hon. D A Feetham: Well, obviously, the hon. Member is not going to answer the question, but it is very fresh from the man that he forgets I have a longer memory, it appears, than him. He is obviously older than me, but the hon. Gentleman went from the IWBP to the Gibraltar Democratic Movement (*Interjections*), to the GSLP (*Interjections*) in the space of four years! (*Interjections*) That must be some kind of record, Mr Speaker.

Mr Speaker: Order. Order. Is there a question there?

Hon. D A Feetham: Yes, Mr Speaker. Is he refusing to answer the question, then?

Hon. J J Bossano: No, Mr Speaker, I am not answering the question. I am disagreeing with the premise upon which the question is based and the premise is that I promise things that he attributes to me, which are *his* interpretation of what I promised and that he is claiming I am going to fail, which is *his* interpretation of what *his* wishful thinking is.

He wishes that there should be 1,300 people unemployed, so that he can say, 'You have been betrayed by Joe Bossano and unemployment has not gone down.' (*Interjection*) That is what he wants because if that is not what happens, then it will not be a monumental U-turn and everybody will have a job.

Hon. P R Caruana: No, Mr Speaker.

Will the hon. Member acknowledge the possibility that that is not the position of the Opposition? Of course, the position of the Opposition is that we think that we should be over there and they should be back over here – and we look forward to bringing that about in four years' time, but not at the expense of unemployed people and certainly not at the expense of Gibraltar, as we have tried to make clear already.

Does the hon. Member acknowledge that it would be legitimate for the Opposition to press and question the hon. Member opposite on the detail, as it emerges, of his Job Strategy Scheme, not because we hope it fails or because we have no sympathy for the people that may benefit from it – and, therefore, we would prefer that they were unemployed – not for any of those reasons, but simply because it would be legitimate for us to compare how what he *actually* delivers compares to what he *promised* before the Election, which we think was the Election promise that probably got them sitting on that side of the House, as opposed to back on this side.

In other words, if there is a perception out there, it is not shared only by my friend, about which he has said all those unpleasant things, it is also the electorate out there who went into the Election on polling day thinking, wrongly apparently, that there was some promise by the GSLP to guarantee every unemployed Gibraltar longer employment, and all we are doing... and we think it is not illegitimate... and would he agree that it would not be an illegitimate exercise for us to seek to hold up what he *actually* does against that perception? Of course, the hon. Member would be free to say, 'Well, that is a *wrong* perception', but it would not be a wrong perception only held, I have to tell him, by the Hon. Mr Feetham.

That is what we are doing. We are not hoping he fails. We are hoping he succeeds. We want to know what the cost is of that success. (*Interjection*)

Hon. J J Bossano: [*Inaudible*] ...Mr Speaker, there is a difference in the way that is expressed by the hon. Member opposite and the hon. Member sitting beside him, because it is one thing to say, as he said at the last meeting, that they are sceptical and they are not as optimistic as I am about what will be achieved and another thing to say that I deliberately conned everybody in Gibraltar and that I never had any intentions of doing it. That this is a disgrace. That it is a monumental error. That, first, I am going to ruin Gibraltar, and,

secondly, that it is not worth the paper that it is written on.

If you say all those things, it seems to me that you are doing your damndest to undermine confidence in –

Hon. P R Caruana: No, it was to –

Hon. J J Bossano: - the thing and make sure that it does not happen.

But I have to tell the hon. Member that if he wants to say it is reasonable and legitimate to see how we are doing, well, look, you see how I am doing, but I am telling you it is a fortnight since it started.

You are asking me to tell you how many employers have said they will sign it and I have told you that we will see how many actually deliver. You can then ask me a month later, how many of those delivered have actually given employment. You can then ask me how many people have been sacked. But if you are saying, at the beginning, it is clear from what has happened so far that it is all going to fail, then certainly the perception that you create with me, Mr Speaker, is that you want it to fail.

Hon. P R Caruana: No, Mr Speaker, there are two areas of questioning and they are distinct and the hon. Member systematically conflicts them. There are questions that go to the scepticism. In other words, do we think that this is a properly thought out process... policy? What are the loopholes? Will the employers comply with it? Will it have the effect that the hon. Member hopes that it has? All those are questions that go to the scepticism about it and, in that area, he is certainly in a position where he can make us eat our words in a year's time, as he says.

Then there is a second category of questions, would he not accept, that, say, never mind the prospects of success of what you are now doing... independently of its prospects of success or of our scepticism, is what you are doing *actually* what you led people to believe before the Election you would be doing? Those are wholly different things which have nothing to do with prospects of success, scepticism, asking for... It is simply holding the hon. Member to account to see the extent to which the policies that he is deploying and unfolding *actually* deliver what they promised the electorate, or what the electorate understood by their words to be promised, and that is a wholly different area of questioning.

Would he accept that that distinction exists and that one question does not necessarily ask for both things?

Hon. J J Bossano: No, because presumably, Mr Speaker, if in a year's time we have reduced by half the unemployment, the hon. Member will say, 'Well, yes, but you still have not done what you said in the manifesto.'

Hon. P R Caruana: Yes, I could do that. Yes, that –

Hon. J J Bossano: Yes, so –

Hon. P R Caruana: I beg your pardon.

There are people out there, Mr Speaker, who may have voted for him, believing that they were promising unemployed Gibraltarians... well, Gibraltar belongs – I do not think they ever used the word 'Gibraltarian' – residents of Gibraltar employed in Government-owned companies. The fact that he may do things that are positive in bringing down unemployment is laudable, but it does *not* amount to a delivery on the promise that people *thought*, rightly or wrongly, that they were making and on which basis they may have been persuaded to vote for them. They are wholly different issues.

Hon. J J Bossano: They may be wholly different issues, but that is entirely in the field of imagination and speculation unless we hold an opinion poll and say, 'How many of the people who voted, voted because they thought everybody was going to be put in the public sector?'

I do not believe everybody who voted for us voted because they thought we were going to put everybody in the public sector. What they thought was that the thing that I have been saying for 15 years, when the hon. Member used to tell me that he was rejoicing that the inflow of frontier workers was going to be stopped, and it has been stopped, and because it has been stopped there is now less competition and more opportunities. Because we are involved in providing more funding than ever before and organising the training on a level that has never been organised before, because it is not just a question of *parking* somebody somewhere for 400 quid a month, we believe this is an *improvement* on what there was there and that it will deliver the

results and, consequently, when the results are delivered, they can spend the next three years after that saying, 'It is not what you promised.' But I can promise him that all the people who will be working and getting decent jobs, instead of being on the dole, will not be worried about whether the perception was the right perception or the wrong perception. They will be glad to be working.

Hon. P R Caruana: So do I correctly understand his answer to me that anyone out there listening, or reading us in print, who thought that the Members opposite at Election time were offering them a guarantee of employment in a Government company misunderstood what was being said to them and that, in fact, they were not told anything of the sort?

Hon. J J Bossano: What they were told was that they would be employed in a Government company to be trained and be given a job at the end –

Hon. P R Caruana: By whom?

Hon. J J Bossano: By the employer, whoever the employer was, or did the hon. Member think that I was saying we are going to employ 20,000 Gibraltarians in the Government because, if I had been saying that, then the figure would not have been the £11 million, it would have been £21 million? The £11 million was the figure that they came up with because they knew that there were 1,100 out of work, otherwise it would not have been £11 million, it would have been £4½ million, if that was really 450...

Hon. P R Caruana: Yes, unemployed in Gibraltar. It was 1,000 you were saying –

Hon. J J Bossano: Yes, 1,000 unemployed, so it is not 2%.

Hon. P R Caruana: No-one is suggesting that –

Hon. J J Bossano: Mr Speaker, the hon. Member has, in fact, consistently in the House, in Budget, in the media, in Government pamphlets and in the Election campaign, talked about 2% unemployment. A totally fictitious figure because it is 2% unemployment by including all the frontier workers in the workforce and, of course, the more frontier workers that are put in, the lower the percentage. But the frontier workers disappear when they become unemployed, so they never become unemployed.

The size of the workforce against which the percentage is calculated means that, if he decides to do the terminal, the tunnel, the generating station and 20 other projects and we import half of Andalucía, then we go from 2% to 0.2%, but there are still the same number of Gibraltarians out of work and residents out of work. So when we were addressing the issue of the unemployment, we were addressing on the basis that we would ensure the priority of employment? Certainly, for a start, in the Government. Certainly, in Government agencies, the priority of employment will be for residents.

All this business of bringing people in from outside while our people cannot compete with them and are on the dole is finished... and then ensuring that no employer in Gibraltar would have a way out by saying, 'Well, look, the problem is that the people who come out of the training centre are no good at construction work', or 'the people that come out of the universities have no experience.' Well, look, if nobody ever gives them an opportunity to be in a work environment, to pay them and to place them somewhere, the experience will never come.

You have a situation where the previous Government, Mr Speaker, has been recruiting people for the Care Agency and when the vacancies have come to me in the employment... the first time I saw them it said you either had to have five GCEs with one O level if you are a local, or a piece of paper that says you worked in an elderly people's home. Well, look, you can never have a piece of paper that says that, unless you work in the one elderly people's home that there is in Gibraltar, but in Andalucía there are 200, and if I did not work in any of the 200, it does not take too many euros to get that piece of paper.

So what do our people do? The answer is now we say 'no, no'. The Care Agency will have somebody placed with them whom we will train and then they have no excuse. I believe the strategy may not be perfect, it may need things that come up that are not working well which will need to be put right, but I can tell the hon. Member that my commitment to make this work is total and I normally do not give up that easily, as Members may have noticed. (*Laughter*)

Hon. D A Feetham: Yes, so we have established, then, that ‘a guaranteed full-time job on completion’ – which are the words used in the manifesto – is a guaranteed full-time job in a private company in the private sector.

385 Will the hon. Gentleman commit... or will he answer this: what happens if any of these people are not taken on by that company? Are they kept in perpetual training until another company comes along? What happens if a company does not employ that individual?

390 **Hon. J J Bossano:** Mr Speaker, the scheme has been going for two weeks. The hon. Member is asking me, *deliberately*, questions that they have already asked.

In the previous questions, before lunch, I was asked what happens if the employer sends the guy back, and I said we take him back in the company and we place him somewhere else and we train him, and we keep on training him because the training is *for the job*. The training is not made before and then you hope somebody will find a job for the person with the skills that *you* have decided to provide. The skills will be the skills for which there is a demand in the market, and therefore the training will be provided so that those skills, in the public or in the private, will be there, so that there is *no excuse* for those who want to discriminate against our own people to continue to do so, and those that genuinely would like to employ our people but say our people are not sufficiently prepared will be given all the help they need by the Government to make sure that we overcome that obstacle.

400 The purpose of the exercise is to *succeed*. The hon. Member keeps asking me questions: what will you do if it fails? Well, I do not intend that it should fail.

Hon. D A Feetham: No, I am not suggesting... The hon. Gentleman keeps on going on that I have a desire to see the scheme fail. Absolutely not, but I am entitled to ask questions eliciting information from the Government as to whether the scheme has been properly thought out or not. That is the reality of the situation.

405 The hon. Gentleman may not like it when he is questioned. I know that he has never liked it particularly when anybody questions his authority, let alone any questions here in the House, but I am sorry, he is going to have to get used to the fact that, over the next four years, I am going to be asking plenty of questions in relation to this.

410 So can the hon. Gentleman confirm that the Government have actually thought this through in terms of what happens if somebody is not taken on by a company?

Hon. J J Bossano: Mr Speaker, it is not the Government’s obligation to tell the hon. Member what we have thought through or not thought through, because we are not here to answer to him for what we are going to be doing tomorrow or the day after, or in a month’s time, all of which is hypothetical.

415 He is putting up a series of problems that may or may not occur, and asking me how will I solve them if they do. Well, *if* they do – and I do not think they will, but if they do – I will solve them, and therefore the problems will not arise. I am not prepared to answer his hypothetical questions about future problems that may be encountered by something that has been in existence for a fortnight and where, as yet, not one single person is in beyond the original 30 days. I do not think that is something that he has got a right to ask. He can ask it, but he is not going to get the questions answered in the way *he* wants them answered. He will get the answers that *I* want to give him. Just like I cannot stop him phrasing a question the way he wants, he is not going to tell me how I am going to phrase the answers.

425 **Mr Speaker:** I think the Member must accept that this is (*Interjection*) about as far as we are going to get with this line of question.

Hon. D A Feetham: No, absolutely. I am not going to get any further with this. The hon. Gentleman has not answered the question and that is...

430 **Mr Speaker:** He did answer it.

Hon. D A Feetham: What can I do?

435 Will the hon. Gentleman, at the very least, consider this as a constructive suggestion from, certainly, this side of the House (*Laughter*). Will he go back and look at that contract and consider, in fact, adding some particular clause to the contract that at least compels the employer to actually retain the employee for a period

of time before the repayment clause actually kicks in, because at the moment it is my interpretation, in relation to that contract that, if the employer were to sack the employee a week afterwards, they would not have to repay anything to the Government, and that seems to me to just be a circumventing of the intention of the scheme, as the hon. Gentleman has explained to this House.

Hon. J J Bossano: Assuming that he is making a constructive suggestion – which requires an exercise of belief on my part which is difficult to deliver... Assuming that he is doing that, I will consider it but, of course, I have to remind him that he thought initially that this was too onerous already. So if he is suggesting that I should toughen up the conditions, I will look at it.

**GDC employees appointed to Civil Service
Outside ring-fencing arrangements**

Clerk: Question 142, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state whether any GDC employees or former GDC employees who were appointed to the Civil Service have been appointed to posts where the function or activity was undertaken by a Civil Service employee prior to the appointment of GDC employees to the Civil Service, and therefore outside the ring-fencing arrangements applicable to former GDC employees prior to 8th December 2011?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

The Minister for Enterprise, Training and Employment (Hon. J J Bossano): No, Mr Speaker.

**Registered unemployed on 31st January 2012
Breakdown by number of months**

Clerk: Question 143, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state how many people were registered unemployed on 31st January 2012 between (a) 0-3 months; (b) 3-6 months (c) 6-12 months; (d) 12-24 months; and (e) above 24 months?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

The Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, the number of people who were registered unemployed on 31st January 2012 who had been registered between nought and three months was 458.

Of the 458, 189 had been out of work for over three months and, therefore, in respect of all the numbers that I am giving him, the time register is, in fact, less than the time out of work because people do not register immediately they become unemployed. Three to six months registered is 123; 6-12 months is 57; 12-24 months is 32; and over 24 months is 35.

Hon. D A Feetham: So, effectively, there are 35 people who have been registered unemployed for over two years – correct?

Hon. J J Bossano: It is correct that they are registered for over two years and they may have been unemployed even longer than over two years.

Hon. D A Feetham: Does he not accept that, in relation to these people who are unemployed for longer

than two years... in fact, others that may be long-term unemployed for longer, for example, than a year... that, in relation to those, the Government obviously faces particular challenges in terms of getting them back into employment and that, in relation to, for example, the Future Job Strategy and the getting of employers to guarantee places of employment for those individuals... that there are particular challenges in relation to those, and can the hon. Gentleman explain to this House how he is thinking in terms of trying to meet those challenges?

Hon. J J Bossano: I do not accept that there are a group of people called ‘unemployables’, which is something that other people have previously thought of.

Hon. D A Feetham: I have not used that term.

Hon. J J Bossano: I know you have not used the term, but I am just making clear that I do not use it either.

Hon. P R Caruana: Yes, I use that term.

Hon. J J Bossano: You do.

Hon. P R Caruana: And I will continue to do so.

Hon. J J Bossano: And you will continue to do so, yes. There you are, you see: division on the Opposition back benches!

I think it is true that employers will be more reluctant to take on people the longer they have been out of work. That is a fact of life. Nevertheless, the position is that, clearly, it will be that it will be easier to deal with those who have been most recently employed – we hope, and that is the usual... Some people, frankly, get re-employed within three months with no help from the Employment Service. They just lose their job and they find another job and they do it on their own, and by the time that we learn of the termination of the vacancy in the ETB, it has already been filled because somebody else has moved from one job to the other. There is that level of movement which, in fact, *exceeds* the movement that has been going through the ETB itself. But as we reduce the numbers that are more easily placed, we will be able to concentrate more resources on those that are the more difficult cases.

I would imagine that, since there are something like 250 on Social Assistance who have to register as unemployed, many of those who have been in long-term unemployment, for over a year or 18 months, in the category of Social Assistance, some of them may not be in a position, for a variety of physical or other reasons, to take on heavy work or to work in the construction industry, but we will... The smaller the problem gets, the more time, attention and resources we will be able to devote to solving it. That will be the strategy.

Hon. D A Feetham: Yes, I note that, in fact, some of his storm troopers are misrepresenting the statements that I have made in various letters to the *Chronicle*, and I do not... So I am going to be careful with the language that I use, lest the hon. Gentleman gets them to continue misrepresenting my position.

But does he not agree that, within that group of long-term unemployed, there are various reasons for those people being unemployed? Some of them, for example, may be unemployed because they have come out of prison, and I saw a lot of those people when I was Minister for Justice. Others, for example, may be, as the hon. Gentleman has outlined in his previous answer, people who are in receipt of Social Assistance. The way that certainly *we* would have dealt with... One of the ways we were going to be dealing with these people was... One was introducing, for example, rehabilitation, which we did in the Crimes Bill – rehabilitation of offenders legislation, preventing employers from referring and asking about the criminal convictions of particular individuals – and in relation to, for example, people who are long-term on the Social Assistance list, asking those people to enter into a Jobseeker’s Agreement, whereby they are actually paid more but there is an undertaking from that person that they are seeking employment.

I outline that because my question is this: what *specific* measures is the hon. Gentleman proposing to take, other than ‘Well, we’ll have to concentrate on these people’? What specific measures does he have in mind in order to deal with these people?

Hon. J J Bossano: ‘These people’, as he puts it, are just ordinary Gibraltarians, the same as *us people*, and therefore they will be dealt with the same as we are dealing with everybody else. They will have the same opportunity. It is just that more time, money and attention will be paid to them. But if the hon. Member says that he has had all these policies in the past, before 8th October – and we are talking about people who have been out for six months, nine months, a year, a year and a half, and two years – then it must be obvious that they were all there on 8th December and that all the Jobseeker’s Allowances and all the rehabilitation that he was doing was not working; otherwise, they would not be there.

Hon. J J Netto: Mr Speaker, if I may, I quite distinctly remember, in our first term of office, in the GSD, when I was Employment Minister, that one of the particular issues that we did in order to provide as much support as possible to long-term unemployed – meaning more than 12 months – was to look specifically where those particular individuals were not actually succeeding in order to get employment. What we did find out was some of them – not all of them – had numeracy problems, literacy problems, lack of confidence in interviews. So this is the reason why we created the Job Club: in order to have counsellors specifically providing them with those particular skills to be able to offer themselves better to an employer at an interview, on the one hand; and, on the other hand, I remember and recall that we used to give allowances – not allowances, bonuses – to employers for a particular period of time in order to maximise the uptake of long-term unemployed.

I know it is a difficult thing to get long-term unemployed persons back into work, but I think that the question that my colleague is asking is a reasonable one. I think what we are trying to get at is that, presumably, those facilities are still there but, in the context of the audit of skills that the hon. Gentleman has alluded to in the past, will take into account what more extra resources, support may be given to those long-term unemployed. So can the Hon. Minister, actually, in the context of the skills audit he has mentioned, see whether there is the possibility to grow that particular service within the Employment Service?

Hon. J J Bossano: Well, nothing has been terminated that was there already. Whatever help was being given and whatever incentives were being given, frankly I am not... I do not really know what they are. But, presumably, they are still there because nobody has said that they should stop. What I am saying is, in fact, that in the new approach that we are adopting, the fact that you have been a long time out of work, or the fact that you may have a particular problem, is not something that excludes you from the system that we have got in place but, in fact, as the numbers that we are dealing with start declining, more time and attention will be devoted to the more intractable and difficult cases.

What you cannot do, in my judgement, is to say to somebody who became unemployed three months ago, ‘You are not a priority because somebody was there two years ago and we will do the other one first,’ when we know that it is going to be easier to place the one who has just come out of work. Therefore, the resources that will come back to us will come back to us quicker because the other person will be given a job in the placement sooner and we might have to support somebody with long-term unemployment for longer before they are given the opportunity of staying there permanently.

But there are people already who have had these kind of problems and, in the past, have been placed and they have actually managed to adjust and are now in a normal working environment. There is no reason why that should not happen in the future.

Hon. D A Feetham: I hope I am not being unkind to the hon. Gentleman, but it appears to me –

Hon. J J Bossano: Heaven forbid!

Hon. D A Feetham: I want you to answer the question.

Of course, we accept that the fact you are a long-term unemployed does not exclude you from your entitlement for somebody to help you and to try and find a job for you, or for you to find a job. Of course. What we have asked is what measures have the Government actually taken in order to deal with these particular individuals, particularly also in the light of the Future Job Strategy, where the Government is guaranteeing anybody a job in the private sector. That is the question that we have asked, and that is the one that the hon. Gentleman appears to be refusing to answer.

Perhaps he can answer this: will the hon. Gentleman at least press the Minister for Justice, for example, as quickly as possible to introduce or to commence the rehabilitation of offenders parts of the Crimes Bill?

Hon. G H Licudi: Mr Speaker, a notice in relation to the rehabilitation of offenders will be published tomorrow.

Hon. D A Feetham: Well, thank you – the first straight answer we have received today!

Hon. J J Bossano: I am not going to press the Minister for Justice, in answer to his question. (*Laughter*)

Hon. P R Caruana: Mr Speaker, does the hon. Member accept that... I would accept that there are... I agree with one of the last things that he said, namely that there are many people who can be helped back into the work ethic and a job environment and that those people are worthy recipients of additional help, additional funding etc. Indeed, that was our experience with the Gibraltar Community Projects Company – that some of the people who were there, supposedly because they could not get into the work ethic etc, actually, over the years, working in an increasingly normal working environment, *did* progress to the ability to join what we might call the mainstream labour force.

But when all those people have been helped, there will always be a residual group of people who are the ones that I call the ‘unemployables’ who, for one reason or another will not submit, will not succumb to the assistance that policies such as he has outlined are designed to help them. They will always be a problem. There will always be a core of people who will never be attractive to an employer, even as a trustee – not a trustee, either as a trainee – or as a permanent employee, and these are not the people that the hon. Member’s policy is designed to shoehorn into permanent public sector employment, through this company, presumably.

So the question is: does he acknowledge that there would always be, in any society, a group of people who, for one reason or another, will not, cannot, be helped into finding employment, and what does he have in mind for those? Presumably to continue to deal with them as they have been dealt with in the past – supported by social... but not shoehorned into the public sector through a Government company, presumably.

Hon. J J Bossano: At the moment, there is nothing specifically designed for the group that he has defined, but if we look at the figures here... If we assume that the intractable are those that are registered as seeking employment over one year, we are talking about 67 people. If we can bring the level of unemployment down to 67, we will be doing well.

**Registered unemployed since 11th December 2011
Number of job vacancies filled**

Clerk: Question 144, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state how many job vacancies have been filled since 11th December 2011, and how many of those vacancies have been filled by people who were registered as unemployed between (a) 0-3 months; (b) 3-6 months; (c) 6-12 months; (d) 12-24 months; and (e) above 24 months?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

The Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, the number of job vacancies that have been filled since 11th December 2011 is 959. Of those vacancies, the number filled by people who were registered as unemployed between 0-3 months is 62; 3-6 months is 16; 6-12 months, 3; 12-24 months, 1; and over 24 months, 1.

This, in fact, demonstrates the point that I made earlier, that something like 90% or more of the jobs that have been filled have not been filled from the people who were registered as unemployed.

Hon. D A Feetham: Does it not illustrate the point that I was trying to make, which is that, of course, the people who are on the long-term unemployment list clearly need additional measures targeted at them; and my question about what measures were the Government intending to take in order to help those individuals – has it not established that as well?

Hon. J J Bossano: Mr Speaker, what we have established is, for example, that of the 36 that there were unemployed over two years, one was employed and there are now 35, and that of the 60 that were unemployed between six and 12 months, three became employed and 57 still remain. So, in fact, the ratio under one year and the ratio above two years is no different.

I think what needs to be addressed is the fact that, in the period since the 11th, we are talking about 959 people getting work, and out of those only 83 were people who were registered in the Employment Service looking for work. That is the first issue that needs to be tackled because, independent of whether you have been out of work for three months or out of work for two years, if the jobs that arrive in the Employment Service are jobs that have already been given to somebody, then there is no chance of finding you a job.

The Employment Service, in fact, is taking a tough line with both public and private sector employers that the requirement that there is – that the vacancies have got to be open before they are filled – is there for a reason, and the lack of confidence that there is amongst unemployed people in the work that the Employment Service does is due to the fact that, when they get there, there are always cards with jobs, and when they go to the places where the jobs are supposed to exist, in 90% of the cases the jobs do not exist at all – they have already been filled.

Employers have had this practice, which now is almost cured but not entirely cured, that, for example, in January, what they used to call, apparently, the passing-through rate, was something like 80%, which meant that out of every 10 jobs, eight did not exist because a person had already been interviewed, a person had already been given a job and then the employer was sending the contract and the vacancy.

Clearly, if we are concerned about the guy with two years, then we have to have work sufficient available to us to be able to find him work, and at the moment that is a first priority, that the relationship that I have given him today of only 83 jobs out of 959 being filled from the unemployed will be a relationship that we will see changing. Unless and until we make inroads in the statistics, we will not really be able to help the long-term unemployed, whatever we do.

Housing Works Agency No requirement for CEO

Clerk: Question 145, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state whether it was *his* decision to sack John Cabezutto as CEO of Housing?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

The Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, Mr Cabezutto has not been ‘sacked’ from the post of CEO. The post was abolished by the board of the Agency after it was established that there was no requirement for it. Mr Cabezutto, therefore, automatically reverted to his previous employment as Deputy Manager of the Construction Training Centre in the Ministry of Employment and is still employed there.

Hon. P R Caruana: Well, Mr Speaker, since the board of the Agency decided to place that post in the hands of Mr Cabezutto and then a subsequent board of the Agency decided to abolish the post, and the only difference between the first and the second board is the fact that one was chaired by a Minister in the GSD Government and the other was chaired by a Minister in the new Government, is it reasonable to surmise that the decision to abolish the post reflects the views of the political member of the board and not the others?

Hon. J J Bossano: If we accept that the appointment of Mr Cabezutto reflected the political opinion of the hon. Member opposite, who was the one who had been calling at his office every morning... When we took over –

Hon. P R Caruana: That was a sin, was it?

Hon. J J Bossano: No, but Mr Speaker, Mr Cabezutto used to report to the Chief Minister at the time every morning, and after 8th December he still kept turning up there, like a ghost in the convent, wandering through the corridor, looking for my colleague's predecessor, who was not there any more to give him instructions. Therefore, when we finally pinned him down and asked him what he was doing there, he said, 'Well, this is what I used to do before.'

When the board was convened the first time it was convened on 14th October under the chairmanship of Mr Vinet, and it took the decision to create the post of CEO and to give the job to Mr Cabezutto – which had not been advertised or trawled for qualifications required, or probation period provided, or any conditions attached to the performance of the post – to increase his pay from £30,000-odd to £65,000, and therefore to put him in charge of the Agency.

After the new Government was elected, the newly constituted board was asked to examine the necessity for this £65,000 job and they concluded that, really, there was no need to be spending that amount of public money and that, given the work that is being done, the number of supervisory grades that there are as a result of the early-exit package and the very reduced workforce that there is now, there was no need for two jobs at the top of the Agency. Therefore, the more expensive of the two was eliminated as the logical and rational commercial decision to take. Mr Cabezutto, therefore, was told that the post was no longer going to exist and would not have continued to exist, irrespective of who the incumbent had been, and therefore that he should now go back to where he came from and do the job that he was doing previously.

Therefore, he was not sacked from the Government service, he was simply reverted to his previous position before the job was given to him on 20th October.

Hon. P R Caruana: Mr Speaker, that is a very roundabout way – if somebody is employed as the Chief Executive Officer of an organisation and shortly after the General Election he is summoned by the Minister for Housing and told that his services are no longer required, would he go back to his previous job in another organisation that, by any other name, is to be dismissed from your post. Is the hon. Member saying, in fact, that what they think they have done is abolish the post of CEO?

Hon. J J Bossano: No, it is not what we think we have done, the post of CEO *has* been abolished by the board that created the post on 14th October and I have to tell the hon. Member that the fact that on the eve of the Election directors and CEOs were appearing all over the place does not mean that we are stuck with them for the rest of the four years.

We have a right, Mr Speaker, to look as we come in and decide whether the job that is being done is a job that we continue to want to be done at public expense, or we do not. Mr Cabezutto was told that he would go back to the job that he had before and he could continue working there and, therefore, he has not been sacked. Sacking somebody is putting him on the dole and telling him to go to the ETB and sign on.

Hon. P R Caruana: Mr Speaker, that is a rather simplistic view of the law of employment related to constructive dismissal, but anyway, Mr Speaker, doesn't the hon. Member understand that the 'board', as he calls it, is not at liberty to abolish the post of CEO? The Housing Works Agency is a creature of statute. It was created by the Housing Works Agency Act passed in this Parliament. That Act *requires* that there should be a post of CEO, it is mandatory, it is established so by Act of Parliament. The board, that is itself, a creature of that same Act, is simply *not at liberty* to decide to abolish a post which a statute has created and says is mandatory.

Therefore, Mr Speaker, I think the hon. Member can expect some of the litigation that they thought they would avoid on this particular change of Government by their own admission, they have purported to abolish a post which they *cannot in law* abolish and therefore what they have done is not abolish the post, what they have done is sack the incumbent of that post, because the post itself cannot in law be abolished by them, unless they bring legislation to this House to amend the Housing Works Agency Act.

Hon. C A Bruzon: Mr Speaker, just for the sake of clarification, may I remind the House that the word used was not 'abolished', it was discontinued.

Hon. P R Caruana: It was not. It was 'abolished' and it is in *Hansard*.

Hon. C A Bruzon: It was discontinued. I was Chairman of the board and that is the word that I used and

that is the word that was used: ‘discontinued’ not ‘abolished’. For the sake of accuracy.

770 **Hon. P R Caruana:** I did not think that I would live to see the day when I would see the Hon. Mr Bruzon to rise in this House to protect the back of the Hon. Mr Bossano but, still, I have given the Hon. Minister for Employment two opportunities to confirm whether or not he has abolished the post and he has taken great relish in confirming – and it is there in *Hansard* that what they have done is abolish the post, because the board considered that it was no longer required.

775 I am telling him now that that decision is unlawful and *ultra vires* the board, who have no power to abolish the post, because it is a post created by law and not a post created by the board.

Hon. J J Bossano: Mr Speaker, if it is *ultra vires* and they do not have the power to do it, then clearly the post has not been abolished, according to his understanding of the law.

780 Therefore, the decision of the board has been to inform the occupant that the post was no longer required and even if it remains there empty, it is not going to be filled. If the hon. Member says that the board does not have the right to keep the post empty, then it did not have the right to fill it on 20th October and the way that it filled it was, effectively, that they did what they were told by him and they put the person that they were told by him to do. That is clearly known to everybody there, from the guy that is working in the yard to the guy that has got the no. 2 job in the organisation. That is why this supposed CEO, when ??? to receive his marching orders from the Leader of the Opposition when he was in Government. That methodology of running the Agency has been changed, following the Election, and therefore the position is that if Mr Cabezutto believes that the board is not entitled to tell him we do not want to continue employing you as CEO and you can now go back, then, of course, if he feels that he has got a case, he can pursue the case, as he is entitled to do, as a resident, in fact, the first thing he did, when he was told, I understand, was to say to everybody that he was going to take legal advice and probably he went to the Member opposite for the legal advice.

785 **Hon. P R Caruana:** Does the hon. Member not accept that this is not about the changing methodologies of the management of the board? The hon. Members opposite are perfectly entitled, if they want to, to procure that the board of the Agency should dispense with the services of Mr Cabezutto, or any other employee, despite the promise not to cut any heads in the Election.

790 Does he not understand that is what it would be, because this *guise*, this sort of dressing they have put on it, of an abolition of post is not open to them because they cannot abolish the post? Because they cannot in law abolish the post, the only way of dispensing with Mr Cabezutto, is to do what, in fact, they have done to him, is to *sack him*, because his employer, which was the Agency, has dispensed with his services, *other than* by means of abolishing the post because it cannot in law have abolished the post?

800 This is not about dispensing with his services. Look, the board can employ somebody and then sack them, as long as they understand that ‘sack them’ is what they have done and that has legal consequences. The behaviour of the hon. Members opposite now is not comparable to the previous Government’s. An Act was passed in this House which required the Agency to appoint a Chief Executive Officer and that power is vested in the board. The board met and duly appointed a Chief Executive Officer. That Chief Executive Officer was confirmed in his post in writing; the terms of his appointment were confirmed in writing.

805 Along come the hon. Members opposite, immediately after the General Election, and say to him that he is not acceptable. Mr Speaker, does the hon. Member accept – if he wants a question – given that the Agency requires by law to have a Chief Executive Officer, their objective of dispensing with the office of Chief Executive, because they think it is not necessary, cannot be achieved effectively or lawfully, until they have changed that Act of Parliament so that the law no longer requires the Agency to have a Chief Executive Officer? Does he accept that?

810 **Hon. Chief Minister:** Mr Speaker, I want to say two things.

815 The first is that nobody’s head has been cut off since this Government came and was sworn in on 9th December. Nobody’s head will be cut off, quite unlike the position in 1996 when the hon. Gentleman was sworn in as Chief Minister, when a number of heads *were* cut off and a number of cases were brought against his Government successfully by those whose heads were improperly cut off, to use the figurative term.

820 **Hon. P R Caruana:** Whose were cut off?

Hon. Chief Minister: Secondly, Mr Speaker, given that the hon. Gentleman has more or less indicated that legal proceedings will be commencing as a result of the matters which we are discussing, I do not believe it is appropriate for Government to continue to discuss these issues. We will await the service of legal proceedings and we will defend those legal proceedings, based on whatever advice we receive.

Hon. P R Caruana: Whilst he awaits those legal proceedings – and whilst I accept it is not appropriate to discuss legal proceedings that are afoot, not that these are, does the hon. Member agree that, if there is an Act of Parliament that requires the Agency to have a CEO, having dispensed with the incumbent CEO, they must, in order to comply with the law, now appoint a new one, because the Agency... the Act requires there to be a CEO?

Hon. Chief Minister: Mr Speaker, I am neither going to accept nor not accept any issue that the hon. Gentleman raises in respect of *this* matter, given that he has already said and more or less given notice that this is going to be the subject of litigation. It would not be prudent for the Government to put arguments *here* in respect of those issues, which we are being told may be the subject of legal proceedings. (*Interjections*)

Mr Speaker: The Hon. the Minister for Health wishes to say something.

Hon. Dr J E Cortes: Mr Speaker, I think as a point of information, since we are speaking on posts not filled, I think I would like to bring to the notice of the House, that the Gibraltar Health Authority Act requires three posts which have not been filled, probably for over a decade, and there was no Act of Parliament changing that requirement. (*Applause*)

Mr Speaker: Hon. Daniel Feetham.

Hon. D A Feetham: Can the... I do not think the hon. Gentleman answered my question. Was it his decision to sack Mr Cabezutto or was it a cabinet decision? Was it a collective beheading of Mr Cabezutto, or did he wield the axe himself?

Hon. Chief Minister: Mr Speaker, there have been no beheadings of *anyone*, despite the fact that if the hon. Gentleman cared to look at what happened in 1996, he would have understood that the Government that beheaded people simply because they believed that they did not share their political opinions is the Government represented by the party with which he sits.

Hon. P R Caruana: Who was beheaded in 1996?

Hon. Chief Minister: We are standing on the answers I have given already. We will not give any further answers in respect of these issues. There will not be any further answers provided, given that the hon. Gentleman has said that legal proceedings are to be expected in respect of this matter, so any matters can be ventilated in the appropriate forum, which will be such tribunal as whoever it is that is going to sue whoever it is that they are going to sue decides to sue it.

Hon. P R Caruana: If the Hon. the Chief Minister is so laudably... first of all I do not accept that the GSD Government beheaded anybody, but never mind, I am not here to answer his questions.

Mr Speaker, if the Hon. the Chief Minister is laudably committed to a policy of not beheading anybody and respecting everybody's rights, regardless of what their political colours might be, will he be instructing the Hon. the Minister for Employment to respect the right of the ex-GSD Minister, Luis Montiel to return (**Members:** Hear, hear.) to his previous post, as his terms of parliamentary appointment entitle him to, to return to his previous post in the Employment Service under the ministerialship of the Hon. the Minister for Employment? Will he be *ensuring* that that takes place?

Mr Speaker: I am not sure that is a proper question, with respect. We are talking specifically about Mr Cabezutto.

Hon. P R Caruana: No, we are talking about cutting off heads.

Mr Speaker: No, we are talking about Mr Cabezutto and now I do not think it is open for the hon. Member to start bringing other individuals into this line of questioning.

880 **Hon. P R Caruana:** The Chief Minister seems perfectly content to answer the question.

Hon. Chief Minister: I am perfectly content to stick to your ruling, Mr Speaker.

885
**Government agency, authority or company
Vacancies since 8th December 2011 filled without being advertised**

Clerk: Question 146, the Hon. D A Feetham.

890 **Hon. D A Feetham:** Can the Minister for Employment state whether there have been any job vacancies since 8th December 2011, in any Government agency, authority, or company, filled by any individual without any vacancy having been advertised, and, if so, will the Minister please provide details?

895 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, all vacancies in any Government agency, authority or company must be notified to and filled through the Employment Service.

900 **Hon. D A Feetham:** I take it the answer is no?

Hon. J J Bossano: The vacancies are... just like the private sector, the public sector is required to open vacancies in the Employment Service 14 days before they are filled. As far as I am aware, there have not been any filled in that period, but that is how it would be done, not by advertising.

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Hon. D A Feetham: I see, so the answer is there have not been any job vacancies that have arisen, hence they have not been advertised? Is that the position?

910 **Hon. J J Bossano:** Yes.

HEALTH AND THE ENVIRONMENT

915
**Green tax measures
Government commitment and programme**

Clerk: Question 147, the Hon. S M Figueras.

920 **Hon. S M Figueras:** Can the Minister with responsibility for the Environment confirm whether the Government is committed to green tax measures and, if so, is the Minister able to provide a list of those measures currently identified by Government for implementation in addition to those already in existence?

925 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, the Government remains committed to the creation of a more environmentally friendly economy for Gibraltar.

930 This may include the introduction of a comprehensive green public procurement policy which will help to expand the market for low carbon, environmentally friendly products and services. We are also actively investigating ways of encouraging and promoting energy efficiency within buildings and transport. However,

we have not yet finalised any measures and, consequently, I am unable to provide a definitive list.

Green tax measures will form part of a more comprehensive package of measures designed to achieve this. Any announcement of any 'tax measure' will, of course, be made in the debate on the Appropriation Bill.

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Hon. S M Figueras: Mr Speaker, is the Minister able to give us an indication of the kind of tax measures the Government is considering for implementation at this stage?

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Hon. Dr. J E Cortes: Not yet, it is a work in progress. We are working on all these areas, but I am not able to say so yet.

**Smoking ban in public places
Anticipated cost to taxpayer from tax and rate advantages**

945

Clerk: Question 148, the Hon. S M Figueras.

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Hon. S M Figueras: Can the Minister for the Environment confirm whether the Government is committed, in line with the commitment to ban smoking in public places, to provide 'generous tax and rates advantages to amortise any potential loss' arising from the imposition of the ban and, if so, the anticipated cost to the taxpayer of this initiative?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

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Minister for Health and the Environment (Hon. Dr. J E Cortes): Again, the Government is considering how it is going to assist businesses in mitigating possible loss as a consequence of a ban on smoking.

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A number of different options, ranging from rate reductions, tax breaks and reductions in utility charges are being considered and this includes consideration of calculations of the cost to the taxpayers of each of the options. These calculations are not yet available, given the policy considerations still taking place in order to design a process which is both generous and fair.

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Hon. S M Figueras: Mr Speaker, as a commitment which will no doubt have found favour with many business owners faced with the prospect of a ban in every manifesto at the last General Election, I think it is probably legitimate to ask the Government whether it has a specific timescale in mind for the delivery of – and this is the subject of a question at a later stage – these measures?

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Hon. Dr. J E Cortes: The question by the hon. Lady on the health aspects of the smoking ban, I think, will answer part of your question. If not, I would be happy to expand further if it does not answer that aspect.

Hon. S M Figueras: I am grateful. I had only asked for clarification of whether the commitment is for the measures to be delivered in conjunction with the ban when it happens.

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Hon. Dr. J E Cortes: That is the intention.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister explain how the potential loss of business from losing clientele who smoke will be calculated? Will there be a formula?

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Hon. Dr. J E Cortes: This is something in process at the moment. We have not yet decided what measures we are going to take, or what the formula would be. It is something that is being discussed at the moment and will form part of the programme on smoking that we will be undertaking and of which I will give a few more details in response to your question shortly.

985

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister explain if restaurants, bars and social clubs that have already gone smoke free will be able to benefit from these tax and rates advantages once they

are announced?

990 **Hon. Dr. J E Cortes:** This is an aspect we have not considered specifically, but obviously the package would have to apply to everybody who undertakes the ban, which will be a requirement of the law.
We are not going to single out those who have already done it and prejudice them against anybody else.

995 **Sewage treatment plant**
Progress of plans

Clerk: Question 149, the hon. S M Figueras.

1000 **Hon. S M Figueras:** Will the Minister with responsibility for the Environment confirm whether the Government is committed, within this term of office, to deliver a sewage treatment plant, as per their manifesto commitment? If so, by when and can he provide details of progress in its delivery, if any?

Clerk: Answer, the Hon. the Minister for Health and Environment.

1005 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** It is, indeed, the Government's intention to proceed with the construction of a new sewage treatment plant to comply with Gibraltar's obligations under the Urban Wastewater Treatment Directive, and to do so as soon as we are able to, although I cannot presently give a date for the commencement of this project.

1010 The available reports and assessments are currently being considered by the Government and we are also looking into the possible procurement strategies, at the end of which process we should have a more definite timescale for the delivery of the project.

1015 **Hon. S M Figueras:** Mr Speaker, to hold the Minister to account only in respect of the detail of the manifesto commitment, could he clarify that the commitment is to deliver it within this term of office?

Hon. Dr. J E Cortes: Mr Speaker, that is the intention. Whether it is completed or not will depend on the ultimate decision, the procurement process and the time it takes, but the intention is yes.

1020 **Hon. S M Figueras:** Mr Speaker, despite the fact that the manifesto was very clear that it would be within the term of office, now the Minister is unsure whether it can be delivered in that timeframe?

1025 **Hon. Dr. J E Cortes:** I am doing nothing of the sort. What I am saying is that, in Government Office, as you will not have any experience of yourself, you will come across detailed information, which may not be in your possession when you are in Opposition, as you all have experience of at the moment. Therefore we have to take other things into consideration and timescales may be slightly different, but the intention remains the same and I will work very hard to achieve it.

Hon. S M Figueras: Mr Speaker, one final question. Is there an estimated cost for the delivery of this?

1030 **Hon. Dr. J E Cortes:** Not at this point.

Hon. S M Figueras: Thank you.

1035 **Barbary Macaque**
Small-scale culling

1040 **Clerk:** Question 150, the Hon. S M Figueras.

Hon. S M Figueras: Yes, Mr Speaker, can the Minister with responsibility for the Environment confirm whether the Government is committed to small-scale culling for the management of numbers of the Barbary Macaque?

1045 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, the Government is not going to carry out small-scale culling – bit of a tongue twister, sorry – as a means to managing the numbers of the Barbary Macaques.

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Hon. S M Figueras: Thank you very much for the clarification, Mr Speaker.

The question arose out of a certain inconsistency where, in the manifesto, the now Government committed to not resorting to killing the Barbary Macaque but, however, I was made aware of an article in one of the newspapers, where a quote attributed to the Minister, said they would not go for large-scale culling.

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I was grateful for the clarification that they will not be going for small-scale culling either.

Hon. Dr. J E Cortes: I am happy to clarify that further. At that press conference I then continued, but what I said later was not reported and I explained that what I was meaning, is that there are sometimes individual monkeys, which perhaps through an accident or some other individual condition, would have to be culled, but not that there would be small-scale culling as a population control measure, more as a direct management measure in relation to health and so on.

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I did explain that at the time of the press conference, but that was not picked up by the press.

1065

Commonwealth Park Commitment and estimated cost

1070 **Clerk:** Question 151, the Hon. S M Figueras.

Hon. S M Figueras: Can the Minister for the Environment confirm whether the Government is committed to building the Commonwealth Park, as set out in its manifesto and, if so, can it confirm the estimated cost of this project?

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Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, Government is considering the details of a number of options available for the creation of the Commonwealth Park.

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Given that the project will have to go out to tender, it is not appropriate to provide an estimate of cost at this stage; but the hon. Member should rest assured that any costs associated with the development will be announced publicly, once determined, and that the park will be delivered to the people of Gibraltar, as we have committed to.

1085

I will look forward to receiving his congratulations when he is able to stroll along this beautiful green area we will create in the centre of our city. *(Applause)*

Hon. S M Figueras: Mr Speaker, I will indeed – if it is delivered – stroll along it above double the number of car parking spaces currently available in the area which, to me, sounds certainly a little inconsistent with the environmental objectives of this Government.

1090

However, what I would ask is, if any geological surveys have been carried out of the area in advance of going out to tender?

Hon. Dr. J E Cortes: They will have been carried out in advance of going out to tender. We will, obviously, have to consider what the geology of the place is like.

1095

Hon. S M Figueras: I am sorry, just to clarify. I had asked whether any geological surveys have, in fact,

been carried out?

1100 **Hon. Dr. J E Cortes:** There is some information available, but no actual geological survey, to my knowledge, has been carried out yet.

Hon. S M Figueras: And, obviously, the Minister is unable to comment on the cost of the project. However, there is an element of surprise in this, in that when the manifesto at the last Election came out, there was every comfort that you knew what the manifesto was going to cost, does the Minister have an idea of the ballpark that we are talking about in relation to the Commonwealth Park?

1105

Hon. Dr. J E Cortes: Mr Speaker, I am not going to be drawn into giving figures when, as I said, we have to go to a tender process, because that is going to pre-empt all sorts of things.

1110 I believe that, in one of the debates before the Election, the Hon. Isobel Ellul-Hammond mentioned that it was known to the Government, because some survey had been taken out at the time. I have not been able to find such a survey, which is why I have to answer that survey, to my knowledge, is not available.

Hon. S M Figueras: Mr Speaker, (*Interjection*) the reference... I know personally of no references that my hon. colleague –

1115 **Hon. Dr J E Cortes:** I apologise for the confusion.

Hon. S M Figueras: I certainly remember that –

1120 **Hon. P R Caruana:** Mr Speaker, if I can clarify for both hon. Members, I think that what was said in the past was two things: that the Government had a costing for a similar project in the Grand Parade and therefore we had an idea what the cost was of these underground car parks. Also, here in Commonwealth Parade, you have the not inconsiderable additional difficulty of the closeness of the city walls and the foundations of the city walls and also the closeness of the water table, which would result in huge costs in pumping during construction and then permanent pumping, once the car park was built and that that rendered the project

1125 hugely expensive, which is why we said at the time of the Election that, amongst many other aspects, that project was unaffordable.

Just to say, I do not think there is... at least, if there is, I never saw it in any Government file, any costing of the Commonwealth Parade, that I am aware of.

1130

Western Beach Resolution of sewage issue

1135 **Clerk:** Question 152, the Hon. S M Figueras.

Hon. S M Figueras: Yes, Mr Speaker, can the Minister for the Environment confirm whether, further to last month's confirmation that legal advice was being sought, there has been any progress with the resolution of the Western Beach sewage issue?

1140

Clerk: Answer, the Hon. the Minister for Health and the Environment.

1145 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Yes, Mr Speaker the Government is considering the advice received before determining what line of action to take in order to resolve the issue of sewage at Western Beach.

Hon. S M Figueras: Mr Speaker, would the Minister kindly confirm how long they expect this consideration process to take?

1150 **Hon. Dr. J E Cortes:** It is obviously a complex issue.

I will probably be considering it for a considerable amount of time, but when a decision is going to be taken – which is probably what you want to know – I would have hoped we are able to do so within a relatively short timescale, but because of the complexity of the issues, I am not able to give you a firm date.

1155 **Hon. S M Figueras:** I am appreciative of the cross-border complexity of the issue. I merely raise the point again at a subsequent meeting of Parliament because, as we know, before long the bathing season is upon us and I am certain that beachgoers will be keen to know that the matter is in hand and as soon as a timescale is available I am certain people will be very grateful to hear it.

1160 **Hon. Dr. J E Cortes:** Yes, no problem.

1165 **GHA Board**
Date and place of first public meeting

Clerk: Question 153, the Hon. Mrs I M Ellul-Hammond.

1170 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister state when the first public meeting of the GHA Board will be and where it will be held?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

1175 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** The date for the first public meeting of the GHA Board will be set once I have completed the review of the options for access by the public. These options are being developed by GHA staff and are based upon a review of the international literature on public meetings of healthcare boards.

1180 It is intended that public meetings will be held at the John Mackintosh Hall. To add to the prepared answer, I suspect it will be some time in April.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister advise if the minutes of these public GHA Board meetings will be made public?

1185 **Hon. Dr. J E Cortes:** Yes, certainly.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister advise if the Medical Advisory Committee, as part of the GHA Board, has been reformed and who are its members?

1190 **Hon. Dr. J E Cortes:** Did you say the Medical Advisory Committee?
The Medical Advisory Committee, which is a statutory requirement, has not been in operation for quite a number of years. It is currently being reconstituted by the medical practitioners and they have a statutory duty to recommend representatives on the Board. That is happening now, but the MAC have not met for quite a number of years.

1195 **Hon. Mrs I M Ellul-Hammond:** Finally, Mr Speaker, can the Minister advise if, as part of the GHA's fiscal transparency policy, they will be publishing the GHA's monthly finance report submitted by the Director of Finance to the GHA Board? Will that information be made available on the GHA's or the Government's website?

1200 **Hon. Dr J E Cortes:** I have not taken a decision on that yet.
As I say, we are looking at the way that public meetings of healthcare boards are organised in other parts of the world, and this is why we have not held a meeting yet. We have other aspects to look into as to how to conduct them. It is a fairly delicate thing, having health authority meetings in public. We have to take into account things, for example, like patient confidentiality and so on, so I am not in a position yet to undertake to do that, but certainly I will be in a position to do that very soon.

1205

**‘Metal on metal’ hip replacements
Gibraltar patients affected**

1210 **Clerk:** Question 154, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. the Minister for Health report back on the investigation to assess whether any Gibraltar patients could be affected by ‘metal on metal’ hip replacements that could be causing systemic toxicity in the body?

1215 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

The Minister for Health and Environment (Hon. Dr J E Cortes): Mr Speaker, the GHA has used metal on metal implants on 13 patients over the past five years. This represents 14% of the total of hip implants performed over that period.

1220 Metal on metal implants, as opposed to metal on polyethylene or other material combinations, were designed to be long lasting and have been inserted in the relatively younger population with serious hip disease.

1225 The implant the GHA has used exclusively is the Birmingham Hip Resurfacing, manufactured by Smith & Nephew Inc. The reported excessive failure rates have been with the DePuy ASR implant, which has been taken off the market and which has *not* been used locally.

The GHA is offering consultant review appointments for each of the 13 patients in upcoming orthopaedic clinics. The primary purpose of the clinic is to reassure patients following the recent media concern. In case of existing problems, investigations will be arranged.

1230

**Norovirus at St Bernard’s Hospital
Precautions put in place**

1235 **Clerk:** Question 155, the Hon. Mrs I M Ellul-Hammond

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. the Minister for Health explain what processes were put in place when the recent norovirus outbreak was identified in St Bernard’s Hospital?

1240 **Clerk:** Answer, the Hon. the Minister for Health and Environment.

The Minister for Health and Environment (Hon. Dr J E Cortes): Mr Speaker, the GHA initiated its infection-control protocol for an outbreak as soon as the outbreak was declared by the Infection Control Officer on 20th January.

1245 These protocols, which have been in place for the past several years, are based on international standards of infection control practice. The protocols initiated were similar to those initiated in February 2011 and included segregation of infectious persons and the limitation of contact with uninfected persons beyond that deemed essential for care; universal precautions in the handling of infected materials, such as the use of aprons, gloves and suitable apparel and disposal of clinical waste in accordance with policy; regular and frequent handwashing, as well as cleaning of affected and risk-prone surfaces with recommended disinfectants; prompt disengagement of staff taken ill and restriction from return until clear of symptoms for 48 hours.

1250 However, unlike in 2011, it was not found necessary to close the wards to admissions.

1255 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister then confirm that these processes that were put in place are public health clinical governance procedures and not Government policies?

1260 **Hon. Dr J E Cortes:** These procedures which were put in place are, as I said, based on international standards of infection control practice. They were controlled entirely by the professionals and there was no need or even consideration for the Minister to involve himself in any way in the work of the professionals and

impose any other kind of Government policy.

These are generally recognised infection control procedures.

1265 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister tell us if the norovirus is now contained and how far it got into the community?

1270 **Hon. Dr J E Cortes:** It is quite likely that this virus is endemic in the community at particular periods of time, so you cannot really say that it will have gone into the community *from* the hospital; it will have come into the hospital from the community, so I cannot really answer the second part of the question. But as far as my statistics go, the latest that I have any incidence of a new case of norovirus in St Bernard's Hospital is 5th February.

These things can come in and out, as I say, if a virus is endemic in the community, but that particular outbreak, according to my data, finished round about that time.

1275 **Hon. Mrs I M Ellul-Hammond:** Thank you. Mr Speaker, can the Minister tell us how many wards were closed and for how long?

1280 **Hon. Dr J E Cortes:** This is additional supplementary information which I would need notice of – specific wards and specific number of days.

It did affect, as far as I can see in the information I have, three or four wards. If I had this in colour I could tell you exactly because it is a black-and-white copy of a colour version. I can provide that information, but I do not have it off the top of my head at the moment.

1285 **Hon. Mrs I M Ellul-Hammond:** Perhaps, Mr Speaker, I may enlighten the Minister that three wards were closed. Does he not agree, then, that this year's outbreak was more serious than the outbreak of February of last year, which resulted in the closure of only one ward?

1290 **Hon. Dr J E Cortes:** Seriousness of infection is very difficult to describe because how do you measure seriousness? By the number of occurrences? By the rate in which it passes? By how virulent it is in any particular patient? We felt that this year the rate of spread was less than last year – I am talking about rate – and therefore the decision was taken not to close the wards to admissions. But relative seriousness is something that is impossible to determine in this kind of brief conversation without specific data on all sorts of parameters.

1295

St Bernard's Hospital
Date of last norovirus outbreak

1300 **Clerk:** Question 156, the Hon. Mrs I M Ellul-Hammond.

1305 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. the Minister for Health state on what date the latest norovirus outbreak was detected at St Bernard's Hospital and on what date the Minister was made aware of this norovirus outbreak in St Bernard's Hospital?

Clerk: Answer, the Hon. the Minister for Health and Environment.

1310 **The Minister for Health and Environment (Hon. Dr J E Cortes):** Mr Speaker, the outbreak was declared by the Infection Control Officer at 8.10 a.m. on 20th January. The Chief Executive was informed at 8.20 a.m. and I was informed by the chief executive at 8.32 a.m., 22 minutes after the declaration. Norovirus was immediately suspected but was not confirmed until subsequently.

1315 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister then explain why it took so long for any information on the norovirus outbreak to be made public?

Hon. Dr J E Cortes: Yes, because we have to take a responsible approach to this sort of thing. If one is told that there is an outbreak of a certain number of cases of alimentary canal issues, then you cannot just pick up the phone and call GBC and say, 'We have an outbreak of something – we're not sure what it is or how many people it affects.' Had we done that, we would have been criticised by the Opposition for not knowing what we are doing, for irrationally worrying people without the necessary information. So you have to really know and assess how this is going and what the details are before you make a public statement.

The important thing is the immediate implementation of infection control measures. That is our main responsibility – to protect the health of the community – and that was done immediately. Then it needs to take one or two days in order for you to determine whether it is something of concern to the community that the community should be made aware of. Obviously, relatives of people in the ward were also informed right away, so it was not a secret. It was in the public domain on a need-to-know basis.

By the time that a couple of days had passed... This was a Friday, so by the Monday, the number of instances had decreased tremendously – there were only three new cases on the Sunday, for example – so it appeared that the actual outbreak had been a very short one and had died out, and therefore it was not felt necessary to make a statement at that time because we would have been warning people about something that appeared to have been sorted out.

Subsequently, there was a slight peak later on in the week and, around that time, it became in the public domain because of the Opposition's statement, so there was not really any sense in making it right away. By the time we were thinking of doing it, it seemed to have petered out. We had a couple of slight peaks later, but certainly there was not really a need. By that time it was in the public domain.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, the reality is that there was concern from the public, because that is how we got to hear of it, because restrictions *were* put in place.

I ask: why did it take GBC questions to the GHA and a press release from us for the Director of Public Health to *finally* make a statement on the norovirus situation and reassure the general public?

Hon. Dr J E Cortes: Because it did not appear necessary by that time to do it, because the infection had almost passed by that time, and we had no idea that, a few days later, there might be a couple more cases, but it did not feel necessary.

Immediately that this was pointed out and we had a press question, we very clearly asked the Director of Public Health to make a public health statement. As he himself said, it is not much more serious than a common cold, and I hope we are not expected in future to make a public statement every time three or four patients and five or six nurses get a cold at St Bernard's Hospital.

Hon. P R Caruana: Mr Speaker, would the hon. Member agree with me that, clearly, there were no grounds for the hon. Member to believe that this had been sorted out and past, and therefore it was not worth mentioning to anybody, and then go on to say that, a couple of days later, there were peaks. If the outbreak has not *peaked*, on what ground did anybody presuppose that it had been sorted out?

Secondly, Mr Speaker, wouldn't the hon. Member agree with me that precisely the way to allay public concern about things that the public need not worry about is to make public statements, and that by *not* making public statements all that happens is that people end up speculating and therefore worrying precisely about things that the hon. Member believes is no cause for concern.

Thirdly, the hon. Member has said that this was in the public domain on a need-to-know basis because the families of patients were in the know. I have great difficulty accepting that because, precisely we, on this side of the House, got to know that there was an outbreak of *something* – we did not know what – in the hospital which had required restricted visiting rights and other things, from *precisely* a family member of a patient who was flapping precisely because no-one would tell them what it was that was going on and what sort of danger their family member was exposed to in the ward.

So this does not ring true with the statement that the hon. Member is now making in this House that families *did* know, were being told and therefore were being kept informed and therefore the public knew on a need-to-know basis.

Hon. Dr J E Cortes: I am surprised about the last point. All I can do is look into it. Perhaps that relative did not get informed for some reason. I will have to look into that.

Public statements were made in response to press questions – (*Interjection*) Yes, indeed. They pre-empted

any statement that we would have made otherwise, in the sense that it appeared that the infection had actually petered out by that time, and when I said ‘peaks’, these are minor peaks. I have a draft in front of me.

1375 **Hon. P R Caruana:** What is a minor peak?

Hon. Dr J E Cortes: You can get a minor peak. (*Interjection by Hon. P R Caruana*) If you have two cases one day and four cases the next day and three cases the next day, that case of four is a minor peak. We are talking about small figures. I am using scientific terminology which, to me, does not raise any alarm, but obviously to the hon. Member does.

1380 I do not feel that we did absolutely anything out of the ordinary. I think that we took every measure to protect the community. In fact, I am convinced this was a minor outbreak of a not very virulent disease. By the time we knew enough about it, it was apparently petering out. Then it got into the public domain and so it has continued.

1385 I have no concerns whatsoever. Everybody did what they had to do and rather well, as well, and the infection was over within a very short period of time. I do not think I have much further to say on that.

1390 **Hon. P R Caruana:** Yes, Mr Speaker, I have no doubt that the infection was very well handled by the staff at the GHA – the nurses, the doctors and the management. That is not what we are discussing. What we are discussing is whether the management and, indeed, the Government should have made a public statement to allay public concerns and speculation.

I suppose the acid test of what I am asking the hon. Member is, given their style when they were in Opposition, what fuss would *they* have made against *us* in Government *if* they had discovered from a patient – the sort that used to line up outside Watergardens to speak to them regularly – that wards had had to be restricted to visitors because *something* was going on. They would have taken an even more aggressive view than we took.

1395 Would the hon. Member agree with me that, with the benefit of hindsight and perhaps for the future, it is best to make a calm... particularly when, as he says, he believes that there was no real cause of concern. In those circumstances, particularly, the most sensible thing to have done, does he agree with me, would have been to put out a statement so that there could have been *no* cause, *no* risk and none of what actually happened, which was people speculating and worrying, coming running round to the Opposition saying that something dreadful must be going on ‘because they won’t let me get in to see my family member’, and that, particularly when there is no serious issue at stake and people’s minds can easily be put at rest, isn’t it better to put them at rest by making a timely public statement?

1405 **Hon. Dr J E Cortes:** No. First of all, I do not know what would have happened had we been in Opposition, because I have never been in Opposition, so I do not have the benefit of that. (*Interjection*)

No, seriously, quite honestly I am told early on a Friday morning that we have a number of infections of stomach ailments or whatever. I cannot make a statement until I know more about it, until I know what it is and how serious it is.

1410 We take the immediate anti-infection action. Relatives were informed. Maybe one slipped by – I do not know. Then, three days later, it goes down to two and it seems to be going down. There is hardly any need to say anything else because it is virtually over.

1415 Therefore, I think that had the pattern been slightly different, had there been more on the Sunday or the Monday than there were, then definitely there would have been a public statement, but my value judgement at the time was that it would have been irresponsible to make such a statement and unnecessary, and that is my opinion.

No two outbreaks will be the same and every outbreak will be treated as it has to be treated: responsibly, clinically, professionally and scientifically. That is all I can say.

1420 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, may I remind the Member opposite that, in fact, when they were in Opposition, the spokesman for Health did say, and I quote from 2nd March of last year:

1425 ‘Government should have alerted the public about the recent spread of a suspected norovirus in St Bernard’s Hospital at the outset, instead of keeping quiet about it until the situation was brought under control.’

Hon. P R Caruana: A very experienced spokesman for the Opposition, as opposed to an inexperienced Minister.

1430 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister explain why he got his priorities wrong when, on the day of the Government press release on the norovirus, which was not up to date, the Minister was able to give an interview on the Upper Rock which perhaps could have waited a day or two?

1435 **Hon. Dr J E Cortes:** As I was not in the House at the time, or anywhere near, I will look into what the Government responded at the time and see whether I can learn from that. *(Laughter)*

**Primary Care Centre
Improvements to smoking cessation programme**

1440

Clerk: Question 157, the Hon. Mrs I M Ellul-Hammond.

1445 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the hon. the Minister for Health state how the GHA will improve on the already existing smoking cessation programme offered by the nurse practitioners at the Primary Care Centre?

Clerk: Answer, the Hon. the Minister for Health and Environment.

1450 **The Minister for Health and Environment (Dr J E Cortes):** Mr Speaker, the GHA is already in the process of enhancing the existing smoking cessation programme and will, for the first time, provide nicotine replacement therapy to those on the programme.

1455 In addition, I will shortly be placing before Government proposals to expand the service. Once my Cabinet colleagues have had the opportunity to consider the best date to start implementation of the manifesto commitments in respect of the ban on smoking in public places, the programme will be expanded according to the Government's chosen schedule, more details of which I will provide in answer to another question on the Order Paper.

1460 **Hon. Mrs I M Ellul-Hammond:** Thank you.
Mr Speaker, can the Minister explain, then, if the GHA will consider funding prescriptions for smoking cessation aids such as patches, gum and inhalers?

1465 **Hon. Dr J E Cortes:** We have already started providing the nicotine patches and we are considering, as part of the exercise that I referred to, what else we are going to do to carry this along, but we are committed to a wide-ranging smoking cessation programme.

1470 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister explain what the permanent anti-smoking campaign in secondary schools and youth clubs will be that is already over and above what is being done in schools in PSHE and through posters, and also, in fact, for the posters on No Smoking Day by the Public Health Department of the GHA?

Hon. Dr J E Cortes: I am sorry, could you repeat that?

1475 **Hon. Mrs I M Ellul-Hammond:** Yes. What is going to be done over and above what has already been put in place by the Public Health Department through the schools and...

1480 **Hon. Dr J E Cortes:** Obviously, the nicotine replacement patches is new. This was not done before, but on the subject... This is currently being discussed. We are currently discussing what we are going to do to promote it. We have not completed it yet, but it will be finished very soon, and I can say a little bit more as to our timescale in answer to your next question.

**Legislation to ban on smoking in public places
Date of introduction**

1485 **Clerk:** Question 158, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the hon. the Minister for Health state when the ban on smoking in public places legislation will be introduced?

1490 **Clerk:** Answer, the Hon. the Minister for Health and Environment.

The Minister for Health and Environment (Dr J E Cortes): Mr Speaker, subject to the completion of the legislative options and completion of drafting by the LSU, which is already well under way, it is my intention to set out the timetable for this on National No Smoking Day, which is 14th March this year and, hopefully, we will have more information on the other aspects you asked about before.

1495

EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS AND JUSTICE

1500 **Severely challenging pupils
Management policy**

Clerk: Question 159, the Hon. Mrs I M Ellul-Hammond.

1505 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. the Minister for Education explain what the current policy for dealing with severely challenging pupils is, what provision is presently made for them and what, if any, the Government's future policy for them will be.

1510 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the policy for dealing with pupils exhibiting extreme challenging behaviour is based on identification, assessment by a multi-disciplinary panel, the provision of resources and regular review – the same as it has always been.

1515

The majority of pupils displaying challenging behaviour are supported by the Behaviour Education Support Team in schools and will continue to be educated in a mainstream setting alongside their peers.

Where the child and family are known to the Care Agency, a joint Education/Care Agency plan is put into place. This may include a tailored programme delivered by a teacher outside the school premises and always in partnership with the Care Agency and other relevant bodies, such as the RGP and GHA. The process is monitored through multi-agency case conferences.

1520

The most extreme cases are educated in specialist centres outside Gibraltar. The Government intends to create a dedicated discipline support facility to cater for the pupils with challenging behaviour who can benefit from an environment which will keep them away from the mainstream for their own protection and for the safety of staff and other children.

1525

Hon. Mrs I M Ellul-Hammond: Thank you.

Mr Speaker, can the Minister explain further, then, this manifesto commitment to create a unit away from mainstream education for children of challenging behaviour? Where will this unit be and for what age groups?

1530

Hon. G H Licudi: Mr Speaker, the position is that the Government intends to create a dedicated facility.

We are currently looking, in conjunction with my hon. Colleague, Miss Sacramento, at the sites which will be used for this. A site has been identified already and is being considered. The idea is to have a secure facility where children with challenging behaviour can be sent and can be cared for, both by the Care Agency and provided with education. That is the intention and that is what we are working for.

1535

Hon. Mrs I M Ellul-Hammond: Mr Speaker, does this conform with other education systems in Europe, and what studies have there been to indicate that this does not psychologically damage those students, who may feel stigmatised by attending a separate institution or which may be seen as a correctional facility and fingers will be pointed?

Hon. G H Licudi: Mr Speaker, this is not intended to be the sort of institution that the hon. Lady is referring to.

There are circumstances already where children have to be taken away from mainstream education, both for their own protection and for the protection of others in that school. That already happens, and what we are doing is providing a set-up which does not exist at the moment. Now it is dealt with on an *ad hoc* basis and we want to have a dedicated facility to be used only in these rare and extreme cases. So it is not a case of creating an institution where we are going to be putting children at the first opportunity.

The efforts that are made, as I have explained, are based on keeping the child, to the extent that it is possible, in mainstream education and providing the support that is necessary. That is done through a multi-disciplinary agency panel. An assessment panel is constituted, which is formed by paediatricians, social workers, educationalists, therapists and educational psychologists. That assessment is made and the needs of that particular child are identified and considered as to how best it can be provided, always within mainstream education.

But we have had cases in the past where it has not been possible for that child to be kept in mainstream education. We have had cases in the past where the child has had to be sent to the United Kingdom to specialist facilities. We consider that it is best if we have that sort of facility replicated in Gibraltar, rather than having to send the child to England, primarily because the child is kept in a local setting, kept near his family. The people that have dealt with that child, both from a care point of view and the education point of view, can continue to have that care for that child, and we believe that that is a better prospect for the child than sending them away to the UK. But it is only in those exceptional circumstances that that facility will be used.

Hon. Mrs I M Ellul-Hammond: Thank you.

Mr Speaker, can the hon. Member then clarify that you will be building a separate educational institution for those one or two children who would otherwise have been sent to a specialist education institution in the United Kingdom?

Hon. G H Licudi: Mr Speaker, this is not a separate educational institution. This is a facility which will provide a secure setting whereby a child with extreme challenging behaviour can be kept and can be cared for, *including* by the provision of education and the assessment of the necessary panels.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister then explain what the role of Bayside School's Alternative Learning Centre is and the type of children that attend it?

Hon. G H Licudi: There are two different situations. One is where the child is identified as having behavioural problems and can be supported and be kept in school. That is the preferred option and that is why the Behaviour Education Support Team exists, which consists of teachers, and also the educational psychologists participate in that. That is always the preferred option, to keep that child in the school setting.

This alternative facility is not simply to provide the alternative for those particular cases that are currently handled in schools; it is to provide the alternative for those cases that *cannot* be handled in schools and, on occasions, have to be taken to the United Kingdom. Therefore, it is not a replacement for the facilities that already exist in schools.

Hon. Mrs I M Ellul-Hammond: So, Mr Speaker, can the Minister then tell us whether the Alternative Learning Centre will continue to function, and will it function in the same way as it has been so far?

Hon. G H Licudi: Yes.

Hon. J J Netto: I am grateful to the hon. Member opposite in the Government obviously going along this path because obviously this is something that we recognised, that there was something that had to be extended

from the services that had developed in the past and in fact it was a manifesto commitment.

The reason why I need to seek further clarification from what he said is because he used the terminology “secure setting” a couple of times. Now for the purpose of clarification when we are talking about ‘secure settings’, normally this is done because a particular child is absconding and such absconding poses a risk to that particular child, so is the hon. Minister saying that, for the purpose of doing this particular centre and for having a secure centre, changes to the Children Act will have to be brought about so that the Care Agency – if the Care Agency is indeed the one that is going to manage this – will be able to go through a Social Worker to a Judge and be able to say to a Judge, well, you know, for this particular reason there is a need to secure this particular child for a specific period of time. Is that the case?

Hon. G H Licudi: It is the case that changes to the Children Act are being considered and may be necessary, as indicated by the hon. Member

**Revised educational curriculum
Not necessarily UK-led**

Clerk: Question 160, the Hon. Mrs I M Ellul-Hammond

Hon. Mrs I M Ellul-Hammond: Mr Speaker can the Minister for Education state if he will be exploring other jurisdictions’ curriculums or systems of education, in order to introduce a revised one in Gibraltar that is not necessarily UK-led, such as that of Scotland, Ireland, Canada, Australia or even other European countries, as highlighted by his hon. Friend, the then Opposition Spokesman with responsibility for Education, in his 2010 budget speech?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, there are currently *no* plans to move away from a UK based education system.

More specifically our education system, our public examinations system, the awarding bodies and our entire education arrangements are all historically and culturally linked to those of England. It goes without saying, however, that the Education Department will always keep abreast of worthwhile educational innovation regardless of national provenance.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, is the Hon. Minister suggesting that his hon. Friend was, then, speaking out of turn and not in line with Alliance policy in 2010?

Hon. G H Licudi: Mr Speaker, I am not suggesting anything of the sort. I am answering what the Government’s plans are, and the Government has no plans to move away from the current educational system, but the door cannot be left completely closed.

We constantly hear comments in the press about changes to the education system in Gibraltar, sorry in England, and where there are changes made we have to consider whether those changes are going to be replicated in Gibraltar. We have to take our own decisions on that. There are some changes which may be beneficial and that we will adopt. There may be others that would not be beneficial and we do not adopt – those decisions are to be taken at that particular time when changes are made. At the moment there are no plans to change the current education system.

**New Director of Education
Timeline for appointment**

Clerk: Question 161, the Hon. Mrs I M Ellul-Hammond

Hon. Mrs I M Ellul-Hammond: Can the hon. Minister for Education explain what the timeline is for the appointment of the new Director of Education?

1650 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker the Bulletin of Circulars advertising the post of Director of Education was published on 31st January 2012.

1655 The closing date for applications was 14th February 2012. The Public Service Commission will meet after this date; in fact, I am now told that the date for the Public Service Commission meeting is the 8th March, so I expect that the Public Services Commission will decide on that appointment on that date.

1660 **Hon. Mrs I M Ellul-Hammond:** Thank you very much.

Maintenance Orders Compliance review

1665 **Clerk:** Question 162, the Hon J J Netto

Hon. J J Netto: Mr Speaker, given the length of time some individuals habitually remain in breach of Maintenance Orders, will the Minister for Justice conduct a review of this matter in order to ensure compliance with the Courts' Orders in a timely manner?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1675 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Clerk to the Magistrates Court will now receive a monthly report showing all known breaches of Maintenance Orders and information on Maintenance Orders that may be in breach, even though this has not been formally reported to the courts by one of the parties.

1680 The final decision on actions to be taken, however, remains by the collecting officers of the court and the court itself.

Hon. J J Netto: Well, Mr Speaker, of course, I can understand what the mechanism may be in place at the courts in order to ensure compliance with the courts order but, perhaps, this is... I mean, if there were to be a case where there are any material changes to the condition of a person that, obviously, the courts will look into the particular case of that particular person. Otherwise, if there are no material changes to that particular person which is in breach of the Maintenance Court Order, it seems to me, Mr Speaker, that given that we are in this particular case talking about 29 that are in breach, right, it is not a huge number, by definition, so the court quite easily could obtain information from other Government Departments, whether Social Security or Employment, to establish whether those particular persons in breach are actually in employment or unemployment. Once they have that particular information they can act particularly more quickly to ensure compliance, because the non compliance of the Maintenance Order will mean hardship for a particular family.

1690 So will the hon. Member now agree that this is absolutely necessary and perhaps look into it?

1695 **Hon. G H Licudi:** Mr Speaker, of course, the Government appreciates that where there is a court order in place and there is, especially in terms of payment of maintenance to other parties... and that order is in breach, that may result in hardship to the person. The question of enforcement, however, of those court orders is essentially a judicial process; it is not a process for the Government or for myself as Minister with responsibility for Justice.

1700 What the hon. Member asked last month was the number of orders that had been in breach and I explained the process by which that is arrived at and the numbers. What I have today told him, in response to a question

on a review, is that, in fact, that review has already happened by the Clerk and that the Clerk will now receive certain reports which he can monitor on a monthly basis, so we hope that, as a result of this matter having been raised, the position... I cannot say how it will be addressed in a judicial context because that is a matter for the court officers and the court itself, but certainly the system is in place for identification at hopefully an earlier stage of possible... because the mechanism for identification is about identifying on a monthly basis no breaches and Maintenance Orders that may be in breach, even though it has not been formally communicated to the court.

So we have put that system in place and we hope that it bears fruit and identifies at an early stage appropriate action to be taken: ultimately the action is for the courts.

Clerk: Question...

Mr Speaker: No, the Hon. Daniel Feetham

Hon. D Feetham: Yes, does he not accept that, in fact, part of the problem in relation to this, and I certainly experienced this when I was sitting in, not in his chair, slightly to the right, but when I was Minister for Justice, it is not the actual enforcement by the courts, it's the issuing, it's that the courts issue arrest warrants and then there are, there may be a number of arrest warrants in relation to a particular individual and the complaints certainly that I received was that the police weren't enforcing those arrest warrants.

Does he... is it something that in his short time as Minister for Justice that has been a problem that has been communicated to him and, if so, what does he intend to do about it?

Hon. G H Licudi: Mr Speaker, there has been no communication to me of any particular problem in relation to the issue involved of arrest warrants. The question related specifically to breach and the systems that are in place for identifying those breaches and dealing with them and that is the answer.

If there is an issue relating to what happens subsequently that is an issue that clearly can be looked at and I will be doing so.

Hon. Chief Minister: Mr Speaker would that be a convenient moment to break for 15 minutes?

Mr Speaker: That would be a very good moment for that! *(Laughter)*
The House will recess for 15 minutes.

The House adjourned at 5.15 p.m. and resumed its sitting at 5.35 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

EVENING SESSION: 5.35 p.m. – 7.47 p.m.

Gibraltar, Wednesday, 15th February 2012

The Gibraltar Parliament

The Parliament resumed its sitting at 5.35 p.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Questions for Oral Answer

EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS AND JUSTICE

**Royal Gibraltar Police
Reported cases of domestic violence**

Clerk: Question 163, The Hon. J J Netto

5 **Hon. J J Netto:** Can the Minister for Justice state if there have been any reported cases of domestic violence at the RGP from the beginning of September 2011 to the end of January 2012, showing the number of persons arrested as a result of the police attending the call, and the persons charged as a result of the police intervention?

10 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

15 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Royal Gibraltar Police records domestic violence incidents into two different categories – Offence/Arrest or Reported for Information Purposes Only. The latter is subdivided into two sub categories – domestic violence, where there has been some degree of physical violence, and domestic non-violence, where no physical violence has taken place.

20 Fifty five cases of domestic violence have been reported to the Royal Gibraltar Police from the beginning of September 2011 to the end of January 2012. As a result, 38 were reported purely for information purposes only, 15 as domestic violence and 23 as domestic non-violence. Twelve persons were arrested, four persons were charged and are awaiting trial, two persons were reported and will receive summonses to appear in court. Two persons were arrested as a result of assaulting police officers attending to the disputes.

25 **Hon. J J Netto:** Mr Speaker, I was not able to get all the amount of information. I wonder whether the hon. Member would mind providing me with a copy of the papers so I can get hold of the details of the information.

I am much obliged, Mr Speaker.

30 **Hon. P R Caruana:** Mr Speaker, does the hon. Member consider that, in the present day and age, the distinction that he has just recited to this House, as still maintained by the RGP as between domestic and non-domestic Violence, is justified any longer?

35 **Hon. G H Licudi:** Sorry, is the question relating to domestic violence and domestic non-violence? Because the distinction I have drawn is between domestic violence and domestic non-violence, where there is, in the former case....

Hon. P R Caruana: Sorry, I misunderstood. I thought there was a category of violence – domestic and non-domestic violence

40 **Hon. G H Licudi:** No, No

Hon. P R Caruana: I see, I withdraw the supplementary.

45 **Royal Gibraltar Police
Reported cases of rape or sexual abuse**

Clerk: Question 164, the Hon. J J Netto

50 **Hon. J J Netto:** Can the Minister for Justice state if there has been any reported cases at the RGP in relation to rape or sexual abuse from the beginning of September 2011 to the end of January 2012, broken down monthly, and if there have been any persons charged as a result of the inquiries of the police?

55 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, no reports alleging rape have been received by the Royal Gibraltar Police from the beginning of September 2011 to the end of January 2012.

60 With regard to sexual abuse I am not entirely clear whether the hon. Member by sexual abuse means sexual abuse with children or sexual abuse generally, in other words crimes involving some element of a sexual nature.

65 **Hon. J J Netto:** Yes.

Hon. G H Licudi: What I will do is give the hon. Member the number of reports with allegations of a sexual nature made during this period.

70 September 2011 – in September 2011 police officers arrested and later charged a male and female for indecent behaviour. Both persons were sentenced to three weeks imprisonment.

October 2011 – no offences were reported.

November 2011 – a report was received from a female that she had been indecently assaulted. One person was arrested and charged with indecent assault and later fined £200. Also in November a report was received of an indecent exposure. This matter is still being investigated.

75 December 2011- one person was arrested for indecent assault. That person was charged with indecent assault and robbery and will be appearing in court on or appeared in court on 14th February 2012. Also in December, one person was arrested for indecent assault. The person is currently on police bail until the 1st March 2012.

80 In January 2012 a report concerning possession of indecent images of children was received. The matter is still being investigated. Also in January, a person was arrested and charged with indecent assault. The person will next be appearing in court on the 23rd May 2012.

Hon. J J Netto: If the hon. Member would not mind providing me with a copy of the answers... Thank you.

85 **Hon. G H Licudi:** Yes.

Hon. D A Feetham: Mr Speaker, I do not think my hon. Friend has a supplementary so, in fact, you can continue.

90 **Mr Speaker:** Well, in that case, let us continue.

95 **Legal Aid and Assistance schemes**
Policy on reform

Clerk: Question 165, the Hon. D A Feetham.

100 **Hon. D A Feetham:** What is the Government's policy on reform of Legal Aid and Assistance schemes?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

105 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the policy of the Government is to reform the Legal Aid and Assistance schemes. There is a draft Bill which I am in the process of considering. I am consulting the Bar Council and the Registrar of the Supreme Court on the draft Bill.

110 **Hon. D A Feetham:** Can the Minister confirm that is the draft Bill that was drafted when I was Minister for Justice?

Hon. G H Licudi: Yes, sir

115

**Financial centre development
Islamic Finance and Shariah compliant financial products**

120 **Clerk:** Question 166, the Hon. D A Feetham

Hon. D A Feetham: Will the Minister for Financial Services state whether the Government has any present intention to develop Gibraltar as a financial centre for Islamic finance and Shariah compliant financial products?

125

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

130 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I have discussed the possibility of developing Gibraltar as a financial centre for Islamic finance and Shariah-compliant products with the Financial Services Commission and the Finance Centre Director.

I intend to have further discussions with them and to consult the Finance Centre Council. Government will give due consideration to the views and representations made to it before a final decision is taken. I would add that there is no reason why Shariah-compliant products may not currently be marketed or developed by the providers of financial services in Gibraltar subject, of course, to all statutory and regulatory requirements being met.

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140 **Hon. D A Feetham:** Yes, that is certainly true but does he not accept that it would increase the attractiveness of Gibraltar as a jurisdiction for Shariah-compliant products if there was some statutory underpinning, which, for example – it does not need to be complicated – but, for example, would ensure that any Shariah products that are actually sold from Gibraltar need to comply with Shariah law?

One of the ways that is done is for a particular expert on Shariah law to actually certify that the products that are being sold are Shariah products or that the company that is selling those products is structured as a Shariah-compliant company. So does he not agree with me that if, despite the fact that I accept that at the moment Shariah products can be sold from Gibraltar, if we are to increase the attractiveness of the jurisdiction in that regard some form of statutory underpinning is necessary?

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150 **Hon. G H Licudi:** Mr Speaker, I agree with him that this matter is worthy of consideration and that the issues that the hon. Member has raised are precisely the issues that I am currently discussing with the relevant parties.

With regard to the certification... to the extent that a particular product needs certification, a provider of financial services can already do that, although I have been made aware of the issue that the hon. Member raises in relation to possible legislation. That is something that we are actively considering.

155

EQUALITY AND SOCIAL SERVICES

Cochrane Ward

Places available since 9th December 2011

Clerk: Question 167, the Hon. Mrs I M Ellul-Hammond

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services state how many places have been made available at Cochrane Ward since 9th December 2011 and were they filled by long-stay elderly people already in hospital wards or straight from the community?

Clerk: Answer the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, there have been six places made available since 9th December 2011. All were filled by long-stay elderly patients in hospital. No admissions to Cochrane Ward have been straight from the community, as was the policy when Cochrane Ward opened in 2009.

Calpe Ward, St Bernard's Hospital
Date of opening and staff requirements

Clerk: Question 168, the Hon. Mrs I M Ellul-Hammond

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Equality and Social Services specify when the Calpe Ward in St Bernard's Hospital will be open, and what would be the new additional staff requirements, broken down by grades, and will it be run by the GHA or the Care Agency?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the planned opening for Calpe Ward is Sunday 26th February 2012.

Staff requirements are 8 Registered Nurses, 18 Care Workers, three domestics and medical cover. Calpe Ward will be run in partnership between the GHA and the Care Agency.

The eight Registered Nurses and 18 Care Workers will be provided by the Care Agency and arrangements are being made to rotate existing staff to the new ward, so that new staff are spread out evenly throughout different areas of elderly care. Medical cover and domestic staff will be provided by the GHA.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister tell us where the nursing staff will come from?

Hon. Miss S J Sacramento: Mr Speaker, although this is not a question that was specifically asked, I am aware that there will be four Spanish nationals recruited as Registered Nurses and there are four other nurses where recruitment is pending.

Hon. Mrs I M Ellul-Hammond: So, Mr Speaker, can the Minister then tell us if there was much response to the two vacancies advertised for Nursing Assistants and a Registered General Nurse for small elderly care units?

Hon. Miss S J Sacramento: Mr Speaker, I am not aware of the exact number of applicants but I am happy to inform the hon. Member opposite should she write to me directly.

215 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister advise if these nurses will be taken from, as in response to this advertisement or if they will be taken from existing wards within the GHA hospital?

Hon. Miss S J Sacramento: Mr Speaker, these are new recruits and they will not be taken from any existing wards.

220 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, why is it, then, that the advert was placed by the GHA, not the Care Agency?

225 **Hon. Miss S J Sacramento:** Mr Speaker, although it is correct that there was an initial advert by the GHA, this advert was then withdrawn and there was a subsequent advert by the Care Agency.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister advise how much the running of the Calpe Ward will cost?

230 **Hon. Miss S J Sacramento:** Mr Speaker, I cannot give an accurate cost at present. Perhaps if I had been given notice of that question, which is not really implicit in Question 168, then I would be able to provide that information.

Of course, I am happy to provide that once final figures are known and if these are requested by the hon. Member opposite.

235 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister explain what additional measures will be implemented for their long term plans of, and I quote:

'a made to measure facility for the elderly'?

240 **Hon. Miss S J Sacramento:** Mr Speaker, I think that question is a bit vague and I don't know what... how this relates to Calpe Ward.

245 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, it relates to Calpe Ward in that, in their manifesto, they state:

'Our short term policy will be to *add* beds at St Bernard's'

– i.e. the opening of the Calpe Ward –

250 'We will also provide a made to measure facility for the elderly.'

Hon. Miss S J Sacramento: Mr Speaker, the opening of Calpe Ward is an emergency measure, given the state of the –

255 **Hon. N F Costa:** The lack of beds.

260 **Hon. Miss S J Sacramento:** – the lack of beds at St Bernard's Hospital and the long-standing problem of beds in surgical wards which have been taken by elderly people. So, Mr Speaker, a decision was taken to open Calpe Ward immediately.

Insofar as the bigger picture of addressing the issue with the elderly, a feasibility study in relation to the need to cater for that is being undertaken and, once we have the final result of that feasibility study, Mr Speaker, we will then consider what needs to be provided.

265 **Hon. J J Netto:** Earlier on, the hon. Lady did mention that the opening of Calpe Ward would be, if I quote her correctly, 'in partnership with the GHA'. Can she describe the partnership?

Hon. Miss S J Sacramento: Mr Speaker, the partnership is that the Gibraltar Health Authority and the Care Agency are working together.

Hon. J J Netto: Of course... (*Laughter*) It is an answer of the obvious but, leaving that aside, Mr Speaker, what I was referring to is the management of the new ward. Could she be more specific?

Hon. Miss S J Sacramento: Well, Mr Speaker, then maybe the question could have been more specific. (**Hon. N F Costa:** Absolutely.) Indeed, people are commenting that staff from both the Care Agency and the GHA are commenting how unique it is that both agencies are working together and are working together so effectively for the first time.

Mr Speaker, in general the running of Calpe Ward will be undertaken by the Care Agency very similar to the way that Cochrane Ward at the GHA is run.

**Care Agency residential home
Recordable acts of violence**

Clerk: Question 169, the Hon. J J Netto

Hon. J J Netto: Can the Minister for Social Services state if there have been any recordable acts of violence in any of the Care Agency Residential Homes, since this question was asked in Question No 46 of 2012 to date and, if so, could the Minister provide a breakdown showing the dates of the incident/s, whether the incident/s was between children, or between children and staff and whether, as a result of the incident, medical attention was required either at the home or in the hospital and for what purpose?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, there have been five acts of violence; these have been between children and staff. Two of these have required medical attention.

I am now passing to the hon. Member a table with further details of these incidents, as requested.

ANSWER TO QUESTION 169 OF 2012

Date	LAC to LAC	LAC to Staff	Medical Attention/Where	What Purpose?
25/01/12		Yes	No	
26/01/12		Yes	No	
26/01/12		Yes	Yes/Hospital	Staff- Tetanus for a bite and antibiotics
28/01/12		Yes	Yes/Hospital	Staff - fracture of 2 ribs
29/01/12		Yes	No	

Hon. J J Netto: While the information is coming through, did I understand the hon. Lady correctly that the five acts of violence were between juveniles and staff – is that the case?

Hon. Miss S J Sacramento: Looked-after children and staff, not juveniles. 'Juveniles' implies that there was a criminal conviction.

Hon. J J Netto: Mr Speaker, as far as the medical attention which the hon. Lady has mentioned, was that given at the home or at the hospital?

310 **Hon. Miss S J Sacramento:** Mr Speaker, I would refer the hon. Member to the table and if he sees the medical treatment that was administered I think I can safely say that this was administered at the hospital, as this can only be administered at hospital.

315 **Hon. J J Netto:** Mr Speaker, could the hon. Lady say whether any of these incidents in relation to the looked-after children refers perhaps to the same children for which she gave me an answer, a written answer, last month?

Hon. Miss S J Sacramento: Mr Speaker, I do not have that information and I cannot confirm whether it is the same child or whether it is various children.

320 **Hon. J J Netto:** Will the hon. Lady, if I write to her, stating the fact that I would want to, or would like to, know whether we are talking about in all of these cases in this particular month – sorry in the month of January – are the same one to the previous month or not? Will she be able to give me that information?

325 **Hon. Miss S J Sacramento:** Indeed, Mr Speaker, I am happy to give this information on a confidential basis.

Clerk: Question 1-

330 **Hon. J J Netto:** Can I also say, Mr Speaker, whether as a result of the incidents, there was any discussion by management, post the incident, and, as a result, have there been any changes to the care plans of those particular children?

335 **Hon. Miss S J Sacramento:** Mr Speaker, discussions are ongoing each time there is an incident and they are ongoing in any event because care plans are reviewed continuously.

Some care plans are reviewed daily; some care plans are reviewed weekly so, of course, any incidents would have a bearing on the review of the care plan.

340 **Hon. J J Netto:** What I am actually saying specifically, as a result of this particular incident whether care plans have changed as a result of this?

Hon. Miss S J Sacramento: Mr Speaker, not assuming whether this is in relation to one child or various children, each incident, there is, each time there is an incident, the matter is evaluated and then it is taken into account in the care plan.

345

**Unallocated referrals of children
Level of risk to such children**

350 **Clerk:** Question 170, the Hon. J J Netto.

355 **Hon. J J Netto:** Can the Minister for Social Services state if there has been *any* unallocated referrals of children waiting for a service, since this question was asked for the month of January 2012 and, if so, provide a breakdown of the level of risk to any such children?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

360 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, there have been no unallocated referrals for children waiting for a service since the question was previously asked. All referrals are, in effect, allocated.

**Seven registered looked-after children
Vocational Training Scheme placements**

Clerk: Question 171, the Hon. J J Netto

Hon. J J Netto: Mr Speaker, can the Minister for Social Services say if the seven registered looked-after children are now in placements in the Vocational Training Scheme or, indeed, in any other scheme for training purposes, as stated in answer to question no 44 of 2012?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, of the seven registered looked-after children, one child has now returned to the UK and the position in relation to the remaining six looked-after children has not changed since the question was asked at the last parliamentary session. Efforts continue to be made to assist them in employment, as suitable employment opportunities arise.

Hon. J J Netto: Mr Speaker, can I ask the hon. Lady what has been the total amount of time in which the other six now have been registered either in the Vocational Training Scheme or any other training scheme, for that matter? What is the period for which they have been waiting a placement?

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I do not have the exact information but I can confidently say that they have been on the list since the previous Government were in office.

Hon. J J Netto: I am not asking her what is happening, you know, when we were in Government or when the GSLP was in Government, or when the AACR was in Government... I am asking her *now*, in reference to this particular six children, does she know the period in which they have been registered for a Vocational Training Scheme placement or any other training scheme at all. Does she know?

Hon. N F Costa: She said she does not have the information. That is the first thing she said.

Hon. Miss S J Sacramento: Mr Speaker, I have said that I do not have the exact information. Clearly, if they are on the new training scheme that could only have happened from 1st February. Before that they were on the waiting list for the Vocational Training Scheme. That they have been on the Vocational Training Scheme for some time I know. The first date on which they were placed on the training scheme I do not know, but I do know that they have been on the training scheme since before this Government came into office.

Hon. D A Feetham: Sorry, are these six children... is what the hon. Lady saying that these six children are now part of the Future Job Strategy? Is that what she is saying?

Hon. J J Bossano: Mr Speaker the... apparently there is a conflict of information provided between the people in the Social Services and the people in Bleak House. They did not appear as being on the Bleak House scheme in January and therefore they were not placed in the new scheme in February.

However, the people in the Social Services apparently *thought* they were in the Bleak House and we have not been able to establish, since the question came, whether, in fact, they were actually being paid the £450. Bleak House has no record of them. The Social Services were under the impression that they were getting paid by Bleak House and that they were in the previous scheme. I think they were not, frankly, and I do not think they were being paid, but I can't tell him that it is... In other words, what I am saying... if they were being paid and they were on the Bleak House scheme would have known, so I think the answer is that the information that the Social Services had was mistaken, not correct.

Hon. D A Feetham: Yes, but surely will the hon. Lady undertake to actually look into these six cases and to come to the House next time round and to inform the House as to whether they were on the VTS scheme as

420 of the date of the change of Government? If they were, I presume that, in fact, they will automatically then form part of the Future Job Strategy.

Hon. Miss S J Sacramento: Mr Speaker, we all assumed that that was the position, but having taken an interest in all six looked-after children, although it was easily established from some Departments that they were on the list, it could not be verified by other Departments – but the matter is already being investigated.
425 If the hon. Member wishes to ask me the question in the next House then, of course, I will respond.

Hon. J J Netto: Yes, can I ask one further question, supplementary question to the hon. Lady.
Given that two months have now elapsed whereby these particular six youngsters – I say youngsters because they must be between the ages of 15 and 18 or perhaps 19, right – have not been placed in any
430 training scheme or whatever we want to call it. What has been that they have been doing then, because they have not been in education, they have not been in training, so what have they been doing in that interim period?

Hon. Miss S J Sacramento: Mr Speaker after the age of 15 there is no obligation for them to be in education and, in any event, Mr Speaker, my understanding was that they were on the waiting list of the Vocational Training Scheme and meetings and interviews were being held between the social workers, the children involved and the officers of the Vocational Training Scheme in, clearly, an attempt to place them in employment.
435

Hon. D A Feetham: Yes but does the hon. Lady not accept that you are not dealing with a normal situation here, certainly any child over the age of 15, it is not compulsory to return to school, but you are dealing with looked-after children, where the agency is in a situation of parental responsibility in relation to those children. Does she not accept that it is quite extraordinary that she does not know what the position is in relation to six children for which her agency is in a position of parental responsibility over the last two
440 months?
445

Hon. Miss S J Sacramento: Mr Speaker I have said nothing of the sort. I have not said that I do not know. What I do not know is the first date on which they were placed on the list for the Vocational Training Scheme. I know exactly what is happening in relation to each child. There are six children. I have a brief in relation to each child which, of course, I am not going to give details in the Parliament, Mr Speaker, but I am happy to provide them to the hon. Member on a confidential basis.
450

Mr Speaker, it is not always easy to place people in employment, which is why both the social workers whose responsibility it is to look after the children, as well as the people at Bleak House, have been working together in an attempt to secure employment for these children.
455

Hon. D A Feetham: With respect to the hon. Lady, is she now saying that they are in a training scheme or are they not in a training scheme? Because the previous answer was that you did not know whether they were on a training scheme. That was the answer in fact that the hon. Gentleman, Mr Bossano gave a few moments ago. Are they on a training scheme or are they not on a training scheme? Because the hon. Lady doesn't seem to know.
460

Hon. J J Bossano: Mr Speaker, when the list was provided by Bleak House of the people of that were... these six names were not on that list. When my colleague asked the Department, the Department told her that they were on a waiting list but the Bleak House waiting list did not include them.
465

So we have the social worker saying one thing and the people in Bleak House saying something else. I have no doubt that they cannot have been in training because, otherwise, there would have to have been a payment and they would have had a place in which they had to be and, you know, we have not been able to establish why one set of public servants thought one thing and another set of public servants thought another, which is quite extraordinary when we are only talking about six kids and not...
470

Hon. P R Caruana: Mr Speaker, would the hon. Lady perhaps agree with me that, whether these six children or persons are in training now or not, I am sure that it would be a view shared across the floor of this House that, given that the state is *in loco parentis*, they should be given, if anything, priority under any

475 scheme and that care should now be taken to co-ordinate as many of the state mechanisms as possible to ensure that these people do not fall between the two and get into employment or training because, otherwise, they will become a bigger problem for everybody else.

480 **Hon. Miss S J Sacramento:** Absolutely and that is what is being done, Mr Speaker. Actively, I might add.

Care Agency
Monthly expenditure reports to the Financial Secretary

485 **Clerk:** Question 172, the Hon. J J Netto

490 **Hon. J J Netto:** Mr Speaker, is the Government in a position, following their rethink of last month, to provide a copy of the Monthly Expenditure Returns Report from the Care Agency to the Financial Secretary, commencing from September 2011 to date?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

495 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the response is the same as that given by my hon. Colleague in the reply to Question 126 of 2012 and that a policy decision has been taken in this regard not to.

St Bernadette's Occupational Therapy Centre
Nursing services

500 **Clerk:** Question 173, the Hon. J J Netto

505 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services say if nursing services are being provided at St Bernadette's Occupational Therapy Centre?

Clerk: Answer, the Hon. the Minister for Equality and Social Services

510 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, I can confirm that there are nursing services provided at St Bernadette's.

515 The service provided consists of two full-time Qualified Nurses, one Learning Disability Nurse and the other an Enrolled Nurse. The nurses provide fundamental care, administer medication, health education and support to the Care Workers, service users and parents. The nurses also provide support in activity sessions, outings and liaise with other professionals and contribute to the plan of care of the service users, much in the same way as they did just over 2 months ago.

520 **Hon. J J Netto:** Mr Speaker, well, I knew that was the answer but, given I knew there were nursing services provided at St Bernadette's, surely the answer given to me by her last month was incorrect because, in answer to Written Question 34 of 2012, when I did ask how many people were in employment of the Care Agency by location and she provided all the tables by the grades and by location, the two nurses are not specified there so, therefore, the information is incorrect.

525 But I also noticed, having looked at that, in terms that they are not there, that it seems to me that, perhaps, other totals are not as they should be or perhaps there has been some movement. For instance, we have a total of 29 non industrial employees and four industrial employees, which is 33 persons, as given by the information last month. But if we actually look at the Estimates book, there are a total of 25 persons in full-time and part-time basis, so there seems to be a discrepancy between the figures provided last month in the written form and the figures which we have got here.

530 That said – I do not know whether the hon. Lady is listening to what I am saying or not – but what... I
mean there may be a justification for this. For instance, one of the things I can recall is that one policy
decision we took when we were in Government that the Classroom Aides which were full-time are now part-
time, so that partly explains the difference between the figure provided last month and the estimate book – but
it does not completely tally. Not only does it not seem to tally in St Bernadette's, it does not seem to tally,
535 either, in Dr Giraldi Home. For instance, in Dr Giraldi Home the information given last month is that there are
four unit managers, whilst the Estimates book provided a figure of five unit managers, so perhaps does the
hon. Lady have an explanation for this?

Hon. Miss S J Sacramento: Mr Speaker, the information that the hon. Member is referring to is
information that has been provided to me by officials. Of course, I have not physically gone round each
540 Department of the Care Agency counting how many nurses and how many Classroom Aides we have! That
has been information provided to me by management.

If the hon. Member is now comparing that to the Estimates book which he prepared, then I do not know –
perhaps the hon. Member can explain the discrepancy to me. Certainly, there have been no policy decisions to
change staffing arrangements by this Government yet, so if there is a discrepancy then it may be a matter of
545 human error by the people who provided that information to me. Of course, if the hon. Member wishes to ask
me the question in writing I will respond to it. I will ask people to check the discrepancies and he can ask me
the question in writing and I can, of course, respond.

Hon. J J Netto: Mr Speaker, of course I know that the information is not being collated and prepared and
given by the hon. Member opposite of course I know that it is being done by the senior management but what
I am actually saying, that there are a number of discrepancies and information being given by the management
for which the hon. Lady then has to stand here in Parliament and provide an answer, and given that there are
discrepancies, what I am actually suggesting or asking the hon. Lady, because I cannot instruct the hon. Lady
555 to do anything, but to ask the hon. Lady could she actually take the information back given last month to give
a satisfactory explanation. Perhaps there is a perfectly legitimate explanation for that, but given there are
discrepancies like the unit managers and discrepancies like the nurses there has to be an explanation for this.
Can the hon. Lady take it back, therefore, and provide, you know, explanations for these discrepancies?

Hon. Miss S J Sacramento: Mr Speaker, I have already said that I will, so the answer is yes.
560 Perhaps it would have been more fruitful if I had been put on notice of this, as opposed to being ambushed
with figures that I provided last month.

Hon. D A Feetham: Well, can the hon. Lady explain how on earth she comes to the conclusion that she is
being 'ambushed' when, in fact, the figures were the figures which the hon. Lady provided last week, last
565 month?

Hon. Miss S J Sacramento: Because that is not the question that was asked of me, Mr Speaker, in
writing.

570 **Hon. D A Feetham:** Well does she not accept that she is responsible for the figures that she provides to
this Parliament both written and oral and should she not, does she not accept that she should have checked
both figures to see whether both figures correlated?

575 **Hon. Chief Minister:** Mr Speaker, this is when Parliament starts to turn into an argument rather than a
question and answer session.

There has been a perfectly civilized exchange between the Hon. Mr Netto and the Hon. Minister. The Hon.
Minister has undertaken to go back and the hon. Gentleman will know that the question didn't just relate to
the figures from last month and this month but also to the Estimates in respect of which *they* are responsible
for that Estimate book and it was done while they were in power.

580 I think the position is perfectly clear. The hon. Lady has said that she is going to go back and look. Let's
not allow this to descend into argument when it is Question Time.

Hon. D A Feetham: I agree entirely but then perhaps he should have a word with the hon. Lady not to

make comments such as that my hon. Friend has ‘ambushed’ her, which is clearly not the case.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman is absolutely right. I will have a word with the hon. Lady, to congratulate her for how well she is conducting her answers in only her second session in this Parliament.

Mr Speaker: I take the point the Hon. Chief Minister has made. Let us keep the tempo down. I think it was progressing quite well but I must confess I think the use of the word ‘ambush’ rather triggered off a different tempo. Far be it from me to criticise the use of the language when it is not unparliamentary.

**Mount Alvernia
Help for those in need of admission**

Clerk: Question 174, the Hon. J J Netto

Hon. J J Netto: Mr Speaker can the Minister for Social Services say how many of the 66 persons awaiting an immediate need for admission into Mount Alvernia from the community, as answered in Written Question No 38/2012, are receiving any home help either by the Care Agency, the family of the elderly person, both, or by nobody.

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

The Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, of the 66 persons awaiting immediate admission need for admission to Mount Alvernia from the community, home help provision is as follows:

A combination of home help by the Care Agency and family support – 17

Family Support only – 36

Of the remaining 13, 4 have been admitted to Mount Alvernia... *[Sound of loud siren]*

Hon. J J Netto: Will the hon. Lady mind repeating the answer once the siren stops.

Hon. Miss S J Sacramento: Mr Speaker, I will start again.

Of the 66 people awaiting immediate need for admission to Mount Alvernia from the community, the home help provision is as follows:

A combination of home help provided by the Care Agency and family support is 17. There are 36 people with family support only and then, of the remaining 13, four have been admitted to Mount Alvernia, eight have been admitted to the GHA and one has passed away.

ANSWER

THE HON THE MINISTER FOR EQUALITY AND SOCIAL SERVICES

Mr Speaker,

Of the 66 persons awaiting immediate need for admission to Mount Alvernia from the community, Home Help provision is as follows:

Care Agency Only	Care Agency & Family Support	Family Support Only	No Home Help Provided
0	17	36	0

Of the remaining 13:

4 have been admitted to Mount Alvernia
8 have been admitted to GHA
1 has passed away

625 **Hon. J J Netto:** I am grateful for that, Mr Speaker but, given that there are 36 persons which only have help by the family, if I have understood that correctly and, given that we are talking about people who are in urgent need to go to Mount Alvernia, would it not be perhaps the case, Mr Speaker, that this particular 36 people may need an increase of home help by the Government in this particular case, by the Social Services Agency and, therefore, will that not be looked into by yourself and the Care Agency?

630 **Hon. Miss S J Sacramento:** Absolutely, Mr Speaker, which is why, as I said last month, the Care Agency, which has inherited a list of 400 people in need of domiciliary care, is undertaking an assessment of everyone on the list so that we know what domiciliary care needs to be provided. In fact, Mr Speaker, there are some people who have been offered domiciliary care but have rejected this.

635 **Hon. J J Netto:** Mr Speaker, this review that the hon. Lady talks about, can she indicate how long will the review take place because, obviously, we are dealing here with individuals who are in urgent need to be assisted into Mount Alvernia, and they have no help from the Care Agency. These are individuals that are only being assisted by the family, so could she indicate to the family who are providing the help to these particular persons how long will the Government take to do this review.

640 **Hon. Miss S J Sacramento:** Mr Speaker, unfortunately these are people who have needed this help urgently for years and years (*Applause and banging*) and it is now that the new Government has taken office that these people have been given priority. They are being assessed by the staff at the Elderly Care Agency, as well as being assessed by the occupational therapist because, if people are to be given domiciliary care at home, we are not only talking about the support by way of carers but we also need to look at the issue of any aids and appliances which they would require. But I have to reiterate that these people have been on the waiting list for both Mount Alvernia and domiciliary care for years and years.

650 **Juveniles in need of specialised care**
Practical steps being taken

Clerk: Question 175, the Hon. J J Netto.

655 **Hon. J J Netto:** Mr Speaker, given that there are five juveniles who, in the opinion of senior management, would warrant further specialised care over and above the existing services being provided, as answered in Written Question 51/2012, will the Minister for Social Services say what practical steps are being taken to meet such needs, if any?

660 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

665 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, there are two levels of specialist care which are currently being explored, the first one being the infrequent, but nonetheless necessary, provision which would enable the restriction of liberty of a young person in specific circumstances. This is the provision of secure accommodation, which is the restriction of a child's liberty, which is provided for in UK legislation but which was omitted in the local legislation, when the Children Act was passed.

670 As such, this has led to a deficit in how Gibraltar can manage children who, for a time, may require their liberty to be restricted. We have already begun the process of exploring how this deficit in legislation will be addressed and how we may begin the process for planning for such a resource. However, as a direct result of the deficit in the current legislation and associated resources, the children's residential services have been faced with managing some very difficult and serious violent behaviours within the current service provision. We have, therefore, swiftly commissioned an expert from the UK to work alongside care workers for 28 days, as well as providing enhanced training for a dedicated group of care staff and working closely with other agencies.

675 Multi adaptations of a flat have taken place so as to optimise both the children's and the care staff's safety. We have also identified an expert child psychiatrist from the UK and are in the process of commissioning an assessment which we hope will offer opinion and guidance regarding future care planning.

On the second matter of specialist provision – that of a challenging behaviour unit – the hon. Member will, of course, be aware of the need for this resource because it is something that has clearly been identified for a number of years. As a result of the actions which have been taken by this Government, we now have a group of 16 level 2 staff, trained and experienced care staff in regard to managing challenging behaviour. We have also explored venues for such a unit and are considering possibilities in this regard. One of the five adolescents identified in the answer to Question 51/2012 now has firm arrangements in place to attend a UK specialist provision which will commence shortly.

Hon. J J Netto: If I understood, Mr Speaker, the hon. Lady correctly, what she seems to be saying is that, in the short term, she is adapting certain flats – perhaps I am making an assumption here on my part – to be able to segregate those particular children with severe challenging behaviour from the mainstream facilities in Tangier View. That perhaps may be the short-term measure that she seems to be taking. If not, I will be glad if she can correct me, but, in the longer term, she is looking for a particular site, a particular building, to have these particular youngsters, and perhaps, if successful, even bringing some of the ones we have got in the UK back to Gibraltar, which would be in the best interests of everyone. (*Interjection*)

But when she talks about adapting flats in the short-term, is she talking about the flats that we have in Tangier View or flats out there in the community?

Hon. Miss S J Sacramento: It is a combination of both, Mr Speaker.

Hon. J J Netto: So, if the hon. Lady is saying that, depending on the circumstances of each individual child, either that person with severe challenging behaviour will be given the service in Tangier View albeit with the staff who have been training, but perhaps there will be other children – perhaps the older ones – who will be out in the community. Is that the case?

Hon. Miss S J Sacramento: Perhaps, Mr Speaker, it may be the same child, depending on the level of behaviour or misbehaviour at the time.

Hon. D A Feetham: Can I ask the hon. Lady, what does she mean by ‘secure accommodation’?

My understanding of secure accommodation is, in fact, an alternative to prison. For example, just to illustrate my point, Thompson and Venables, who are the killers of Jamie Bulger, because they were under age, they were not sent to prison, they were sent to secure accommodation. Is it the intention of the Government to build that type of facility in order to prevent juveniles from being sent to prison and being placed in secure accommodation?

Hon. Miss S J Sacramento: No, Mr Speaker. The intention of Government is to enable to extend powers to be able to secure children in alternative accommodation so that they are not necessarily in the same environment as other children who are not exhibiting the same levels of challenging behaviour and giving us some powers to be able to restrict liberty, but certainly not an alternative to prison.

Hon. D A Feetham: So, at the present moment, the Government has no plans to actually build any type of alternative facility, and we would continue with the situation, for which the Government of the day – my Government – was severely criticised by the party opposite when they were in Opposition, for allowing a situation whereby a juvenile is sent to prison, rather than to a secure accommodation?

Hon. Miss S J Sacramento: Mr Speaker, my response was in relation to a question which was posed to me with regard to challenging behaviour, and not criminal behaviour of juveniles. My response, accordingly, is in relation to how we will accommodate children who have challenging behaviour.

My response is not in relation to children who are subject to criminal proceedings. It is a different question and a different answer, Mr Speaker. I think I have answered the question that was asked of me. The hon. Member opposite has asked a completely different question, which did not form part of the original question.

Hon. D A Feetham: I will ask it in the future, but is she aware that, in fact, the particular section that we took out – or I took out – of the Children Act in relation to secure accommodation... that secure accommodation, in the sense of that used in that particular section which exists in the UK Children Act, is

secure accommodation that is used not only in relation to children with challenging behaviour, when they have got to be placed there because that is the only way, in fact, from memory, that... The thrust of the section is that they can only be kept in secure accommodation if the juvenile is going to abscond.

That is the reason why they are – ‘placed in secure accommodation’ – or that is part of the test under the section of the UK equivalent of the Children Act. But, in fact, the children are placed in exactly the same secure accommodation. The secure accommodation is the same for those types of challenging behaviour and also in terms of juveniles who are not sent to prison but placed in that type of secure accommodation.

So, is the Government’s position, therefore, that they intend to reinvent the wheel and to go down a completely different route to the route that is currently the position in the UK?

Hon. Miss S J Sacramento: Mr Speaker, the hon. Member opposite is simply confusing the matter.

The hon. Member opposite is referring to section 25 of the Children Act 1989 in the UK and I am perfectly aware of what it says. That is the section which I understand was initially included in the Children Act in Gibraltar and was taken out.

As he rightly says, that is the section that would give us the power to provide to both be able to restrict the liberty of children who exhibit challenging behaviour and would also (*Interjection*) give us the power to provide for secure accommodation in criminal matters, which he was alluding to. I agree with what he has said. What I am saying is that that is not the question that was asked of me, Mr Speaker. (*Interjection*)

In any event, as he said that he may ask it in the next Parliament, he is of course welcome to put that question to me in the next parliament.

Hon. D A Feetham: I am not trying to be controversial here, I am not trying to catch the hon. Lady out in any way, shape or form. I am just trying to get to the bottom of the answer that she has given.

She gave an answer to my hon. Friend, Mr Netto, saying that the Government was looking into providing secure accommodation for children with challenging behaviour in the circumstances where the same power exists in the UK Children Act, which she has correctly identified as section 25 of the UK Children Act.

What I am saying is that, in fact, the same secure accommodation that is used in the UK for challenging-behaviour children is the same secure accommodation that is used as an alternative to prison. What I am asking the hon. Lady again is: is that the intention, or is the Government going to do something completely different in terms of secure accommodation? That is it.

Hon. G H Licudi: Mr Speaker, the answer to this supplementary is contained in the *original* answer that was given.

There was a reference made to what is provided in the UK, and what the hon. Lady said is that we are in the process of exploring how this deficit in legislation can be remedied. The hon. Lady has referred to the particular section in the UK and that is something that is being looked at. It does not necessarily mean that we will replicate it word for word, but we are looking at it to see whether it can be adapted or used as a model for what we want to do in Gibraltar.

I acknowledge what the hon. Member has said opposite and we will take those matters into account, but there is a need. We have identified, as a Government and as a matter of policy, that there is a need to introduce something to provide for this sort of legislation. We are currently considering what the legislation is in the UK and how it can be adapted or adopted for Gibraltar. The process is being considered for the purposes of enacting at some point in the future.

Hon. D A Feetham: I am going to end the matter here because I do not want to push him, but does he not recognise the reality of the situation is that it is not a question of deficit of legislation? It is a question of deficit of resources.

If it were just simply a question of deficit of legislation, I would have left the section in. The reason why I took the section out was that this would have required, if it is to be used... If you are going to provide a secure accommodation in the sense of the UK, which is secure accommodation for children with challenging behaviour in circumstances where the authority is preventing them from absconding, and also in relation to as an alternative to prison, that is a massive expense for the Government. We took it out and what I asked the hon. Lady was: is the Government’s policy to do that or to go down a different route? That is not a question of legislation; it is a question of resources.

790 **Hon. G H Licudi:** Mr Speaker, the hon. Member is arguing at cross purposes to what his hon. Colleague argued earlier in response to... in a supplementary to a question that I answered, where the hon. Member specifically said and asked me, are we looking at legislation, an amendment to the Children Act, to provide for secure accommodation, and that was on the basis that the hon. Member, Mr Netto, recognised that that course of action *needed* legislation.

Now the hon. Member says, 'No, that legislation is not needed –

795 **Hon. D A Feetham:** No, I asked –

Hon. G H Licudi: – it is a question of resources.'

Hon. D A Feetham: With respect... May he give way?

800 **Hon. G H Licudi:** Yes.

805 **Hon. D A Feetham:** With respect, I am not saying that the legislative amendment would not need to be made. What I am saying... (*Interjection*) No, what I am saying is that first you deal with the issue of resources and then with the question of the legislative amendment, and that we took it out because we did not have the resources here in Gibraltar to actually do it, and what I am asking is: is the Government proposing, or exploring, to go down the UK route of providing secure accommodation for both people with challenging behaviour and also as an alternative to prison; or are they going down a different route? Because my understanding of the answer to the question from the hon. Lady was that, in fact, the plans were fairly well advanced and they were looking at alternatives.

810 That is all.

815 **Hon. G H Licudi:** Yes, Mr Speaker, the alternatives that are being looked at are in relation to challenging behaviour. That is the debate, or questions and answers, that we had earlier in relation to children with challenging behaviour, and what we have recognised is exactly the same point that the Hon. Mr Netto recognised when he rightly asked me a supplementary as to whether we were looking at the possibility of changing the Children Act, because I did refer, in my answer earlier, to the need for secure accommodation.

820 What I said earlier is that, in relation to children with severe challenging behaviour that have to be taken out of the environment that they are currently in, there is a need to identify a site, which we have already done, to turn that, if necessary, into a secure unit and to have the necessary legislation in place in order to do that.

That is all we are proposing. We are not proposing anything else. It was certainly good enough as an answer to the Hon. Mr Netto. I cannot see what the issue is any more.

825 If the question is, is the Government prepared to allocate the necessary resources? The answer is obviously, yes! It is a manifesto commitment. It is a manifesto commitment to create this unit – a dedicated facility to deal with children with *[inaudible]* challenging behaviour. We have identified the site. There is a need for work to be done on that site, and there is probably a need, as my hon. Colleague has identified, to make an amendment to the Children Act.

830 That is the route that we are proposing, as a matter of policy and, to the extent that resources are necessary, resources will be put in.

Hon. D A Feetham: That is precisely what I understood the hon. Lady to say.

835 Now, my question, which I am still none the wiser as to what the answer is, is whether the Government intends to use that secure unit that the Government has now identified and the plans are quite advanced, in relation to children with challenging behaviour, to extend that facility, in relation to children who may be guilty of a criminal offence, as an alternative prison – which is the position in the United Kingdom. That is all.

840 **Hon. G H Licudi:** Mr Speaker, the fact that something is in position in the United Kingdom, does not necessarily mean that it has to be replicated here.

Hon. D A Feetham: I accept that!

Hon. G H Licudi: The provision that the hon. Member refers to would give the Government the power to go down that route.

845 The Government has not made a policy decision to go down that route; it has made a policy decision to identify a site and to turn it into a dedicated unit for children with challenging behaviour. That provision will give us the power to do that. If it gives us wider powers, then the use of those wider powers would have to be considered in due course. But they are not certainly part of the Government's policy at this stage.

850 **Hon. D A Feetham:** Thank you very much! That was not too difficult. That is my answer!

Clerk: Question 1 –

Mr Speaker: I call on the Hon. Jaime Netto.

855 **Hon. J J Netto:** Can I ask a further supplementary question to the hon. Lady?

860 In relation to this group of looked-after children with severe challenging behaviour, are any of them the ones that are perhaps waiting for a placement for the Vocational Training Scheme or any other training scheme? Is she aware whether *any* of these particular groups are related to my previous question in relation to waiting for a training placement?

Hon. Miss S J Sacramento: Mr Speaker, I do not have the information, but I know that because some of those identifying the challenging behaviour are under the age of 15, then the issue does not arise in respect of them.

865

**Residents' lift at Mount Alvernia
Arrangements for repair**

870 **Clerk:** Question 176, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services say if the residents' lift at Mount Alvernia has been broken, and if so, when is it envisaged that repairs will be carried out?

875 **Clerk:** Answer the Hon. the Minister for Equality and Social Services.

880 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the residents' lift at Mount Alvernia broke on Saturday, 4th February. It was identified that a part needed replacing. The part was ordered and repairs were effected and the lift was working by Friday, 10th February – not even a week after it broke down.

It must also be noted, Mr Speaker that, during this time, there were two other passenger lifts operational at Mount Alvernia.

885 **Hon. J J Netto:** I am grateful – despite the tone of her answer.

HOUSING AND THE ELDERLY

890

**Shower units for the elderly
How many to be installed over three months**

Clerk: Question 177, the Hon. J J Netto.

895 **Hon. J J Netto:** Mr Speaker, of the 66 elderly persons awaiting the installation of a shower unit, as answered in Written Question 52/2012, can the Minister for Housing say how many such installations it is

envisaged will take place over the next three months?

900 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Yes, Mr Speaker. It is envisaged that all installations will take place over the next three months.

905 **Hon. J J Netto:** I am grateful, Mr Speaker.

910 **Government housing waiting list
Breakdown of allocation requirements**

Clerk: Question 178, the Hon. E J Reyes.

915 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state how many applicants are on the Government's housing waiting lists, as up to date as possible, giving a breakdown of the housing allocation requirements?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

920 **Minister for Housing and the Elderly (Hon. C A Bruzon):** A total of 1,507 applicants are on the various housing waiting lists as follows: 1RKB – 1,123; the 2RKB – 86; the 3RKB – 171; the 4RKB – 106; the 5RKB – 17; and the 6RKB – 4; making a total of 1,507.

ANSWER

THE HON THE MINISTER FOR HOUSING AND THE ELDERLY

Mr Speaker,

A total number of 1507 applicants are on the Housing Waiting Lists, as follows:

			<u>Pre-list</u>		<u>TOTALS</u>
1RKB	-	748	375	=	1123
2RKB	-	52	34	=	86
3RKB	-	97	74	=	171
4RKB	-	69	37	=	106
5RKB	-	7	10	=	17
6RKB	-	2	2	=	4
TOTALS		975	532	=	1507

Hon. E J Reyes: Thank you for that, Mr Speaker.

925 So, given that there has been a increase of almost 50% from last time, is the Government now in a position to say what extra housing units it intends to build during its current term of office?

930 **Hon. C A Bruzon:** I think it is only fair to explain to the hon. Member that the way the previous question was phrased last month, the information he got was for people on the housing waiting list proper. The totals that I have given him include everyone on the pre-list as well. That is why the figure is substantially bigger.

Hon. E J Reyes: Okay, Mr Speaker, I accept that, but can the Hon. Minister explain to me when it is – I think he has a commitment to do away with the pre-list – that these pre-lists will disappear, so that then there is no misunderstanding, we just talk about one general housing list?

935 **Hon. C A Bruzon:** There is, indeed, a manifesto commitment to eliminate the pre-list, but we have not given an exact date as to when this will be achieved. We are in discussion with a computer expert to help us to merge the two in the fairest possible way. I cannot give him a date but it is a commitment for this term in office.

940 **Hon. E J Reyes:** Thank you for that, Mr Speaker.
So then, as well, those who are on the pre-list who would eventually be... those will form part and parcel of those to whom this Government is committed to re-house within the term of office?

945 **Hon. C A Bruzon:** The manifesto commitment, as from 9th December, includes: everybody on the pre-list on that day and everybody on the housing waiting list proper. All those applicants, as from 9th December, will be housed before the four-year term is over. That is the aim, and we will give it our best shot.

950 **Homeless persons**
Number of applications for housing

Clerk: Question 179, the Hon. E J Reyes.

955 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state how many applications for housing from homeless persons are currently being dealt with by his Ministry?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

960 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Yes, Mr Speaker.
The Ministry for Housing is currently dealing with 25 applications from homeless persons.

965 **Housing Allocation Committee**
Number of meetings since Question 64/2012

Clerk: Question 180, the Hon. E J Reyes.

970 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state how many times the Housing Allocation Committee has met since the answer provided to Question 64/2012?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

975 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, the Housing Allocation Committee has met four times since the answer provided to Question 64/2012.

980 **Housing Allocation Committee and others**
Number of homes allocated

Clerk: Question 181, the Hon. E J Reyes.

985 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state how many homes have been allocated since his answer to Question 65/2012, indicating whether these homes have been allocated by the Housing Allocation Committee or by any other authority, and if so, by which authority?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

990 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Yes, Mr Speaker, since the answer given to Question 65/2012, a total of 36 homes have been allocated by the Housing Allocation Committee – more accurately I should say, on the advice of the Housing Allocation Committee, because it is the Housing Authority which, in fact, assigns these allocations.

995 May I also add that, as from today, there are 40 further allocations being offered to tenants – 40 – which we are awaiting an inspection and, hopefully, the approval of the applicants, insofar as they will accept these offers.

Hon. E J Reyes: Mr Speaker, just to be clear, forty – 40 – that have been offered, and now you are waiting to see whether those applicants wish to accept those homes?

1000 **Hon. C A Bruzon:** Yes, over and above the 36 homes that have been actually allocated and accepted by tenants, as we speak, there are also 40 allocations which we have offered to applicants but, of course, they have to accept or reject the offer.

I hope there will not be any rejections.

1005

**Housing Works Agency
Number of tenants requiring work to be done**

1010 **Clerk:** Question 182, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Housing state how many tenants are currently listed as requiring works to be done in their homes?

1015 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, I will answer this question together with Question 183.

1020

**Housing Works Agency
Number of required repairs listed**

1025 **Clerk:** Question 183.

Hon. E J Reyes: Yes, Mr Speaker, can the Minister for Housing state how many jobs are currently listed as still requiring the attention of the Housing Agency?

1030 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): The number of tenants currently listed as requiring works to be done in their homes is 616.

1035 The number of jobs currently listed as still requiring the attention of the Housing Works Agency is 903.

Hon. E J Reyes: Nine zero three, sorry?

Hon. C A Bruzon: Nine oh three – 903.

1040

**Housing Works Agency
Repair work contracted out**

1045

Clerk: Question 184, the Hon. E J Reyes.

1050

Hon. E J Reyes: Mr Speaker, can the Minister for Housing state how many jobs have been contracted out, and to which companies, by the Housing Agency since 9th December 2011?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1055

Minister for Housing and the Elderly (Hon. C A Bruzon): Yes, Mr Speaker, the number of jobs contracted out by the Housing Works Agency since 9th December 2011 is five, as follows – I will give you the name of the company and the number of jobs:

Gemini Riteway Scaffolding Ltd – two; Skybridge Ltd – two; Wastage Products Ltd – one.

1060

**Gibraltarians living in Spain
Special housing list applications**

Clerk: Question 185, the Hon. E J Reyes.

1065

Hon. E J Reyes: Mr Speaker, can the Minister for Housing indicate when the separate housing list for applicants currently living in Spain wishing to return home will be introduced and what the eligibility criteria for these applicants will be?

1070

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1075

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, as the hon. Gentleman may be aware, in the time whilst they were in administration, applicants for Government rentals living in Spain have required a local address for mailing purposes. This was agreed by the Housing Allocation Committee during their time in office and this, therefore, already exists within the waiting lists.

In addition, the eligibility criteria are the same as already apply for those wishing to apply for Government housing.

1080

Separately, and in order to give effect to our specific manifesto commitment, a separate list will be established to provide for applicants currently living in Spain. The specific criteria for this list – or lists, as there is a possibility that there may be more than one list – will be published in the coming months.

**Co-ownership housing estates
Discussions re increasing service charges**

1085

Clerk: Question 186, the Hon. E J Reyes.

1090

Hon. E J Reyes: Mr Speaker, can the Minister for Housing state if he has now held discussions with management companies of co-ownership housing estates, in order to address the issue of increasing service charges?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1095

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, no, I have not yet met with any management companies of co-ownership housing estates. I am in the process of fixing meetings for this purpose, with me and with the Chief Minister. A number of estates have already been allocated dates for such meetings.

1100 **Hon. E J Reyes:** Mr Speaker, just to clarify, the meetings will be held with the estates that are co-ownership – what happens to those where there is no co-ownership but rather, as from day one, they have been purchased the full 100% by the owners, therefore there is no Government share in it? Will he also be looking into the increased service charges for those people or will they be treated in a different manner?

1105 **Hon. C A Bruzon:** To be honest with you, Mr Speaker, I do not have that information. However, I will try to find out for him and maybe he can ask me the question in that format next time, if it is okay with you.
Thank you.

1110 **TRAFFIC, HEALTH AND SAFETY AND TECHNICAL SERVICES**

**Parking facilities
Preliminary assessment**

1115 **Clerk:** Question 187, the Hon. D J Bossino.

Hon. D J Bossino: Mr Speaker, can the Minister for Traffic, Health and Safety and Technical Services provide details of the preliminary assessment of parking facilities which the Government is conducting in Gibraltar?

1120 **Clerk:** Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

1125 **Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban):** Mr Speaker, at present all the data relating to parking facilities emerging from the public consultation process is being collated and will then be analysed.

The Government has chosen to wait to digest all the public feedback from what was described by the previous administration as a pilot scheme – that is, the North District – before commencing a more thorough assessment of the parking facilities.

1130 In the interim, the Technical Services Department and Gibraltar Car Parks Ltd will be assessing the various districts around Gibraltar to identify areas for the possible creation of more parking spaces. The potential use of some existing tunnels, including air raid protection shelters, is also being considered.

Hon. D J Bossino: Does this form part of the major traffic review, or is it something different? Can the Minister clarify that?

1135 **Hon. P J Balban:** Although this is part of the parking part of the Traffic Plan, it is all part of the same review.

1140 **District Parking Scheme
Possible extension to other areas**

Clerk: Question 188, the Hon. D J Bossino.

1145 **Hon. D J Bossino:** Mr Speaker, can the Minister for Traffic, Health and Safety and Technical Services inform the House whether a decision has been taken to extend the District Parking Scheme to areas in Gibraltar other than that which is covered in the North District Parking Scheme?

1150 **Clerk:** Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, a decision has not yet been taken on whether to extend the District Parking Scheme to areas in Gibraltar beyond

that which is currently covered by the North District Parking Scheme.

1155 The Government will not take any decision on this Scheme without fully assessing and carefully considering the feedback received from the public consultation exercise.

1160 **Hon. D J Bossino:** Given that, as I understand it, the public consultation exercise closed on 30th January, and given also that this is a matter which is receiving some public interest – there have been letters in the *Chronicle*, in relation to specifically the South District Parking Scheme – can the Minister be more precise as to when he feels he will be in a position to make an announcement in relation to this?

Hon. P J Balban: Mr Speaker, at the moment, it would be impossible to actually give a date. The first part of the actual Scheme, which is the public consultation exercise, has now been completed, and obviously now we are actually, as I said, collating and analysing the data, following which we will be consulting other interested members of the community.

1165 **Hon. D J Bossino:** Is he able to give some information in relation to the data which has already been received?

1170 **Hon. P J Balban:** Mr Speaker, the data is actually being collated by members of staff. They are actually preparing a summary spreadsheet of all the findings and, once that is finished – which I hope they will be finishing shortly – that will be handed back to me and then I will be in a position to be able to give more specific details of the outcome.

1175 **Hon. D J Bossino:** So the Minister has not seen the data as yet.

Hon. P J Balban: Mr Speaker, I have seen parts of the data. As the feedback has been coming in, I have actually been reading bits of the comments but, obviously, I have not read the whole, all the data, as there is quite a lot of submissions that have come through – impossible to read them all.

1180 **Hon. D J Bossino:** Can the Minister commit now to making the data received, and information gleaned from the data, public?

1185 **Hon. P J Balban:** Once the data comes back and a decision is taken as to what will happen with the data, then we will take a... we will actually move on with actual suggestions for the Parking Plan.

1190 **Consultation process re Traffic Plan**
Interested parties

Clerk: Question 189, the Hon. D J Bossino.

1195 **Hon. D J Bossino:** Can the Minister for Traffic, Health and Safety and Technical Services provide details of the interested parties which are involved in the consultation process relating to the Traffic Plan and, of those interested parties, which were identified by the Government for consultation?

Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

1200 **Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the consultation process has started with a public consultation exercise requesting input from the general public, who are therefore the first and, arguably, the most important, interested party.

1205 This input will be considered together with the feedback which Government will receive from other parties, all of whom have an interest in the way traffic is managed locally. These parties will include, but not be limited to, those who depend on the reliability of our road network as a core part of their business. None of the interested parties that participated in response to the press release issued were identified by the Government for consultation. Among those submitting feedback were environmental NGOs, local disability

groups and tenants' associations.

1210 **Hon. D J Bossino:** This was the subject of quite a few questions from this side of the House on the last occasion, if the Minister will recall, and as I understood the answer from the Government – in particular the Hon. the Chief Minister – he, in fact, said that there *were* people that had been identified by the Government and those interested parties would be consulted by the Government.

1215 **Hon. P J Balban:** At present, the actual feedback that came through, the Government had not identified these parties. It was completely left open to the general public. In the next stage of the process, the Government now will get in contact with other interested parties.

1220 **Hon. D J Bossino:** In the press statement, what the Government was referring to by 'interested parties' was simply the general public, which is, in fact, the answer I was offering to him on the last occasion and he was not willing to accept.

1225 **Hon. P J Balban:** That was what we concluded last time, that 'interested parties' at that moment was the general public, yes.

Hon. S M Figueras: Mr Speaker, having moved rather precipitously to this Question, I did not have the opportunity to ask the supplementary, but I think it is still relevant in any event, given that we are still looking at the consultation and the data that has been received.

1230 Can the Minister confirm, by virtue of the fact that he referred to a spreadsheet and the fact that the data was being collated in a spreadsheet, it seems to imply, certainly to me, that the data has been received, involves figures and the kind of information that *can* be collated in that way. Is the Minister in a position today to identify for the House any trends or specific patterns that they are seeing in the information that they are receiving at this stage?

1235 **Hon. P J Balban:** No, I am afraid not. The actual referral to the spreadsheet... I know with 'spreadsheet' you would assume a numerical, arithmetic-type spreadsheet; it is actually, really a spreadsheet of all the salient points, a summary of all the comments made by the public, not figures.

1240

**Traffic Commission
Dates of meetings since General Election**

1245 **Clerk:** Question 190, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Traffic, Health and Safety and Technical Services provide the dates of the meetings held by the Traffic Commission since the last General Election, together with a list of all applications currently pending the Commission's determination.

1250 **Clerk:** Answer: the Hon. the Minister for Traffic, Health and Safety and Technical Services.

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, there have been no meetings of the Traffic Commission since the General Election. The Commission is currently being reconstituted.

1255 There are currently 67 applications pending the Commission's determination. The information requested by the hon. Member is contained in the schedule which I now hand over to him. [*See next page*]

1260 **Hon. D J Bossino:** I am sure the Minister with responsibility for traffic is aware of the statutory duties of the Traffic Commission, and one of them is to advise the Government on matters affecting traffic on the roads.

In the midst of a major review of existing traffic arrangements, in the midst of a parking assessment and when the Government is poised to take a decision in relation to the district's parking schemes, does he not

think it is a very sad and sorry state of affairs that, almost three months into the life of this new Government, the Traffic Commission has not only not met but does not seem to have been constituted as yet?

1265

Hon. P J Balban: Mr Speaker, the Traffic Commission presently has now been constituted and letters have actually been sent and members have been consulted for their agreement. In fact, we already have a date set for the first Traffic Commission, which is on Friday, 2nd March 2012.

Answer to Question 190

Below is a breakdown of pending applications for the Traffic Commission to consider:

Traffic Calming Measures	8
Traffic flow issues	2
Parking issues	19
Parking Bays	4
Disability Bay issues	6
Zebra/Pedestrian Crossings	4
Road Markings/Signage	9
Bollards	5
Miscellaneous Items	10

1270

Hon. S M Figueras: Mr Speaker, of the zebra/pedestrian crossings listed in the schedule, numbering four, is the Minister able to clarify which crossings these are, or which areas in Gibraltar these relate to?

1275

Hon. P J Balban: The information on the actual sheet I handed over to the hon. Gentleman is just a summary of them. I will not be able to actually specify which crossings they were. I could always provide that information, but it is not possible at the moment.

Hon. S M Figueras: So, Mr Speaker, can the hon. Member confirm whether these pedestrian crossings are crossings which are pending installation or pending application?

1280

Hon. P J Balban: Yes, that is right. There are a few zebra crossings which are pending the Traffic Commission to advise the Minister on.

1285

Hon. S M Figueras: Mr Speaker, I am grateful for the answer. I only wanted to clarify whether the two pedestrian crossings which have been added at Bishop Caruana Road, which I think were... It is certainly something that I personally welcome... whether those two crossings were something that were contemplated by the Commission or whether there was an initiative of the Government to install those.

1290

Hon. P J Balban: The Traffic Commission, as you are aware, is an advisory body which actually advises the Government, advises the Minister.

Sometimes we see there is a specific case in question where there is urgency and the action is a real, legitimate need for a zebra crossing in that place, and obviously that is done. There could be other instances whereby advice is sought because there is a discrepancy as to whether it is really... the place in question, whether it is suitable or not, or even advisable or not.

1295

Hon. S M Figueras: Mr Speaker, I am grateful for that. I merely wanted clarification on whether these were another four pending crossings.

1300

**Health and Safety professionals in Government
Grades, qualifications and training**

Clerk: Question 191, the Hon. J J Netto.

1305 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety say the total number of factory inspectors employed, the number of Health and Safety representatives employed in various Government Departments, authorities and agencies, their grades, qualifications on Health and Safety, and whether any of them are currently undergoing any training or courses leading to a Health and Safety qualification?

1310 **Clerk:** Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, Government employs two factory inspectors. Both have an International Diploma in Risk and Safety Management as qualifications. Currently, they are undertaking no further courses.

1315 There is a need to clarify between the term Health and Safety 'representative' and Health and Safety 'adviser' or 'officer'. Health and Safety representatives are nominated by the staff side, the trade unions, similar to how they nominate their shop stewards. On most occasions, they are the same person. The employer – in this case Government or its agencies – would employ Health and Safety advisers or officers. As to how many Health and Safety representatives are in Government or their agencies, the question should be posed to the trade unions, as they would be in a better position to provide a figure as an answer.

1320 The information requested by the hon. Member is contained in the schedule, which I now hand over to him.

Answer to Questions 191 of 2012

Department	Grade	Nos.	Qualifications
TSD	HPTO	1	NEBOSH Certificate (in Construction) NEBOSH DIP Parts 1 & 2 Occupational Health & Safety
Housing Works Agency	PTO	1	NEBOSH Certificate Occupational Health & Safety
Environmental Agency	SEHO	1	CIEH Approved
Factories Inspectorate	Factories Inspector	2	International Diploma in Risk & Safety Management
CFB	Firefighter	1	MSC Occupational Health & Safety Management CMIOSH AIEMA
Customs	AO	1	NEBOSH (Health & Safety Practitioner) NEBOSH (Occupational Health & Safety)
Sports Authority	Deputy CEO	1	Certificate (Health & Safety in the Workplace)

1325 **Hon. J J Netto:** Mr Speaker, is it the intention of the new Government, and in particular the new Minister for Health and Safety, to develop more Health and Safety advisers throughout Government Departments, Authorities and Agencies... to the one contained in the schedule?

Hon. P J Balban: At the moment, that is not the intention, no.

1330 **Hon. J J Netto:** Mr Speaker, the reason why I ask this question... because, obviously, I can see, in relation to the column on Departments, that there is one in the Technical Services Department, there is one in the Housing Works Agency and another one in the Environmental Agency, leaving aside the factory

inspector, the Fire Brigade, Customs and the Sports Authority, but it seems to me just at a glance and looking at the schedule, that perhaps one of the most important places of the Government has not got a Health and Safety adviser, which would be the Health Authority.

1335 The reason why I say this is because the Health Authority is perhaps the largest employer within the public sector, and not by necessarily being the biggest employer by the number of people employed. By the multiplicity of functions and diversity of functions that the Health Authority has – laboratories, x-rays etc – I would have thought that perhaps that is a likely area within the Government to develop at least one person to be dedicated in that particular area.

1340 So my question really is that, given that there is not any particular Health and Safety adviser for the Health Authority, which is the largest single employer within the public sector, and given the diversity of function, would not the Government consider perhaps that it is necessary to support, obviously, the senior management with a dedicated officer dealing with Health and Safety at the GHA?

1345 **Hon. Dr J E Cortes:** Mr Speaker, at the moment we are conducting a number of different reviews of the manning of the Health Authority, and that is an aspect that we are considering in all the other things that we are doing.

1350 **Hon. J J Netto:** So, obviously, do I take it, then, that it is in hand, in terms of whether there is a need or whether in the future the Health Authority will decide to employ a Health and Safety adviser?

Hon. Dr J E Cortes: We are currently looking into all sorts of areas, including the aspect of Health and Safety.

1355

Previous Written Questions re Factory Inspectorate Statistical information

1360 **Clerk:** Question 192, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, is the Minister for Health and Safety now in a position to answer the Written Questions submitted last month, namely numbers W5/2012, W6/2012, W7/2012, W8/2012, W9/2012, W11/2012 and W12/2012?

1365

Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

1370 **Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the Factories Inspectorate is in the procurement stage of acquiring a new computer software programme that would fulfil their statistical requirements.

Before commissioning the software programme, this would need to undergo a trial period to ensure that the Inspectorate is content with the statistical data produced.

1375 Due to the above-mentioned reasons, it would be premature at this stage to provide you with a definite date as to the availability of the statistical information requested, but rest assured that we are working on this information being made available as soon as possible.

Hon. J J Netto: Mr Speaker, the reason why I pose this particular question in an oral form, as opposed to a written form, is because the last time round, when I actually posed it in written form, he neither gave me an indication as to the particular day...

1380 I then followed, in a personal letter, which I wrote to the Hon. Minister on 25th January, basically saying, 'Well, can you give me the information as to the likely timetable available?'

1385 I know the Chief Minister is not, at the moment, in this Chamber, but given that the Chief Minister has stated that it is the policy of the new Government that they at least acknowledge letters within I think it is 14 days and then give a substantive answer in 21 days, is the Minister saying that he will not acknowledge letters from Members of the Opposition, or whether he is in a rebellious state against the Chief Minister and undermining his authority?

A Member: For goodness' sake!

1390 **Hon. P J Balban:** Mr Speaker, I am not aware... I have actually got a copy...
Sorry, you were saying that I had not replied to your letter dated... (*Interjection*) Well, I have actually got a copy of the letter here which was sent –

Hon. J J Netto: Well, I have not received it.

1395 **Hon. P J Balban:** – and signed etc. I will have to check why you have not received it, but it was sent.

Hon. J J Netto: What date?

1400 **Hon. P J Balban:** On 7th February.

Hon. J J Netto: Mr Speaker, I certainly have not received the letter.

Mr Speaker: Well, blame it on the Post Office.

1405 **Hon. P J Balban:** I will chase it up for you, but it was sent on 7th February. I have got a copy of it here.

Hon. J J Netto: Mr Speaker, one more supplementary question.

1410 If I understood the Minister correctly, for some particular reason he is saying that there is a need for a new software programme to be purchased, and then, obviously, a trial period to be able to detect...

1415 Obviously, there must be some technical reason for that and I take his word for that, but for the purpose of facilitating answers, do I take it that, once the software programme is purchased and is running, that the collection of information is not necessarily a function, or most of it, that would be undertaken by the Factory Inspector? In other words, once we have a prescribed form to collect the information I am requesting, this is, more than anything an administrative function rather than a dedicated person who is a Factory Inspector actually collecting information, inputting the information and then analysing. In other words, were the Factory Inspector more often comes into the equation, is by the analysis once the information has been inputted. So my question is, is the new software programme, in terms of collecting the information, because some information is stored in various Government departments, authorities or agencies, whatever, that part of the equation will be undertaken by the administrative grades, which will then enhance the facilitation of information in this matter.

1425 **Hon. P J Balban:** At present, the actual Inspectorate, as inherited by the Government, consists of two individuals without any administrative support, so for the time being they will be the ones inputting the information.

1430 The reason for the fact that we do not have the computer software in place, which is something which surprised me when I took office, was that the actual licence agreement was terminated in June 2009 and, since that date, the computer programme has just not been available, so what we have done now is actually that they have a system whereby they have actually got a licence for, I think it is about a month, whereby they can check the programme, see whether it will do all the things that they need it to do, and then, if it is working as they want and provides the information they want, they can actually engage in a permanent licence. Otherwise, if not, they will have to seek an alternative software programme and repeat the process again.

1435 **Hon. J J Netto:** Mr Speaker, in the explanation that the Hon. Minister has given, where exactly are they right now, in the sense that have they identified a specific software programme that can analyse this particular information? Have they already obtained a particular supplier who can provide this, or is it that they are still waiting for that?

1440 **Hon. P J Balban:** Mr Speaker, they actually have a one-month programme on which the licence expires in a month's time and they are, at present, inputting the information to see whether it will do, and provide, all the statistical information that is required of it. So they are actually at the stage, at the moment, doing that. They have actually got this computer for a month and they are actually –

Hon. J J Netto: Mr Speaker, with respect, that was not my question.

1445 My question was that, given that there is a need, according to the Minister, to purchase a new software programme, where, at what stage, are they right now in terms of identifying the correct particular software programme? Is this a particular software programme that they can buy from the shelf or is it something that has to be tweaked for the particular necessities of the Factory Inspector? Where exactly are they in relation to that aspect? Are they still looking for a particular software programme or is it that one has to be written specifically for them?

1450 **Hon. P J Balban:** As I think I said, they already have the software programme. They actually have it on a trial basis for a period of one month before that licence expires automatically, and then they have to decide whether they are going to re-engage... satisfied with it, and then they will actually extend the licence. I do not know whether it is yearly or indefinitely. Otherwise, they will have to seek an alternative software programme. But, at the moment, they have the programme in their possession for a period of one month.

1455 **Hon. J J Netto:** So, following the trial period of a particular month, for them to be able to conclude whether this particular software programme is the one that is required, or they need, for the production of these particular sources of information, when does the Minister consider that sufficient time has elapsed beyond a trial period to be able to be in a position to provide the information for me?

1460 **Hon. P J Balban:** Once the trial period is over, the month, if they are satisfied, it is assumed they are satisfied with the programme in question, then they would actually purchase the licence and then they could start inputting the raw data to produce the information. As to how long that process will take, I have no idea at this present moment in time.

1465

**Factory Inspectorate
Number of inspections in January 2012 and details**

1470

Clerk: Question 193, the Hon. J J Netto.

1475 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety state how many inspections during January 2012 did the Factories Inspectors conduct, showing the industry group targeted, whether any possible contravention has been incurred to the Factories Act or any subsidiary legislation by any company and whether legal advice is being sought from the Attorney General's Chambers?

Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

1480 **Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban):** Mr Speaker, fourteen inspections were carried out during the requested period and all have been construction related.

1485 One inspection was found with serious contraventions of the Factories Act and a Prohibition Notice was served on the construction site until the contraventions identified were remedied. No advice has been sought from the Attorney General's Chambers.

Hon. J J Netto: I am grateful, Mr Speaker.

1490

**Factory Inspectorate
Investigations of accidents at work in January**

Clerk: Question 194, the Hon. J J Netto.

1495 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety state if any investigations of accidents at work have been carried out in January 2012 by the Factories Inspectors, showing the industry group

involved and whether any such investigation may lead to prosecution?

1500 **Clerk:** Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, no accident investigation has been carried out during the requested period.

1505

**Accidents at work
Details for January 2012**

1510 **Clerk:** Question 195, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health and Safety state if there have been any reported accidents at work during January 2012, showing the industry group and showing which ones were major, reportable or fatal?

1515 **Clerk:** Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, I will answer this question together with Questions 196 and 197 of 2012.

1520

**Accidents at work
Statistical analysis for January 2012**

1525 **Clerk:** Question 196.

Hon. J J Netto: Mr Speaker, can the Minister for Health and Safety provide a statistical analysis of the reported accidents during January 2012, showing the number of accidents which occurred by age and sex distribution, type and cause and industry group?

1530

**Accidents at work
Loss of working days in 2012**

1535 **Clerk:** Question 197.

Hon. J J Netto: Mr Speaker, can the Minister for Health and Safety state if there has been any loss of working days through accidents at work during 2012, broken down by industry group and cost?

1540

Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

1545 **Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban):** Mr Speaker, it is premature to provide an answer to this question, as notifications of accident reports are still coming in. However, the computer software programme that details the statistical information requested is in its procurement stage, as stated in answer to Question 192.

1550

**EU Directives on Health and Safety
Need for seminars and provision of information**

Clerk: Question 198, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, in relation to the two EU Directives on Health and Safety to be transposed, and for which there is draft legislation already, as answered in Written Question 13/2012, does the Minister for Health and Safety consider that, prior to enactment, there might be a need to provide seminars and sufficient information to the relevant industry groups and workers that may be affected by it?

Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, the transposed EU Directives entail minor amendments to the list of the schedule to the regulations and add new chemicals to the list and their occupational exposure limits. It also modifies the occupational exposure limits of other chemicals already on the list.

In this case, a press release informing stakeholders would suffice. In view of the fact that these are minor amendments, the holding of seminars is not considered necessary.

Hon. J J Netto: Mr Speaker, can the hon. Member say which industry groups, which employers and, perhaps, what type of worker will be affected by these two Directives?

Hon. P J Balban: Mr Speaker, I will have to actually find out specifically because that reply has not been supplied to me. But, as I say, it is a very limited group of individuals which will be affected by these chemicals.

Hon. J J Netto: Mr Speaker, with respect to the Minister, I would have thought, given that notices have been given to him, at least he would have had a conversation with the professionals in the field to know exactly which workers and which employers and which companies would have been involved in the transposition of these Directives, which brings the whole question – my main question – back into the fore, which is, basically, if the Hon. Minister does not know which particular workers are going to be affected by this, surely he should then consider whether there is a need for information to be given to those particular workers in those particular companies? But, obviously, he does not seem to know

Could I also ask, is the Minister being advised or assisted for the purpose of this transposition by any scientific or professional group, other than the law drafter?

Hon. P J Balban: Could you repeat the question, please?

Hon. J J Netto: My second supplementary question was whether the Hon. Minister, for the purpose of transposing these two particular Directives, has he been assisted or advised by any local scientific or professional groups, for the purpose of transposing these Directives, other than, of course, the two law drafters?

Hon. P J Balban: The transposition of the said Directives is actually done by EUID officers and they will make sure that all the necessary things are in place.

Hon. J J Netto: Mr Speaker, the reason why I ask this is because I have taken the care myself of printing out the Directives and in relation to the Directive on the third list of indicative occupational exposure limit values, for instance, the actual people who wrote the Directive said, in little clause (2) down here:

‘In carrying out these tasks, the Commission is assisted by the scientific committee on occupational exposure limits to chemical agents set up by the Commission Directive...’

– and it gives the number.

So, basically, what I am asking is that, given that the people who drafted the Directive are supported,

assisted and advised by the relevant scientific and professional body, will the Minister not also require that he himself should be advised by the local people who are knowledgeable in this area, who may come from a scientific and professional background?

1610 **Hon. G H Licudi:** Mr Speaker, the hon. Member knows well the procedure in relation to transposition of EU Directives. These are matters that are handled by the EUID office. They advise the Ministers as to what is required. They will consider and assess what is necessary to transpose these Directives and will obtain the necessary support and advice that they need in order for the transposition to be effected. They will then be in a position to present the necessary advice to the Government as to what is required. That is the normal process and that is what will be required in this particular case.

Hon J J Netto: Mr Speaker, with respect to the Minister for Justice, what he has just said does not tally with what the Minister for Health and Safety said a while ago.

1620 The Minister for Health and Safety a while ago, in responding to my question, was saying this is a minor issue which does not require to give any information whatsoever, neither to the companies, nor to the workers, who may be involved by this.

The Minister also does not even know the people who are going to be affected by the transposition of this, so in my further supplementary question I am asking whether he has been advised by anyone at all, who may be affected by this particular Directive?

1625 So we have a situation where this has all been transposed with no information, no advice being given, either to the industry, to companies, to the unions, to the workers directly, *who* may require some training. So what I am basically saying is will the hon. Member not consider that before rushing into transposing these Directives, whether he will give it some thought to giving some advice, some information, perhaps in seminars, to all those various stakeholders who may be affected by the transposition of his Directive? That is what I am saying.

1630 **Hon. G H Licudi:** Mr Speaker, the hon. Member has repeated the very first question that he asked and he was given an answer in the first place. The answer is as stated originally.

1635 **Hon. J J Netto:** Sorry, could you repeat that?

Hon. G H Licudi: The hon. Member in a supplementary has simply repeated the original question and he was given an original answer. The answer remains as originally stated by my hon. Colleague.

1640 **Hon. J J Netto:** Can I ask the Minister for Health and Safety who will be the Government authority – that is, the Department, authority or agency – that will sign the EU Declaration of Conformity, as prescribed in Annex 6 in order to ensure compliance under the Restricted Substances List in annex 2?

1645 **Hon. P J Balban:** Mr Speaker, that is not information that arises directly from the original question. Obviously, I will need notice of the question.

Hon. J J Netto: Mr Speaker, it does not arise, but if the hon. Member had printed out the Directives –

1650 **Hon. P J Balban:** Mr Speaker, yes, but –

Hon. J J Netto: – he would have given notice [*inaudible*].

Mr Speaker: Point of order. Point of order now.

1655 With respect, the hon. Member cannot tell the Minister what he should have done or should not have done. He has asked a question. He has been given the answer. Let us draw a conclusion and move on.

Hon. J J Netto: Well, Mr Speaker, but there is a point that I still want to ask first –

1660 **Mr Speaker:** Oh, you have further questions, then. What he should have done and printed it out and read it is another matter.

Hon. J J Netto: But my supplementary question, given the nature of the Directive, is that there will be a competent Government authority who will sign the Declaration of Conformity at local level – that is in the Gibraltar jurisdiction?

1665 The reason why I am asking this supplementary question is that because we are talking about hazardous substances, one would have thought that the local knowledge for knowing what the chemical value should be is not necessarily in the Health and Safety Department, but perhaps more on the Department of Environment where they have the element of people employed there, the professional people employed there with, the necessary scientific and professional background to be able to answer that.

1670 So my supplementary question is that, although it remains a Health and Safety matter, that the actual authority for signing conformity with these may not necessarily be signed with Health and Safety, but perhaps with the Department of Environment. So if that were to be the case, will it be the Department of Environment, as opposed to Technical Services Department, or his own Ministry?

1675 **Hon. G H Licudi:** Mr Speaker, again, that question does not arise from the original question, which was to do with providing seminars and information to industry groups. Now he wants to talk about the competent authority and whether it is one Department or another. We will need to have notice of that question.

1680 **Airport Terminal
Open for departures**

Clerk: Question 199, the Hon. D J Bossino.

1685 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port advise the House when the airport terminal will be opened for departures?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

1690 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker, if the hon. Member is referring to the new air terminal, then the answer is that we cannot (*Interjection*) provide a firm date.... Well, the question was ambiguous, but I am assuming that he *is* asking about the new air terminal and therefore I will answer it, to say that we cannot provide a firm date.

1695 Whatever our differences may have been in relation to the new air terminal, the position is that the new Government wants to see the terminal operating for both arrivals and departures as soon as possible, in order to be in a position where we are operating only one terminal and not two. We understand that the contractor anticipates handing over the terminal completely on 31st March of this year, if all the commissioned works are successfully completely by that date.

1700 The date provided to Government as the date when it is likely that all testing and training in relation to the testings will have been completed, and by when the terminal can operate *fully* for arrivals and for departures, is May.

1705 **Old St Bernard's Hospital site
Government plans**

Clerk: Question 200, the Hon. Mrs I M Ellul-Hammond.

1710 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. the Minister for Development and Planning explain what plans the Government has for the old St Bernard's Hospital site that was earmarked by the former GSD Government as a joint First and Middle School?

1715 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the Government is considering various options for the site and an announcement will be made once a decision is taken.

1720

**Full planning process
Timescale for submission of Government projects**

1725

Clerk: Question 201, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, will the Minister with responsibility for Planning confirm whether the Government is committed to a specific timescale in respect of the submission of Government projects to the full planning process?

1730

Clerk: Answer, the Hon. the Deputy Chief Minister.

Hon. Deputy Chief Minister (Hon. Dr J J Garcia): Yes, Mr Speaker. This will follow stage one of the process where Government projects are submitted to the DPC for guidance and an opinion. The Government has not yet decided on a specific date by which a second stage will commence, given that there may be a need to take legislative changes into account.

1735

Hon. S M Figueras: Thank you... I am grateful, Mr Speaker. However, though, I will not press for a specific date, as I know it is impossible at this stage to provide us with that. Is there at least a sense of the period of time we are looking at before Government projects go through the full planning process?

1740

Hon. Deputy Chief Minister: Mr Speaker, I would not like to commit to specific dates or to... Definitely, it will happen within this term of office, but I would not like to say exactly when.

1745

Hon. S M Figueras: Thank you, Mr Speaker.

I press on the issue only because I am certain that the environmental NGOs now represented in the DPC will have strong views in respect of a number of the projects due to be completed within the term of office.

For the commitment to be effective, in my view, the subjection of projects to the planning process should occur sooner rather than later and, though you are committing to doing it within the term of office, you are not willing at this stage to give any further indication of the point during that term of office at which you will do that.

1750

Hon. Deputy Chief Minister: Mr Speaker, it is definitely something I would like to do. It is something which I would like to do sooner, rather than later. I can say that, but I cannot be more specific than that at this stage.

1755

Hon. S M Figueras: Thank you, Mr Speaker.

1760

**Development and Planning Commission
Nature of Government projects to be submitted for guidance**

Clerk: Question 202, the Hon. S M Figueras.

1765

Hon. S M Figueras: Will the Minister with responsibility for Planning confirm the nature or definition of projects which will be submitted to the Development and Planning Commission for its opinion and guidance; whether it will publish the guidance obtained from the DPC; and, if so, whether the Government is committed to following such guidance as may be received from it?

1770

Clerk: Answer, the Hon. the Deputy Chief Minister.

1775 **Hon. Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, there is no definition of the word 'project' in the Town Planning Act. The Government, however, takes this to mean developments for which planning permission would ordinarily be required.

The guidance from the DPC will be delivered in public and online. This is a first stage. The opinion of the DPC will be for guidance only. In the second stage, it will be binding on the Government.

1780 **Hon. S M Figueras:** Oh, I am sorry, I did not quite catch the last bit.

Hon. Deputy Chief Minister: In the first stage, the opinion of the DPC will be for guidance only; and, in the second stage, it will be binding on the Government.

1785 **Hon. S M Figueras:** Mr Speaker, will this second stage of the first phase of the submission of projects to planning occur before projects are subjected to full planning process?

1790 **Hon. Deputy Chief Minister:** I can say that the first stage will start pretty soon. As soon as one of our projects comes up and it gets to the stage where it needs to go to the DPC, it will happen pretty quickly and then it will be for guidance only.

The second phase we are linking to the legislation – that is why it may take a little longer.

1795 **Hon. S M Figueras:** Mr Speaker, can the Minister confirm whether projects are being submitted at least for the DPC's perusal at this stage, if there are any relevant projects?

Hon. Deputy Chief Minister: At the moment we are continuing with many of the projects that we inherited from the previous administration. There are private individuals and companies coming forward with projects of their own.

1800 The first Government project has not actually reached the stage where it needs to go the DPC yet, but I am sure it will come.

1805 **Hon. S M Figueras:** Mr Speaker, I trust that the Hon. Minister will have no issue with me bringing this matter up on a regular basis until such time as it happens, as it is something that, though it is not the position of the previous administration, nor this Opposition, that Government projects should go to the DPC for their approval, it is indeed this Government's commitment and we will be seeking to ensure that this happens sooner rather than later.

I have no question and for that I apologise. *(Interjection and Laughter)*

1810 **Hon. Deputy Chief Minister:** I appreciate that our policies are different on this issue and, certainly, whenever the hon. Member has a question, he is free to raise the issue, we totally respect that. In any case, he is also welcome to come to me, to the DPC, and actually see the process working.

1815 **Development and Planning Commission**
Government commitment to further improving public access

Clerk: Question 203, the Hon. S M Figueras.

1820 **Hon. S M Figueras:** Mr Speaker, further to the first public meeting of the DPC, at which a number of applications which had been approved by sub-committee in private were passed, can the Minister with responsibility for planning confirm whether the Government is willing to commit to further improving accessibility to these meetings by way of provision of a live stream of the meetings, as well as opening up meetings of planning sub-committees to public or, at the very least, publishing minutes of said sub-committee meetings?

1825

Clerk: Answer, the Hon. the Deputy Chief Minister.

1830 **Hon. Deputy Chief Minister:** Mr Speaker, the sub-committee of the DPC is in place to determine minor applications, like shop signs, internal works that concern internal changes to residential, office and commercial units, or the placing of air conditioning units. The idea is to make this process as quick as possible for these types of minor works.

1835 There are no plans at present to open these meetings to the public as well. The decisions taken by the sub-committee are recorded in the agenda and minutes of the DPC, that is then available online. There are no plans at this stage for a live stream of DPC sub-committee meetings.

1840 **Hon. S M Figueras:** Mr Speaker, I raise the point about the private meetings and accessibility to them or minutes of their decisions only – though I understand that they are in respect of minor works, as defined by the Town Planning Act – that there recently, certainly at the last meeting of the DPC, where 26 or 27 – I am not sure of the number – items were approved by the DPC as having been approved initially by the sub-committee. Included in that was one matter, certainly, that came to mind that may have had a certain element of controversy attached to it, given that it had been originally rejected by the DPC.

1845 It is only in furtherance of the Government's stated open and transparency agenda that I would ask the Minister whether it is possible for minutes of these private meetings to be made available in tandem with the minutes of the DPC, as publishing minutes will certainly – I expect the Minister will agree – have no impact on the speed or efficiency of the meetings and the approvals themselves, as it will be an administrative matter after the event.

1850 **Hon. Deputy Chief Minister:** Mr Speaker, the decisions of the sub-committee are published and they are available in DPC meetings and they are available online; but we have not actually given thought to the decisions of a sub-committee being published or being made available online because of the issues that they deal with generally are quite minor.

1855 In the application to which the hon. Member referred, the banner application, that was originally submitted to the DPC before my time, obviously, but it was rejected by the DPC at the time. It was submitted. The design of something was changed and it was submitted a second time. By then, the sub-committee was in place and the sub-committee approved it. The Committee is the two-Town Planners and the Heritage Trust. There is no representative of the political Government on it.

1860 **Hon P R Caruana:** Mr Speaker, can the hon. Member say on what grounds what was different about the application that the DPC originally rejected and the one that they subsequently approved, other than the intervention in between of the new Chief Minister that caused them to change their minds? I mean...

1865 **Hon. Deputy Chief Minister:** Mr Speaker, I am not present at that Committee so I am not aware of the details of the case. *(Interjection by Hon. P R Caruana)* No, *(Interjection)* what I am aware of... *(Interjection)* What I can say to the hon. Member, is that I understand it was a new application. *(Interjection)* There was a new system in place.

Hon. P R Caruana: A new one. Then it wasn't the earlier one.

1870 **Hon. Deputy Chief Minister:** A new application, a new system in place, and it was decided by the sub-committee. *(Interjections)* No, because it was not the same people. It was actually the sub-committee of the DPC.

1875 **Hon. D A Feetham:** Yes, as I understood the answer to one of the previous answers, I think what he said was he had not given any thought to the question of publishing decisions of the sub-committee but that, in any event, that possibly his instincts – if I can characterise it in that way – were that they are decisions in respect of such minor applications that there would not be any useful purpose in actually publishing minutes in relation to those decisions.

1880 Will he undertake to, perhaps, give thought to publishing minutes if, in fact, they are requested by anybody that has an interest or any affected parties? That might be a way in which to deal with that because I quite understand the point that the administrative burden of publishing online or making public minutes might

completely outweigh the benefits of actually doing so in relation to minor applications?

1885 **Hon. Deputy Chief Minister:** Mr Speaker, publishing the minutes of the sub-committee is not an issue for the Government. The whole DPC is public, anyway, so it is not really an issue for us. It is something which we would certainly be prepared to consider.

1890 It is not an issue, but I suppose if somebody feels... if an applicant feels very strongly about a decision, they would then be free to request the minutes or to request reasons why the application for air conditioning or for internal works was rejected. In that case, I would assume the applicant would be entitled to them. Although, let me say that if the sub-committee rejects an application, the applicant is free to then go to the whole DPC and take it up there.

1895 **Hon. D A Feetham:** Yes, also in relation to air conditioning units, in that there might be a situation where an application is granted to locate an air conditioning unit in a particular site which, because of its proximity to a neighbour, may give rise to an interest on the part of that neighbour – that is where I was coming from.

1900 **Hon. Deputy Chief Minister:** Mr Speaker, I understand that the applications are normally advertised and they are published. I did not know it well in terms of the smaller ones, you know, shop signs and air conditioning units – those are as well. But certainly, at a certain level they are advertised so people are made aware of the application.

**Ongoing review of Planning legislation
Online access to planning applications and other information**

1905 **Clerk:** Question 204, the Hon. S M Figueras.

1910 **Hon. S M Figueras:** Will the Minister with responsibility for Planning provide details about the ongoing review of planning legislation and the provision of access to all planning applications and other information online?

Clerk: Answer, the Hon. the Deputy Chief Minister.

1915 **Hon. Deputy Chief Minister:** Yes, Mr Speaker, the Government is currently assessing the technical advice regarding the provision of access to all planning applications and other information online. The review of planning legislation is currently being conducted by the Department and has not yet reached a stage where ministerial input of policy is required.

1920 **Hon. S M Figueras:** Mr Speaker, I asked the question and point... I understand that this will be an involved process which may take longer than the Government has currently been at the helm. However, I have identified from looking at the DPC's website today that, following three meetings with the DPC, none of the minutes have yet been published and I wonder whether the Minister will be dealing with this issue as part of the review in terms of the speed with which the information becomes available following meetings?

1925 **Hon. Deputy Chief Minister:** Certainly, Mr Speaker, it is something that we are looking at, but the hon. Member should be aware also that two of the three meetings were in public, anyway, and there were applicants there.

1930 In fact, at this last meeting we actually had objectors coming forward and stating their case and the applicants responding. So all that happens in public, anyway, but I will certainly check out why the minutes are not online and I will make sure that they are.

1935 **Hon. S M Figueras:** Yes, Mr Speaker, I am fully aware that it is happening in public, as it has been said in the House *ad nauseam*; however, it is unfortunately not always possible for me personally to attend at the meetings and so far it has not been possible. Hence, the reason why I would seek to rely as quickly as possible on minutes of those meetings. I can assure the Minister that, as soon as I have the opportunity, I will be

attending a meeting of the DPC.

Hon. Deputy Chief Minister: Mr Speaker, I understand.

1940 Primarily, obviously, the meetings are for the benefit of applicants, objectors, neighbours and what have you, although the hon. Member is obviously free to come as well. (*Laughter*)

Hon. S M Figueras: I will certainly be there at some point soon. Thank you. (*Interjections*)

1945

Adjournment motion

Clerk: The Hon. the Chief Minister.

1950

Hon. Chief Minister: Mr Speaker, I have the honour to move that the House do now adjourn until three o'clock tomorrow afternoon.

Mr Speaker: I now propose the question, which is that this House now adjourn to Thursday, 16th February 2012 at 3.00 p.m.

1955

I now put the question, which is that this House now adjourn until Thursday, 16th February 2012 at 3.00 p.m.

Those in favour. (**Members:** Aye.) Those against. Passed.

This House will now adjourn until Thursday, 16th February 2012 at 3.00 p.m.

1960

The House adjourned at 7.47 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.10 p.m. – 6.30 p.m.

Gibraltar, Thursday, 16th February 2012

The Gibraltar Parliament

The Parliament met at 3.10 p.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Questions for Oral Answer

5 **Clerk:** Sitting of Parliament, Thursday, 16th February 2012.
Answers to Questions continue.

10 **CHIEF MINISTER**
2012 Census
Government arrangements

15 **Clerk:** Question 205/2012, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Can the Government state when they will be initiating the arrangements to carry out a census in 2012?

20 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, preparatory work in connection with the forthcoming census has already commenced.

25 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, when does the Chief Minister envisage that the census will be distributed? How long will it take for it to be filled in?

Hon. Chief Minister: Mr Speaker, it is really not so much a question of how long it will take, but when is the best time to carry out a census.

30 We are advised by those responsible in the Statistics Office that it is likely to be best something done in November, and therefore it is anticipated that the work will commence... the actual delivery of questionnaires will commence on Monday, 12th November 2012.

35 **Guaranteed Superannuation Fund**
Annual cost to the taxpayer

Clerk: Question 206, the Hon. D A Feetham.

40 **Hon. D A Feetham:** Are the Government in a position to state what is it estimated the annual cost to the taxpayer will be of the Guaranteed Superannuation Fund?

Clerk: Answer, the Hon. the Chief Minister.

45 **Hon. Chief Minister:** Mr Speaker, I will answer this question together with Question 207/2012.

50 **Guaranteed Superannuation Fund**
Nature of guarantee to employee

Clerk: Question 207.

55 **Hon. D A Feetham:** In relation to the Guaranteed Superannuation Fund, how will the Government guarantee the value of an employee's pension fund?

Clerk: Answer, the Hon. the Chief Minister.

60 **Hon. Chief Minister:** Mr Speaker, as already explained in answer to Question 124/2012 yesterday, if, by the cost to the taxpayer, the hon. Member means how much will be the Government's contribution as an employer, this is impossible to calculate until such time as there have been contributions made by employees on the basis of which a calculation can then be made.

65 As has already been made public, the Guaranteed Superannuation Fund will be invested in the Gibraltar Savings Bank, which carries a Government guarantee.

70 **Hon. D A Feetham:** Just focusing on this question of the guarantee and the investment in the Gibraltar Savings Bank, is the position – and I have read the pension deed that pensioners will be asked to sign – that the pension, the money, will be invested in a bond whose return will be pegged on the 25-year yield of UK government gilts, or is it that the money will actually be invested in UK government gilts? What is the position?

Hon. Chief Minister: No, Mr Speaker, the position is that it will be invested in a bond with the Gibraltar Government.

75 **Hon. D A Feetham:** So when, in the actual trust, the deed, it says that the yields will be based on the 25-year yield for UK government gilts, it is because it is going to be *pegged* to that yield. Is that correct?

Hon. Chief Minister: That is correct, Mr Speaker.

80 **Hon. D A Feetham:** Is he aware that this type of investment, in fact – UK government gilts – is as near as possible as you can get to cash, and therefore virtually risk free? Is he aware of that?

Hon. Chief Minister: Mr Speaker, I am aware that that is a particular view.

85 **Hon. D A Feetham:** Is he aware that, for example, the returns on UK government gilts are 3.1% and that, in actual fact, it has only ever been, in the last 20 years, over 5% in 1998, thus reflecting the level of risk that this kind of investment poses?

90 **Hon. Chief Minister:** Yes, Mr Speaker.

Hon. D A Feetham: Does he not think, therefore, that when the Government talks about guaranteeing the fund, that is obviously misleading because there is absolutely no risk to the underlying investment?

95 **Hon. Chief Minister:** No, Mr Speaker.

Hon. D A Feetham: Am I right in saying that contributors to the Provident Pension Funds No. 1, No. 2 and No. 3 will be able to transfer into the Guaranteed Superannuation Fund?

100 **Hon. Chief Minister:** Mr Speaker, the position is that if they wish to do so, they may.

105 **Hon. D A Feetham:** Is he aware that, in relation to the Provident Funds No. 1, No. 2 and No. 3, there are different types of pension plans – there is income, there is growth, there is balanced – and for the different pension plans, the underlying investments are actually different? There are very low-risk investments; there are also higher-risk investments, such as investments in equities. Is he aware of that?

Hon. Chief Minister: Yes, Mr Speaker.

110 **Hon. D A Feetham:** Therefore, will he not agree with me that the level of risk, in terms of investments in the Provident Funds No. 1, No. 2 and No. 3, the type of pension plan that one is talking about – the creature – is completely and wholly different to the type of risk that one is dealing with in relation to the Guaranteed Superannuation Fund?

Hon. Chief Minister: Mr Speaker, I am now aware that that is *his* view.

115 **Hon. D A Feetham:** The hon. Gentleman obviously has not done his homework! There is a simple answer: yes, or no. Is he aware, or is he not aware? (*Interjections and laughter*)

Mr Speaker, will the Hon. the Chief Minister confirm whether anybody that is transferring into the Guaranteed Superannuation Fund from what is a different type of investment, a different type of pension creature, will be provided advice in relation to that transfer, or will it be on the basis of execution only?

120 **Hon. Chief Minister:** Mr Speaker, the position, as the hon. Gentleman knows, I think, from the answers given in this House yesterday, is that, as yet, there have been no applications by anyone to come into this Fund.

125 **Hon. D A Feetham:** But I am not asking about whether there have been any applications. I am asking, if somebody wants to transfer from the Provident Fund No. 1, No. 2 or No. 3 into the Guaranteed Superannuation Fund, is that going to be on an execution basis only, or is the Government going to provide some form of advice to those pensioners – to *their* pensioners?

130 **Hon. Chief Minister:** Mr Speaker, I am not going to be answering any hypothetical questions because, in fact, there is a clear parliamentary provision that we should not, but when the time comes, we shall make a determination as to how to deal with those issues. Perhaps I should thank the hon. Gentleman for flagging that.

135 **Mr Speaker:** Well, I did consider whether that was a hypothetical question, but I did not take the view that it was a hypothetical question. It is a question aimed at a policy: whether advice would be tendered or would it be executed only.

140 **Hon. D A Feetham:** Well, I am very glad that I have been able to assist the Government but, obviously, I am none the wiser as to what the Government's policy is! (*Interjection and laughter*) Let me just read...
He has obviously been taught very well by the hon. Gentleman to his left!

Hon. Chief Minister: It is a pity you left his tutelage!

145 **Hon. D A Feetham:** Let me read what you said, what the GSLP said in its manifesto. It said this, and I quote:

'The value of the Provident Funds can go up or down and is not guaranteed.'

150 Then it went on to say that anybody could transfer into the Guaranteed Superannuation Fund and that, because it was guaranteed, that this was an additional benefit.

Will the hon. Gentleman not accept that that is, in fact, a misleading statement? One, because... (*Interjection*) Well, I haven't finished.

155 **Hon. Chief Minister:** I can tell you the answer now. (*Laughter*)

Hon. P R Caruana: No, we have heard the answer from Mr Bossano already: no.

160 **Hon. Chief Minister:** When one predicates a question like that, I can tell him what the answer will be, but I am quite happy to allow him to waste his time and his breath in expanding on his question!

165 **Hon. D A Feetham:** Well, because – let me explain, then he can answer the question – it is absolutely right that the investments in pension plans and the Provident Funds No. 1, No. 2 and No. 3 can go up or down, but, in relation to the Guaranteed Superannuation Fund there is absolutely no risk with the investment going down because the underlying investment is as near as possible as investing in cash. It is like putting the money into a bank account. In actual fact, it is even worse, because the investment is going to be in the Gibraltar Savings Bank. Unless the Gibraltar Savings Bank goes bust then, of course, nobody is going to lose their money.

Does the hon. Gentleman not accept that, in the light of those facts, the promises made, and the

170 representations made, in their manifesto were false, and does he not accept as well that, in the light of those representations, it becomes even more necessary for the Government to provide *proper advice* to its own workers and make it absolutely clear that the fact that the Guaranteed Superannuation Fund uses the term 'Guarantee' is actually misleading?

175 **Hon. J J Bossano:** It is not a guarantee.

Hon. Chief Minister: Mr Speaker, to the first question, no; to the second question, no; to the third question, no.

180 **Hon. D A Feetham:** Has the hon. Gentleman received any representations from private pension providers in the private sector?

185 **Hon. Chief Minister:** Mr Speaker, I have spoken to a number of people in the financial services industry, some of them who are private pensions providers about this and other matters, but this, frankly, Mr Speaker, deviates quite a bit from the question that I am dealing with.

Hon. D A Feetham: Mr Speaker, if it is a point of order, I would argue the point of order. It is a valid supplementary arising from my original question.

190 **Mr Speaker:** Well, the question which I heard seemed rather wider. It did not seem to be linked to the Guaranteed –

Hon. D A Feetham: No, I am talking about representations in relation to the Guaranteed Superannuation Fund.

195 **Mr Speaker:** Ah.

Hon. D A Feetham: And he has understood the question.

200 **Hon. Chief Minister:** And he has answered it.

Hon. D A Feetham: Is it not the case that, in fact, private pension providers have expressed concern to the hon. Gentleman precisely on the grounds that I have expressed concern to him today, and also in relation to competition concerns? Is it not the case?

205 **Hon. Chief Minister:** Mr Speaker, no, it is not the case.

Hon. D A Feetham: Will the hon. Gentleman at least give me a clear answer this afternoon –

210 **Hon. G H Licudi:** It is very clear. Very clear.

Hon. D A Feetham: – and at the very least tell me what the nature of the representations about the Guaranteed Superannuation Fund were that were made to the Chief Minister?

215 **Hon. Chief Minister:** No, Mr Speaker, because I do not think it is fair to tell people what it is that the representations that have been made to me in private are across the airwaves just because the hon. Gentleman happens to be curious about it. (*Interjection*)

220 **Hon. D A Feetham:** The hon. Gentleman is aware, because the hon. Gentleman has sought to cloak himself with a cloak of transparency, accountability, greater consultation and all those nice terms that the hon. Gentleman uses on a constant basis, that he is accountable to this Parliament, that we have concerns about the Guaranteed Superannuation Fund... (*Interjections*) that we believe that similar concerns have been expressed to him. Does the hon. Gentleman not agree with me that it is absolutely outrageous that the hon. Gentleman refuses to answer any questions and be accountable to this Parliament on what is an important aspect of

Government policy, affecting thousands of Government workers?

Hon. Chief Minister: Mr Speaker, I did not need to be elected on a manifesto that pledged accountability and transparency to know that Ministers are accountable to this Parliament, because I have spent eight years trying to hold Ministers accountable in this Parliament and they have been much less accountable in four-year terms than we have been in the eight weeks that we have been elected. (*Laughter and applause*)

In fact, Mr Speaker, one thing is to be accountable and another thing is for me to tell the hon. Gentleman everything that happens in my meetings, some of which continue to be ongoing and some in respect of which people are coming back to meet me to make fuller representations than they have made.

Hon. D A Feetham: May I suggest to the hon. Gentleman that either he really does not know very much about the Guaranteed Superannuation Fund... and, in fact, I have noticed that before he answered my questions, the hon. Gentleman, Mr Bossano, was constantly whispering in his ear. It appears that, although he has plucked up the courage to actually answer questions about the Guaranteed Superannuation Fund on this occasion because, on the last occasion that I asked him, in fact, he said that he would not answer because he was not in a position to answer because Mr Bossano was dealing with the position...

Does he not agree with me that that is an outrageous attitude for him to adopt in this Parliament?

Hon. Chief Minister: Mr Speaker, in answer to the first question, no; in answer to the second question, no. But let me tell him a little bit more.

Mr Speaker, I know that, having left the confraternity of socialists to go to the hon. Gentlemen opposite –

Hon. D A Feetham: I can assure you that I am happier...

Hon. Chief Minister: – and to fall into the vice of seeking power at any price, the hon. Gentleman has obviously fallen out from the possibility of having what we are enjoying as a Cabinet, collegiate government, where we talk to each other about the things that matter to each other, we work together on the issues and we do not have to stand up on our own, defenceless, before a merciless cross-examiner who seeks only to ridicule us.

That is not what Government is about and it is not what the Opposition should be about, either.

Hon. D A Feetham: Mr Speaker, I am astounded, I have to say, but let me tell the hon. Member, the Hon. Chief Minister, that if he is going to be talking about *my* U-turns, let me remind him that he is, at heart, a liberal; that a liberal now leads the Gibraltar Socialist Labour Party; and that if I were to stand in this Parliament and say what the hon. Gentleman used to say to me about the Hon. Mr Bossano, there would be a nuclear explosion on the benches opposite from here to Madrid! (*Interjections and applause*)

Two Members: What is the question?

Hon. Chief Minister: Mr Speaker, I have been called many worse things than a liberal before (*Laughter*) and if I want to stand here and say to the hon. Gentleman across the floor of the House, or remind him, of the things he used to say about the hon. Gentleman sitting to the left of him –

Mr Speaker: Please don't!

Hon. Chief Minister: – Hiroshima would pale into insignificance, compared to the explosion he would be sitting next to.

But, given that I understand that the hon. Gentleman sitting to his left used to say the same things about the hon. Gentleman sitting to his right, (*Laughter*) it may be that the implosion might be such that we might learn how to split the atom! But this is Question Time, not Science Time, Mr Speaker. (*Applause*)

Mr Speaker: I think the last two remarks were not questions.
The Hon. Leader of the Opposition.

Hon. P R Caruana: Mr Speaker, the Hon. Chief Minister can rest easy: Mr Feetham and myself kissed

and made up a long time ago! (*Interjections, laughter and applause*)
Politically speaking! (*Laughter*) Whether the same (*Interjections*) –

Mr Speaker: Order! Order!

Hon. P R Caruana: Whether the same kissing and making up is evidenced in the ranks of his Government, given some of the tensions that one hears are already occurring within it, is another matter.

Anyway, Mr Speaker, I can see that the Hon. the Chief Minister is in the mood for multiple-choice questions and answers today, given that he is in a yes-and-no mood. My first supplementary, then, will lend itself to that sort of treatment.

Does he not agree with me that the Hon. Mr Feetham, rather than have left the confraternity of socialists, has left the confraternity of socialists? Does he not agree with me that almost every working-class representative in Gibraltar that has ever been respected by the working classes in Gibraltar has recognised that the GSD Government has shown many, many, many more signs of being genuinely concerned with the social and labour interests of working people than the GSLP has ever even dreamt of showing? (*Applause*) Does he agree with me about that?

A Member: That is why you are there and we are here.

Hon. P R Caruana: And does he agree with me (*Interjections*) –

Mr Speaker: Order! Order!

Hon. P R Caruana: And does he, thirdly, agree with me that, whilst he may be free to take the view, as a matter of policy, that he should not account in this House for representations made to him by third parties for fear of breaching their confidence, it is nevertheless inappropriate of him to reduce this Parliament's right and interest in the public affairs of Gibraltar to, as he accused my friend, simply being 'curious' about it?

Hon. Chief Minister: Mr Speaker, that is a self-serving diatribe that is a party political broadcast and a pretext for debate, not a proper question for Question Time, which may account for the fact –

Hon. P R Caruana: All I ask for is answers.

Hon. Chief Minister: – that it has taken us half an hour to get through two questions, the whole of the time that the British Prime Minister would have spent on his feet in the Commons, in Parliament, answering many more.

As it is a pretext for debate, as it suggests things, Mr Speaker, that the hon. Gentleman simply wants to raise in order to find perhaps, or carry, some more favour with headline writers tomorrow than he has been able to do (*Interjection by Hon. P R Caruana*) to date since 8th December, I am simply going to say to him that, frankly, he should, next time, give me notice of that question and I will come back with a retort that he will not enjoy.

Hon. P R Caruana: Mr Speaker, I will take that as a refusal to answer the question.

I do not know why he needs notice of supplementaries, each of which arise exclusively from what he has said in his last intervention.

Hon. Chief Minister: About the Superannuation Fund, not...

Hon. P R Caruana: Very well, Mr Speaker, a more constructive supplementary that the hon. Member may be able to handle: have I correctly understood the Government to have said that it will be offering annuities?

Hon. Chief Minister: Mr Speaker, I think that is clear from the way that the whole of this subject has been phrased, even in the press releases.

335 **Hon. P R Caruana:** So, if the Government intends to issue annuities, can I ask the Government out of what fund it will absorb any losses that might arise?

340 The issuing of annuities is the purchase... An annuity is an annual payment for the rest of your life, or for a certain number of years, purchased by the payment up-front of a lump sum. That is what an annuity is. Therefore, if the Government of Gibraltar is going to go into the business of writing annuities, which is the business usually of life insurance companies – you can make a profit and a loss from the activity, depending on the accuracy of the actuarial calculations of how long people are going to live – does the Government entertain the possibility, then, that the taxpayer may make losses from it conducting the business of issuer of annuities?

345 **Hon. J J Bossano:** Mr Speaker – (*Applause*)

Mr Speaker: Order! Order!

Hon. J J Bossano: I see, (*Interjections*) Mr Speaker –

350 **Mr Speaker:** Order!

Hon. J J Bossano: – that the hon. Members' opposite conversion to socialism includes recognising me as the legitimate leader of socialists in Gibraltar. I welcome that. (*Applause and interjections*)

355 **Hon. P R Caruana:** Socialist leader of the Government, yes.

Hon. J J Bossano: And the Opposition, because the Opposition have been trying to persuade the electorate –

360 **Mr Speaker:** Order! Order!

365 **Hon. J J Bossano:** – that they are genuinely the working-class party of Gibraltar. I do not think there is any other country in the whole of Europe, or possibly in the whole of the western world, where the Government and the Opposition are competing both to be socialists. I never thought I would live to see the day!

370 I would remind the hon. Member that when he launched... He, in fact, is the originator of the concept of providing Government Provident Funds. Yes, there were no Government Provident Funds with the possibility of an annuity until he introduced the concept in the House, and at the time he created something which I recall that he originally said, in answer to my question, was going to be done through the Post Office, and then he told me he was going to do it outside the Post Office, outside the Savings Bank, because of the 10% that was required in addition to the money in the fund, and I think... If he does not remember, because he is shaking his head, then I will have the question fished out and send it to him.

375 The hon. Member, originally, when he announced it in Parliament, announced that the thing would be done through the Gibraltar Savings Bank, which is what we are doing now, and then he said that he had decided against it when, at a later stage he did not do it that way, because it meant that every time people put money into the Provident Fund, the Provident Fund would then require the Savings Bank to hold an additional 10% – which is no longer the case – and therefore, if the stage comes... which is a very long time in the future because, in fact, the new Superannuation Fund starts on 1st January. There is currently nobody who is contributing to it. There may not be anybody in any of the other funds that wants to move. So far, only one person has publicly announced his intention of moving – somebody who is very familiar to the other side, who clearly does not share all their reservations about it.

380 **Hon. P R Caruana:** No, well, I would [*inaudible*].

385 **Hon. J J Bossano:** But you can advise him, of course, since he is one of yours! (*Interjection by Hon. P R Caruana*) You can give him the advice not to do it! (*Laughter*)

The point is that when we find that there are people who switch it and when we find that there is interest in the annuity, we will revisit the arrangements that he was planning to introduce initially, which was, in fact...

390 there was, indeed, a fund in the Savings Bank that would provide the annuities and that is what we propose to do, go back to what he had at the beginning.

Hon. P R Caruana: Mr Speaker, everything that the hon. Member has just said and attributed to me about any intention or statements on my part to issue anything that looks anything like an annuity is complete and utter fabrication on his part.

395 Mr Speaker, the Provident Scheme that *we* designed, will he accept, does not provide for annuities. What it provides for... He may be interested in listening to this supplementary. What it provides for, will he not recall more carefully now, is for the pensioners' accumulated fund to be drawable on retirement in *annual instalments*, but annual instalments from his fund, not annual instalments in terms of a contractual right against the Government, the issuer of the gratuity?

400 The Government was concerned at the time that if somebody had accumulated £150,000 in their account, they should not be able to draw it all out and blow it on a cruise and in the casino in one year and then have nothing more to spend for their old age, so we introduced what *he* is describing – which is not an annuity – which is that they could only withdraw it in annual amounts, and that is what he is describing, which is *nothing* like the annuity that they have described.

405 The annuity, as I understand it, that they have announced is that the pensioner surrenders the capital sum of his pension pot to the Government, in exchange for which the Government will contractually, or statutorily, agree to issue the person with a right to an annual income. That is an annuity: not what we intended to do.

410 Whether the Government makes a profit or loss on that, I would ask him to agree with me, just to convert this into a question... that would expose... Whether the Government makes a profit or a loss on such a transaction depends on the accuracy of the actuarial assumption made at the time that the annuity is purchased, and you decide, 'For that sum of money I will pay you *y* thousand pounds a year either for the rest of your life or for *x* years,' and if it is for the rest of your life, it subsequently depends on a second variable, which is whether the person lives longer or less. If he lives less, the annuity issuer makes a profit; if the person lives longer, then the annuity issuer makes a loss.

415 I am asking the hon. Member to simply recognise that issuing annuities in that way exposes the Government, if the Government is to issue it, both to the possibility of making profit and to the risk of making loss. Does he agree? (*Mobile phone rings*)

420 **Hon. J J Bossano:** I agree, Mr Speaker, that those possibilities exist.
All I am saying to him is that before he introduced the scheme that is...
He does not have to hide; I am not going to be nasty to him! (*Laughter*)

Hon. P R Caruana: I am trying to work out how to turn off my phone! (*Laughter*) And, anyway, my protégé assisted me... (*Interjections*)

425 **Hon. D A Feetham:** But no kissing, please!

Mr Speaker: Order!

430 **Hon. J J Bossano:** If that is what the hon. Member is relying on, I suggest he comes along with a bulletproof vest.

435 Can I tell the hon. Member that, before he moved to the system of telling people (*Mobile phone rings*) that they had the option of reducing their capital base by making withdrawals, the first proposal was an annuity, and I will prove it to him. I will prove it to him. I will be able to fish it out because I remember it, you see. He may not, but I do.

440 The second thing is that if, when the time comes – which is probably a very long time in the future – that the first persons will be retiring from having contributed to the Guaranteed Superannuation Fund... When that happens and a decision then is taken and people are being given either an annuity or a lump sum – which they will be able to choose because a decision will only be made when you reach retirement – the plan at present is that that should be done through a fund that would be part of the Savings Bank, but, clearly, I think that before that happens there will be many elections and many changes of Government and another Government may have a different policy, but that will be the plan now if it was happening now.

445 **Hon. P R Caruana:** So any losses that might accumulate in this annuity-selling scheme would be the problem of some future Government and the hon. Members appear to be consoled by that fact?

Hon. J J Bossano: Well, no, since I am telling the hon. Member that there is not yet one single contributor (Hon. P R Caruana: As yet.) to the system and that the date when the first payments have to be made is in the future. If at that time he or somebody that thinks like him is in Government, they can decide not to proceed down that route and not provide it.

I have no doubt that this can be done and that it can be done at zero loss, but I am not going to explain to him how it is done, if he does not want to do it. We will do it if we are there. It will not happen if we are not.

455 **Hon. P R Caruana:** Mr Speaker, if the hon. Member believes, surely, that annuity-writing business can be done with a guarantee of no loss, he has lost his vocation. He could have made himself a multi-billionaire in the City of London, explaining to insurance companies how it is possible to go into the business of selling annuities with *no risk whatsoever of loss*.

The hon. Member may think that he can just make glib statements in this House and get away with them, but no-one in the history of mankind has yet devised a way of selling annuities with a guarantee that it cannot result in a loss to the person who, in exchange for a fixed lump sum of money at the beginning, has to pay an annual amount for an indeterminate number of years, which may or may not exceed the amount that he received in the front end, plus financing costs. The hon. Member thinks that he can get out of every inappropriate policy that he announces in this House simply by saying that there are not any clients yet, and when there is a client I will have to wait until I am 156 to find out whether he was clever enough to invent a system that exposes the taxpayer to loss.

460 *Everybody* will know that if the Government of Gibraltar competes with insurance companies in the selling of annuities, then the Government of Gibraltar can make a loss on that business as easily and as much as the commercial companies can do. Will he not acknowledge at least the possibility of that? I acknowledge the possibility that the Government could make a profit from it. All I am asking him to acknowledge in return is that if you have the possibility of making a profit, you have the possibility of making a loss as well.

470 **Hon. J J Bossano:** Mr Speaker, let me just remind the hon. Member that yesterday he did not know how it was going to be possible to provide 100% commutation to existing Civil Service pensioners.

475 **Hon. P R Caruana:** At no cost to the Government.

Hon. J J Bossano: That is correct.

480 **Hon. P R Caruana:** That is what he said.

Hon. J J Bossano: Yes, that is correct, and therefore he clearly did not know how to do it in Government, because when I asked him to do it he told me from this side of the House it was impossible.

485 **Hon. P R Caruana:** I still believe it is not possible.

Hon. J J Bossano: Yes, and you still believe it is not possible. Therefore, you will believe it when it happens, and since this is not going to happen for a very long time –

490 **Hon. P R Caruana:** Explain it now!

Mr Speaker: Order!

Hon. J J Bossano: Well, no, Mr Speaker, I am afraid –

495 **Mr Speaker:** Order!

Hon. J J Bossano: The hon. Member is asking questions about a policy. I have told him what the policy is. I have told him that it is a policy that is unlikely to be required to be activated within the term of office of

500 this Government. It is a policy that will happen with this Government or a successor Government that carries on with that same policy.

505 If there is a different Government in future when there is the first contributor due to take his money and that Government at that time – in 10 years, 20 years or 30 years' time – decides that they do not know how to provide an annuity fund through the Savings Bank which can, in fact, match its exposure with an alternating asset that will guarantee no loss, then that is the problem of the Government at that time. I can tell him we know how it can be done and that we could do it tomorrow if there was a need to do it tomorrow, but there is no need to do it tomorrow and there is no need to explain it.

Hon. P R Caruana: Mr Speaker, why does the hon. Member believe that this will not arise in this term of office?

510 Look, Mr Speaker, the hon. Member has said that the Provident Scheme is open to the private sector; that you can change, transfer, from the Provident Scheme to the Superannuation Fund; that the Superannuation Fund will be available also to existing civil servants, who will be able to get full commutation. How does he know that, some time in the next few months, a civil servant who retires and commutes the entirety of his pension is not going to knock on his door and say, 'Now keep to your promise and sell me an annuity'?

515 **Hon. J J Bossano:** Mr Speaker, the reality of that is that it would take a very ignorant civil servant to do that, and I can only suppose that the level of economic ignorance of that civil servant must be matched by the level of economic ignorance of the questioner, if he suggests that that is conceivably possible for anybody that they should have a Civil Service final salary scheme, that they should convert that into a lump sum and then use their lump sum to buy an annuity which would give them a lower income than they had in the first place.

Hon. P R Caruana: It may not be a lower income.

525 **Hon. J J Bossano:** Yes, it will be a lower income. There is no question –

Hon. P R Caruana: Why?

530 **Hon. J J Bossano:** Why? I will tell him why: because a commutation is based on 8%, that is why, and you cannot get that return. So you are selling something at 8% and then buying it back at 7% or 6% and you make a loss.

Hon. P R Caruana: So, is the hon. Member –

535 **Hon. J J Bossano:** So what that is saying is if anybody came along with that idea, the advice that he would get was that the annuity that we would be able to offer him would be less than the pension he had just sacrificed.

540 Secondly, I have *not* said that the Guaranteed Superannuation Fund is for civil servants who go for 100% commutation. I am saying that the Guaranteed Superannuation Fund is for the people who no longer have a final salary pension because he thought it was necessary to bring it to an end because it would be a millstone around the necks of future generations. What we have done is we have produced a smaller millstone around the necks of future generations by the Guaranteed Superannuation Fund, which, until a few days ago, was being condemned as being something that was so exposed that it would ruin the Government, and today it is being condemned as being misleading because it is so safe that it is almost cash!

545 So it is quite obvious that if they think that it is a risk they exaggerate the risk in order to attack what we are doing, and if they think there is no risk, they attack that there is no risk, so as to tell us we are misleading people in saying we are guaranteeing something that is self-evidently guaranteed! Well, if it is self-evidently guaranteed, then all their criticisms until now have been wrong.

550 I can tell the hon. Member that the reason why I am saying it is not going to happen in the next three years is because if somebody was close enough to retirement to join the Superannuation Fund tomorrow after three years' contributions, the amount that he could buy in terms of an annuity would be so little that nobody would do it.

He must remember that the first step that was taken by the Government in giving people the lump sum from the Provident Fund was on the basis that the amount of money that had been accumulated in the

555 Provident Fund was so small that to force people to take an annuity or to take an income stream was wrong
and that they should be able to take all their money out. That is how we started moving in the direction of
letting people take everything out, when the Government first started the process of removing the requirement
for the 25% maximum amount that could be withdrawn, and the argument then, quite rightly, was, 'Look, you
560 are saying to people they have got to buy an annuity with the 75%,' and nobody will sell them an annuity
because all they have got is only a couple of thousand pounds saved up. Well, that is all that would be
happening in the next few years from new entrants. I do not believe there is going to be a rush of people
wanting to switch from one to the other, anyway. It is just something that we have put there as a possibility
for those who are interested.

565 If there is anybody in the private sector who wants to use this as a vehicle for their future, for his
retirement, on the basis that what is available in the market carries the risk that he puts the money there and
loses it, then that is all that we are offering. We are offering people something that is more secure, but more
secure with the kind of return that you get on 25-year deals. What people cannot expect is to have a high-risk
return on a zero-risk investment.

570 **Hon. D A Feetham:** Well, that is what your manifesto appears to indicate.

Hon. J J Bossano: Well, it appeared to indicate it to *you*.

A Member: And to everybody else.

575 **Hon. J J Bossano:** Yes, well, Mr Speaker, if the hon. Member thought that that is what it indicated...
First of all, he *invents* what the manifesto says; then he criticises it because it is not what we are doing; then
he accuses us of doing a U-turn because we are not doing what he invented. Well, look, I am afraid he can
keep on doing that for as long as he wants, but it will not get him anywhere.

580 The Superannuation Fund that we are offering is considered to be an improvement on what is there today
by many people, but we are doing more than that. We are saying to people in the public service, 'You have
got the choice of staying with the Provident Fund as it has been until now; you have got a second choice of
opting for the improvements that the GSD offered in their manifesto and we are committed to introducing;
and, thirdly, you have got the choice of going for what we have put.'

585 What are we being accused of doing? Not giving people enough advice as to which of the three they
should choose? Well, look, we are doing more than anybody else has done before. We are doing something
that *we* happen to think is better, but nobody is being forced to take it. They can either stay with what they
would have had if the GSD had won the Election, or they can stay with what they used to have until 2011, or
they can take what is new in 2012 – and they *still* have to find fault with it!

590 Well, I can tell the hon. Member that he can rest assured that this can be done, that it will not ruin
Gibraltar and that it will not create massive losses for the Savings Bank, and that if he does not know how it
can be done, then I am afraid I am not here, nor any of us are here, in order to give him lessons in economic
theory or in anything else.

595 I can tell him that I do not believe I could have made a million advising insurance companies because of
what I have said today, but even if I could, I would not have chosen to do that because when I chose to come
back in 1972 to serve the people of Gibraltar it was not because there were more millions to be made here
than in London, but because it was what I wanted to do with my life. (*Applause*)

600 **Hon. P R Caruana:** I was wondering when he was going to deliver his valedictory speech. What I did not
imagine was that it would be in answer to a supplementary question in Parliament!

Now, Mr Speaker, will the hon. Member just tell me whether he has said that the Superannuation Fund
will be available to the private sector, to employees of private sector companies?

605 **Hon. J J Bossano:** Mr Speaker, it was not my valedictory speech, because I have got 19 years left.
(*Laughter*)

Two Members: Hear, hear.

Mr Speaker: Order! Order!

610 **Hon. J J Bossano:** What I announced when we launched this fund, which is a fund that is under the Gibraltar Development Corporation, like the other Provident Funds are, is that it will be open without a contribution from the Government, clearly, to any employer that wants to join this, instead of joining the No. 3 Provident Fund, which is the one that was set up by the previous administration for the private sector, or to an individual who is self employed and wants to provide for himself or, indeed, to an employee who wants to have a secure vehicle to provide for his own retirement in an area where the employer does not do it.

615 So, effectively, there are three categories of people in the private sector who, if they wish, can in fact become members of the Guaranteed Superannuation Fund and contribute, but the value will be the value of what they put in, plus the reinvested accumulated interest.

620 **Hon. P R Caruana:** 'Yes' would have been sufficient.

Therefore, any of the persons he has listed could transfer into this scheme the accumulated capital value in his present pension arrangement by way of transfer – yes, or no?

Hon. J J Bossano: I cannot say a categorical yes or no to that, because –

625 **Hon. P R Caruana:** Ah, well, because, you see, it is implicit...

Hon. J J Bossano: Because, in fact, I think it depends not just on our willingness to receive the money. The... (*Interjection by Hon. P R Caruana*)

630 Well, I was going to say it does not just depend on that. I have not said we are willing to do it. I have just said it does not just depend on that, but it must also depend on what are the rules in the alternative where their money is now.

In fact, the scheme, as it is set up now, does not... I do not think it is structured now. It may be we may need to amend it to do that, but I think, as it is structured now, it does not actually specify that you can make lump-sum payments irrespective of the amount, because what we are talking about is making regular contributions on a monthly basis. So I am not 100% sure that somebody can say, 'Well, look, I am going to withdraw the money that I have got in another pension fund,' and arrive with £½ million and put it into that. Certainly, it is something we are willing to consider if somebody comes along with that proposal, but I am not 100% sure that the rules, as they are now, include that possibility. It includes the possibility of somebody joining as from the current date, at the moment, as it stands.

640 **Hon. P R Caruana:** Does he not understand that if somebody can transfer into the scheme with a lump sum he is then in a position – if such a person were approaching retirement age – unlike the civil servant who is unlikely to happen because in the next three years it is not going to happen during this term, because no-one is going to have accumulated...

645 Such a person as we are now discussing could transfer a lump sum from an existing scheme into the Superannuation Fund, retire in two years' time, and come knocking at his door before the next Election, therefore, and ask him to sell him an annuity, and all the diatribe that he gave me before would not apply to such a person.

650 **Hon. J J Bossano:** I imagine that that is a list of hypothetical possibilities.

Hon. P R Caruana: There is nothing hypothetical about it.

655 **Hon. J J Bossano:** Yes.

Hon. P R Caruana: And it is not a new word that they have discovered...

660 **Hon. J J Bossano:** Mr Speaker, he is saying do I not agree that it is possible that A will happen, and then that B will happen and that C will happen. It is also possible that Iran may have a nuclear bomb and attack Israel. That is also possible, in which case, nothing is safe any more!

Hon. P R Caruana: Whether it happens or not is hypothetical. The possibility that it can happen is not hypothetical; it is real. (*Interjections*)

Mr Speaker: Order! Order! Order!

The Hon. Minister is answering... his answer is hypothetical, but I believe he is willing to continue...

Hon. J J Bossano: So I am saying that the fact that any of those things may happen or may not happen is a hypothetical question, but I will tell him what the answer is: if it happens – which I do not think it will, but if it happens – we would provide the annuity from the Savings Bank for that one or two or three people who decide to do it, and I can assure the hon. Member that we will do it in a way which guarantees that we will not lose money on it.

But I do not think we will have the opportunity of demonstrating to him that he does not know what he is talking about because, regrettably, all those hypothetical situations I do not think will materialise. I would welcome if somebody comes and does it so that we can show him that he does not know what he is talking about.

Mr Speaker: Before the hon. Member stands up, I have allowed over half an hour discussion on this particular topic.

Hon. P R Caruana: I am moving on to a new topic, Mr Speaker.

Mr Speaker: I beg your pardon?

Hon. P R Caruana: I am moving on to a new aspect.

Mr Speaker: But on the same topic. It cannot be a new topic. *(Laughter)*

Hon. P R Caruana: We have already established what we wanted to establish on annuities.

Mr Speaker: Thank you.

I was just going to suggest something: that I would allow one more supplementary in the hope of bringing this whole discussion to an end. It is open to the hon. Member to debate the matter on a separate motion whenever. I am told by the Chief Minister he will make time available to this Parliament as often as required.

Hon. P R Caruana: That is very generous of him indeed.

Mr Speaker, did I correctly understand the Chief Minister to say that these Superannuation Funds would invest in Gibraltar Government bonds and debentures?

Hon. Chief Minister: No, Mr Speaker, I did not. I am just checking I did not say that... I said it would invest in a Gibraltar Government bond, not in a debenture.

Hon. P R Caruana: Well, I do not know what he thinks the difference is between a bond and a debenture but, anyway, leaving that point just to one side for a moment...

So this will constitute the sale of public debt. In other words, the same way as Government debentures is now. Does the hon. Member not agree – *(Laughter from the hon. Chief Minister)* Does the hon. Member not agree... But don't worry, I am not questioning him about the level of public debts, about which I am not as concerned as he is. Does the hon. Member not agree that the effect of people getting what is, in effect, their pension fund and using it to buy Government bonds – which is, in effect, Government borrowing instruments which the Government can then *spend* – is tantamount to the Government spending people's pension pots?

Hon. J J Bossano: Mr Speaker, I think the hon. Member demonstrates –

Hon. P R Caruana: Yes, or no?

Hon. J J Bossano: No, I will tell him. The answer is no, because every time *(Interjection by Hon. P R Caruana)* he asks us new questions he increases the exposure of his level of ignorance of the subject.

What is he now saying? That for the first time the £300 million deposited in the Government Savings Bank is now public debt – is that what he is telling the House?

720 **Hon. P R Caruana:** No, Mr Speaker.

Hon. J J Bossano: No, then, in fact –

Hon. P R Caruana: That is not what I have said; nor is it what he said.

725 **Mr Speaker:** Order! Order!

Hon. J J Bossano: Then I have to tell him the contributions to the Superannuation Fund will be in the fund created under the same rules as the existing Provident Fund.

730 If he reads the audited accounts –

Hon. P R Caruana: That is not what I said before.

Hon. J J Bossano: No, it –

735 **Hon. P R Caruana:** In other words, what he is saying is –

Mr Speaker: Order! Order!

740 **Hon. P R Caruana:** On a point of order –

Mr Speaker: Order!

745 **Hon. P R Caruana:** On a point of order... Mr Speaker, when they rise and say, 'Point of order,' it is a licence for them to say what they feel. Eventually. Thank you.

Mr Speaker: I asked you the point of order.

Hon. P R Caruana: Mr Speaker, that would be a clarification of what they said before, upon which I based my last supplementary, but it is not what they said before.

750 When I asked the Member whether the Superannuation Fund would be invested in a Government Savings bond/debenture, he said, 'No, not debenture, bond.' In other words, the Superannuation Fund *directly* buying Government bonds. That is what he told me and that is what justified my supplementary.

755 If he is now saying that the Superannuation Fund would invest in the Gibraltar Savings Bank and that the Gibraltar Savings Bank will *then* buy Government bonds, that is a wholly different transaction to the information that was given to me in the last supplementary but one and would not have attracted my last supplementary. It is nothing to do with ignorance; it is about the accuracy of the information that they give me in answer to questions.

760 **Hon. J J Bossano:** Mr Speaker, the accuracy of the information given is that in the previous answers that had been given to questions it was made clear that the hon. Member was told the reason why the fund is guaranteed is because the fund will invest the money in the Savings Bank. That is in the original answer.

765 **Hon. P R Caruana:** I asked whether the Superannuation Fund would be invested in Gibraltar Government debentures and the answer was 'yes'. The answer should have been 'no', it would be invested in Gibraltar Savings Bank debentures or bonds. That would have been an answer which would not have invited my subsequent supplementary, but when I asked, I was told that they were investing *directly* in Government debt, Gibraltar Government bonds.

770 **Hon. J J Bossano:** No, the answer is no. The answer is, if the answer that we have given misled the hon. Member –

Hon. P R Caruana: No, he did not mislead me. It was the answer.

775 **Hon. J J Bossano:** Well, the answer is as stated originally in the original answer to the question: the fund will invest only in the Savings Bank, and that is why the fund is able to say to people the money that we are investing is, in fact, guaranteed, because the Savings Bank is guaranteed by the Government.

Mr Speaker: I really must invite the Leader of the Opposition to take up my offer to bring a motion if you wish to debate the matter further.
780 We will move to the next Question.

785 **Televising parliamentary sessions**
Gibraltar Broadcasting Corporation

Clerk: Question 208, the Hon. D A Feetham.

790 **Hon. D A Feetham:** When does the Government envisage that parliamentary sessions will be televised by GBC?

Clerk: Answer, the Hon. the Chief Minister.

795 **Hon. Chief Minister:** Mr Speaker, the intention of the Government is to provide a live stream of proceedings on a dedicated website of this Parliament.
That live stream will also be made available to GBC or to any other interested party. The Government IT Department have already started working on the specification of the cameras and systems required in order to facilitate the webcasting of the work of this Parliament.

800 **Hon. D A Feetham:** The original question referred to being televised by GBC. Is it the intention, at some stage, for proceedings of Parliament to be televised by GBC, with cameras here in the House?

805 **Hon. Chief Minister:** Mr Speaker, I think I have made very clear what the answer to that question is – in other words, that there will be cameras here and that the feed from these cameras will be made available to GBC. That would cause what is happening here to be broadcast by GBC.

Hon. D A Feetham: I understood the answer... I am not trying to be controversial; I just want to understand the answer.

810 I understood that it is going to be broadcast via the internet. Is it going to be also broadcast via conventional GBC broadcasting?

Hon. Chief Minister: Mr Speaker, I think the best way to deal with that question is to explain to the hon. Gentleman what happens in other parliaments. In other parliaments, the parliament itself films its proceedings and makes available the feed to such broadcaster as may wish it.

815 In the United Kingdom, there is a channel that broadcasts what happens in the UK in the House of Commons, but not just in the Commons, also what happens in some of the debating chambers, what happens in the Upper House etc. The feed is made available to the BBC by the parliament.

820 It is our intention that the Parliament should have control of its cameras and make the feed available. The hon. Gentleman will know that there is more than one entity now seeking to broadcast. There are some entities online that want to broadcast news, for example. The feed will be made available to everyone and anyone, whether a broadcaster or otherwise, who is sitting at their desk at work and is minded not just to listen to the proceedings on the radio but to watch us.

825 They might think that there are some handsome devils in this House, or beautiful ladies, that they might like to see and not just listen to! Well, Mr Speaker, they will be able to see them on our website, as well as that night on television if a broadcaster decides to extract some part of the proceedings for the news. Or, of course, one of the broadcasters could also make available on their channel what is being put out on the internet, if they so wished.

830 **Hon. D A Feetham:** What type of timescale are we talking about?

Hon. Chief Minister: Mr Speaker, the first time I talked about televising the proceedings of this parliament was in 2003, when I was first elected so, therefore, to the hon. Gentleman I will say that it is my intention that this should happen as soon as possible.

835 I know that already the IT Department are working very hard on this. I know there are some planned visits as early as next week by experts who have fitted the type of hardware required in other parliaments, and it may be that, therefore, hopefully before the summer we will have the systems in place to allow that, but, Mr Speaker, subject to this caveat: I do not think it is within the gift of the Government to simply say that this should happen. This exploratory work is going on on the basis of co-operation with your Parliament, but we would have to, I think, have a motion of this House before we can actually press the button to televise and
840 allow a camera in here.

Hon. P R Caruana: Mr Speaker, as I have understood the hon. Member, what he has explained is that the filming – to just choose a layman's term – by parliamentary equipment. That will initially be put out on the internet and then the feed will be provided to any other broadcaster such as may want to broadcast it by any
845 other medium – television, for example.

My supplementary is this: the hon. Member is aware that the quality of the broadcasting, the quality of the transmission, the quality of the equipment required for *internet* transmission differs significantly, or may differ significantly, from that required for the production of a signal which is of sufficiently high quality to be broadcastable by analogue or digital television. Will the hon. Member agree that, if that is the case, the
850 equipment and the systems in place would be such as to produce signal and broadcast of a standard both sufficient for the internet but also sufficient, if different, for broadcasting on analogue and digital television?

Hon. Chief Minister: Mr Speaker, I do not agree with him for technical reasons, but I think we are both wanting to go in the same direction.

855 I think that there are now cameras of the sort that are used for internet broadcasting which are of the same quality – and it is high-definition quality, HD quality – as the cameras that would be used for television broadcasting. The difficulty in getting the quality, Mr Speaker, is very often in the transmission. In other words, when it goes down the internet, there is a lot of quality loss, but our view is that it is possible to give
860 broadcasters – in other words, people who do not want to watch it on the internet – who want to produce television news programmes or live television feeds, a feed before the internet... so that, therefore, if there is any quality lost as a result of the internet here, it is not going to be suffered when people watch the video of it at home, because the HD cameras that we are intending to use, or believe it is possible to use, will be of the quality required for television, (*Interjection by Hon. P R Caruana*) whether that television is IP television or whether it is broadcast television, digitally broadcast or analogue broadcast television.

865 The hon. Gentleman, I think, will understand my example in this sense: it is possible to watch Prime Minister's Question Time in the United Kingdom on the Downing Street website, but you get there internet-quality video. At the same time, simultaneously, it is possible to watch it on the BBC Parliament channel and some of the other news channels that consider that an event that should be broadcast. That is high-quality, transmission-quality video, and that is what we anticipate providing, those two types of feed.
870

Hon. D A Feetham: Will this be run by the Government IT Department, or is the Government proposing to go out to tender for this to be run by a company in the private sector?

875 **Hon. Chief Minister:** Mr Speaker, it very much depends on what the anticipated costs may be once we have had an indication of how much hardware is going to be required. It may be that there is a procurement process for third parties to provide and install the equipment, but that maintenance is then something that can be done by the Government's in-house IT Department. So it may be a combination of both of those.

880

**Gibraltar Broadcasting Corporation
Government premises for relocation**

885 **Clerk:** Question 209, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister confirm whether the Government will be making premises available for GBC for relocation?

890 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I will answer this question together with Question 222.

895
**Gibraltar Broadcasting Corporation
Government action on King Report**

900 **Clerk:** Question 222.

Hon. P R Caruana: Mr Speaker, have the Government yet decided on the best way to proceed in the light of the King Report into GBC?

905 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, in relation to Question 209, yes.

In relation to Question 222, the Government had asked that GBC progress the appointment of a CEO designate. As a result, interviews were held and Mr Gerard Teuma was appointed. These were the things... the principal issue for us, Mr Speaker, as a result of the King Report.

910 We are progressing the move to digital as a matter of urgency because this was so delayed by the previous administration that it is now very urgent indeed.

Hon. P R Caruana: Mr Speaker, I think the hon. Member will agree that the King Report speaks about more than just premises and the need to appoint a permanent CEO. It is about the whole change in the culture and a whole series of restructures and things of that sort... programming.

915 Has the Government decided whether it wishes to pursue any of the aspects of the King Report beyond the ones that he has touched on – premises, switch to digital and appointment of a permanent CEO – which is not even a quarter of the King Report?

920 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman is right. That is not even a quarter of the King Report, but he will also agree with me, I have no doubt, that they were some of the most fundamental issues that *did* arise from the King Report – in other words, the need to move out of premises that are no longer fit for purpose, and I think that, across the floor of the House, we would agree with that finding of Mr King; the need to have a proper management structure, in respect of which the appointment of a CEO designate, given that Mr King's own appointment expires next year, was also a very important matter. Of course, Mr Speaker, all of this pivots around the fact that there needs to be the capacity to broadcast; otherwise there can be no Gibraltar Broadcasting Corporation.

925 Mr Speaker, as the hon. Gentleman knows, the most urgent thing now is the move to digital, because if GBC is not digital by 31st December it will not be able to broadcast *at all*. There will be an analogue switch-off at midnight on 31st December, because that is now required by the EU and by various international agreements to which Gibraltar is a party.

930 Those, therefore, Mr Speaker, are for us the most important aspects of progressing the King Report. It is true, Mr Speaker, to say that there are other aspects of the King Report which we are considering with Mr King himself, who is still with us, and with the management of GBC, in order to ensure that we deliver the best broadcasting that we believe is available to our community.

935

Hon. P R Caruana: Mr Speaker, would the hon. Member agree with me... I will agree with him that, certainly, the switch to digital has now become urgent and was always going to be a priority in 2012.

940 Will the hon. Member agree with me that it is simply too simplistic a view to think that if GBC had always had digital broadcasting and had always had a CEO and had always had spanking premises, it would not suffer from any of the issues that the King Report thinks need attention?

945 In other words, does he agree that, whilst I do not say it is illegitimate for him to start with those three issues, those are not... However important they may be and, indeed, however time urgent some of them may be, they are not what is fundamental about what needs to be re-jigged and restructured in GBC, that it actually goes much more deeper, very often into non-tangible things?

Hon. Chief Minister: Mr Speaker, I know that the hon. Gentleman will not want to agree with me when I tell him that, in fact, a lot of the things that he has talked about have become urgent.

950 Going digital, when zero investment almost has been made to date – in 11 months – is going to be a very hard slog indeed, but I am sure that we will make it, with the goodwill and the investment that is required, not just from the professionals at GBC but also from the regulatory authority.

955 Not having had a CEO, Mr Speaker, or even a general manager since the last general manager retired many years ago, before the 2007 Election, the hon. Gentleman will know, is an issue that he and I have disagreed about since the date of that retirement, when I was asking him, as shadow Member for Broadcasting and he was then Minister for Broadcasting, to go down the route of appointing a general manager. He took this community through a General Election with no general manager of GBC and a rotating headship.

960 Of course, Mr Speaker, it is true that there are other problems at GBC, other than just going digital and the appointment of a CEO designate. Of course, that is the case. That is the case in every organisation, Mr Speaker, but I am very confident that the good people of GBC, the fantastic professionals that we have up there will be able, with the right backing from this Government and the right level of investment, to produce the broadcasting that this community deserves in the second decade of the 21st century.

A Member: Hear, hear.

965

Direct Democracy First session this month

970 **Clerk:** Question 210, the Hon. D A Feetham.

Hon. D A Feetham: Will the Chief Minister confirm that the first session of his proposed system of direct democracy will commence this month?

975 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, yes, sir.

980 **Hon. D A Feetham:** Can the Hon. the Chief Minister state what form this system of direct democracy will take?

985 **Hon. Chief Minister:** Not at this moment, Mr Speaker, because there are different forms that it will take in different quarters, in order to ensure that it is as accessible as possible to the different people who may be interested in accessing us directly.

For example, it may be that there are some social media sessions which enable people to put questions through social media and for the Government to answer those questions through social media. It may be that there is a more traditional sort of session where the Chief Minister appears on television to answer questions from a live audience or from telephone calls. All of that, of course, will require GBC to be involved, or any other broadcaster that may be interested in carrying it.

990 Mr Speaker, it is very likely that one of the options for the first quarter will have been chosen and announced by the end of next week. It is very likely, Mr Speaker, that we will choose to change the option

that we go for each quarter, so that different people who feel more comfortable with different sorts of media will find it easier to access us in each quarter.

995

Hon. P R Caruana: Mr Speaker, does the hon. Member agree – would he agree with me – that, to the extent that he uses GBC as a platform for what he calls ‘direct democracy’, GBC would have an obligation under their charter and statute to balance that with equivalent or commensurate facilities to the other side of this House?

1000

Hon. Chief Minister: Mr Speaker, I am very happy to consider that with the hon. Gentleman, if he wishes, but of course he is (*Interjection by Hon. P R Caruana*) as able to open himself up to questions on Twitter or on Facebook as I am, without engaging GBC in its obligations. But it is an issue that would have to be considered in respect of *any* aspect of direct democracy that is carried on the national broadcaster, that is a statutory body.

1005

**New Union in Gibraltar
Support by GSLP activists**

1010

Clerk: Question 211, the Hon. D A Feetham.

Hon. D A Feetham: Is the Government supportive of the attempts by GSLP activists to form a new Union in Gibraltar?

1015

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the Government respects the right and freedom of association of workers and our policy is to positively engage with all trade unions that exist in Gibraltar.

1020

It is not the policy of the Government to discourage or support the formation of new unions. Freedom of association and the freedom to form unions are fundamental rights.

Hon. D A Feetham: Is he aware that, in fact, the main movers – the ringleaders in relation to this particular union – are GSLP members and at least one GSLP executive member; and is he not aware that GSLP headquarters is also used for the same purpose?

1025

Hon. Chief Minister: Mr Speaker, I do not recognise any of the pejorative things that the hon. Gentleman is suggesting, (*Interjection*) but I do have my own personal union card, which still says ‘T&G’ and it is a Unite card.

1030

Hon. D A Feetham: There was nothing pejorative in the question, but does he not accept –

Mr Speaker: The word ‘ringleader’ was pejorative.

1035

Hon. D A Feetham: Does he not accept –

Mr Speaker: The word ‘ringleader’ only applies to someone who is engaged in an activity that is distasteful, at the very least.

1040

Hon. D A Feetham: Well, I have to say that that was not my understanding of the term ‘ringleader’ –

Mr Speaker: If it was not intended, then it is understood.

1045

Hon. D A Feetham: But, in any event, does he not accept that, in fact, if he wanted to, he could put a stop to it by instructing his colleagues within the GSLP executive to actually put a stop to the attempt to create a new union? And is it not the case that this is an attempt, in fact, to undermine Unite and its leadership?

Hon. Chief Minister: Mr Speaker, first of all, I do not come from a political party where we tell people what to do.

1050 Second, the freedom to associate and the right to establish unions, as far as I am concerned, is so fundamental that I would never be involved in telling people what they should or should not do.

Mr Speaker, frankly, to put all that into a parcel and present it as an attempt to undermine Unite really is just the hon. Gentleman trying to imagine himself into a better political advantage than the one he is in.

1055 The fact is, Mr Speaker, that I enjoy *excellent* relationships with *all* the trade unions in Gibraltar: with Unite, with the Taxi Association, with the GGCA and with the Teachers' Association.

I should stop there, Mr Speaker, and congratulate the Teachers' Association for having achieved, today, 50 years of representation of those teachers in our schools. (*Applause*)

Mr Speaker, the hon. Gentleman will be very disappointed to know that I had dinner last night with Kevin Coyne from Unite, the union, and he came to visit me this morning in my office.

1060 **Hon P R Caruana:** Did he apologise to you?

Hon. D A Feetham: Mr Speaker, no doubt the hon. Gentleman says that he has excellent relations with Unite and with its leadership. From answers to questions yesterday by the hon. Member to his left, your position is completely in contrast with the position of the hon. Member, Mr Bossano.

1065 Is there a division in the Government in relation to this particular issue and in relation to the position that you, as Chief Minister, are taking and the position that the hon. Member, Mr Bossano... the more aggressive position that the hon. Member, Mr Bossano, is taking in relation to sponsorship of this new union?

1070 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman wants to misinterpret everything he is told.

I was delighted to listen to the debate yesterday after I left and all I heard was that the Hon. Mr Bossano was very rightly stating that he is not the Minister with responsibility for industrial relations – that I am – and that, therefore, I see unions when they want to negotiate directly with the Government.

1075 The hon. Gentleman wants to see division where there is none because it is in his political interest that there should exist division. He wishes we were divided, Mr Speaker. He wishes we were acting against one union in order to favour another so that he could sow his seed of dissent and make it grow, so that it might elevate him into the post that he so covets. It is just not there, Mr Speaker.

1080 **Hon. D A Feetham:** Mr Speaker, does he think that it is appropriate for the former Leader of the Opposition, Mr Bossano, to actually say that the leadership of Unite could not spell the term or the word 'duress'? Does he think that is appropriate? And does he not agree with me that that is indicative of the hostility that Mr Bossano feels towards the leadership of Unite?

1085 **Hon. Chief Minister:** Mr Speaker, I think that we say a lot of things across the floor of this House in jest and in the heat of the parliamentary moment, (*Interjections*) but I must say that, of course, Mr Bossano must have been absolutely right, given that the post of leadership of Unite at the moment is vacant, as he knows, and there is nobody there.

Hon. D A Feetham: Did he discuss the leadership of Unite yesterday with Mr Coyne at the dinner?

1090 **Hon. Chief Minister:** Mr Speaker, I had a fantastic dinner last night with Mr Coyne. We discussed many things, none of which I am going to refer to the hon. Gentleman. I discussed them, Mr Speaker, with Mr Coyne as a member of the union that he represents and as Chief Minister of Gibraltar.

1095 I must tell him that we had a fantastic dinner and however hard he tries to sow that seed of dissent, it is just not going to take, Mr Speaker. The soil ain't fertile for this.

Hon. D A Feetham: Mr Speaker, I did not ask the hon. Gentleman as to whether the swordfish that he had last night tasted good or not. I have asked him whether he has discussed the issue of the leadership of Unite: yes, or no?

1100 May I ask another supplementary question linked to this? Has he, on any previous occasion, written or spoken to Mr Coyne or the UK Unite about the leadership of Unite in Gibraltar?

1105 **Hon. Chief Minister:** Mr Speaker, I am not going to tell the hon. Gentleman what I discuss over dinner with people. I just do not think I am accountable, but I will say this: I did not have swordfish – and I should not be telling the hon. Gentleman because my wife thinks I am on a diet and I am having fish – but I had beef. *(Laughter)*

I will say this, Mr Speaker: in my capacity as Chief Minister of Gibraltar and in any other capacity, I have not written to anyone about the leadership of Unite. I hope that gives the hon. Gentleman the satisfaction that he is obviously looking for.

1110 **Hon. D A Feetham:** What about in a previous incarnation?

Hon. Chief Minister: Mr Speaker –

1115 **Mr Speaker:** I do not think that needs answering. It is not a question. Next question.

1120 **Overall Government revenue and expenditure
Current financial year as at 31st January 2012**

Clerk: Question 212, the Hon. P R Caruana.

1125 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister say what is the overall Government revenue and expenditure in the current financial year, as at 31st January 2012?

Clerk: Answer, the Hon. the Chief Minister.

1130 **Hon. Chief Minister:** Mr Speaker, I will answer this Question together with Questions 213 to 217.

1135 **Consolidated Fund to the Statutory Benefits Fund
Payments since 18th January 2012**

Clerk: Question 213.

1140 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister say whether any payments have yet been made from the Consolidated Fund to the Statutory Benefits Fund pursuant to his public statement of 18th January 2012?

1145 **Consolidated Fund to the Statutory Benefits Fund
Payments to any Special Fund, Government-owned company or statutory corporation since 9th
December 2011**

Clerk: Question 214.

1150 **Hon. P R Caruana:** Question 214 or 217, did you say? Question 214 and 217?

Hon. Chief Minister: Questions 214, 215, 216 and 217.

1155 **Hon. P R Caruana:** Oh, I see.

Can the Chief Minister say what is the total amount of payments that have been made from the Consolidated Fund to any Special Fund, Government-owned company or statutory corporation since 9th

December 2011, giving the total amount for each?

1160

**Aggregate public debt
Breakdown by bank loans, bank and Government debentures**

1165

Clerk: Question 215.

Hon. P R Caruana: Can the Chief Minister give a breakdown, as at 31st January 2012, of aggregate public debt by bank loans and bank and each different issue of Government debenture?

1170

**Aggregate public debt and Government cash reserves
As at 31st January 2012**

1175

Clerk: Question 216.

Hon. P R Caruana: Will the Chief Minister say what were the aggregate public debt and the Government cash reserves as at 31st January 2012?

1180

**Gibraltar Savings Bank
Nominal value of debentures or other debt security issued since 9th December 2011**

1185

Clerk: Question 217.

Hon. P R Caruana: And, last but not least, will the Chief Minister say how much, by nominal value, has been issued in debentures or other debt security by the Gibraltar Savings Bank since 9th December 2011, giving a breakdown in respect of each such issue?

1190

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, tentative overall revenue in the current financial year to 31st January 2012 stood at £351.6 million, and the tentative overall expenditure stood at £318.7 million.

1195

No payments have yet been made from the Consolidated Fund to the Statutory Benefits Fund.

No payments have been made to any of the Special Funds since 9th December that were not already approved by Parliament in the estimates and the Budget debate. If any payments above those set out in the Budget are required, these will be provided for in a Supplementary Appropriation Bill.

1200

We will not be providing a breakdown by month, as that is just a snapshot of the internal accounts of the Government, which will be constantly changing. At the end of the financial year, in less than six weeks, the Member opposite will see the position reflected in the estimates. In respect of advances to Government companies, a further £1 million has been advanced since 8th December, when he left office.

In respect of Question 215, Mr Speaker, I will hand the hon. Gentleman a statement with the information requested in a moment. *(See following page)*

1205

Mr Speaker, as at 31st January 2012, the aggregate public debt stood at £524.4 million. The cash reserves on that date stood at £224.5 million.

I hand the hon. Gentleman a statement with the information requested in Question 217. *(See following page)*

1210

Hon. P R Caruana: Mr Speaker, did I correctly interpret the hon. Member's statement of 18th January 2012 to mean that the Government intends, before the close of this financial year, to make a payment from the Consolidated Fund into the Statutory Benefits Fund, equivalent to the shortfall in revenue over expenditure in

the Statutory Benefits Fund, not just in this current financial year, but in respect of previous financial years as well?

1215

Hon. Chief Minister: Mr Speaker, what I have said – and I think I said it also in the statement that I made to the nation on 18th January – was that it was going to be, in fact, a further £2.5 million that was going to be required. So a total of £10 million will be contributed this year, instead of £7.5 million.

ANSWER TO QUESTION 217 of 2012

Answer to Question 215

Summary of Public Debt as at 31st January 2012

1. Government of Gibraltar Debentures

	<u>Maturity Date:</u>		
Pensioners' Monthly Income Debentures		£51,543,100	
Monthly Income Debentures		£11,516,300	
Special Issue of Monthly Income Debentures 2008		£51,657,300	
Limited Issue of 3-Year Fixed Monthly Income Debentures	30/06/2012	£22,375,700	
Limited Issue of 3-Year Fixed Monthly Income Debentures	31/12/2012	£33,488,400	
Limited Issue of Fixed Monthly Income Debentures	31/12/2013	£15,188,000	
Limited Issue of Fixed Monthly Income Debentures	31/12/2015	£70,304,300	
Limited Issue of Fixed Monthly Income Debentures	28/02/2017	£68,305,800	
			£324,378,900

2. Commercial Loans (Bank Revolving Facilities)

Barclays Bank PLC	£150,000,000	
Natwest Offshore Ltd	£50,000,000	
Total Commercial Loans		£200,000,000
Total Public Debt as at : 31/01/2012		<u>£524,378,900</u>

ANSWER TO QUESTION 217 of 2012

Answer to Question 217

The Gibraltar Savings Bank has issued the following Debentures and Bonds from the 9th December 2011 to the 14th February 2012:

	Total Issues
Monthly Income Debentures (Issued 17 January 2012)	£192,800.00
3-Year Fixed Maturity Monthly Income Debentures (1 February 2015)	£384,100.00
5-Year Fixed Maturity Monthly Income Debentures (1 February 2017)	£10,861,200.00
10-Year Accumulator Bonds	£481,800.00
	<u>£11,919,900.00</u>

1220

Hon. J J Bossano: To meet this year's...

Hon. Chief Minister: To meet this year's shortfall.

Hon. P R Caruana: So, when he said in his statement about an adjustment in respect of previous years, that is not... The intention behind whatever that statement may have meant was not that in this financial year

1225 the Consolidated Fund would be charged with previous years' 'shortfall'?

Hon. Chief Minister: No, Mr Speaker. It was that we were going to be making provision as from this year – what we consider to be adequate provision as from this year – and there would be a note below the line in respect of what was required in other years.

1230

Hon. P R Caruana: But his statement, does he not recall, treated separately what was required, in their view, for this year, and then went on to say:

1235

'... and we will be restating, we will be providing an amount in respect of the alleged shortfall...'

– well, 'alleged shortfall'; there was a shortfall of revenue over expenditure –

'...in previous years.'

1240

That is what he said and I am just trying to... The obvious meaning of the words, unless they mean something other than the obvious, is that they were going to make a one-off provision in respect of *past* years' alleged shortfalls *in addition to* this year's.

1245

Hon. Chief Minister: Mr Speaker, I think that he is confusing what I said in respect of companies and what I said in respect of the Statutory Benefits Fund. I am quite happy to read him what I said in respect of the Statutory Benefits Fund so that it is clear. I said this, Mr Speaker:

'The figures presented by Mr Caruana to the Parliament...'

1250

– I say 'Mr Caruana' instead of 'the hon. Gentleman' because that is what I said in my statement –

1255

'... in the estimates did not reflect this as part of the Government's own recurrent spending. Neither does this take into account the reduction in the reserves of the Statutory Benefits Fund, from which we pay old age pensions, in respect of which we will have to increase the provision from £7.5 million by a further £2.5 million required to keep the Fund at the same level at which it was at the beginning of the year. That will further reduce the surplus.'

That is all I said.

1260

Hon. P R Caruana: Carry on.

Hon. Chief Minister: That is all I said.

Hon. P R Caruana: Next sentence.

1265

Hon. Chief Minister: Mr Speaker, then I said:

'The surplus for the current year will therefore be recalculated to give you a true and fully accurate picture by including the recurrent losses of Government companies and by reflecting the additional funding required by the Statutory Benefits Fund.'

1270

Hon. P R Caruana: So, when he lumps that last reference to the Statutory Benefits Fund, the last words that he has uttered, he lumps them with a reference to company balances, *both* in respect of previous years, leading me to believe that both related to previous years' shortfalls.

1275

Hon. Chief Minister: No, Mr Speaker. I think my statement is very clear. He has had an opportunity to reply on the national broadcaster, too. He knows my views; I know his views. I think that, on this, my statement is abundantly clear.

Clerk: Question...

1280

Hon. P R Caruana: Mr Speaker, can the hon. Member say whether Gibraltar Government debentures, as opposed to Savings Bank debentures, are still open for public subscription?

Hon. Chief Minister: Mr Speaker, I understand that they are no longer available.

1285 **Hon. P R Caruana:** So that, in fact, local savers may now only invest in the Savings Bank, where it does not reckon as public debt, as opposed to in the Gibraltar Government, where it does reckon as public debt, even though the Savings Bank is guaranteed by the Gibraltar Government?

Hon. Chief Minister: Yes, Mr Speaker, that is the position.

1290 **Hon. P R Caruana:** Mr Speaker, it was a little bit difficult for me to follow exactly which of the questions he was answering.

When he said that he will not give me monthly information, was that in relation to the amount paid by the Consolidated Fund for any special Government or Government-owned statutory corporation? I did not ask for that...

1295

Hon. Chief Minister: That is right, Mr Speaker, it was in relation to that, but I did give him the amount in respect of companies, which was £1 million.

1300 **Hon. P R Caruana:** Yes, but I did not ask for it on a monthly basis; I asked for it as at a certain date. Is he saying that he is going to refuse to answer this question *next* month?

Hon. Chief Minister: Mr Speaker, the advice that I have is that that is a snapshot picture which would change and means absolutely nothing and that, in fact, the contributions to the funds are made at the end of the financial year, and I think that has always been the position.

1305

I think I also said, Mr Speaker, that in six weeks, in effect, he will know what the position is going to be.

**Government procurement since 9th December 2011
Goods and services obtained without tender**

1310

Clerk: Question 218, the Hon. P R Caruana.

1315 **Hon. P R Caruana:** Mr Speaker, can Government say what goods and services have been procured by Government since 9th December 2011 without going out to tender?

Clerk: Answer, the Hon. the Chief Minister.

1320 **Hon. Chief Minister:** Mr Speaker, as the hon. Member knows, there is currently a backlog of EU directives dating back to 2004 that are pending transposition into Gibraltar law that relate to procurement. In line with its manifesto commitment, this Government will prioritise transposing into Gibraltar law *all* EU directives on procurement, including those that relate to the procurement of services.

1325 It is anticipated that these directives will be made law very shortly. It is this Government's policy that all goods and services which are above the prescribed tender thresholds set out in those directives are to be put out to tender, as required by law. The Government is not aware, having checked with the Treasury and the Procurement Office, of any goods or services provided for in these laws or above these thresholds which have been procured without going out to tender.

1330 **Hon. P R Caruana:** Mr Speaker, the hon. Members' answer is neither an answer to my question, nor is it consistent with an answer that he gave me in last month's Parliament.

I have not asked him what procurement has been done of goods and services above the value threshold which are mandatory to be by public tender under EU directives. I have asked him what has been... You do not need an EU directive to go out to tender for every amount if it is your policy to go out to tender for any amount.

1335

Last month, he told this House, without reference to EU directives, that it was the policy of his Government that, 'save in the case of urgency and other exigencies' – his exact words – it was the policy of

1340 his Government that all procurements of goods and services should be by tender. That has nothing to do, will he not agree with me, with EU directives? Has the policy, therefore, changed during the last month, such that it is no longer the policy as it was last month that *all* goods and services will be procured by public tender, save urgency and exigency, to the one that he *appears* to have described by his answer today, which is that he will go out to tender above the EU requirement threshold when he has got round to doing those laws? Is it last month's, or is that the position today?

1345 **Hon. Chief Minister:** Mr Speaker, I do not recognise any inconsistency in what I said last month and what I am saying this month.

In fact, Mr Speaker, I do not believe that we have gone out for any goods or services to be procured that have not gone out either to tender or they have been dealt with in accordance with people who have pre-qualified to make, supply even, services to the Government.

1350 **Hon. P R Caruana:** The answer is none.

Hon. Chief Minister: Well, exactly.

1355 **Hon. P R Caruana:** The answer to my question is none...

Mr Speaker: Order! Order!

1360 **Hon. Chief Minister:** Mr Speaker, therefore what I said to the hon. Gentleman was that, in checking with the Treasury and the Procurement Office, we do not believe that there was *any* procurement in excess of those thresholds.

1365 Mr Speaker, if this has suggested that the thresholds are only the EU thresholds, then it should not have suggested it because the position is that we *will* go out to tender for *any* goods and services that we need to obtain for the Government, other than in cases of urgency or exigency, either with a tender per item or by pre-approving people to provide things for the Government which it would just be impossible to be going out to tender for.

Hon. P R Caruana: But, Mr Speaker, that is not what he has told me in his answer.

1370 My question does not relate to EU directives and what he has told me, when he first answered the question and indeed just repeated, is that he has checked with the Treasury and, as far as he can see, there are no procurements that have not gone out to tender above the threshold that would be required by the EU directives.

1375 My question does not relate... or is not benchmarked against any EU directives. My question is because last time he told me that it was the Government policy *regardless* of EU directives. EU directives are mandatory tenders above a certain level. He told me last month that it was in any event the Government's policy to go out to tender for everything, even below the EU threshold of mandatoriness except for – I keep on saying it, so that I am not misquoting him – ‘urgency and other exigencies’.

1380 So I am asking him what has been procured by tender to which he can say, ‘I don't know’ or ‘I think nothing’ but [*inaudible*] so by reference to would have required an EU process under tender. Does he understand my predicament?

Hon. Chief Minister: Mr Speaker, I understand what the hon. Gentleman is saying. I believed I was saying clearly and I am happy to say clearly, nothing has been procured other than by tender or by the pre-tendering procedure that makes services available to Government from people who have pre-qualified.

1385 **Hon. P R Caruana:** Because the reason why I am asking this question, Mr Speaker, is not because I am particularly interested in this point in what might or might not have been procured by tender, but because last month I did not make a great deal of progress with the hon. Member in extracting from him what he meant by ‘other exigencies’. I can understand, because I have been sitting on that side for many years, that there are occasions where urgency of the need to procure make it impractical for the Government to go out to tender. If
1390 something breaks down, if there is an emergency, there are any number of circumstances of *genuine urgency* where it would be quite absurd to expect the Government to delay the procurement by the period of time that

the tender process requires. That part of his answer last month caused me, therefore, no difficulty.

1395 But I was a little bit concerned by the undefined width of the term 'or other exigencies'. 'Other exigencies' unless further defined could mean *anything at all* that they think.... So, in other words, emergencies or other exigencies *could* mean – is capable of meaning – emergencies or whenever the Government decides not to put it to the tender process, and I am just trying to get him to... through an interpretation of his examples – of which there are none, apparently, this last month – but he can do it dialectically across the floor of the House now if he wants to, to try and assist me further with what the Government understands and is there some curtailment, therefore, to the concept of 'other exigencies'?

1400

Hon. Chief Minister: Mr Speaker, there is absolutely no intention in this Government of granting contracts for services for many millions of pounds without going out to tender, as was the case before 9th December, when we came into office. It is not the intention of this Government to procure anything other than by tender, unless there is a great urgency or other exigency.

1405

There may be exigencies which are not urgent, Mr Speaker. It is not urgency alone that will drive us to have to procure something by tender, but what I want the hon. Gentleman to understand is that we would have to be in a very difficult position *absent* urgency, before going down the route of procuring something other than by tender, because we think that is the fairest system and that is the best way for us to ensure that we are getting the best value for money for the people.

1410

Now, he says that he can understand the need on some occasions not to go out to tender. Mr Speaker, I know that he and I have debated in this House things which have been procured for Government which were not procured through tender, not as a result of any urgency. So he himself must understand that there are other exigencies, *absent* urgency, which sometimes may drive you to have to procure something not by tender. He and I have disagreed about what those exigencies were for *him*. I hope that if they ever come to us – and it may be that they never do – he and I may not disagree about it being an exigency.

1415

If it is helpful, Mr Speaker, it would have to be, for my Government, 'Man bites dog' that we go out to procure something not by tender for a reason other than urgency.

1420

Hon. P R Caruana: Well, Mr Speaker, I know that that is the stated policy – I have heard it before – of this new Government. When he refers in his answer, unlike the previous Government, absolutely right, it was *not* the policy of the previous Government – as, indeed, it has never been the policy of any Gibraltar Government before.

1425

Let us leave to one side the question of EU directives. It has never been the policy of *any* Gibraltar Government – GSD, GSLP, AACR, IWBP before it – to go out to tender for the procurement of professional services. Those professional services, as the hon. Member well knows to his benefit, include legal fees, as it does architect services, as it does engineering services.

1430

Now, this Government is, of course, free to reverse that longstanding position... I think, if he wants, as an aside, in the anteroom or on some other private occasion, I can tell him why *I* think previous Gibraltar Governments did not go down the tender route for professional services, but that is a different matter. They are certainly free to take a different view.

1435

But will the hon. Member agree with me that the tender process practice is one that if the hon. Members apply, as they say, to everything except urgent matters and over his.... he has not quite said 'over his dead body', but over a very sceptical Chief Minister that would have to be persuaded, as a definition of exigency, will he agree with me that it is reasonable for us then to interpret his answer – which I think *does* take the debate further than he took it last month – that given the height to which he has raised the threshold – not the urgency threshold; the 'other exigencies' threshold that he has personally just raised it to – it would be legitimate of us in this House to continue to ask him of the occasions upon which he has been persuaded, despite his great scepticism and personal commitment to the contrary, to go down the non-tender route?

1440

Hon. Chief Minister: Mr Speaker, yes. And if there is a reason which is grounded in public security or public policy, I would ask him to accept that I should tell him behind the Speaker's Chair, rather than across the floor of the House.

1445

Hon. P R Caruana: Of course.

Hon. Chief Minister: But, look, I want to be accountable for my actions, and it is the hon. Member's job

to make me accountable for my actions. I do not want the Government to be spending its money based on preference or favour to any particular person providing any particular goods.

1450 Now, there is a mechanism, which is this pre-authorisation mechanism, which means that people pre-qualify to provide goods and services to the Government. I think that is an important –

Hon. P R Caruana: By tender.

1455 **Hon. Chief Minister:** Well, that is a tender –

Hon. P R Caruana: Long-term tender.

1460 **Hon. Chief Minister:** – but it is long-term supply tender, which I think, frankly, works in keeping Government going, in all the things that it needs to be getting which are not exceptional. I know that the stock of wine gums that the hon. Gentleman used to have is running out, and I am assuming we are not going to issue an advert to see who is going to replace them – although again, that is an issue that affects my diet and we may be getting dried fruit instead of wine gums when they have run out!

1465 But, Mr Speaker, otherwise yes, I would expect that this is the sort of thing that, when it happens, is something that we can debate.

Hon. P R Caruana: I do not know whether to interpret that, Mr Speaker, as an admission on his part that he is in greater need of dieting than I am! (**Hon. Chief Minister:** Absolutely!)

1470 Mr Speaker, when I have asked him... I am grateful to him for his last substantive answer and I note the degree to which he has put the threshold. When I have asked him for examples today, he has prefixed his answer by saying, ‘I have asked the Financial Secretary’ – or whoever he said he had asked – ‘and as far as I am aware...’ etc, etc. Given the importance that he attaches, according to what he has just said, to the non-urgent out-of-tender procurement being an exception of which he should be persuaded, does he think it is appropriate that all procuring Department heads should be aware of the strength of the Government’s policy position on this matter, that any exceptions therefore should be reported and recorded in his Office, so that the next time I ask him he is able to say, ‘There have been none’ or ‘There have been the following ones’? But if all he can ever tell me – because I realise, where he sits in No 6, he does not see the whole of the Government machinery – if he is always going to come back to this House and say, ‘I have asked, and no-one has told me there have been any’, that is not reliably forensic about whether or not it has happened.

1480 **Hon. Chief Minister:** Mr Speaker, it is the policy of the Government that that should be the case, and it is the set-out policy of the Government, because the hon. Gentleman is asking me, based on the fact that he knows it is the policy of the Government.

1485 I think when we started this debate last time, he was referring to statements in our manifesto before the Election or otherwise, so I would have thought, Mr Speaker, that anybody who is procuring services for the Government is procuring it in line with the Government’s rules for procurement and the policy of the Government. Absolutely, it is something that if somebody is going to go outside these rules, they will have to persuade the political Government – not necessarily me; their Minister who has been present in this debate – that they are going outside the tender procurement process, in order to obtain relevant goods and services for the Government – absolutely.

1490

Paperless Government initiative

Storage, preservation, retrieval and audit of electronic communications

1495

Clerk: Question 219, the Hon. P R Caruana.

1500 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister confirm that its paperless Government... This is at the risk of being called – what was it? (**Hon. Chief Minister:** Luddite.) A Luddite, yes.

Can the Chief Minister confirm that its paperless Government initiatives will allow and require e-mail correspondence and other paperless communications to be safely stored, preserved and retrieved and audited

indefinitely in the future?

1505 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the Government has in place IT measures within the corporate network to securely store, preserve and retrieve any information held electronically for as long as required – and I will not pretend that has been done since 8th December.

1510 Provisions for archiving and search and discovery solutions are currently being made in order to implement what is called ‘data auditing’. This has been an ongoing improvement, commenced before 8th December. I am advised by the Government’s own IT technicians that these tools will enable the Government to use powerful analytics, in order to comply with regulations, as well as to maintain audit trails, manage and enforce corporate policies on any Government-retained electronic information – which I think, Mr Speaker, is to say ‘yes’ to the question that he has asked, in technical jargon.

1515 **Hon. P R Caruana:** Well, if you humour a Luddite for a while longer, Mr Speaker, this Luddite has it in his mind that, with a paper file, if somebody wants to review and research and audit and to look at the papers relating to a matter, it is all in a paper file, marked this or that.

1520 Is it implicit in the answer that he has just given me and the technical jargon that he has used in it that these records will be searchable as if they were all sitting in the same file, physically?

Hon. Chief Minister: Yes, Mr Speaker, and my experience from using a similar system in private practice suggests that it is actually easier to find when they are in this form, once the system is up and running, than if they are in a paper file because, usually, documents are indexed either in a way that every word on the page is available to search for, or the document – if it is a document not created by a computer, but something scanned into a computer – is given tag words to enable the document to be found when those tag words are put in or it can be found by date order – which is probably the way the hon. Gentleman will go to a file, to look for something that he remembered, in other words, either looking for the specific word or document or looking around the date that it might have been created.

1530 Mr Speaker, it is in my view the right initiative, if we are also going to make archived material available because, as we start going forward and we create new material, it will be easier to archive and make available.

1535 I am quite happy to say to the hon. Gentleman, Mr Speaker, that e-mail – at the pain of being called a Luddite myself, which I do not think I am going to encourage – can sometimes be a curse and people can say short things in internal communications – ‘Okay’ or ‘See you later’ – the sort of thing you might not usually have archived and might have been a telephone conversation, which will be there forever.

1540 So people who are using e-mail now need to know that those things will be searchable and available and they need to say to friends that this is a work e-mail address and it is the Government e-mail address that will be the Government’s archive. But, yes, Mr Speaker, it should all be searchable and kept for good in this format.

Hon. P R Caruana: I am grateful to the hon. Member, and will it – I mean it is not necessarily implicit in the fact that it can be done, that it will be done – is it the Government’s intention that, once this system is in place and up and running, which I acknowledge is not yet, that the creation of paper copies will be discouraged, so that the Government is going to try and get used to working without paper, so if somebody sends an e-mail with an attachment, with a document attached, people will be discouraged – or not required, at least – to print them out and put them in a file? In other words, is that the philosophy or the policy? So, because it is searchable and auditable and all that, in order to get the principle – yes, I think he has understood the question – that people will not be expected to keep a paper file as well?

1550 **Hon Chief Minister:** With this nuance that, operating a paperless office does not mean that you do not print things out *ever*, because, very often – we are human beings – we sometimes appear to be able to interact better with a piece of paper, if we are checking an agreement, than we can with a screen. So, very often, people, when they are receiving documents that they need to work on, will want to print them at least as working copies and they will not necessarily want to shred that: they may want to put it in a file, in order to

1555 keep it with their notes etc.
So, what is happening already is that people, Ministers in particular, are looking at things on screens

where that is viable. It is not, Mr Speaker, that this system is not already in place, it is that it is being improved and I recognise that if it is already in place, it must have been put in place, as a matter of good IT management, before 8th December.

He may have noticed, Mr Speaker, that even in Parliament each Minister is only bringing copies of their own questions in paper form. Copies of questions being answered by other Ministers are being made available to the Ministers – in the old days, people will recall, they all brought copies of everybody else's – on their iPads, so they are able to follow which question I am on and the answer that I am programmed to give on their iPads. Some of them have more –

Hon. P R Caruana: If he will supply iPads to the Opposition, we will do the same!

The Chief Minister: Mr Speaker, I am perfectly open to an Opposition request that the taxpayer should provide them with iPads. That is absolutely no problem at all. Some of my members are more or less enamoured of their iPads. Most of them have taken to them like ducks to water and we save an amount of paper there.

Mr Speaker, the hope is, and the aim is, not just of this Government, but I am sure of many professional organisations and many governments, to be able to cut down the amount of paper that we use, so far as is reasonable, without affecting how we have records for ever of the things that we are doing and it is in the interests of our community that we should for ever have records of. In fact, the whole aim is to make those records more permanent, more lasting and more easily searchable within the confines of political conventions.

**Government advertising
Cost of local media spend since 9th December 2011**

Clerk: Question 220, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, will the Chief Minister say how much advertising by monetary cost has been placed by the Government since 9th December 2011 with (1) the *Gibraltar Chronicle* (2) the *Panorama* (3) the *7 Days* (4) the *New People* and (5) any other Gibraltar newspaper or magazine?

And I hope that is not too far from the way he used to formulate the questions.

Clerk: Answer, the Hon. the Chief Minister.

The Chief Minister: Mr Speaker, the Government has been invoiced £6,363.85, of which £1,400 has been paid and £3,963.85 is pending payment. Costs by newspapers is broken down as follows since 9th December.

The *Gibraltar Chronicle* has invoiced £4,404 and had £1,400 paid and £3,004 is pending payment.

The *Panorama* has invoiced £1,669.85 and that amount is pending payment.

Gibsport has invoiced £290 and that amount is pending payment.

The *7 Days* newspaper has not invoiced anything and has not been paid anything and the *New People* newspaper has neither invoiced anything nor had any advert placed and has, therefore, not been paid anything.

This information is now being made available on a monthly basis on the Government website, worked out on the basis of what has actually been paid and not on the basis of 'monetary cost'. If I could just say to the hon. Gentleman, I think I used to ask what has been paid and when he has put the question in terms of monetary cost, he has made us think whether he was asking us what adverts had been placed, not yet invoiced for and not yet paid, which, I am told, we could not work out.

He may be interested to know that the information which is now on the website actually goes back to the 24th June 2011, the day after he last answered my question. So whoever is interested can continue to trace through the time since I last asked the question in this House, what amounts had been paid to any of the relevant publications.

This, in my view, Mr Speaker, is information that should have been up in January. It was not up in January, it is now February and the hon. Gentleman has had to ask the question for us to realise that it was not on the website. It will now be on the website on a monthly basis, so he can ask questions arising from the

data, rather than having to ask for the data.

See following page.

1615

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker,

The Government has been invoiced £6363.85 of which £1400 has been paid and £3963.85 is pending payment.

Cost by newspapers is broken down as follows.

	Invoiced	Paid	Pending Payment
Gibraltar Chronicle	£4404.00	£1400.00	£3004.00
Panorama	£1669.85	-	£1669.85
Gibsport	£290.00	-	£290.00
7 Days	-	-	-
The New People	-	-	-

This information is now being made available on a monthly basis on the government website worked out on the basis of what has actually been paid and not on the basis of "monetary cost".

1620

Gibraltar Chronicle

Government contribution to occupational pension arrangements

Clerk: Question 221, the Hon. P R Caruana.

1625

Hon. P R Caruana: Yes, Mr Speaker.

Can the Chief Minister say whether the Government is committed to paying, or intends to make any payment, from public funds towards the past or present occupational pension arrangements of the past or present employees of the *Gibraltar Chronicle* newspaper or Gibraltar Chronicle Printers?

1630

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, no sir.

1635

Hon. P R Caruana: Mr Speaker, will the hon. Member confirm that his 'no' is a comprehensive 'no' on the subject matter, and not 'no' to the question as formulated. In other words, that it is not the Government's intention to fund in any way, directly or indirectly, the pensions liability of a company that it does not own, such as the *Gibraltar Chronicle*?

1640

Hon. Chief Minister: Mr Speaker, although I should only be answering the question as asked, but his interpretation is correct.

1645

**Government decision on proceeding
Runway tunnel and new power station**

Clerk: Question 223, the Hon. P R Caruana.

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Hon. P R Caruana: Mr Speaker... no.

Clerk: 223.

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Hon. P R Caruana: Mr Speaker, will the Chief Minister say whether the Government has yet decided whether it will proceed with (1) building the tunnel under the Eastern Beach end of the runway and (2) a new power station at Lathbury Barracks Parade Ground?

Clerk: Answer, the Hon. the Chief Minister.

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Hon. Chief Minister: Mr Speaker, in respect of the project relating to the tunnel under the runway, the Government is going to tender for the completion of the works. This will require an EU procurement procedure.

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In respect of the proposed new power station at Lathbury Barracks Parade Ground, the Government is in advanced negotiations with the joint venture partners, Volker Stevin Construction Europe and ETDE S.A., to determine whether we will proceed with the project as presently envisaged, or with modifications.

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Hon. P R Caruana: I acknowledge two things. (1) the conversation we had last week about legal implications and I also acknowledge the fact that because the Government goes out to tender, does not mean it is obliged to proceed with actually carrying out the project.

Can I ask the hon. Member, subject to those two caveats, whether the answer means that, in principle, they have decided, as a matter of policy, to proceed with a power station, if the price is right, can be right, can be made right, in their view and a tunnel, if the price is one that they are happy to accept on the conclusion of that tender? So what I am trying to find out is whether there is now political commitment to the concept of a tunnel proceeding and the need to build a new power station at Lathbury Barracks?

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Hon. Chief Minister: Mr Speaker, the issue in respect of the tunnel, really, has always been cost and I know it must also have been cost, before 8th December, because the contract to do it for £30 million went pear shaped and the hon. Gentleman knows I have discussed that with him.

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So cost is an issue. I think you would find unanimity in Gibraltar that a tunnel would be the *preferred* option, as long as it is affordable and it may be that we have to have an argument about what is or is not affordable in the future but, in principle, we believe a tunnel would be the best option for people to cross the runway vehicularly.

1685

In terms of the power station, Mr Speaker, cost is also very much the leading consideration and he knows we have differences as to what the appropriate cost of that, perhaps, should be and that is why we are discussing these issues, but there are, of course, other questions which are relevant in respect of the power station, not least, complying with European environmental directives and, in any event, wanting to find the best method for generating electricity in the safest and most secure fashion for our community. It may be that we do not disagree with decisions that the hon. Gentleman made before the Election, or it may be that we do, once we have had these further negotiations and we have seen what further options might have been available to him. Or, Mr Speaker, because this is an area, which I acknowledge is in flux, if technologies have moved on from the time when he commissioned a report into the issue and he was advised in respect of one particular technology.

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**Economic interests of Gibraltar
Justification for additional office accommodation**

Clerk: Question 224, the Hon. P R Caruana.

1700 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister say whether he believes that the economic interests of Gibraltar require that additional office accommodation be built?

Clerk: Answer, the Hon. the Chief Minister.

1705 **Hon. Chief Minister:** Mr Speaker, the Government believes that additional office accommodation will be required as new business is attracted to Gibraltar. The Government will not, however, finance the new development of office space by private developers.

1710 **Hon. P R Caruana:** Yes, Mr Speaker, my question was not aimed at the second part of his question, which would put him in a very awkward spot, given how critical they were of the previous Government when, as a last resort, we indicated that we would be willing to do it. But the first half of the answer is, really, the one that I was hoping to explore because, Mr Speaker, it begs the very question that I think is at stake here.

1715 The hon. Member has said, in answer to the question, 'Can the Chief Minister say whether he believes that the economic interests of Gibraltar require that additional office accommodation be built?' – he has said, effectively, yes, as new businesses are attracted, office accommodation will be required, as new businesses are attracted to Gibraltar.

1720 Will the Chief Minister agree with me that precisely the point is that there is a chicken and egg situation and that the chicken and the egg need to resolve their differences in the opposite way to the way that he has just described in his answer because, if accommodation is only available *as* businesses are attracted to Gibraltar, they will never be attracted to Gibraltar, because the availability of suitable office accommodation is one of the factors that businesses take into account, in deciding whether to put Gibraltar on the shortlist of alternative locations, of various possible locations, for their business? This is why the previous Government became so concerned, because the private sector was, for banking crisis reasons, unable to obtain bank funding for it and we were being told that insurance companies and other economic activity was finding that there was insufficient quality of business accommodation.

1725 Hence the question, designed to get to the conclusion of my urging the Government to take the view that a stock of office accommodation, a stock of *suitable* type of office accommodation needs to be available speculatively *in order* to attract businesses to Gibraltar, rather than only be provided *as* businesses are attracted to Gibraltar, which is too late for the business to actually come here.

1730 **Hon. Chief Minister:** Mr Speaker, it is a chicken and egg situation. Is it, if you build it, they will come, or is it that if you do not build it, (*Interjection by Hon. P R Caruana*) they can never come.

1735 **Hon. P R Caruana:** They cannot come.

Hon. Chief Minister: Mr Speaker, we built it. He turned it into a hospital! (*Interjection by Hon. P R Caruana*)

1740 Therefore, Mr Speaker, the issue, really, is this. Is it that the private sector cannot bank any of its projects to build offices. Well, Mr Speaker, we do not think that is the situation at the moment and we do not think there has been a dramatic change since 8th December. In fact, all the evidence I have seen suggests that there is more than one project to build offices which is likely to be taking off very soon indeed, although one project, which should have been a flagship, may not take off.

1745 **Hon. P R Caruana:** Well, Mr Speaker, we are talking about the supply and demand equation today, where the economy of Gibraltar has tripled in size from when the days of the office building to which he is referring had lain vacant for many years and would have lain vacant for many more years in an economically unviable fashion for its then owners.

The question is that as he knows that there is a two or three-year lead from an office development being conceived and commenced to it being available for occupation.

1750 I am not pressing the hon. Member as to why he has not built any offices yet; I am simply trying to establish consensus with him that one of the obstacles at present to any success that the Hon. Mr Licudi may enjoy in attracting more gaming companies to Gibraltar, if that is what the Government wants to do, or new banks or insurance companies or any other financial [*inaudible*] Gibraltar, his success will be in vain if, when they get here and come to look, they cannot be physically accommodated in office space and therefore go

1755 elsewhere.

This is not an attack on the Government; I am simply sharing with them our experience over the last 18 months or so in Government, that the chicken-and-egg equation has been determined by the *[inaudible]*. People come, look, see the office accommodation that is available – there is always a little bit – but it is not what they are looking for and therefore cross Gibraltar off the line. One of the things we need to put in place – will he agree with me – is somehow encouraging private sector development – which I agree with him is by far the most preferable way of doing it – to get on with building these offices, so that whatever success the Government has in attracting additional business to Gibraltar can actually be accommodated?

Hon. Chief Minister: Well, Mr Speaker, I think he is asking me to agree with something that I can certainly agree with, which is that we can encourage private sector development of more suitable office space. But, of course, private sector development will do so when it considers there will be a market there and not to provide a bank of offices for Gibraltar.

But he says rightly, Mr Speaker, that there is a three- or four-year lead to the development of offices, and he says rightly, Mr Speaker, that there is not at the moment a bank of office space. Well, Mr Speaker, that is the position that we inherited two months ago from the Government that he was leading.

So without the need to get into something which might be less than a convivial discussion about it, where we can agree that private sector developers should be encouraged to develop offices for the expansion that we expect there will be Gibraltar's economy in the next four years, what we are not going to do – and this is a clear dividing line between us – is help them in financing it, by providing them with cash. That is something that the hon. Gentleman suggested he *might* be prepared to do as a joint venture partner or as an equity investor in one particular project (*Interjection by Hon. P R Caruana*) and we said at the time, and we maintain, that that will not be the tack that we take.

Short of that, can there be agreement across the floor of the House, that there should be private sector development of office space encouraged by Government and Opposition? Well, yes, Mr Speaker. He obviously agrees with us that Gibraltar is going to expand quite substantially in the coming four years, and we are going to need it. I am grateful for his... I will not call it 'U-turn', I will just say 'support'!

Hon. P R Caruana: Mr Speaker, the hon. Member is not correct. The previous Government never intended to provide 'cash' as he calls it. We were not offering to finance a private property development. In fact, we made it perfectly clear that we were not willing to do that.

What we were willing to do was to take party, as joint venture equity partners, on a matching basis. In other words, a public investment in offices, just as there is public investment in many things. I have to say that... Will the hon. Member not agree with me that too hard and fast a commitment to the view that he has just expressed is capable of becoming illogical and irrational? This idea that there are *no circumstance* which the hon. Members can be persuaded that it would be an appropriate use of public funds to assist or participate as an equity investor in the building of offices, so that, for example, if the Government was *certain* that the economic prosperity and development and sustainability of our economy were being constrained, held back or prejudiced by the lack of offices – which may not be due to the fact that developers do not see demand, but simply that banks, because they have got their own balance sheet problems, are simply not lending for property developments, regardless of what demand there may be for the finished product; that, in those circumstances, the Government will continue, anchored in the view that better to let the economy of Gibraltar suffer structural macroeconomic damage than do whatever may be necessary to provide you with the office space that it needs.

I agree that it is much better... governments are not in the business of building offices; but governments are in the business of ensuring the success of our economy. And if the success of our economy, for reasons outside the Government's control meant that it had to resort to the extraordinary exigency of making itself an office property developer, does he not agree that in those circumstances, it would be the right thing to do?

Hon. Chief Minister: Mr Speaker, in the very exigent circumstances that the hon. Gentleman describes, yes, it would be the right thing to do. We do not recognise that that has happened in Gibraltar in the past four years and that he was put in that position, when he was about to make an equity investment – which is providing cash, Mr Speaker, whether we express it one way or another.

You see, Mr Speaker, (*Interjection by Hon. P R Caruana*) we do not see the position developing in the way – (*Interjection by Hon. P R Caruana*)

1810 I am not suggesting that the hon. Gentleman was a lender, Mr Speaker. (**Hon. P R Caruana:** Thank you.) You provide cash when you are an equity investor as well.

1815 Mr Speaker, but I do not see the position being as the hon. Gentleman posits, for reasons that he is probably in a better position to understand than me, because there are two particular types of office development that he will know of, because they have not arisen in the past eight weeks, which are very likely to take off, which do not rely on bank financing, and which would provide the sort of office environment that he and I might think is relevant in the future.

1820 Mr Speaker, there is, of course, the Government is not in the business of building offices, because we are not developers. We are in the business of building other things. We build industrial parks, which include some offices; we build homes for rent or co-ownership; but investing in the project that the hon. Gentleman was thinking of investing in, simply did not enjoy the confidence of us when we were on the opposite benches, and it would not enjoy our support today as a Government, in particular given that we know that there are two projects in the pipeline at different levels in that pipeline, that are likely to come to fruition and are likely to provide the sort of accommodation that the hon. Gentleman thinks is appropriate, and I agree.

1825 **Hon. P R Caruana:** Mr Speaker, would the hon. Member not acknowledge that the reason why the previous Government did not proceed with that investment...? The previous Government's position was always that, as a last resort, it would invest public funds to ensure that the economy of Gibraltar did not suffer. For two years, we were unable to find a single developer willing to commit to start an investment, in the knowledge that even when they had started, it would take them three years to bring it online.

1830 That position was publicly abandoned by the Government – does he acknowledge, precisely when the proposed development that he has just referring to came on line? And he may recall, he was present at Gibraltar Day in London last year, when I said that the Government was in negotiations which would result in it not having to proceed as a developer itself. That is a project facilitated by an agreement, which the Government has also been highly critical of in the last few weeks – one of the two projects in question is that.

1835 I do not know if that is the project he had in mind or the other one, more in Queensway. *Both* projects are good projects. *Both* deserve to be supported and encouraged, and I agree entirely with the hon. Member if both... perhaps if one of those – just one of those – proceeded, then it would *not* be necessary for the Government to invest public funds.

1840 **A Member:** Is there a question there?

Mr Speaker: Will he acknowledge?

1845 **Hon. P R Caruana:** Yes.

Hon. Chief Minister: Well, Mr Speaker, I am not able to say when the hon. Gentleman decided not to invest and what was happening at the time, behind the impenetrable curtain. But what I will say is that we are discussing what is happening today, and look, in these circumstances, we do not believe we are in the last resort.

1850 We do not necessarily accept what the hon. Gentleman has said about the one issue that has been the subject of a public dispute between us outside of this House, in respect of one particular office development, but I will only say this, Mr Speaker: I was in Gibraltar Day in London last year, and I have extended an invitation already publicly for the Leader of the Opposition, whoever he or she may be, to be there this year, too – something that was not a courtesy extended to me or to my predecessor.

1855 **Clerk:** Question –

Hon. P R Caruana: [*Inaudible*] refer to the United Nations? No?

1860 **Hon. Chief Minister:** No.

1865

**New air terminal
Cleaning costs**

Clerk: Question 225, the Hon. P R Caruana.

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Hon. P R Caruana: Mr Speaker, can the Chief Minister say, what was the cleaning cost of the new air terminal in respect of (1) cleaning carried out before it opened for arriving passengers and (2) the weekly cleaning costs in respect of the period from the date of its opening for arriving passengers to the current date and, in the case of the latter, give a break down by week?

1875

In other words, the weekly cost after opening, and the cost before opening.

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, if it is of assistance to the hon. Gentleman, I am going to read what is here, but then I am happy to give him a copy of what I am going to read.

Mr Speaker, the information available to the Government is as follows and it straddles the two administrations:

1880

The cleaning carried out before the new air terminal opened for arriving passengers, assuming the hon. Member means from the date the terminal was handed over to the Government, was handled by Dragados as part of their contract. The cost to the Government of the cleaning on the days the airport was open for pre-election tours was handled by GJBS Ltd at a total cost of £35,889.

1885

The invoiced weekly cleaning costs in respect of the period from the date of the opening of the airport for arriving passengers to date are as follows:

For the first week, from 26th to 27th November – that is just one day, because of the way the weeks have been worked out – £280.80.

For the second week, from 28th November to 4th December 2011, £904.80.

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Week 3, from 5th to 11th December, £904.80.

For the fourth week, from 12th to 18th December 2011, £904.80.

For the fifth week, 19th to 25th December, £748.80.

For the sixth week, 26th to 31st December, £904.80.

I think there is one day missing in the other week because, on Christmas Day, the terminal is closed in Gibraltar.

1895

We have not been invoiced for daytime cleaning for January and February to date. The weekly cost has increased to £1,453.60 per week, as the cleaning hours have increased due to the cancellation of the night-time cleaning contract service provided by GJBS and that was cancelled on 9th January 2012.

1900

A night-time cleaning service was contracted by the previous Government through GJBS Ltd during the public viewing days. The rates were based on a short-term contract basis and included what I am told was a mark-up by GJBS Ltd. An invoice for the initial period of arrivals of operations from 25th November to 10th December was expected for £88,281.90. That is an astonishing figure for two weeks of night-time cleaning contracted by the previous administration.

1905

This figure was challenged by the new Government. As a result of this, GJBS Ltd have reviewed the matter, and the invoice for the longer period of 24th November 2011 to 8th January – so in other words, not from 25th November to 10th December, but from 24th November to 8th January – is now £122,840.13.

The night-time cleaning service was cancelled on 9th January 2012, as I have just told the House.

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker,

The information available to the Government is as follows:

1. The cleaning carried out before the new air terminal opened for arriving passengers, assuming the Hon member means from the date the terminal was handed over to the Government, was handled by Dragados as part of their contract. The cost to the Government of the cleaning on the days the airport was open for pre-election "tours" was handled by GJBS Limited at a total cost of £35,889.00
2. The invoiced weekly cleaning costs in respect of the period from the date of the opening of the airport for arriving passengers to date is as follows:-

		<u>Daytime</u>
Week 1	25 th to 27 th November 2011	£280.80
Week 2	28 th November to 4 th December 2011	£904.80
Week 3	5 th to 11 th December 2011	£904.80
Week 4	12 th to 18 th December 2011	£904.80
Week 5	19 th to 25 th December 2011	£748.80
Week 6	26 th to 31 st December 2011	£904.80

We have not been invoiced for daytime cleaning for January and February to date. The weekly cost has increased to £1,453.60 per week as the cleaning hours have increased due to the cancellation of the night time cleaning service, provided by GJBS Limited, on 9th January 2012.

3. A night time cleaning service was contracted by the previous Government through GJBS Ltd during the public viewing days. The rates were based on a short term contract basis and included a mark up by GJBS Ltd. An invoice for the initial period of arrivals operations (25th November to 10th December) was expected for £88,281.90. That is an astonishing figure for two weeks of night time cleaning contracted by the previous administration. This figure was challenged by the new Government. As a result of this, GJBS Ltd have reviewed the matter and the invoice for the period 24th November 2011 to 8th January 2012 is now £122,840.13. The night time cleaning was cancelled on 9th January 2012 as I have just told the House.

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Hon. P R Caruana: Yes, Mr Speaker, it is precisely that presentation – that misrepresentation – of statistics that appeared –

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Hon. Chief Minister: Point of order, Mr Speaker!

I think we have had an afternoon where we have been able to put points to each other which are political points in a political way; but to say that I have misrepresented anything, when I am providing the hon. Gentleman with figures that I have been provided by those that operate the terminal for the Government, I think starts to stray into the area where we are going to have arguments which we do not need to have.

1920

Mr Speaker: Does the Leader of the Opposition wish to reconsider – ?

Hon. P R Caruana: No, I wish to be allowed to finish my answer. Then he will understand...

1925

Hon. P R Caruana: No, I wish to be allowed to finish my answer and then he will understand that it is not quite –

A Member: It is a question, not an answer.

1930

Hon. P R Caruana: The question. I beg your pardon.

It is precisely that distorted representation, then, if he does not like the word 'misrepresentation', it is precisely that distorted representation of the comparability of figures which he has just read out which were

contained also in the Government's Press Release that has motivated me to ask this question.

1935 Does the hon. Member not understand that to compare the cost of cleaning, post opening, once the cleaning from a building site to a clean terminal had been carried out, and then comparing it to the weekly cost after that – which was just cleaning the daily soil, the daily dirt and rubbish – is not a fair comparison? That before it opened to tender, there was not the three, four, five or six – I do not know what the contingent is that are bought in now to do the regular cleaning – there was an army of cleaners required to clean a terminal which had been a building site and convert it into the condition in which it could open for business and that, beyond that, the cleaning contract was to maintain it clean, and not to clean it. Does he, therefore, 1940 acknowledge that to compare what is, in effect, a lump sum deployed over a number of days is not comparing apples to apples, when the other apple is the daily cost of maintaining it clean?

1945 **Hon. Chief Minister:** Mr Speaker, I know that the hon. Gentleman has got the problem that the airport contract has gone pear shaped for him, but we *are* comparing apples with apples.

I said specifically that the cost of cleaning the terminal, or that part of the terminal that was handed over to the Government, given the previous administration's angst to receive something to operate down there before the Election and to operate tours which operated as almost a *live manifesto*, that cost, Mr Speaker, of going from building site to keys handed over, was handled by Dragados as part of their contract. I have not given a figure for that, Mr Speaker.

1950 Then, the Government – and, of course, Mr Speaker, I assume that when a contractor hands over a site, he does not hand it over as if it were something to hand over where you could eat your lunch off the floor... then the Government spent an amount of money in getting it into the condition that the then Government wanted it to be for these pre-Election tours. That cost (*Interjection by Hon. P R Caruana*) £35,889... That cost £35,889!

1955 So, the contractor cleans it – we do not know for how much – and hands it over. It is perfectly normal, Mr Speaker, that when you get a building back from a contractor you might think it is not as clean as I want it to be before I can start operating it or *showing it off* as my flagship project – and that cost £35,000!

Mr Speaker, that is a lot of money to spend on cleaning, but it is a quarter, or just over a quarter of the £122,000! Let me just get that right: £122,000 that it cost to clean the terminal from 25th November – open for arrivals from that day, Mr Speaker – to 9th January because, of course, Mr Speaker, if it is in the politician's mind that he is *definitely going to open at least a part of this airport before the Election*, not just for tours, not just for 'manifesto live', but for operations, for arrivals... well, Mr Speaker, look, I perfectly understand that you are operating in a building site and that it costs a lot of money to clean a building site every day. And it has cost a hell of a lot of money, Mr Speaker – £122,000 – until a more sensible Government grabbed the bull by the horns, found a different way of ensuring that the terminal was cleaned. It now costs, instead of £122,000 for the seven-week period between 25th November and 9th January... it now costs £1,453 a week.

1960 Mr Speaker, the hon. Gentleman can say, Fabian – or here, I suppose, he should call me 'hon. Member' – you need to multiply what it costs per week now, by the number of weeks for which it has cost £122,000, to compare like with like. Well, you know what, Mr Speaker, I might be prepared to agree with that. He can do it himself, Mr Speaker. He can multiply £1,453 by seven and he can compare that to the £122,000.

1965 It is likely, Mr Speaker, that he is going to find that he has spent – or he gave orders for spending – £112,000 more than had to be spent to keep that terminal clean and open for arrivals, Mr Speaker. (*Interjections*)

1975 **Mr Speaker:** Order! Order!

Hon. Chief Minister: That is, in my view, Mr Speaker, the most obvious case of financial neglect that we have found since we were elected into Government in respect of this terminal to date.

1980 But, Mr Speaker, I am also happy to tell him... and he will be very happy to learn that I took another executive decision in respect of this terminal, and that was to switch the lights off at night, because he wanted them switched on for it to look tremendously beautiful. I said, 'Look, the environmental issues matter more to us. You can switch the lights off when there ain't anybody there.'

1985 **A Member:** Hear, hear. (*Applause*)

Hon. P R Caruana: Mr Speaker, I do not know whether he is saying that the GJBS, which is a

Government-owned company, went out to pay £122,000 for what should have cost them £35,000. I do not know whether that is what he is saying.

1990 Or I do not know whether he is saying that I said to GJBS, 'No, even though it can be done for £35,000, go out and find somebody that will charge you £122,000.' I do not know what nature of allegation he is making against the management of a Government-owned company that was simply instructed to clean the terminal. But, certainly, some sort of allegation he is making because he cannot possibly believe that I personally – or any Minister – engaged themselves in the sub subcontract, given that JBS was a subcontractor of the contractors (*Interjection*) and the cleaner was a subcontractor of the subcontract...

1995 I do not know if he is suggesting whether Government Ministers engaged and found and negotiated with the cleaner. So, given that he cannot possibly believe that, he is either making the most serious of allegations against the management of JBS or he is continuing – and I would prefer to think it was the latter – to fail to understand the point that I am making, and that is that the process of cleaning a building the size of this air terminal from the moment that the Government were allowed access to it in order to prepare for the 'live manifesto', and in order to prepare to have as many voters as possible see it before polling day, that that, as a one-off cost which would have had to be done at some stage and was advanced, according to him, for electoral purposes, that that is a one-off cost which cannot fairly be considered, which cannot fairly be compared with the cost during any period starting *after* that effort had been made, and that effort was not a one day effort or a one week effort... It took quite a long time to get the building into that clean enough condition. It was not done by 100 women in one night.

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2005

Hon. Chief Minister: It is not just women who clean –

2010 **Hon. P R Caruana:** No, mostly... No, I think when I used to go down there were only women there. (*Interjections*)

Hon. Chief Minister: Well, Mr Speaker, clearly the hon. Gentleman and I have different views of the world. You see, I just do not think it is women who clean.

2015 **Hon. P R Caruana:** No, I haven't said –

Mr Speaker: Order. (*Interjections*) Order.

2020 **Hon. Chief Minister:** Mr Speaker, you see, the hon. Gentleman is doing what he best does politically, which is to try and pretend that he can talk about something other than the very serious inheritance that he left this Government.

2025 You see, Mr Speaker, I have not made any allegation against my great friends at GJBS who do such fantastic work for the Government and for the community. I have made, in fairly transparent form, Mr Speaker, an allegation of negligence and financial mismanagement against *him* (*Interjections*) although, of course, Mr Speaker, he would rather now say that the airport terminal had nothing to do with him; that he wasn't the Clerk of Works, that he wasn't on top of everything that was happening there, that he wasn't the person who came down there and threw his hard hat on the floor when it did not look like he thought it should look in time for the Election, Mr Speaker! (*Interjection*)

2030 He *was* the Clerk of Works. He knew *everything* that was happening. I sent him back his *boots*, Mr Speaker – because he left them at 6 Convent Place – that he used to use when he walked on site on all of these projects. (*Laughter*)

2035 Mr Speaker, it is impossible for him to wriggle out of this. The sum of £122,000 is not the sum that it cost to get the terminal into the state in which it could start to operate for arrivals. Let me make it clear. I know he is clever enough to understand it, but he is trying to obfuscate so that people do not understand what he did.

The sum to get the terminal up to scratch for arrivals is (a) an indeterminate amount paid by Dragados in handing over the site and cleaning it, such as they might understand cleaning to be; and (b), £35,889; and then it opens for pre-Election tours.

2040 Mr Speaker, from that moment on, from the moment that the terminal is open for arrivals, the cleaning, the continued cleaning – so therefore it must have clean enough to open for arrivals, otherwise the hon. Gentleman opened up a place that was not clean enough for arrivals in his haste to open something up in time for the Election...

From the date that the terminal opened for arrivals and was operating until we grabbed the reins and stopped it, for the seven-week period between 25th November to 9th January, the cost of cleaning overnight – in other words, the same areas cleaned each night – was £122,000 – £122,000! Mr Speaker, they can divide by seven and they can get the weekly amount. That is what it cost, and it would have continued to cost that per week if we had not stopped it.

It now costs £1,453 per week, and the terminal is clean and open for arrivals, although, Mr Speaker, we have made no bones of the fact that we considered closing the terminal for arrivals because it is only in the mind of the hon. Gentleman in his pre-Election frenzy than it can have appeared reasonable to have two airports operating within 50 yards of each other – one for arrivals and one for departures – just because he needed them to be open in time for the Election!

But, in terms of a financial cost, it is absolutely clear: what was done for £122,000 in seven weeks, we are now doing for £1,453. Therefore, Mr Speaker, if we had done it from 25th November to 9th January, it would have cost £10,000. The shortfall to the taxpayer, Mr Speaker, is £110,000 because the hon. Gentleman wanted to open a terminal for arrivals in time for the Election.

Mr Speaker, there are so many things that we could have done with that money that would have been better for the community. Forget our arguments about the cost of the terminal – just that cleaning cost. *(Applause)*

Hon. P R Caruana: Mr Speaker, then, having heard the hon. Member again, does he agree with me that he obliges me to change my mind: that, of the two options that I gave him before, making serious allegations against the management of JBS or not comparing apples with apples, when I told him that I would prefer to think that it was the second, I have got to change my mind, having heard him now. It has got to be first. He must be making serious allegations against the persons that he says are his ‘great friends’ because, Mr Speaker –

Hon. Chief Minister: Mr Speaker, on a point of order –

Hon. P R Caruana: No, no.

Hon. Chief Minister: It is not up to you to decide.

Mr Speaker: I have to listen to the point of order.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman has put that point before and I have made very clear that I am not making allegations against anyone at JBS. I have said the opposite. I specifically spelt it out.

He is not allowed, Mr Speaker, to put words into my mouth, in particular in respect of something as serious as saying that I am making an allegation against someone when I specifically told the House that I am not. If he wants to tell the House that I am lying, he can put a motion. I can tell him now what the result would be.

Hon. P R Caruana: I am telling the House that there are two possible explanations for what he is saying in it: (1) that he is making serious allegations against those who administer and issue the contract; or he is not comparing apples with apples, because he must know that I personally... I know that he is desperate to make this stick to me personally, but he must know that I personally neither negotiate nor award... *(Interjections)* nor find cleaners, and that what Ministers do is say to the Government’s company, ‘Get the air terminal clean,’ and if the person to whom the Government says ‘Get the air terminal clean’ chooses to do something as outrageous as he appears to think what they did is, then either they are incompetent – serious allegation – or, worse, even more serious allegation. It is not me or any other Minister that knew of, or agreed to, or brought about, or procured a situation, where something that he thinks should cost one-seventh of what it actually cost, actually cost seven times more than that, and because however many times he may, for political effect, repeat the allegation as if it was being an allegation made against me, he must know that I am responsible in the sense that I was responsible for everything that happened in the Government or under the Government, but that I am not *directly* the cause of that situation being the case, however politically responsible I may be for it as the head of the whole Government organisation, and as he continues to insist

that this is some outrageous act, it can only be an outrageous act by those who perpetrated it, not by those who simply asked for the terminal to be clean and then find that it costs what the hon. Member thinks is outrageous.

2100 I have to say one more thing to the hon. Member.

Hon. Chief Minister: You have to answer the point of order.

2105 **Hon. P R Caruana:** I have to ask, yes, whether he will agree with me.

Mr Speaker: What?

Hon. Chief Minister: Exactly.

2110 **Hon. P R Caruana:** I will convert it into a question, don't worry.

Hon. Chief Minister: Mr Speaker, I thought the hon. Gentleman was going to reply to my point of order.

2115 **Hon. P R Caruana:** Will the hon. Gentleman not agree –

Mr Speaker: Order! Order!

Hon. P R Caruana: Look, Mr Speaker, I have sat here –

2120 **Mr Speaker:** No, no –

Hon. P R Caruana: As a point of order, I have sat here quietly listening to all the diatribe and allegations and bitterness that he has just uttered. I have not jumped up like a nervous jack-in-the-box trying to prevent him from uttering what he has done. He should do the same –

2125 **Hon. G H Licudi:** No.

Hon. P R Caruana: – and be man enough –

2130 **A Member:** You just ask the questions. We will say whatever we want.

Hon. P R Caruana: Well, I am asking a question, but he will not let me finish it, Mr Speaker. It takes so long because he tries to stop me asking it, *(Interjection and laughter)* because he does not want me to populate the question.

2135 **Mr Speaker:** Well –

Hon. P R Caruana: Mr Speaker –

2140 **Mr Speaker:** Before the Hon. the Leader of the Opposition carries on –

Hon. P R Caruana: Yes.

2145 **Mr Speaker:** – a point of order has been raised –

Hon. P R Caruana: Yes.

Mr Speaker: – and I have to rule on that.

2150 I was waiting to hear the question. *(Interjection by Hon. P R Caruana)* Well, exactly. There has been a very long preamble but I am promised... *(Interjection by Hon. P R Caruana)* Since I am promised that a question is on its way, and right now... The question, I hope, will be phrased correctly, which will help me to

overturn the point of order.

When I hear the question I will be in a better position to rule on the point of order.

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Hon. P R Caruana: I see, yes.

Well, Mr Speaker, the question is this... I will go straight to it without any preamble whatsoever.

Mr Speaker: Well, you have had the preamble already. (*Laughter*)

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Hon. P R Caruana: Does the hon. Member not agree that, thanks to the personal and careful interest taken by Ministers in the GSD Government in the execution of Government projects, *nobody* has had to suffer the consequences of the gross negligence that resulted from the careless execution by the previous GSLP Government of almost all of *their* projects?

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Hon. C A Bruzon: That is irrelevant.

Mr Speaker: Before the Chief Minister answers the question (*Interjection by Hon. P R Caruana*)

Yes, but dealing now with the point of order which the Hon. Chief Minister raised, is it now clear from the questioner that he is not attributing to the Chief Minister any blame on the –

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Hon. Chief Minister: Making an allegation.

Mr Speaker: – or any allegation on the members of GJBS, as that is the issue which the Hon. Leader of the Opposition started his question with and that is what caused the Chief Minister to rise.

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Hon. P R Caruana: Mr Speaker, I have said, and I have repeated after he has made the point of order, that the things that he is accusing me of can only mean one of two things, and it is his choice, and I refuse to withdraw one of the two choices. *Facts* are only capable of two explanations and I am entitled to identify what those two explanations are, Mr Speaker.

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He cannot say to me that I have perpetrated the most serious example of public financial dereliction that he has found, and expect me to accept that as if I was personally the perpetrator of the facts that he believes resulted in that dereliction, and when I say to him that it cannot possibly mean that unless you are saying this, he says ‘No, if you are saying that, you are making a serious allegation.’

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Mr Speaker, debate in Parliament is not possible. I am saying to him that, as he *knows* that I am not the person that agrees the price of the cleaning contract, he must either be making all the suggestions that he is making against me about the person who *does* allocate the cleaning contracts, or he agrees with me that he is not comparing like with like.

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Mr Speaker: The question has moved on since then.

Hon. Chief Minister: Mr Speaker, I think that we have to deal with the hon. Gentleman as the punch-drunk clown he is, (*Laughter*) drunk on sour grapes that have made the wine –

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Hon. P R Caruana: That is unparliamentary language.

Hon. Chief Minister: As unparliamentary as calling somebody a ‘nervous jack-in-the-box’.

Mr Speaker: Order! (*Interjection by Hon. P R Caruana*)

I am well aware of the –

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Hon. Chief Minister: Well, that is your view.

Mr Speaker: I am well aware of the Hon. Chief Minister’s desire to generally lower the tempo in this House and I am sure he will agree with me (*Interjection by the Chief Minister*) that the language ‘punch-drunk clown’ does not really help.

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Hon. P R Caruana: No, Mr Speaker, it is not... On a point of order –

2210 **Hon. Chief Minister:** Mr Speaker, in that case –

Hon. P R Caruana: It is not a question of it not ‘helping’. It is a question of it being unparliamentary language. Unparliamentary language is not either just the use of the word ‘lie’ or any word which offends him which is used from the Opposition benches, which appears to be the emerging rule.

2215 The people of Gibraltar have elected me to the office of Chief Minister four times in a row, which is greater than the number of months that he has been in office for the first time. Unless he is insulting the people of Gibraltar by thinking that they are capable of repeatedly electing a clown into the highest office of the land, he is lying and misleading this House. (*Interjection by Hon. Chief Minister*)

2220 **Mr Speaker:** Order!

Hon. Chief Minister: Mr Speaker, this is what he wants Parliament to become. It is clear to me, Mr Speaker, that the hon. Gentleman defines himself by his combative style and by his enemies. He can call me a nervous jack-in-the-box –

2225 **Hon. P R Caruana:** *Like* a nervous jack-in-the-box.

Hon. Chief Minister: – but I cannot call him a punch-drunk clown, in his estimation. Let’s move on from all of those things, Mr Speaker, and if ‘like’ is all it takes, then I am quite happy to say that he is just *like* a punch-drunk clown, but not really one. (*Laughter*)

2230 Mr Speaker, this is an important debate and we should be having it, if he wanted to have a debate, on the basis of a motion, but he is asking a question. Questions are about elucidating information. He does not like the information that he is getting. I am not making *any* allegation whatsoever against my friends in GJBS, Mr Speaker, but he wants it to be that I am doing so, so that *he* can wriggle off the hook that he made for himself.

2235 Does he think, Mr Speaker, that anyone in Gibraltar believes that he would not be responsible for determining exactly what was happening in that terminal? Does he think, Mr Speaker, that Gibraltar is a big enough place that nobody knew that he was going down there almost every day to make sure that it was perfect for his manifesto? Does he really think, Mr Speaker –

2240 **Hon. P R Caruana:** On a point of order, Mr Speaker, this is complete... On a point of order, he is accusing me of lying. I have told this House repeatedly (*Interjection by the Chief Minister*) that I am *not* aware of the contract.

2245 Is he saying, by suggesting to you that I used to go down to review the progress of works, that therefore I must be telling an untruth in this House when I say that I had no idea what the cleaning arrangements were or how much they cost? That is all he is doing on his feet right now: he is trying to suggest that it is not credible that I did not know what the cleaning costs or arrangements were and, since I have said, *twice*, that I can recall that that is the case, then he is simply accusing me of lying, Mr Speaker.

2250 I am very happy for Standing Orders to be binned. I have quite a thick skin and very broad shoulders and I do not mind what language is used in this House. The point that I am making is that he is the first one to leap up and complain whenever anybody uses a word against *him*. Either we are both allowed to use words or *neither* of us should use words. All I am complaining about is the situation in which only we are not allowed to use words by *they* are.

2255 **Mr Speaker:** Well, I do not believe there exists a situation where only one side is not allowed to use unparliamentary language. That applies to both sides.

If the hon. Member is referring to the remark of ‘punch-drunk clown’, I have ruled it is not a helpful remark in the context of the spirit in which we intend to conduct these proceedings.

Hon. P R Caruana: Well, is it parliamentary or unparliamentary?

2260 **Mr Speaker:** It is no less and no more parliamentary than accusing somebody else of being like a jack-in-the-box. (*Interjection by Hon. P R Caruana*). I think we ought to play the game by the same rules. If one

Member sees fit to accuse another of being like a jack-in-the-box, then being a punch-drunk clown is not far removed from a jack-in-the-box.

2265 Again, I do not condone and I do not wish to encourage the use of any language of that nature. Leaving aside the description ‘unparliamentary’, I know of no argument that is enhanced by hurling insults across the floor. I think if we can all work to that rule that... Let’s avoid language which is likely to inflame the situation, and I think we would all achieve a lot more.

2270 Talking about the way this debate has arisen, there was a question from the Hon. the Leader of the Opposition asking for cleaning costs. I have read the answer and I have heard the answer. The answer has been provided in a factual manner. Then, the Leader of the Opposition has referred to that answer as a misrepresentation in the first instance, and when that was challenged he used the word ‘distorts’ the representation of the facts.

2275 What the Hon. the Leader of the Opposition has done is he has treated this question as a line of supplementary into a trial, if I may call it that, of his conduct of the cleaning costs. With respect, having done so, he can hardly complain if then the Chief Minister seeks to justify his answer.

Hon. P R Caruana: I am not complaining.

2280 **Mr Speaker:** Well, that is the way I understood it, with respect.

Hon. P R Caruana: He is the only one who is complaining.

2285 **Mr Speaker:** Well, no. The way I understood the line of debate – and I hope I have understood it correctly – is, it is the Hon. the Leader of the Opposition who then says it must mean either this or that. But then, if the Leader of the Opposition invites a conclusion, with respect, he must be willing to listen to the conclusion.

The Hon. the Chief Minister.

2290 **Hon. P R Caruana:** As must he. He is the one who is *[inaudible]*.

2295 **Hon. Chief Minister:** Mr Speaker, there are also two potential conclusions from *his* position. Let me just put it this way, because the hon. Gentleman has wanted to open up the debate: I do not believe that there is any bitterness on this side of the House, because, look, we won the Election! There is actually a lot of happiness on this side of the House because we are now able to implement the manifesto that we think is best for Gibraltar.

That manifesto, Mr Speaker, I believe, is never going to result in £17,500 per week being spent on something that is still a building site, in order for us to be able to operate something there for the benefit of our electoral success, as the hon. Gentleman tried to do down at the airport.

2300 Let’s be very clear. It is not just that I am saying £122,000 in seven weeks – £17,500 a week – was spent, and he says... because he recognises, Mr Speaker... The hon. Gentleman recognises that this is a massive political hook onto which he has hooked himself by asking this question. It is a massive political negligence that he allowed – if he was not responsible for the cleaning contract – to happen under his watch. But there is an even *bigger* sign that he *was* responsible for massive overspends that have cost the community. I think he used to laugh, during the Election campaign, when I turned up at debates with my battered copy of the *Chronicle* when he first announced the terminal at £24 million, only to confirm, just before the Election, that it came in at €80 million – €80 million, not £24 million, Mr Speaker. The change, the order of magnitude of the increased costs is such, Mr Speaker, that anybody listening might be prepared to accept that the person who allowed a contract to build the terminal to slip from £24 million to €80 million is exactly the sort of Chief Minister that might have allowed cleaning for £17,500 a week, £122,000 in seven weeks, in order to be able to operate his building site terminal in time for the Election and show it off.

2310 But, Mr Speaker, the hon. Gentleman then says that he wants to talk about the problems that people have experienced in developments under the previous GSLP administration, compared to the absence of any problems whatsoever in his developments. You know, I thought he was actually connected to what was happening, but it became such an ivory tower, clearly, in Convent Place, that he did not hear, from what he tells us, the many complaints of the good people at Cumberland Terraces, that are coming to us even now to ask us to fix their homes; the complaints of the good people at Waterport Terraces who have problems in their

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homes; the complaints of the people in the Flat Bastion development that they did; the complaints of the elderly people in Bishop Canilla House.

2320 Look, Mr Speaker, I take it from him, although he has not said it, but it is implicit in what every Government does, that when a Government builds, it wants to build to the best quality and if there are problems, it is not because any Chief Minister or any Minister has wanted there to be water ingress, or has wanted there to be a problem, but he believes, Mr Speaker, that he is entitled to say of others, that they were negligent, but when someone raises the fact that even in the projects that he was in Government for the development of, there are problems, he does not like to hear it. Well, Mr Speaker, you know what? I think you are absolutely right. There is no point calling each other nervous jack-in-the-boxes or anything else, we are here to debate, in order to give people the information that they are entitled to have from their Government and which they are paid to elicit in questions and when it is appropriate to provide it, we provide it.

2325 We are not here to call each other names, but that is the politics of the Gentleman opposite, and I am grateful for your rulings and I hope that we will therefore – both of us – be able to stick to the business at hand.

2330 **Mr Speaker:** The Hon. Daniel Feetham.

2335 **Hon. D A Feetham:** Yes, can the hon. the Chief Minister confirm that it has taken him seven weeks, or is it longer, for him to find out that there was this ‘outrageous’ cleaning contract, that had been entered into by GJBS?

2340 **Hon. Chief Minister:** Mr Speaker, I think the hon. Gentleman obviously was not listening to the debate and he decided that he wanted to intervene, because he needs to be relevant on the opposite side. If he looks back at my answer, he will see when we identified this contract and the fact that it changed, as from 9th January 2012, means that we would have identified the problem sooner. The 9th January to 9th December is four weeks, not seven and as he can understand, it is not always immediately possible to get all the information that one needs.

2345 He may be very interested to know that when one arrives at Convent Place, having been newly elected as the Chief Minister, an experience that he has not enjoyed, but at least not yet, I know he is very keen to have a go. One does not have a list of all the contracts and what they cost, so that one can quickly identify which to stop.

2350 **Hon. D A Feetham:** Tut, tut. The Hon. the Chief Minister is unduly spiky. I asked him a very simple question and he has gone on, on this tirade of those subtle insults, for which he is an expert.

2355 Let me just put this to him. If it has taken the Government four weeks to identify this outrageous contract, cleaning contract, that GJBS has entered into, does he not think that it is not unreasonable for a Government, bearing in mind that the airport terminal opened on 25th or 26th November, the General Election was on the 8th, so we are talking about two weeks, that in fact my hon. Friend, the Leader of the Opposition, may well be right, that he did not know and he did not identify that there was an outrageous cleaning contract entered into by JBS during that two-week period of time, in the same way as it has taken the hon. Gentleman four weeks in which to identify that it existed.

2360 **Hon. Chief Minister:** Mr Speaker, I do not consider that ambition is an insult, so if I am accusing the hon. Gentleman of being ambitious in leading our community, I do not consider that I am insulting him, but you take it as you wish.

2365 In order not to appear too spiky, in order not to offend in any way, I will just answer his question in a very simple way: no, Mr Speaker, I do not agree that the person who was there and who ordered the opening of the terminal could not have known what this was going to cost. *(Laughter)(Interjection Hon. P R Caruana)*

2370 **Hon. Chief Minister:** Point of order, Mr Speaker. The hon. Gentleman is saying from a sedentary position that it is implicit in what I am saying that he is lying. As the hon. Gentleman knows *(Interjections)* parliamentary language requires never to say that one or the other is lying and to put a motion. It is very often implicit in the things that we say that we do not believe each other and he has spent the eight years that I was sitting over there more or less telling me that and sometimes going over the edge and saying I was lying and then withdrawing it, or never bringing the motion that he promised to bring.

Mr Speaker, I do not mind saying that I do not believe him. I do not believe that puts me in a position where I am making unparliamentary remarks.

2375 **Mr Speaker:** I was not going to rule on it, because I am not entitled to take into account remarks made from a sedentary position, sir.
Next question.

2380 **Clerk:** Question 226 –

Hon. P R Caruana: The hon. Member ought to know for the record that I did not know.
Nor am I accepting his interpretation of the facts and figures.

2385

**Gibraltar postage stamps
Prior approval of HM the Queen's effigy**

2390 **Clerk:** Question 226, the Hon. P R Caruana.

Hon. P R Caruana: Can the Chief Minister confirm that the design of Gibraltar postage stamps bearing the effigy of Her Majesty the Queen requires the prior approval of Her Majesty obtained via the Convent and the Foreign and Commonwealth Office?

2395 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, yes, that is correct.

2400 **Hon. P R Caruana:** Mr Speaker, and is the hon. Member aware that, in respect of a postage stamp issue, a proposed postage stamp issue, that has obtained a degree of coverage and notoriety in the press, relating to the appearance on a joint stamp issue with the State of Israel, including a representation of the Tower of David in Jerusalem that the Foreign and Commonwealth Office indicated that the Palace's consent to that design would not be forthcoming?

2405 **Hon. Chief Minister:** Mr Speaker, yes, and I will go further.

I have seen a letter from the Foreign and Commonwealth Office, from their offices across the road from where he used to sit and where I sit now, expressing that in terms which I think merited the reply that he caused to be sent.

2410 **Hon. P R Caruana:** Therefore, implicit in that very helpful answer, for which I am grateful to him, is that anybody who made any correspondence to the *Gibraltar Chronicle* that may, in ignorance of the facts, mischievously wish to create the impression that the refusal to proceed with the aforesaid issue with the aforesaid depiction of the Tower of David was somehow the policy decision of the Government of Gibraltar, would be mistaken?

2415 **Hon. Chief Minister:** This is not an issue on which there needs to be a party political difference, I agree.

Hon. P R Caruana: I am obliged to the hon. Member.

2420

**Civil servants and staff of Government undertakings
Transfer details since 9th December 2011**

2425 **Clerk:** Question 227, the Hon. P R Caruana.

2430 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister provide a list of (1) civil servants (2) GDC employees (3) Statutory Agency and Authority employees and Government company employees that have, since 9th December 2011, been transferred from the post that they occupied on 8th December 2011, giving a breakdown by entity, employee, post occupied on 8th December and post transferred to?

Clerk: Answer, the Hon. the Chief Minister.

2435 **Hon. Chief Minister:** Mr Speaker, I now hand the hon. Gentleman a schedule with a list of civil servants and GDC employees that have been transferred. (*See following page*)

I think the hon. Gentleman will find that most of the moves are actually because whole Departments have changed nomenclature and perhaps changed office.

2440 **Hon. P R Caruana:** Mr Speaker, I am not going to detain the House by trying to analyse this list now and asking supplementaries based on it, but can he just assist me by telling me whether all the information sought in the question is provided? In other words, civil servants, GDC employees, Statutory Agency and Authority employees and Government company employees?

I do not see, at first blush, the nomenclature on the columns appear to relate to civil servants.

2445 **Hon. Chief Minister:** Mr Speaker, I think there is something else I should have said, which is that it has been confirmed by the relevant Statutory Agencies and Authorities and Government companies that no transfers of employees have been effected since 9th December 2011, although there was a discussion about a post having been abolished, I think, yesterday.

2450 **Hon. P R Caruana:** Mr Speaker, in relation to GDC employees, is the hon. Member confident that the answer he has given me is correct? There are no GDC employees – I do not think this is controversial information, but there are no GDC employees, for example, that have transferred from ministerial offices, which is perfectly legitimate but...

2455 **Hon. Chief Minister:** Mr Speaker, that is the information I have been provided and I assume it is correct. I do not have control over this information.

GIBRALTAR PARLIAMENT, THURSDAY, 16th FEBRUARY 2012

Answer to Question No.227 of 2012

NAME	GRADE	FROM	TO
Ms Myra Zayas	EO (Supernumerary)	Dept of Public Transport & Commercial Affairs	Gibraltar Law Courts
Mr Anthony Pitaluga	AO	Post Office	Culture
Mr Darrien Ramos	SEO (ex GDC)	No.6 Convent Place	Ministry of Education, Financial Services, Gaming, Telecommunications & Justice
Mr Cain Sanchez	HEO	Ex Ministry for Justice	No.6 Convent Place
Mrs Coral Schembri	Personal Secretary	Ex Ministry for Justice	No.6 Convent Place
Mr Charlie Curtis	EO	Treasury	Youth
Mrs Mandy Brosco	AO	Gibraltar Law Courts	Human Resources Department
Mrs Tanya Hendy	AO	Post Office	Gibraltar Law Courts
Mr Christian Zammit	AO	Income Tax	Post Office
Ms Nadia Casciaro	AO	GHA	Human Resources Department
Mr David Benyunes	AO	Maritime Administration	GHA
Mrs Kim Bain	AO	Culture	Maritime Administration
Ms Lynette Olivero	AO	Income Tax	Culture
Mr Charles Avellano	AO	Treasury	Income Tax (Initially seconded to GGCA w.e.f. 5/1/2012)
Mrs Susan Sanchez	HEO	GHA	Maritime Administration
Mrs Jyoti Neish	HEO	Human Resources	GHA

Contd... Answer to Question No.227 of 2012

NAME	GRADE	FROM	TO
Mr John Reyes	SO	No.6 Convent Place	Human Resources Department
Mr Julian Baldachino	SEO	Ex - Ministry of Enterprise, Development, Technology & Transport	Ministry of Education, Financial Services, Gaming, Telecommunications & Justice
Mr Peter Rodney	Legal Advisor	Ex - Ministry of Enterprise, Development, Technology & Transport	Ministry of Education, Financial Services, Gaming, Telecommunications & Justice
Mr Flavio Madeira	SEO	Ex - Ministry of Enterprise, Development, Technology & Transport	Ministry of Education, Financial Services, Gaming, Telecommunications & Justice
Mr Karl Rose	EO	Ex - Ministry of Enterprise, Development, Technology & Transport	Ministry of Education, Financial Services, Gaming, Telecommunications & Justice
Mrs Lourdes Borg	Personal Secretary	Ex - Ministry of Enterprise, Development, Technology & Transport	Ministry of Education, Financial Services, Gaming, Telecommunications & Justice
Mr Jason Davies	AO	Ex - Ministry of Enterprise, Development, Technology & Transport	Ministry of Education, Financial Services, Gaming, Telecommunications & Justice
Ms Fabiola Gomez	AO	Ex - Ministry of Enterprise, Development, Technology & Transport	Ministry of Education, Financial Services, Gaming, Telecommunications & Justice
Mrs Leanne Chipolina	AO	Ex - Ministry of Enterprise, Development, Technology & Transport	Ministry of Education, Financial Services, Gaming, Telecommunications & Justice
Mrs Lourdes Piri	Clerk/Word Processor	Ex - Ministry of Enterprise, Development, Technology & Transport	Ministry of Education, Financial Services, Gaming, Telecommunications & Justice
Mrs Eva McLaren	Clerk/Word Processor	Ex - Ministry of Enterprise, Development, Technology & Transport	Ministry of Education, Financial Services, Gaming, Telecommunications & Justice
Mr Daniel Cortes	Support Grade Band 2	Ex - Ministry of Enterprise, Development, Technology & Transport	Ministry of Education, Financial Services, Gaming, Telecommunications & Justice
Mr Tyrone Monteverde	Support Grade Band 2 (ex GDC 1)	Ex - Ministry of Enterprise, Development, Technology & Transport	Ministry of Education, Financial Services, Gaming, Telecommunications & Justice
Ms Sylvana Costa	Support Grade Band 1	Ex - Ministry of Enterprise, Development, Technology & Transport	Ministry of Education, Financial Services, Gaming, Telecommunications & Justice
Mr Paul Martinez	SEO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Public Transport & Commercial Affairs
Ms Charmaine Souissi	Personal Secretary	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Public Transport & Commercial Affairs
Mr Dustin Orfila	Marketing Co-ordinator (ex GDC 3)	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Public Transport & Commercial Affairs

Contd... Answer to Question No.227 of 2012

NAME	GRADE	FROM	TO
Mr Javier Redondo	Assistant Business Support Officer (ex GDC 2)	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Public Transport & Commercial Affairs
Mrs Elisa Sene	AO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Public Transport & Commercial Affairs
Mrs Desiree McDonald	AO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Public Transport & Commercial Affairs
Mrs Marisa Celecia	Typist	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Public Transport & Commercial Affairs
Mr Christopher Purkiss	Director of Civil Aviation	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control
Mr Robert Santos	SPTO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control
Mr Hubert McKay	SPTO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control
Mr Paul Origo	SPTO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control
Mr Paul Naughton-Rumbo	HPTO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control
Mr Norman Neale	PTO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control
Mr Michael Peliza	PTO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control
Mr Ernest Borrell	PTO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control
Mrs Valerie Cortes	PTO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control
Mr Ernest Francis	EO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control
Ms Annette Goodman	Technical Grade 1	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control
Mrs Gerry Gomez	Technical Grade 1	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control

Contd... Answer to Question No.227 of 2012

NAME	GRADE	FROM	TO
Mrs Analis Agius	AO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control
Mr David Francis	AO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control
Mrs Angelica Pipo	AO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control
Mrs Lianne Gonzalez	AO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control
Mrs Myra Romero	Typist	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control

2460

Quadripartite talks with UK, Spain and Spanish local government Government position

Clerk: Question 228, the Hon. P R Caruana.

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Hon. P R Caruana: Mr Speaker, can the Chief Minister say whether the Government will agree to take part in – let's see if I pronounce this correctly – quadripartite, I suppose – quadruple – I am not sure the word exists, actually, but it has been used in the press – quadripartite talks with the Governments of UK, Spain and another non-national tier of government in Spain?

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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, no, sir.

Hon. P R Caruana: Mr Speaker, that is a position in which the Government has, and will continue to

2475 have, the Opposition's support.

Is the hon. Member aware that it has been an aspiration amongst parties in Spain for some time now, certainly before 8th December, to alter the architecture of the trilateral forum to make it non-trilateral and does he share the view which underpinned our holding the position which he has now described also to be theirs and does he hold it perhaps for the same reason, that to have symmetry on a quadrapite – on a quadripartite basis whereby the Gibraltar position and status is made symmetrical to the position of some regional or local Spanish entity, is to downgrade the status of Gibraltar to a position that would not be compatible with our international political rights and aspirations?

2480
2485 **Hon. Chief Minister:** Mr Speaker, yes, sir and I think I have expressed that when I have been asked questions in the media since then. Sometimes those in the media ask the question and then wish a positive answer, do not print the whole answer that one gives when it is in the negative.

I think that, within this House, we are agreed on this issue.

2490

**UK Overseas Territories Review
Submission of views by Gibraltar Government**

2495 **Clerk:** Question 229, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, can the Chief Minister say whether he or anyone else on behalf of the Gibraltar Government has submitted views or information in response to the United Kingdom's current Overseas Territories Review?

2500 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I can confirm that, on behalf of Her Majesty's Government of Gibraltar, I wrote to Miss Jessica Irvine, the Head of the Iberian Team at the FCO, setting out a detailed response to the UK government's current Overseas Territories Review.

2505 **Hon. P R Caruana:** Mr Speaker, in the spirit of openness and transparency, which he continually reminds us informs his approach to Government, is he willing to lay that document on the table of this House?

2510 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman will know that when I have asked him to disclose correspondence, as he has had with the Foreign Secretary or with others, he has always said that he was inclined not to, and I am inclined to think that that was actually correct in respect of sharing information across the floor of the House.

2515 He has talked about 'laying on the table', which would, in any event, make the information public. I am quite happy to discuss with him what we said, but not lay it on the table. He will know that a lot of the issues were the issues that he and I have had an opportunity to talk about and which I think both of us agree should not necessarily be the issues that we ventilate across the floor of the House.

2520 **Hon. P R Caruana:** Mr Speaker, does the hon. Member acknowledge that he cannot at one and the same time say that he is better than we were in Government at transparency and accountability and then continually deny providing information on the basis that we used not to do it. Clearly, he thinks that we were worse than him. If he is no better than us, then we are no worse than him!

2525 Now, he can, of course, legitimately take the view – which I was not seeking to dismiss as a possibility, not knowing the nature of the content of the document – that it is inappropriate quite so recently after it was sent to make public inter-ministerial correspondence, and that might be, depending on the content of it, a perfectly sound judgement on his part.

But given that this letter must reflect the views, the policy, of this Government – which may, indeed, coincide with ours, and I would be surprised if it did not on many if not most issues – but given that, in effect, that letter contains a statement of the Government's policies on important constitutional bilateral relationship issues, does he not think that it is not really a confidential exchange of correspondence, but rather a

2530 communication by the Government of Gibraltar to the government of the United Kingdom of the policy position of the Gibraltar Government on a constitutional matter, which would make it, I think, legitimate to table in Parliament?

And, further, even if I cannot persuade him of that view, does he not consider that, indeed, the UK government may publish it, because the UK government has... As you know, there are Cabinet Office directives about the publication of things submitted to the UK government in response to consultation papers, which I believe are that the responses to government consultation processes are published and that he may find that the UK government will publish his letter, treating it not as a confidential exchange of correspondence, but as a response to a consultation process. In those circumstances, would it not be better for him to table it himself, as his own parliamentary act?

2540 **Hon. Chief Minister:** Mr Speaker, let me start by saying that I do not accept that we are taking the same attitude to disclosure that the hon. Gentleman took when he was here. The fact that I have equated *one* item, a request of disclosure, to that attitude which he took does not necessarily mean that I accept that we are as bad as they were – but it is nice to know that he accepts that they were bad, Mr Speaker.

2545 The position, clearly, is that we are trying to provide as much disclosure as is possible of all Government information, because Government belongs to people. Mr Speaker, that is one thing.

Another thing is that we should be laying on the table, and making publicly available, every document that the Government creates and which we have cause to send to the Foreign and Commonwealth Office on these issues: I am not saying that we are not going to make it available; I am saying that, at this stage, I think it is not right that it should become available.

2550 If it is going to become available in the United Kingdom as a result of Cabinet directives or as a result of the consultation process being open and, surprised as I might be that that is going to be the case, then certainly we would take the attitude that we should make it available as soon as possible to our people. I am not advised that that is the position at the moment.

2555 I am fully aware of Cabinet Office directives in respect of disclosure in the UK, which are very informative. Unfortunately, they do not lead to disclosure of documents and notes made about conversations that people may have had with Ministers about 10 years ago, which I am very interested in seeing, when they become publicly available.

2560 **Hon. P R Caruana:** Mr Speaker, the hon. Member then complains that Parliament becomes aggressive!

I could not have asked a more innocuous set of questions in a less aggressive fashion, and he just could not resist the temptation to make insinuating allegations which have absolutely no connection – and he does this continually. In Spain, there is a phrase to describe the hon. Member: *este tira la piedra y esconde la mano*.

2565 **Hon. Chief Minister:** Mr Speaker, although I do not recognise the accusation made by the hon. Gentleman, (*Laughter and interjections*) I provided an answer in respect of communications with the Foreign and Commonwealth Office.

2570 I know that he did not like it but, look here, Parliament is also about a bit of spice, isn't it?

Hon. P R Caruana: Think about whether you get nasty and then accuse others of getting nasty – that is all.

2575 **Hon. Chief Minister:** Mr Speaker, I know that the hon. Gentleman is saying that there are issues about being nasty; I do not think there is anything nasty about my saying that I want to see notes of conversations that happened 10 years ago. (*Interjection by Hon. P R Caruana*) If the hon. Member thinks that there is something nasty about that, it may be because he thinks there is something nasty in the notes.

2580 **Hon. P R Caruana:** Mr Speaker, the hon. Member may think that everybody who listens to him is as thick as two short planks, but they are not as thick as two short planks and there cannot be anybody listening to this debate who has not understood him to imply that he thinks that there might be things recorded in telephone conversations between me and Peter Hain which are not consistent with the things that I have said publicly.

That is what he had in his mind. That is what he meant. It had nothing to do with what we are discussing.

2585 It is completely accusatorial and out of tone with the conversation that we were having and is monumental to his attitude in this House, which is that he lights the fuse and, when the bomb explodes and people react, then he accuses the reactors of being unpleasant, aggressive, and wanting to convert Parliament into a fracas. He is, in that respect, the causer of much of the aggression that results in this Parliament – *except* that he has not got the courage to admit to it and always tries to be the nice guy, even when he is not the nice guy.

2590

Hon. Chief Minister: Mr Speaker, I do not think there was a question there; I think it was an accusation. (*Interjection by Hon. P R Caruana*)

At least it is true that the hon. Gentleman can never hide aggression. The hon. Gentleman has never been accused of being a nice guy, and we all know exactly what sort of parliamentary performer he is.

2595

**Lands Agreement with MOD
Government implementation**

2600

Clerk: Question 230, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, can the Chief Minister say whether the Government is implementing the latest Lands Agreement with the MOD?

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And I promise him that I am not on commission from the MOD on this question! (*Interjection*)

Clerk: Answer, the Hon. the Chief Minister.

2610

Hon. Chief Minister: Mr Speaker, yes, sir.

Hon. P R Caruana: And has the Government yet had the opportunity to decide whether, in respect of the various properties that are coming across at different intervals of time, which he may now be familiar with, whether it is the Government's intention to put those out for sale – which is how, when the Government did the deal, it was envisaged that, *quid pro quo*, the re-provisions would be funded?

2615

Hon. Chief Minister: Mr Speaker, in fact two residential properties transferred to Her Majesty's Government of Gibraltar (HM GoG) from MOD have already been advertised for tender, as the hon. Gentleman may have seen. Other properties will follow in the next few months, and the GoG will shortly proceed to invite applications for the appointment of a project manager and design of some of the works that have to be done, which will be financed through those sales.

2620

But I think the hon. Gentleman will know that it is necessary to ensure that the properties which come over and which are put out to tender achieve certain prices in order to enable the funding of the works to occur, and he will also know there is, in respect of very few of them, a call by some worthy organisations locally to use one or two for a particular purpose, so they may not all go out – all the residential properties – to tender in the analysis that we have seen.

2625

If the hon. Gentleman seems quizzical about that, there is, for example, one particular property which is being used for a purpose by the Royal Gibraltar Police (RGP) – or was used for a particular purpose by the GDP, that the RGP may want to use that property for –

2630

Hon. P R Caruana: Oh, but not properties that have been... Residential properties are all being sold. I do not recall any conflict of demand for residential properties.

Certainly there are non-residential properties that people have asked to have use of, but he may be right, I just do not recall that any residential property is being competed for, for a non-residential use.

2635

Hon. Chief Minister: Mr Speaker, there is one, maybe two, for a residential use – in other words, to put people for a period of time who need to be put there for a period of time – by an organisation. But it is really a very minor one or two. I think there was a letter for him, during the period of the campaign – although it seems to just have been a discussion earlier about one or two of these properties.

2640

**Unveiling ceremony of plaque to Gibraltar Security Police
Issue of invitations**

Clerk: Question 231, the Hon. P R Caruana.

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Hon. P R Caruana: Mr Speaker, can the Chief Minister say who issued the invitations to the recent ceremony for the unveiling of a plaque in the lobby of Parliament to the memory of Gibraltar's Security Police officers who died in the wartime explosion in Tangiers?

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And if I could just be permitted to add, by way of comment, before the hon. Member answers, that since giving notice of this question, I have received an entirely satisfactory apology from the Superintendent of the Gibraltar Defence Police, which I intend to accept. So the purpose of the question... I think the question still has a purpose – which is not that.

Clerk: Answer, the Hon. the Chief Minister.

2655

Hon. Chief Minister: Mr Speaker, I believe it was done by the Superintendent of the Gibraltar Defence Police. Her Majesty's Government of Gibraltar had no involvement whatsoever.

If it is of any assistance, I think the hon. Gentleman was right to point out publicly that his failure to attend was not intended by him or his party as any slight to the people who were being honoured and arose in the circumstances that he has already explained.

2660

Hon. P R Caruana: Yes, Mr Speaker, of course, people are normally, and would normally – and should, indeed, normally – be free to invite or not invite members of the Government or members of the Opposition, as the case might be, to their events, and certainly, the Opposition claims no right to be invited to things in and around Gibraltar. That is entirely a matter in the gift and sentiment of the host of the event.

2665

It arises only on this occasion, would he agree with me, because the erection of that plaque is the erection of a plaque in the precincts of Parliament and therefore it being something that Parliament, through the Speaker, gave its agreement to do? Would the hon. Member agree with me that, to avoid the possibility of a repetition of any such inappropriateness in the future, that the House ought to consider the rule that if anybody is going to host an event within the precincts of Parliament, the invitation list should be submitted in advance to the Speaker, for him to consider whether, given that it is an event taking place in the precincts of Parliament, the Speaker considers that any issue arises as to inclusions or exclusions from the list?

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Hon. Chief Minister: Mr Speaker, I have absolutely no difficulty with that suggestion.

2675

In fact, the hon. Gentleman will know, and I think it is right to disclose, that you consulted both with him and with me about whether it was appropriate to have such a plaque in this place and, if I may say so, I think, with respect, that was absolutely the right position for you to take and that, therefore, it was a surprise to me that he was not there when the time came for me to say a few words.

2680

I think that this occasion is the only occasion I can recall of an event being organised there by anybody other than the Mayor's Office, who are as good at ensuring that the people who need to be in the lobby are invited...

But I would have no difficulty whatsoever with what the hon. Gentleman has suggested being the case in the future in respect of any event to be organised in this place. This place is the Parliament and, despite our separate responsibilities in it and what our roles are, we are all Members of it.

2685

**Chief Minister's visit to UK
List of persons met**

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Clerk: Question 232, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, can the Chief Minister provide a list of the persons, other than ministers and officials of the United Kingdom government, with whom he met during his visit to the United Kingdom between 22nd January and 27th January 2012 – Sunday to Friday – and state the purpose and subject matter

2695 of those meetings?

Clerk: Answer, the Hon. the Chief Minister.

2700 **Hon. Chief Minister:** Mr Speaker, I now hand the hon. Member a schedule with the information requested. He should note that, in respect of the third entry, there has been a spelling mistake: where it says 'cultural' it should say 'Gibraltar', and I think he will recognise...

ANSWER TO QUESTION 232 OF 2012

Maltese High Commissioner, Mr Joseph Zammit Tabona, courtesy call in advance of signing of TIEA,
Franco Cassar, Country Manager (Malta)
Norman Stone: BBC Scotland – potential for a Cultural TV Series
Iñigo Gurruchaga, La Vanguardia - Interview
Harvey Golding, Architect – proposed project
All Party Parliamentary Gibraltar Group - reception
John Tate, Chairman BBC Studios - courtesy call
Barry George/Andrew Smith (Music Industry) – potential investors
Adrian Bell – ex CBF re charity and potential investment
Chris Mitman (Investec) – financing options
Ana Garcia (Gibraltar Movie) – how to make film more readily available
Joe Gaggero - courtesy call
John Bowell, Chairman & CEO, JCBA – offer of assistance re GHA procurement
Corbett & Co with Guy Stagnetto Jnr – re OHL litigation
Michael Beloff, QC - courtesy call
Jamie Trinidad - discussion re EUID
David Vaughn QC - courtesy call

2705 **Hon. P R Caruana:** Yes, Mr Speaker, seeing the list of people that the hon. Member saw has reminded me to do something that I had meant to do at the beginning of today's sitting but forgot, which is to acknowledge the sad passing of Mr Joe Gaggero, in which I am sure everyone in the House will wish to join. He has been a leading citizen and businessman in this community and I am sure the whole House will wish to extend its condolences to his family.

Would he wish to associate with that before I proceed?

2710 **Hon. Chief Minister:** Mr Speaker, yes. When I used to do that, he used to tell me that I should allow him to do it, but I am very happy for him to do so, because I think Joe Gaggero merits that sort of mention. It is absolutely right that we should remember today the contribution that he has made to Gibraltar life at every level, in particular in his entrepreneurial flair to Gibraltar's business life and how Gibraltar has been developed, from the days when Mr Gaggero might have started in business, during or just before the Second World War, to the Gibraltar that he leaves today.

2715 So I fully associate myself and my Government with those words.

2720 **Hon. P R Caruana:** Mr Speaker, can he confirm whether the visit to Mr Michael Beloff... It is down here as a courtesy but I cannot imagine that a busy QC does any courtesy calls. Is Mr Beloff advising the Government on any particular legal issue?

Hon. Chief Minister: Mr Beloff asked to see me, because I was in London, to pay me the courtesy of a call as a result of my being elected.

2725 I understand he advised his Government at some stage but, as I understand it, he is not presently advising the Government in any respect that I have been informed of.

2730 **Hon. P R Caruana:** I hope and expect that his visit with Mr Mitman touched upon possible sources of finance for another project that we discussed earlier – that they were interested in possible financing of power stations and things of that sort.

Hon. Chief Minister: Mr Speaker, in fact, he would find that Mr Mitman wrote to me after the Election to

say that financing in respect of that particular project was an issue that had been discussed and, when I was next in London, would I like to see him in respect of that or any future potential financing opportunities. I took the opportunity of meeting the man, to say hello, and so therefore, yes.

2735

Hon. P R Caruana: Mr Speaker, is the hon. Member able to identify, in generic terms, because I think I know what it is – the name sounds familiar – the Harvey Golding Architects proposed project. Is that one that requires a very significant amount of landscaping of an area around the centre of Gibraltar?

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Hon. Chief Minister: No, Mr Speaker, but I am quite happy to tell him what it is, which is an area that would require a lot of landscaping to the *south* of Gibraltar.

Hon. P R Caruana: Well, it depends where we have got centre or south.

2745

Hon. Chief Minister: Well, yes, I mean in the area of the Alameda Gardens.

Hon. P R Caruana: That is the centre, in my view. That is something that we had considered and... Okay.

2750

Mr Speaker, I will privately have a word with him about the third item on the list, in case it has anything to do with a proposal that was once put to us, but I will not do it across the floor of the House.

Clerk: With that, we come to the end of Answers to Oral Questions.
Answers to –

2755

Hon. P R Caruana: By the way, can I just say, Mr Speaker... Can I just say to the hon. Member... Can I just give the following indication to the hon. Member *à propos* a subject that we were discussing recently between us? If he is unable... If he wants to adjourn the House on this occasion to take legislation... I have not checked on the agenda what is the first date he can take the first Bill, but if that date is more than five days from today, we would be happy to confirm that he can safely do that without any danger that we might put down further questions.

2760

Hon. Chief Minister: Mr Speaker, that is very helpful but, in any event, it is not necessary on this occasion.

2765

I am grateful for the indication for the future.

Questions for Written Answer

2770

Clerk: Answers to Written Questions.

Hon. Chief Minister: Mr Speaker, I have the honour to table the Answers to Written Questions numbered W59 to W70 of 2012.

2775

Mr Speaker, I have the honour to move that this House do now adjourn *sine die*.

Mr Speaker: I now propose a question, which is that this House do now adjourn *sine die*.

I now put the question, which is that this House do now adjourn *sine die*.

Those in favour (**Members:** Aye); those against. Passed.

2780

This House will now adjourn *sine die*.

The House adjourned at 6.30 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.00 a.m. – 12.35 p.m.

Gibraltar, Thursday, 15th March 2012

The Gibraltar Parliament

5

The Parliament met at 9.00 a.m.

10

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

15

Clerk: Mr Speaker.

20

PRAYER

Mr Speaker

Order of the Day

25

Clerk: Meeting of Parliament, Thursday, 15th March 2012.

1. Oath of allegiance.

2. Confirmation of the minutes of the last meeting of Parliament held on 15th and 16th February 2012.

Mr Speaker: May I sign the minutes as correct? (*It was agreed.*) Thank you.

30

Clerk: 3. Communications from the Chair.
4. Petitions.
5. Announcements.

35

Papers laid

Clerk: 6. Papers to be laid: the Hon. the Chief Minister.

40

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the table a statement of Supplementary Estimates No. 1 of 2010/2011.

Mr Speaker: Ordered to lie.

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Clerk: The Hon. the Deputy Chief Minister.

Hon. Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I have the honour to lay on the table the Air Traffic Survey Report 2011.

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Mr Speaker: Ordered to lie.

Clerk: The Hon. the Minister for Sports, Culture, Heritage and Youth.

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Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker: I have the honour to lay on the table the report and audited accounts of the Gibraltar Heritage Trust for the year ended 31st March 2011

Mr Speaker: Ordered to lie.

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Clerk: Reports of Committees.

Questions for Oral Answer

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Clerk: Answers to Oral Questions.

70

TOURISM, PUBLIC TRANSPORT AND THE PORT

Bus fleet Plans for replacement

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Clerk: Question 233 of 2012, the Hon. S M Figueras.

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Hon. S M Figueras: Good morning, Mr Speaker.
Can the Government confirm to this House whether there are any plans for the timely replacement of the current bus fleet as and when this becomes necessary?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

85 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker. The Government is currently formulating a strategy for the replacement of the current bus fleet with more environmentally friendly vehicles.

The study is currently in its early stages and the Government will announce its programme when it is in a position to do so.

90 **Hon. S M Figueras:** I am grateful to the hon. Gentleman for the answer.

Is the hon. Member able to provide us with a time estimate of when they are expecting to be in a position to publish details?

95 **Hon. N F Costa:** Well, Mr Speaker, in reply to the hon. Gentleman's question, this would not be a decision taken solely by my Department. It would be a decision taken jointly between myself and the Minister for the Environment, Dr John Cortes, so it will be a question of working together on that.

100 We have already requested from the relevant officials the various options that can be put forward. I know that Dr John Cortes has also asked his officials to put forward their proposals, and we will be in a position to better provide a timeframe in due course, but not just yet.

Hon. S M Figueras: I am grateful, Mr Speaker.

Perhaps the Hon. Minister can also provide this House with details of the sort of vehicles, the *[inaudible]* indeed that they are looking at as options for the bus fleet here in Gibraltar?

105 **Hon. N F Costa:** Yes, Mr Speaker, those are the options that we are looking into and those are the ones that... what the hon. Gentleman has just asked: those are exactly the questions we have put to the officials, and those are the replies that we are waiting for.

110 **Hon. S M Figueras:** Mr Speaker, I anticipate that it is far too early for the Hon. Minister to give us an estimate of the costs envisaged for the project.

115 **Free bus travel
Eligibility**

Clerk: Question 234, the Hon. D J Bossino.

120 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port advise whether free bus travel will be exclusively available to Gibraltar ID card holders other than non-resident workers?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

125 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker. I can confirm that free bus travel will be exclusively available for residents of Gibraltar and those holding Gibraltar ID cards, other than non-resident workers on all bus routes operated by the Gibraltar Bus Company Ltd, with the exception of Route 5.

130 **Hon. D J Bossino:** In relation to those residents of Gibraltar who do not hold Gibraltar ID cards, how does the Government propose to establish the residency requirement?

135 **Hon. N F Costa:** Yes, Mr Speaker, that is one of the matters that we are looking into. We have requested the relevant employee in the bus company to provide us with different alternatives. We will certainly be able to make an announcement on that before 1st May, when the free bus travel regime will commence.

**Free bus travel
North Front route**

140 **Clerk:** Question 235, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port advise whether bus travel is now free for pensioners travelling on the North Front route?

145 **Clerk:** Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, bus travel is not currently free for pensioners on Route 5.

150 **Hon. D J Bossino:** The reason why I ask this question is because, as I understand it, there is a manifesto commitment (**Hon. N F Costa:** Yes.) to provide free bus travel for pensioners and can, therefore, the Minister give some sort of timeframe in which this will be implemented?

155 **Hon. N F Costa:** Yes, Mr Speaker, the hon. Gentleman is correct.
There is a manifesto commitment but, as the hon. Gentleman is aware, Route 5 is operated jointly with a private operator, Calypso, and therefore we could not proceed fairly to simply make free bus travel for pensioners on the Gibraltar Bus Company buses because, of course, that would have probably led to arguments of unfair competition from the private operator.

160 So we have already had two meetings with the private operator and we hope to be... We very much expect to be in a position to make an announcement, again before 1st May, when the free bus regime will come into effect.

Hon. D J Bossino: In relation to pensioners, will there also be a residency requirement?

165 **Hon. N F Costa:** Yes, Mr Speaker.

**Free bus travel
Non-resident workers**

170 **Clerk:** Question 236, the Hon. D J Bossino.

175 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port advise when the Government decided to make the bus service available on a free basis to non-resident workers?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

180 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker.
The Government took the decision to make free bus travel exclusively available to residents of Gibraltar and those holding Gibraltar ID cards, and non-resident workers on all bus routes operated by the Gibraltar Bus Company Ltd, with the exception of Route 5, at the meeting of Cabinet held on 13th February 2012.

185 The Gibraltar Bus Company Ltd will only issue the bus cards to those applicants that the Department of Social Security confirms to the company are completely up to date with their social insurance contributions. The Cabinet agreed not to make the announcement as to the position of non-resident workers until the Chief Minister had met with the Mayor of La Línea, whom he was scheduled to meet some 10 days later.

190 Consequently, at the meeting held on 24th February 2012, between the Hon. the Chief Minister and the Mayor of La Línea, the Chief Minister informed the Mayor that, in keeping with the positive relations between Gibraltar and La Línea that the Government is keen to promote, the Government had decided to extend this free service to cross-frontier workers on production of proof that they had a valid contract of employment registered with the ETB and that the payments in respect of social security are up to date.

Therefore, this will also serve to ensure that cross-frontier workers should appreciate the advantages of registering their employment in Gibraltar.

195 **Hon. D J Bossino:** The Minister will appreciate why I sometimes get nervous when a Government announcement is not preceded by a press statement and the usual attendant fanfare, with GBC interviews and the like. I find it surprising to say the least that Government took a decision, purposefully, to hold back that decision, and the announcement of that decision, for 11 days, between 13th February, when it was decided collectively and when it was announced to the press at the meeting of La Línea Mayor on 24th February. I can
200 already sense there is some ruffling of feathers there.

But can the Minister confirm that the first time this was publicly announced was at the press conference with the La Línea Mayor at the Chief Minister's Office on 24th February?

205 **Hon. Chief Minister:** Mr Speaker, given that the decision not to make the announcement related to my desire to make, first of all, communication with the Mayor of La Línea, and then to announce it in the press conference after that, I think it is incumbent on me to rise to answer that supplementary.

In fact, Mr Speaker, the position is exactly as set out. I thought it was appropriate to speak to Miss Araujo face to face first and make the announcement at the press conference after the meeting with her. I think that was entirely the correct thing to do, with the attendant bells and whistles and fanfare in the press conference
210 thereafter. (*Laughter*)

Hon. D J Bossino: The reason why I strongly suspect that this announcement was made almost on the hoof, is because despite the party opposite now in Government always announcing over the last 15 years that they produce very detailed manifesto commitments, it is not set out in the GSLP's manifesto before the election as a potential Government commitment. All that the manifesto says is that:
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'we will make bus transport free only for residents of Gibraltar and those holding Gibraltar ID cards.'

220 So is this not a case of the Chief Minister being all things to all men? (*Interjection*) For the Gibraltar public, he produces his nationalistic card, but then the first meeting he has with a Spanish politician – especially, a local politician across the way – he wants to make a positive sounding message to her. Is this not a case of being all things to all men?

225 **Hon. Chief Minister:** Mr Speaker, (*Interjection*) it is not such a case. It is not such a case.

I know that the hon. Gentleman and all of his colleagues are grasping at straws and trying in every possible way to think of something which they might say in these early days of this refreshing and positive administration, that has finally cleared the decks of the 16 years of malfeasance that we have had to experience before.

230 But, Mr Speaker, let me be very clear to the hon. Gentleman: if everything that we are going to do in the next four years had to be set out in our manifesto, our manifesto would be even longer! It would be as long as a telephone directory!

The manifesto is only, Mr Speaker, the *headlines* of what this Government is going to achieve in the next four years. (*Interjections*) There is *much more to come*, Mr Speaker. And *if* every time that we hit the jackpot and we do the right thing, the hon. Members opposite are going to say that we are going to be all things to all men, well, Mr Speaker, they will be saying that for the next four years, because we intend to continue hitting the jackpot, we intend to continue doing the right thing and we intend to win the next election, too! (*Applause*)
235

240 **Hon. D J Bossino:** Well, questions should not be a pretext for a debate, but certainly answers seems to be a pretext for a party political broadcast. (*Laughter and interjections*)

Well, you know this is a fresh... the Chief Minister realises that this is a –

Mr Speaker: Order. Order.

245 **Hon. D J Bossino:** – fresh pair of hands and I have a fresh outlook to politics, but in fact it was not only in the Government manifesto where they did not announce this. When they had an opportunity on 18th

February, the Saturday *Chronicle*, again, they announce in headlines:

250 'Free buses for residents *only*.
As from 1st May 2012 free bus travel will be allowed on all routes, except route 5, for residents of Gibraltar and those holding Gibraltar ID cards.'

255 At that stage, *at that stage*, Mr Speaker, the Government had already announced collegiately, one assumes, to in fact make it available to non-resident Spanish workers. Why is it that they did not, when there was a public announcement, they did not take the opportunity of announcing this to the people at large in Gibraltar? (*Interjection*)

260 **Hon. Chief Minister:** Mr Speaker, exactly for the reason that I gave when I first rose to answer his supplementary.

265 Mr Speaker, he is *wrong*. We are not making policy on the hoof. We did not decide to do this when I met Miss Araujo and I will tell him when he will know that he is wrong – and when he will, I hope, apologise to me. In twenty years' time, when the Minutes of the Cabinet are published for 13th February, (*Laughter and Interjections*) he will see that the decision was made then. He will buy me a coffee and he will say, 'I am sorry I doubted you.' (*Interjections*)

Clerk: Question –

270 **Hon. D J Bossino:** Yes, no, that...

I will gladly buy him a coffee when we are both 60 years of age.

275 Mr Speaker, why is it *again*, when there is a further opportunity to announce this wonderful policy that the Government has come up with, re workers from La Línea and workers from Spain, on 6th March, in the *Chronicle*, post the meeting with Señora Araujo the Government says:

280 'From 1st May 2012, the bus travel in Gibraltar will be allowed on all routes except for number 5 for all residents of Gibraltar or those holding a Gibraltar ID card.'

285 *Again*, the nationalist card. Why is it he did not announce it, then, in the context of that press statement, Mr Speaker?

290 **Hon. Chief Minister:** Mr Speaker, I am very grateful that he recognises that the nationalist card is mine and not his. (*Laughter*)

295 Mr Speaker, I have much more academic respect for the hon. Gentleman opposite when we were together in school than I have political respect for him in this House.

300 I have already answered the question, Mr Speaker. The decision was taken that we should have a conversation with Miss Araujo across a table and announce to her first, before announcing anything in the media.

305 As to how we make our announcements thereafter, well, Mr Speaker, I am delighted – if the hon. Gentleman wants to step down – to take him on as a person to assist us with drafting press releases but, until he does that, it is up to *us* to decide what goes in a press release and how we express it. I know they must be jealous because ours were obviously more successful in the past four years than theirs, because ours put us here and theirs put them there!

310 **Hon. P R Caruana:** Mr Speaker, does the hon. Member not recognise that this is not about winning jackpots or precisely when the decision was made or why he made it? Personally, I think if he wants to make a decision which is primarily of benefit to residents of La Línea, there is a certain logic in waiting until he is in La Línea to announce it. I might have made a similar decision. But doesn't he understand that the real issue here is not that at all? The real issue is that he has done the opposite of what he said in his manifesto that he would do. This is not about striking jackpots. It is not about where you announce it, or when you announce it, or even when you made the decision. The fact of the matter is that in his manifesto he commits to the electorate to introduce this *only* for residents of Gibraltar, and within a month or two he is doing it for people who are *not* residents of Gibraltar and, therefore, this is not about doing something which is not in the manifesto, because not everything that you do can be in your manifesto. Of course, governments are not

limited to doing only what is in their manifesto, but normally there is a political price to pay when you say in your manifesto that you are going to do something and you do something different – you do the opposite of what you say in your manifesto.

Does the hon. Member not recognise that the use of the word ‘only’ in his manifesto and in his *[inaudible]* public statement would legitimately have led people to believe that this would *not* be available to non-residents and that, in fact, he has done the opposite of that? He has made it available for non residents.

By the way, I am not saying that I disagree with the decision. Simply that it is incumbent on the hon. Member to explain, publicly, not when he does something which is not in his manifesto, but when he does something which contradicts what he committed to in his manifesto.

Hon. Chief Minister: Mr Speaker, talk about wanting to be all things to all men: I am going to criticise what you have done and ask you questions about it, but I am not going to say that I am against it. The hon. Gentleman and the team opposite are making a spectacle of trying to be all things to all men.

Mr Speaker, the meeting was not in La Línea. This meeting was in Gibraltar, but as Miss Araujo is the representative of the people of La Línea, I thought it was appropriate to tell her, as I have said to the hon. Gentleman opposite.

Mr Speaker, what ill was the pledge in the manifesto trying to cure? I will explain to him, Mr Speaker, what ill it was trying to cure.

The decision made by *his* administration to allow free bus travel to all and sundry on our buses which meant, Mr Speaker, that the buses were being used almost as tour buses which meant, Mr Speaker, that tour guides were going on board buses and going round showing people the sites which meant, Mr Speaker, that buses had to carry the nonmenclature ‘full’ on the top and bus drivers were telling residents and others who wanted to use the bus, ‘Sorry, this bus is full. We are doing a tour.’

Well, Mr Speaker, that ill has been cured and the hon. Gentleman is right, we have gone further than our manifesto provides, and not just in respect of that clause, Mr Speaker. We will go further in respect of many others also.

Mr Speaker, what we have done we believe is the right thing to have done in the circumstances of introducing the new policy. We will defend it politically. If all the hon. Gentleman can do is to try and cross examine on the basis of one word here or one word there in a political document, as if it were a legal document, then we are not going to get anywhere.

Hon P R Caruana: Well, Mr Speaker, it is not a question of going further. Does the hon. Member not accept that it is a question of doing the opposite and the word ‘only’ is not just a single word? When you say you are *only* going to do A, and then you do B and C, and B is the opposite of A, to then describe the use of the word ‘only’ as semantics is simply an unrealistic approach to political realities and political debate.

Mr Speaker, flowing from the answer that he has given, does the hon. Member not acknowledge that the ill that he thought was the case – that all and sundry coming from Spain were using our buses free – had, in fact, been cured by an arrangement that we had introduced to introduce the bus club card, which *they* have cancelled and which would have eliminated this problem?

My supplementary, therefore, is this: is the hon. Member satisfied, and has he taken legal advice which leaves him confidently of the view that EU rules permit him to charge one category of EU citizens for the use of buses and not others?

Hon. Chief Minister: Obviously, yes, Mr Speaker.

Hon. P R Caruana: Would the hon. Member be willing to share that privately with me outside of this House... that advice, sorry?

Hon. Chief Minister: Mr Speaker, I have absolutely no difficulty in the hon. Member responsible sharing that advice with the hon. Gentleman privately outside of this House.

Hon. P R Caruana: I would be very grateful, Mr Speaker, because I will then privately share with him the reason why I am asking him if he would privately share what he has now received with me.

Further, Mr Speaker, will the hon. Member acknowledge that... I think I have understood the Hon. Minister, and perhaps this supplementary is better addressed to him, that the criteria for when cross-frontier

workers will be eligible for free buses includes amongst other things whether they are up to date with Social Insurance Contribution payments. Given that Social Insurance Contribution payments are paid by the employer and not by the employee and that if there are arrears of Social Insurance Contribution, given that this is withdrawn from the pay packet like PAYE and that this is administered entirely by the employer, has the hon. Member considered the implication of the employee's eligibility to what is a citizen's right and not a worker's right, namely free bus travel being, in effect, in the gift of the employer because if the employer chooses to fall into arrears with Social Insurance Contribution in respect of one or more employees, then that one or more employee will, according to what he has said this morning, have forfeit the right to free bus travel?

Hon. Chief Minister: Mr Speaker, it is an issue that we have considered together and that is why I think it is appropriate that I rise to deal with the question, for the simple reason that the hon. Gentleman is right. It is very often the case that employers are either in arrears by agreement, in the sense that they pay at the end of a particular period, say, two months instead of at the end of a month and there is some sort of understanding or they are in arrears, full stop and it would unfair to say that just because an employer is in arrears that the employees will not be able to take advantage of obtaining this permit.

Nonetheless, Mr Speaker, you would not expect us to say that employees will be able to have this bus pass whether or not they are in arrears of Social Security. What we are trying to do is to use this also as a secondary check to see exactly where people are and to promote the fact that the employee will be triggering that Social Security issues may be there and then we have to take a view. We are not going to prevent an individual who is properly registered in Gibraltar for employment from having a permit just because their employer may not be completely up to date.

Hon. P R Caruana: Well, Mr Speaker, that is slightly more sensible in the sense that, first of all, I think it is a jolly good thing to have a greater number of checks on whether people are in good standing in the public administration in terms of that, and if access to a free public service provides the opportunity, I think that that is something worth exploring. But I think it should go no further, would the hon. Member agree, in terms of fairness that it should be a question of registration?

An employee has it in his gift to ensure that he is registered with the ETB as an employee. Thereafter, the rest of it is not in his gift. It is up to the public administration in respect of a registered employee of whom it therefore has notice to pursue the employer for payment of taxes. So the employee's eligibility to public bus service, would the hon. Member agree, should be conditional on him being *registered*, not on payment of tax, because the Government always has the means in respect of *registered* employees to pursue the employer?

The problem, which is where I put it to the hon. Member if what he proposes is sensible, is in respect of *unregistered* labour, where obviously you do not have the opportunity to pursue the employer and that is where it is sensible. I would ask the hon. Members to consider leaving it at registration, rather than up-to-date for Social Insurance Contribution.

Hon. Chief Minister: Mr Speaker, that would be the substance of what we do, but the form of it must, I think, continue to be that people should be registered and up to date. He will know, Mr Speaker, from his own experience on this side of the House, that this manifests itself sometimes in respect of residents when people turn up for Healthcare, which they are otherwise entitled to, and they are sometimes told, 'Hang on a minute. You are not registered for Social Security or your Social Security payments are not up to date', and that is sometime a useful check. But the substance will be as the hon. Gentleman has described it.

Clerk: Question 237 –

Mr Speaker: I think the Hon. Damon Bossino has a question.

Hon. D J Bossino: Just as a very minor point of clarification, perhaps the Minister for Transport can answer this question.

Presumably, it is open not only to *Spanish* non-resident workers, it is open to all nationalities, or is there any qualification there in relation to EU nationality?

Hon. N F Costa: No, Mr Speaker, it is open to any nationality that is resident in Spain and working in

Gibraltar. (*Interjection*)
EU nationality. Yes.

Hon P R Caruana: Anyone who comes to Gibraltar to [*inaudible*].

Hon. D J Bossino: So, yes.

Hon. Chief Minister: For the purpose of clarification. The hon. Gentleman has said those workers of Gibraltar resident in Spain, of whatever nationality...

It is possible there are people who are not necessarily resident in Spain who are registered here as workers and come in. They might fly in, because of particular arrangements with their employer, from London for particular periods of time. That person would also be entitled, if they are registered for employment here, to take the advantage of the service and it is whatever the nationality. It does not have to be a European nationality.

Hon. D J Bossino: Does it not have to be EU nationality?

Hon. Chief Minister: No, because it is based on registration and work in Gibraltar, not on nationality.

Hon. D J Bossino: In other words, a US national, flying from London, would benefit from that so long as he is registered to work in Gibraltar?

Hon. Chief Minister: Yes, it is slightly far fetched in the hon. Gentleman's example, but it is possible you could have a US resident working for a financial services institution in London who flies to Gibraltar once every two weeks and spends five days here, who is properly registered to work here, who, if he were interested in not using the GibiBikes and wanted to use the bus system, for example, would be entitled to. It is based on somebody working here and being registered to work here.

Hon. P R Caruana: Mr Speaker, presumably when the hon. Member said 'identity card' he was using that phrase loosely – not just a red card, which is the civilian registration card as well. So it is not just Gibraltar belongs?

Hon. Chief Minister: That is right.

Government of Gibraltar Bus Company Ltd Claim for unfair dismissal

Clerk: Question 237 of 2012, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port inform the House whether the Government *or* the Gibraltar Bus Company Limited received any legal advice before instructions were given to drop the defence of the unfair dismissal claim by Mr Sardeña against the Gibraltar Bus Company Ltd?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, the answer is yes.

May I also add that, whereas the hon. Gentleman and I have had a debate on this in the press, we have been careful, I think, to steer clear from the merits or demerits of the case in question, and because the case is *sub judice*, any comments that I may make in respect of the merits are likely to impact on the case, so I would ask, therefore, that if he has any questions on the specifics of the case he asks me *after* the case is over, of course, and not whilst it is in trial.

Hon. D J Bossino: Can I just ask, is the case not already over, given the fact that the Gibraltar Bus Company has withdrawn the defence of the substantive case?

Hon. N F Costa: Mr Speaker, I know the hon. Gentleman likes to read my press statements because when I do not make any he does miss them and he does ask me about them in this House.

As my press statement makes clear, it was not fair to say that the case of Mr Sardeña was close to finishing on the basis that our information is that *only* the Bus Company presented its case and Mr Sardeña, as I understand, did not give evidence or call in any of his witnesses.

Hon. D J Bossino: The issue is not at what stage the case had reached; the issue is that the Gibraltar Bus Company have withdrawn the defence. *(Interjection)* Sorry? *(Interjection)* Precisely. Therefore, there was a concession, in effect, and therefore the case was compromised.

As to asking questions in relation to statements made outside the House, I think, as a Member of this Parliament, I am entitled to ask Government Ministers to make statements *inside* this House. *(Interjection)*

Mr Speaker, is it *sub judice*, or isn't it? If the Gibraltar Bus Company has withdrawn the defence, then –

Mr Speaker: The Minister has said it is *sub judice*.

Hon. D J Bossino: Well, I am just trying to enquire –

Mr Speaker: No, but he has said it is *sub judice*.

Hon. D J Bossino: He may have said that, but I am just making enquiries in relation to that. If there has been, in effect, a concession, and therefore compromised a claim, then there is no claim.

Mr Speaker: I think if the Minister has said it is *sub judice*, I am not sure this Parliament is entitled to explore what the state of the proceedings is – is it or is it not *sub judice*. That is the position of the Minister: it is *sub judice*.

Hon. P R Caruana: Mr Speaker, *sub judice* or not, will the hon. Member confirm that the Government has withdrawn the defence so that the employer is now not defending itself against the claim?

It cannot be *sub judice* for parliamentary purposes and not *sub judice* for public purposes. **(A Member: Exactly.)** The Government has said publicly that it has instructed to withdraw the case, so will the hon. Member confirm that the position, therefore, is that the employer has withdrawn its defence in the claim against it by an employee and that therefore the employee is *bound to win* an undefended case?

Hon. Chief Minister: No, Mr Speaker. I hesitate to rise to give the hon. Gentleman any lessons in law. I know that he does not have much respect for my knowledge of the law, but I have plenty of respect for his, so I am sure that he can make up his mind for himself.

It is very clear, Mr Speaker, the Bus Company has already, as the hon. Gentleman has said, presented its defence. The Bus Company has now withdrawn that defence. The matter is still before the Industrial Tribunal.

There is a judge of the Industrial Tribunal appointed. We must leave it up to him to now decide the issue going forward. There are plenty of other issues which are still to be decided, judicially or quasi-judicially, and we should not, Mr Speaker, in my view, go any further in this House because there are rules in this House as to what we can talk about. There are no rules about what we can talk about outside and what announcements we make outside.

Hon. P R Caruana: Mr Speaker, with respect, the hon. Member is being a touch disingenuous.

If there are issues that still require judicial determination, given that the hon. Members have used their governmental ministerial powers to instruct the directors of the company to withdraw the company's defence, does the hon. Member not agree that the natural consequence of a defendant withdrawing his defence is that the case against the defendant is bound to succeed – unless, of course, the claimant withdraws the claim, too – so that, unless the claimant withdraws the case, the only judicial questions that can remain to be answered are the question of damages or the question of costs?

Mr Speaker: Order! Order!

525 As the Hon. Leader of the Opposition has said, there is a question of damages. That clearly is a pending proceeding. Therefore it is – (*Interjection by Hon. P R Caruana*) No, with respect, it is a pending proceeding and therefore it is *sub judice*.

530 I have no other understanding of the word ‘*sub judice*’ in our parliamentary context. It is a pending matter. As the Hon. Leader has himself conceded, there may be a matter of damages pending. It is a pending proceeding.

Hon. P R Caruana: But we are not asking about that.

535 **Hon. Chief Minister:** Mr Speaker, can I please only just add to what you have said: that although I will not rise to answer the question that the hon. Gentleman has put – in particular, given what Mr Speaker has rightly said, in my view – we will not accept any of the implicit aspects of his question.

Because the matter is *sub judice*, we do not want it to be read into the fact that I am not saying anything in answer to the question, that we are accepting any part of the question, if that is appropriate, Mr Speaker.

540 **Hon. D A Feetham:** Mr Speaker, may I ask the Chief Minister why the original question by my hon. Friend, Mr Bossino, which asks about whether the Minister obtained legal advice before he took the steps that he took, why that impacts on the *sub judice* rule? Surely it does not.

Hon. Chief Minister: Mr Speaker, I do not think anybody has suggested that.

545 **Mr Speaker:** No. With respect again, a question was posed and the answer was ‘Yes, sir.’ So the answer was given to the question.

550 The question as it was posed did not give rise, in my view, to any *sub judice* issue, whether legal advice was taken, and the answer was given clearly, unequivocally, as yes, legal advice was taken. The line of questions since then has led me to conclude that the *sub judice* rule *would* be invoked.

Hon. P R Caruana: Yes. Well, Mr Speaker, on a point of order, can we just spend a few moments on this so-called *sub judice* rule?

555 There is no rule to the effect that is being relied on. The *sub judice* rule does not mean that you cannot allude to matters that are *sub judice*, blanket; it means that you cannot allude to them in a manner which is prejudicial to the interests of the parties. They are very different things. (*Interjection*) Yes, but the Chair and some of the Members from across the floor have invoked, or have purported to invoke, the *sub judice* rule as if it meant that you could not even ‘mention the war’ because there was a case on. The *sub judice* rule, hon. Members will find at Standing Order 45.(4), and it reads:

560 ‘(4) References shall not be made to any matter on which a judicial decision is pending, *in such a way as may prejudice the interests of the parties thereto.*’

565 To ask the hon. Members to confirm in this House what they have already said publicly – namely that they have instructed the directors to withdraw the defence – cannot possibly be a reference that prejudices the interests of the parties hereto, and I think it is important, if the rights of the Opposition to hold the Government to account in this Parliament is going to be more restricted than the rules of debate in Government press releases allowing GBC, that the *sub judice* rule is properly understood, properly interpreted and properly adjudicated on from the Chair.

570 **Hon. Chief Minister:** Mr Speaker, if I may assist the House on this point of order, the hon. Gentleman is entirely wrong because there is a rule, 17.(1)(xiii), which deals specifically with Question Time as well, which talks about:

575 ‘a question shall not reflect on the decision of a court of law or to be so drafted as to be likely to prejudice a case under trial;’

– and of course, in our view, Mr Speaker, the employment tribunal is acting as a court of law.

Secondly, Mr Speaker, in respect of rule 45, where the hon. Gentleman talks about those issues and whether comment here should lead to something being said which might be prejudicial to the interests of any

party, he has to understand, Mr Speaker – and I think his analysis has not extended to this – that, in this instance, we are not talking about a case where Mr A is suing Mr B and we are having a debate about it here. In this case, one of the parties is a publicly funded Government wholly-owned company so, therefore, Mr Speaker, we are one of the parties, or we represent one of the parties. The Bus Company is a wholly-owned Government company, Mr Speaker, as the hon. Gentleman knows. Therefore, having any further comment amounts to the shareholders' representatives in respect of one of the parties in that tribunal making comment about things that are happening, or may happen, in that tribunal, and that, Mr Speaker, is exactly why the *sub judice* rule, in our view, bites.

In any event, Mr Speaker, the hon. Gentleman should know that we do not resile from our public press statements and, of course, we stand by them.

Hon. P R Caruana: Mr Speaker, my point of order has nothing to do with the discussion around this Sardeña case, nor about whether he is a shareholder or... If he is a shareholder, he should not be instructing directors. That is the first point that I would make. Shareholders should not instruct directors about how to conduct the affairs of the company. He cannot come to this House making a special case on the basis that they are shareholders.

Because they are shareholders of a company – it is a Government-owned company – they should be *more*, not less, accountable here, but that is the subject-matter of supplementaries. I am speaking to the Chair, Mr Speaker, on the question of my point of order, which is limited to the question of the reach of the *sub judice* rule, which struck me as being slightly exaggerated and being slightly abused in the way that it was being fielded in the discussion leading up to my point of order.

When I have done no more than read from Standing Order 45.(4), the hon. Member leaps to his feet to say the Leader of the Opposition is completely wrong because there is also a rule 17 so, of course, everybody is expecting him to read something which suggests, as he has just indicated, that the Leader of the Opposition is completely wrong. In fact, what he reads out is to suggest that the Leader of the Opposition is completely right, because even the one that he has just referred to, referring to questions, is in exactly the same vein:

‘a question shall not reflect on the decision of a court of law...’

– in other words, we will not stand up here asking questions about whether the judgment of a court is right or is wrong –

‘... or to be so drafted as to be likely to prejudice a case under trial;’

– which raises exactly the same considerations as:

‘... in such a way as may prejudice the interests of parties thereto.’

It is exactly the same both under 17 and under 45. There is no *sub judice* rule in this House which prevents Members from asking questions about matters which are in the courts. They may not ask questions or debate about matters which are *sub judice* in a way which will prejudice the outcome or the interests of the parties, depending on whether you read 17 or 45. All I am saying in my point of order is because this is a curtailing right on the freedom of debate, it should certainly not be interpreted any more widely than the ordinary meanings of the words used in Standing Orders. That is the sole point I am making in this point of order.

Mr Speaker: The Hon. the Minister for Justice.

Hon. G H Licudi: Mr Speaker, the hon. Member, in setting out the point of order originally, says that there is nothing in the *sub judice* rule which prevents the Opposition from asking simply whether the Government has withdrawn the defence. That is the way the point of order was formulated, and he referred to Standing Rules and said there is nothing in the rules which prevents that particular question. It is not that question that has been objected to. In fact, that question has been answered. What has been objected to by the Government is that the hon. Member has actually gone further than that original question. What he has then said is that the withdrawal of the defence will *necessarily* lead to a particular conclusion. So what he has attempted to do subsequently is to explore what the likely conclusions of the case will be. In other words, explore the possible conclusions of the case, a case which is live, a case which is pending, a case which is still

635 before the Industrial Tribunal, where the chairman of the Industrial Tribunal has to reconvene the case to consider precisely the matters that the hon. Member is raising in this House.

Therefore we say that the hon. Member is wrong. He is *not* entitled to consider issues which go to the conclusion of a case, where that case is live. And, therefore, his point of order is wrong, Mr Speaker.

640 **Mr Speaker:** I take the point the Hon. Leader of the Opposition has made –
Oh, sorry, the Hon. Daniel Feetham.

645 **Hon. D A Feetham:** Yes, just to add this. There is an inherent inconsistency here, between the position of the Government in public and the position of the Government in this House. Look, if the matter is *sub judice* and the *sub judice* rule is applicable outside this House, as well as inside this House... So if a matter is *sub judice* one should not be commenting about it outside this House.

650 What the hon. Members are trying to do is use the *sub judice* rule inappropriately, in my view, and effectively made public statements *outside* this House, which are unchallenged, unless they are responded to by us in a press release, but then shield themselves by using the same principle from being asked questions in this House. That is an inappropriate use, in my view, of the *sub judice* rule.

Hon. Chief Minister: Well, Mr Speaker, I will tell him why on that point, and this point of order – which is now dragging into a debate – he is completely wrong. Very simply because he needs to read exactly what we say and not what he would like us to have said publicly.

655 In none of the public comment we have made, have we made any comment in respect of the merits of this case at all and that will continue to be the position.

Hon. P R Caruana: Mr Speaker, that is not strictly true. Will the hon. Member acknowledge –

660 **Hon. Chief Minister:** That is what you said –

Hon. P R Caruana: No, it is not strictly true.

665 **Hon. Chief Minister:** Point of order. The hon. Gentleman made very clear at the last meeting of the House, when he was getting very hot under the collar, that not only could we now not say that either of us were liars, but now we could not even, in the lexicon of his understanding of the rules, we could not even say that what we were saying was ‘not true’ because that amounted to saying that one or the other of us was a liar. So I invite him to reconsider how he puts that part of his final, I guess, intervention on the point of order.

670 **Hon. P R Caruana:** Mr Speaker, it is not strictly true, what the hon. Member has said. It is not strictly true that the Government has not commented in public on the merits of the case. They have gone... they have said, for example, things such as the costs were exceeding the likely value or damages involved in the case. (*Interjections*)

675 Mr Speaker, that is more relevant to the *sub judice* rule than anything we have said in here and, indeed, I have a question later on in the Order Paper which addresses this point, for which I am very happy to wait for.

680 But, Mr Speaker, I am very keen not to conflate, despite what the Hon. the Minister for Justice has said. I am very keen not to conflate, whatever may be the correct application of the *sub judice* rule to particular aspects of the questioning that had been developing on the bus case, I am very keen to keep that separate from the point I am making on the point of order, which is isolated from any particular debate, which is simply to point out to this House that my understanding of the *sub judice* rule, which I have tried to support from a reading directly of Standing Orders, was not consistent with what was beginning to emerge in the run up, both from the Chair and from the floor, which tended to give the listener the impression that because the Minister said it was *sub judice*, therefore it was *sub judice* and, because the matter is before the courts, therefore it is *sub judice* and, therefore, it cannot be the subject matter of any... That is not what... I believe that is not what the Standing Order says.

685 **Mr Speaker:** You see I understand the essence of the Leader of the Opposition’s point of order is the terminology in the Standing Orders which referred to – and I quote the words:

690 '... in such a way as may prejudice the interests of parties thereto.'

695 That is the essence. Right. The mere fact that there is a pending proceeding is secondary. The main issue is the rule arises only *if* references may prejudice the interests of the parties thereto. Listening to this line of questioning, the first question asked whether legal advice had been obtained and the answer was clear, unequivocal, yes, sir. There were further questions arising there. We then reached a certain stage when the Minister said – or the Hon. Chief Minister said – that there were still pending matters for proceedings and that he regarded a further discussion would infringe the *sub judice* rules.

700 Sitting here where I am, I am not, other than my general knowledge of how legal proceedings proceed, I am aware that there is still a conclusion pending to that case, but I am not aware of other matters that might enable me to decide whether or not a discussion in this House may or may not prejudice the outcome of the pending matters. From that vantage point I have to accept that, if a Minister of the Crown stands up in this House and says, there are pending matters and that further discussion would infringe the *sub judice* rule, I would have to accept that as a fair and proper stance to take and call an end to the questions. I have no means of conducting an investigation right here and now as to whether or not a further discussion may prejudice the interests of the parties thereto, if I know that there is still a decision pending.

705 So, I would have to say that if the Minister for the Crown says – and I accept he will say it in good faith – that this is a matter which might infringe the *sub judice* rule, I will accept that.

710 **Clerk:** Question 238...

Hon. D J Bossino: I have further supplementaries, Mr Speaker. So on that basis –

Mr Speaker: As long as they do not infringe the *sub judice* rule.

715 **Hon. D J Bossino:** Well, this is the thing, I will ask the question and then, presumably, the Government Minister will say whether he can answer or not.

Mr Speaker: Yes. Well, certainly. Absolutely.

720 **Hon. D J Bossino:** Arising from the points of order discussion, I would ask the Minister for Transport whether the Gibraltar Bus Company will have *any* representation in the case from now on?

Hon. N F Costa: Yes, Mr Speaker.

725 **Hon. D J Bossino:** And presumably that representation will be in relation to the issue of damages – is that correct?

Hon. N F Costa: Mr Speaker, that is straying into the very debate that we have just had.

730 **Hon. P R Caruana:** Mr Speaker, why, to ask the... The hon. Members have already said publicly – *publicly* – without fear of prejudice to their case, that they have instructed the directors of the bus company to withdraw the company's defence to the claim for unfair dismissal. Therefore, how can it possibly be prejudicial to the interests of the Crown – not even the Crown, to this company, the Gibraltar Bus Company Ltd – for the hon. Member to be asked whether their representation is on the question of damages and costs? What else could it be on?

740 **Hon. Chief Minister:** Mr Speaker, we are not going to stand up in this House and list what issues may or may not remain live for the tribunal to consider. That, in my view, is to stray well beyond the *sub judice* rule into litigating the issues in this Parliament.

Mr Speaker, I do not accept the hon. Gentleman's interpretation during the course of the point of order that, as the representatives of the public, who are the shareholder in the Bus Company, we should have no influence over what its directors do. That appears to be the hon. Gentleman's interpretation (*Interjection by Hon. P R Caruana*) of what the position is (*Interjections*) of what the hon. Gentleman's position is, now that he is over there, but not what it was like when he was over here! (*Laughter*) Given his view, I suggest that the

745 hon. Gentleman writes to the director of the Bus Company and asks him the questions.

Hon. P R Caruana: If you free him to answer them honestly, which I doubt.

750 **Mr Speaker:** Order. Order.

Hon. Chief Minister: To say, from a sedentary position, that a senior civil servant, who is now the director of this Bus Company would do anything but answer a question honestly, when posed by the Leader of the Opposition in writing is to, perhaps, think of the regime he used to rule over, rather than the one that we administer for people today. (*Applause*) (*Interjection*)

755 **Hon. D J Bossino:** Given what we still describe as a smokescreen reason of costs, can the Minister advise this House how that legal representation in the Industrial Tribunal claim is being held. In other words, are you instructing the same lawyers who you instructed in relation to the, or rather before you withdrew the claim, or is it separate legal representation, or is it in house, is it the AG's Chambers, can he answer *that* question, Mr Speaker?

760 **Hon. N F Costa:** Mr Speaker, it would be the same solicitor that will be representing the Bus Company.

765 **Hon. D J Bossino:** Once again, the only substantive reply we have had in our debates in the press has been, as far as I am concerned, that there was a concern from the Government side in relation to costs, Mr Speaker. So, is the Minister satisfied that that issue is now resolved, despite the fact that you have the same representation which you claimed was the cause of the increase in costs.

770 **Hon. Chief Minister:** Mr Speaker, this is again straying into the live issues. The issue of costs, although it is not an issue which is as live in industrial tribunal cases as it is in Supreme Court proceedings, because the jurisdiction of costs is not there, is *relevant* to all these issues and we are not going to get into discussing them.

775 Mr Speaker, the hon. Gentlemen – and Lady – are keen to litigate this case in this Parliament, rather than allowing justice to take its course. We will not be drawn into that litigation. I do not know what it is that they have against Mr Sardeña, but as far as we are concerned, the matter is before the Industrial Tribunal and there it should be dealt with.

780 **Hon. P R Caruana:** Mr Speaker, if the hon. Member is of that view, why did he not just allow the case to run its course and allow the case to be decided on the merits between the claimant and the company, (*Applause*) rather than instruct the directors of the Company to withdraw a perfectly good defence in respect of a claimant who had been convicted for fraud in this very Industrial Tribunal case (*Applause*) – and is a well-known activist in the GSLP?

785 **Hon. Chief Minister:** What a disgusting way, Mr Speaker, to bring this Parliament into disrepute, to try and have a trial here, by his standards, of a man who is before another tribunal still with a claim that he has pending, as a result of the vindictive manner in which the hon. Gentleman opposite dealt with someone who was initially his supporter, and saw the light, and decided to become *our* supporter!

790 It is incredible to see the lengths to which the hon. Gentleman will go to punish people who do not support him. We will not, in this House, litigate the Sardeña matter. The hon. Gentleman no longer controls the purse strings of the Bus Company, he is no longer the Chief Minister of Gibraltar, *he* can no longer instruct the defence in that matter. The Government has said publicly why and what it has done and that is the position that we defend. (*Applause*)

795 **Hon. P R Caruana:** Mr Speaker, we are not interested in trying the Sardeña matter. We are interested in trying the hon. Members politically, for what we consider to be a political abuse of power, namely (*Applause and interjections*) a matter in which the current Minister for Employment represents Mr Sardeña in front of the Industrial Tribunal and the matter in which the current Chief Minister represents Mr Sardeña before the courts of Gibraltar. They then win political office and the first thing they do is instruct the Government owned company to withdraw the defence against their previous clients, in a way that exposes the company to a ruling

800 against it, where the merits are with the company and not with the claimant.
That is what we, what we are (Applause) holding the Government politically to account for. I am not interested in trials, Mr Speaker. If the hon. Members think that this matter is going to go away, that it is capable of going away simply because the hon. Member stands up in an over excitable mode and tries to suppress debate, the hon. Members had better think again. This matter is not going to go away!

805 **Hon. Chief Minister:** Mr Speaker, the only person who has ever tried to suppress debate is the hon. Gentleman when *he* was here as Leader of the House. *(Applause)* He needs to know, Mr Speaker, that No. 6 Convent Place is no longer a 'star chamber', where he used to decide, as judge, jury and executioner, the fate of anybody who did not support him.

810 He needs to be reminded that the political abuse of power is to spend 16 years giving grace and favour and cash to your best political supporters, many of them related directly or tangentially to Ministers!

815 He needs to remember, Mr Speaker, that the biggest political abuse of power in the history of Gibraltar was the funding, by the taxpayer, of the weekly political manifesto of the hon. Gentleman opposite, which blurred the distinction between the party and the state to such an extent, that the good government of Gibraltar and the basic tenets of democracy were imperilled! That is why *he* is sitting there and *we* are sitting here. *(Applause)*

820 **Hon. P R Caruana:** Mr Speaker, the hon. Member obviously does need to calm down. He is losing the plot, Mr Speaker.

I leave the hon. Member with two thoughts: firstly, it is no great shout to be proud about to have succeeded in unseating a government, that had suffered 15½ years of electoral attrition, by 280 votes! So every time the hon. Member announces, comfortably, that they have the confidence of the people of Gibraltar, please remember that they are probably the first party, the first Government in the political history of Gibraltar – the modern political history of Gibraltar, anyway, since after the AACR days – to have won their first term of office with less than 50% of the electoral vote.

825 The hon. Members do not enjoy the support of the majority of the electorate. *(Interjections)* The majority of the electorate...

830 Right. Well, Mr. Speaker, the hon. Member... If the Hon. Mr. Speaker is going to let the Hon. Chief Minister embark on a diatribe that has nothing to do with the subject matter of what we were discussing at the time, then he *should*, in the interests of even-handed debate, allow some margin to the Opposition.

Will the hon. Member acknowledge – and this is the second thought that I would like to leave him with –

Mr Speaker: Question, perhaps?

835 **Hon. P R Caruana:** Well, 'will the hon. Member acknowledge...' normally suggest that a question follows in the next few words. I cannot imagine how you could add to the words 'will the hon. Member acknowledge' in a way that does not constitute a question.

840 **Mr Speaker:** Yes, but then the hon. –

Hon. P R Caruana: Will the hon. Member –

Mr Speaker: Then the hon. Member did say *[inaudible]*.

845 **Hon. P R Caruana:** Will the hon. Member acknowledge, since he has pointed out to this house that Mr Sardeña used to be a supporter of my party and no longer is, that the reason for that may be precisely that we were not willing to deploy grace and favour on who was, at the time, a political supporter of the Government and that we lost his support for that reason?

850 **Hon. Chief Minister:** Mr Speaker, so much for settling down to the temperate marathon of four years of government.

Mr Speaker I want to tender an apology to you, on behalf of the Leader of the Opposition, because I think that he did not mean to take you on as he did when you asked him to ask a question. I think that he was, perhaps, himself a little over-excited.

855 Mr Speaker I do not acknowledge what the hon. Gentleman has suggested.

Mr Speaker: Next question, please

860 **Clerk:** Question 238

Mr Speaker: Order.
The Hon. Damon Bossino.

865 **Hon. D J Bossino:** Yes, I am grateful, Mr Speaker.
The Chief Minister made an allusion to our school days and I must say that his performance right now reminds me of that – of a school debate.

Now this is an issue, Mr Speaker, which is of grave public concern

870 *[Technical interruption]*

and, as an Opposition MP and as a member of this Opposition, I think I am entitled to probe the Government in relation to issues which are not only of grave public concern because people come and talk to us about these issues but also because it has been the subject of very lively debate in the press.

875 Now, if it is the subject of very lively debate in the press surely it ought to be the subject of a very lively question-and-answer session in this House, if we are going to respect the standing of this House in this community.

And the facts are these – and I would put this to the Minister for Transport – that the explanations he has given in relation to this matter, the decision being taken by the Government being informed by a cost cutting exercise, simply do not ring true when set against, Mr Speaker, when set against the other undeniable facts they have not engaged us in relation to these facts: which is that Mr Sardeña is a GSLP supporter; that both the Minister for Employment and the Chief Minister acted for him in one guise or another in relation to matters arising from that same claim; that Mr Sardeña was convicted of a conspiracy to defraud and the conviction was not overturned on appeal; there is then a win by the GSLP into government and, only after that, they instruct the directors of that company to withdraw the claim, so that Mr Sardeña, as claimant in those proceedings, is potentially entitled to claim the sky-is-the-limit damages – using the Minister for Employment's words in the last session, in this house.

880 So, set against those facts which they have not engaged us on, in the press, set against those – and we think undenied facts – the cost explanation, the cost reason, for the withdrawal of the claim simply, Mr Speaker, do not ring true. I put that to the Minister and I am raising this because it is a matter of grave concern for the public at large.

885 **Hon. Chief Minister:** Mr Speaker, no-one has done more to raise the standing of this House in our community than we who are sitting on this side. We have finally brought real parliamentary democracy to Gibraltar, monthly meetings of the House, enabling the hon. Gentleman – who I think never switched on the AM frequency of the radio in the time that he was not elected in this Parliament (**Hon. D J Bossino:** I did.) or, if he did, he was not paying much attention, and I hope he was not, because he should have been paying attention to the legal work for which he was being paid at the time! – in order, Mr Speaker, to allow the hon. Gentleman to have opportunities like this, to come to this House, to ask questions. (**A Member:** Hear, hear.)

900 But, Mr Speaker, I must say to him, having a lively debate is not to have a debate as children have in school; it is important that we have lively debates. It is important that the debates not be staid and boring. It is important, Mr Speaker, however, to *listen* during the course of a debate.

905 It is important Mr Speaker that your ruling on *sub judice* will be respected, as much by Members opposite as it must be by Members on this side of the House. The hon. Member's question now is to ask *entirely* about the merits – contrary to your ruling – and I am saying, Mr Speaker, that frankly, it beggars belief to hear an MP for the GSD complain that he does not have an opportunity to ask questions of a GSLP/Liberal Government. I put it to him, Mr Speaker, that he needs to recognise that, in the next four years, depending on when the election is called, there are likely to be 44 such meetings – more, Mr Speaker, than in the 16 years that the party whose manifesto he defended at the last General Election held!

I understand, Mr Speaker, that the Hon. Mr Bossano wants to make a point of order arising from the hon.

910 Gentleman's supplementary.

Hon. J J Bossano: Mr Speaker, I did not say, as the hon. Member claimed, that the law, in the case of industrial tribunals, provides that, in claims for damages, the sky is the limit. That is not the case, and that is not what I have said.

915 The reality is – as he should know, because he goes to many of these tribunals himself – is that the tribunal for many, many years had a provision that the basic award – which is the award that is handed over to somebody, even if he has lost no money, as a result of a dismissal – should be at least £2,200, at the discretion of the Chairman, and that is the only change that has taken place: the basic award.

920 The compensation, which is for the loss sustained, is unchanged and that is still subjected, not to the sky, but to a maximum of four years of the minimum wage or two years of the actual salary, whichever is the lesser of the two.

Hon. D J Bossino: Mr Speaker, does he have a point of order?

925 **Hon. J J Bossano:** Well, the point of order is that he claimed that I had said something different. He said I had said the sky was the limit in claiming damages. That is not what I have said.

I have not given him the explanation before, that I am giving him now, but it is an explanation that he does not need from me, because he knows what the law is as well as I do, and he goes to tribunals the same as I have done.

930 **Mr Speaker:** It is a point of rectification, more likely, but –

Hon. D J Bossino: Yes, but is it not the case that the effect is that what a successful claimant, as a result of the de-capping of the basic award, will now be the beneficiary of, is in effect a 'sky-is-the-limit' award, (Interjection) if the Minister for Employment wants to make a distinction between compensation and what is the basic award, yes, I understand that and I accept that.

940 But – I am maybe repeating myself – if you remove the cap from the basic award, then the effect of that is that the award in total, both arising from what the Chairman of the Tribunal may grant by way of basic award and what he may then grant by way of a compensatory award – two elements – will be that the award will be in effect, 'sky is the limit'. I have to correct the hon. Member: he did use those words specifically – and I am wondering whether he would concede that specifically – in relation to the basic award debate, question and answer session, that we had in the last session on 15th February.

945 **Hon. J J Bossano:** Mr Speaker, there has not been a limit to the basic award until it was introduced by Mr Montiel as Minister for Labour, and in all the awards since 1974, the awards in respect of the basic, whatever the theoretical sky may be, have never been more than 10% or 20% above the £2,200 and, therefore, there is no... On the basis of experience of 30 years of the operation of the tribunal, the theoretical limit of the sky is, in fact, not reflected in reality.

950 The damages... which is what he said I had said, is not what I had said. That is the point I objected to. The damages are limited already in the law, as they have always been.

Mr Speaker: I think we are now in danger of straying into discussion of what the law on compensation is. (Interjection by Hon. J J Bossano)

955 **Hon. D J Bossino:** But I do not think he has necessarily addressed the points I made.

I have conceded that maybe I have expressed myself incorrectly, if I have referred to it as damages. But maybe if I refer to it... to replace the word 'damages' with the 'award', which will comprise both the compensatory elements, which he may describe as damages, and also the basic award... in respect of which, given that there has been a de-capping of it, there is a sky-is-the-limit potential award which can be awarded in relation to industrial claims.

960 This is the only point I was making and he said so at the last session of the House when he told... In answer to a question posed by my hon. Friend, Mr Danny Feetham, he said:

'Now it is clear that they –'

965 – referring to the chairmen of industrial tribunals –

‘– can give more. They can now sleep at night, comfortable in the idea that the sky is the limit and they can give workers as much money as they want.’

970 Those were the Hon. Minister for Employment’s words, and not mine.

Mr Speaker: But, anyway, I think we are now straying into the realms of the law on the compensatory element.

975 **Hon. P R Caruana:** The point of order is that he did not say it was the sky is the limit – but he did say it, obviously...

Hon. J J Bossano: The hon. Member, when he is sitting down, is saying something that is incorrect.

980 He said that I had stated that the sky was the limit for damages. The basic award is not in respect of any damage. The compensatory award is in respect of damage. The £2,200 basic award has the sky as the limit since we introduced it in this House in 1974, when it said ‘it shall be not less than’ and therefore it has *always* been that the sky was the limit, except for a very short period.

985 Therefore, the point that I am making is if he wants me to speculate as to what is likely to happen... well, I cannot speculate, but I do not expect that anything is going to happen now that we have restored the position to what was happening before it was taken away.

Hon. D A Feetham: Mr Speaker –

990 **Mr Speaker:** The Hon. Daniel Feetham.

Hon. D A Feetham: Yes, I would like to ask a supplementary of the Minister for Tourism.

995 He said – and I apologise, I had not heard him the first time round – that he had obtained legal advice. Can he tell this House whether that advice was from the Attorney General’s Chambers or from a law firm in the private sector?

Hon. N F Costa: It was a law firm from the private sector, Mr Speaker.

Hon. D A Feetham: Can he identify that law firm?

1000 **Hon. N F Costa:** Mr Speaker, it was done on a *pro bono* basis, so it was at no cost to the Government.

Hon. D A Feetham: Well, whether it is *pro bono* or not is irrelevant. The advice has been given.

1005 He should know, as a lawyer, that they are as liable for advice given, whether they charge or not. Now, can he identify the firm that provided the advice?

Hon. N F Costa: Mr Speaker, the reason why I said it was *pro bono* was partly due to answer the charge that Mr Bossino made that I was concerned for cost.

1010 I am very concerned about cost, which is why I sought advice on a *pro bono* basis. I am perfectly aware that when I gave *pro bono* advice as a solicitor, I would be equally as negligent, if I provided negligent advice, and liable.

Hon. D A Feetham: Is he going to answer the question? Who is the firm? Who is...? Which firm gave the advice?

1015 **Hon. N F Costa:** Yes, Verralls Solicitors.

Hon. D J Bossino: And who was acting for the Gibraltar Bus Company previously, if it was a different firm?

1020 **Hon. N F Costa:** I believe it was Triay & Triay.

Hon. D J Bossino: Presumably, Verralls will now be acting for the Gibraltar Bus Company in the residue of the industrial tribunal claim?

1025 **Hon. N F Costa:** No, Mr Speaker, I obtained the *pro bono* advice specifically on the question where we were at the point.

As I have already explained, Mr Mark Isola will be representing the Bus Company going forward.

1030 **A Member:** Is he a QC?

Hon. N F Costa: Mr Mark Isola QC, yes.

Mr Speaker: I think we should go on to the next question.

1035

**Gibraltar Air Terminal Ltd
Chief Executive Officer**

1040 **Clerk:** Question 238, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port advise whether the position of the Chief Executive Officer of Gibraltar Air Terminal Limited has been filled?

1045 **Clerk:** Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): No, sir.

1050 **Hon. D J Bossino:** Is there any intention of filling the post, Mr Speaker?

Hon. N F Costa: Mr Speaker, we are currently considering the options.

Hon. D J Bossino: Which options is the Minister considering, if I may ask? (*Interjection*) Considering the options, I just want... (*Interjection*)

1055 We are here to scrutinise the Government and I would like an answer to that question.

Hon. N F Costa: You asked the question, and that was the answer – that we are considering the options whether to fill it, or not.

1060 **Hon. D J Bossino:** Oh, I see, whether simply to fill the post or not?

Hon. N F Costa: Yes.

1065

**Nottingham Travel Trade and Commerce road show
Government participation**

1070 **Clerk:** Question 239, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port provide details of the cost to the Government of its participation at the Travel Trade and Commerce road show recently held in Nottingham, together with details of those who participated as part of the Government delegation, to include the cost of such participation?

1075

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, the information requested by the hon. Gentleman is set out in the schedule that I now hand over to him.

SCHEDULE TO QUESTION NO 239/2012

NOTTINGHAM TRADE ROAD SHOW

	£
SUBSISTENCE	90.66
HOTEL	690.00
FLIGHTS	1246.70
TRAVELLING EXP	544.00
HOSPITALITY	3777.10
MISC	713.13
TOTAL	7061.59

1080

NOTTINGHAM CONSUMER ROAD SHOW

	£
STAND	6798.02
GENERAL EXPENSES	154.61
TOTAL	6952.63

Hon. D J Bossino: Mr Speaker, I have had a chance to read the schedule handed to me, kindly, by the Minister.

1085

I do not think he has answered one limb of the question, which is:

‘...with details of those who participated as part of the Government delegation...’

That information is not set out in the schedule he has handed over.

1090

Hon. N F Costa: Yes, Mr Speaker. In fact, I have just realized that the schedule does omit the persons who attended, but I do have the information here, so I can tell him that it was myself, Mr Nicky Guerrero and Mr Paul Martinez from Gibraltar.

At the event from the Gibraltar office were Mr Lerner, Miss World, Miss Kaiane Aldorino and Mr Ian Leyde. My apologies for that omission, Mr Speaker.

1095

Hon. D J Bossino: This arises from the press statement issued by the Government in relation to its attendance at this trade fair where they make somewhat of a song and dance about meetings with the airlines currently operating to Gibraltar and with bmibaby. Can the Minister report to this House how those negotiations, if I could put it in those terms, are progressing, and will he also confirm that, in fact, those contacts, if I could put it in those terms, had already been established by this party when it was on the other side of this House?

1100

Hon. N F Costa: Mr Speaker, yes, in the first part of the question, to answer my hon. Friend, I did have meetings with British Airways, with easyJet, with Monarch and with bmibaby. In respect of bmibaby, we in fact went to visit them at their offices, because of course we were discussing the inaugural flight to Gibraltar, the possibility of other routes etc. I met with the other air carriers at Gibraltar House in London. It is very early stages to say, but it is fair to say that we did discuss the possibilities of regional connectivity from different airports in London.

1105

1110 As the hon. Member knows, we are considering the entire tourism policy and the fact is that I am not
straightaway a believer of the road travel show philosophy. My view is quickly coming to the conclusion that
it is much more beneficial in terms of bringing business to Gibraltar of having one-to-one meetings and
building personal relationships. So I held those meetings. They were preliminary introductory meetings where
1115 we did not actually get down to the nitty-gritty of discussing possible regional connectivity. I have already,
obviously, stayed in touch through correspondence. We are planning a second series of meetings to make sure
that there is that permanent liaison with the top people at those industries to ensure that when Gibraltar *is*
discussed and there is the idea of having regional connectivity from any part of the UK, they know that they
can contact the Minister or Mr Guerrero straight away to have that discussion.

1120 In answer to the second part of his question, I am afraid that I have to tell him that the air carriers were not
very much aware of the incentive schemes that were available to be able to fly to Gibraltar and, in fact,
without wishing to put down my predecessor who used to be responsible for tourism, they seemed to be
delighted with the fact that we were making such efforts in making personal contact and they wished that that
had been the case in the past, and that now, whenever there is the possibility of flying to Gibraltar, they know
they can pick up the phone and call me personally.

1125 **Hon. D J Bossino:** Mr Speaker, I am not sure whether the last bit of the Minister's reply is in fact wholly
correct, and I suggest he is putting a spin to it which does not quite reflect reality.

As I understand it from speaking to his predecessor, Mr Holliday, I think the contact that he had with the
top echelons, the chief executives of these companies, was in fact very good and very close, and in fact, as a
result of his efforts, Mr Speaker, b-me-ibaby ... and I stand to be corrected but as I understand it, b-me-ibaby
1130 was already committed, (**Hon. N F Costa:** Yes.) is already committed (**Hon. N F Costa:** Yes.) to start flight
operations to Gibraltar.

Hon. N F Costa: Yes, but, Mr Speaker, as I understand it, that was Mr Britto, not Mr Holliday.

1135 **Hon. D J Bossino:** All I am saying is my information is coming from Mr Holliday and I can reveal that to
the House without difficulty, because as I understand it, it was Mr Holliday who had the contacts with these
airlines.

Can he confirm that b-me-i-baby, which is one of the airlines he mentions in his press statement is... b-
me-i?

1140 **Hon. N F Costa:** bmi.

Hon. D J Bossino: bmi – sorry – is coming to Gibraltar in March, I believe it is.

1145 **Hon. N F Costa:** Yes, Mr Speaker, I have already said yes.

Hon. D J Bossino: Though not as a result of any of *his* efforts. Is that the case? (*Interjections*) Maybe he
can answer that particular question.

1150 **Hon. N F Costa:** Sorry?

Hon. D J Bossino: Is it not as a result, would he agree, of *his* efforts, but really of the predecessor in post?

1155 **Hon. N F Costa:** Mr Speaker, that question rests on the untrue assumption that I have at any point said
that the result where bmibaby is flying to Gibraltar was as a result of my efforts. I have never *ever* said that,
because it just would have been a patent falsehood.

1160

DEPUTY CHIEF MINISTER

**Heritage, culture, tourism and the environment
Government's co-ordinated approach; register of projects**

1165

Clerk: Question 313, the Hon. D J Bossino.

1170

Hon. D J Bossino: Can the Deputy Chief Minister advise where the register of projects, announced by the Government in connection with – this is a bit of a long question – the first inter-ministerial meeting to promote a co-ordinated approach to heritage, culture, tourism and the environment will be kept?

Clerk: Answer, the Hon. the Deputy Chief Minister.

1175

Hon. Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, the register of projects will be kept electronically and access will be allowed to the relevant Departments.

Hon. D J Bossino: So, just to clarify, the register of projects will be available in the Convent?

1180

Hon. Dr J J Garcia: Yes.

Hon. D J Bossino: No. 6 Convent Place?

Hon. Dr J J Garcia: It will be kept electronically.

1185

Hon. D J Bossino: And therefore it is available to anybody who has an interest – to the public at large, if I can put it in those terms – is it not?

1190

Hon. Dr J J Garcia: It is available only to the Departments who are interested, who are taking part in the inter-ministerial committee. It is an internal committee and an internal register.

Hon. D J Bossino: Fine. So when the Government said, in its press, that a register of projects will be kept in order to be able to record progress on each of them, the checking up on progress, if I could put it in those terms, is for the various component parts of the group, as opposed to the public. Can he confirm that?

1195

Hon. Dr J J Garcia: Yes, Mr Speaker, that is correct.

1200

SPORTS, CULTURE, HERITAGE AND YOUTH

**Heritage Action Committee
Meetings held since 9th December 2011**

1205

Clerk: Question 240, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Heritage say how many times the Heritage Action Committee has met since 9th December 2011?

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Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the Heritage Action Committee has met on one occasion, on Thursday, 23rd February 2012.

1215

Hon. E J Reyes: Mr Speaker, may I ask the Minister, as a result, does he intend to make available the recommendations and discussions held... sorry, the matters discussed by the Heritage Action Committee for

perusal by interested bodies? Does he intend to make those available, perhaps online, like tends to be the trend with other entities?

1220 **Hon. S E Linares:** Mr Speaker, that was not discussed in the first meeting, but I am sure I will discuss it in the next meeting, and just to say to the Minister that at least the Heritage Action Committee now are given the option to meet bi-monthly, so that it is more regular, and therefore the flow of information will be more attainable to the Minister and the Members.

1225

**Heritage Action Committee
Membership**

1230 **Clerk:** Question 241, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Heritage say who the current members of the Heritage Action Committee are?

1235 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, yes, the members of the Heritage Action Committee are as follows: myself, as Chairman; Prof. Clive Finlayson; Dr Geraldine Finlayson; Dr Darren Fa; Mr Mario Mosquera; Ms Claire Montado; Mr Nicky Guerrero; Mr Paul Origo; Mr Dennis Beiso; and Mr Carl Viagas.

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Hon. E J Reyes: I am grateful for that, Mr Speaker.

1245 Given that the Minister has answered by giving me the names, rather than the title of a particular position that that person might hold as an employee, are these individual members of the Heritage Action Committee on a personal basis or is it, for example, because... if we can quote, Mr Mosquera and Ms Montado happen to be, respectively, the Chair and the CEO of the Gibraltar Heritage Trust?

Hon. S E Linares: Well, Mr Speaker, these are the same members that *he* had in his Committee. There has not been any change, except myself, so he should know who they are, but I will give it to him.

1250 Prof. Clive Finlayson is in the Heritage Department. Dr Geraldine Finlayson –

Hon. E J Reyes: I may save the Member some time. It is not quite what I am asking him.

1255 Two things. One is he is not purposely, but I think there is a slight error... They are not *exactly* the same members that were there when I was, but it does not matter, Minister. What I am trying to get at is are these individuals there as a result of *ex officio*, for example, because one of them happens to be the Chairperson of the Heritage Trust, and that is why they are invited to be a member, or is it because a particular person carries a particular wealth, knowledge or experience, and therefore they are appointed or invited to become a member on a personal holder basis? There is nothing hidden in there.

1260 I am trying to establish, should the Heritage Trust decide at its next annual general meeting to change the chair, does it follow from there that the new chairperson then automatically takes over without having to do anything different?

1265 **Hon. S E Linares:** Yes, Mr Speaker, because as far as I understand it, the Heritage Action Committee, which was formed by his party, actually invited people of the different sectors – and they are from different sectors. Mr Mario Mosquera happens to be the Chairman of the Gibraltar Heritage Trust, Ms Claire Montado is the CEO of the Heritage Trust, Mr Nicky Guerrero comes as part of the Tourism Board and he was probably not there before because there has been a difference, in that he is now back into the Tourism Board. Also, Mr Paul Origo because he is the Town Planner and he would probably, if he is absent... and in this case in this meeting he was absent, and Mr Paul Naughton-Rumbo attended, who is the Deputy Town Planner. Mr Dennis Beiso is the Archivist, so he came, I presume, as he originally did as the Archivist, and Mr Carl Viagas is Private Secretary of the CM.

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So, yes, Mr Speaker, basically they are people who are in different positions and if they do change, I presume that the Action Committee will send all... the heritage staff, for example, will send to the Action Committee the right person.

1275

**Jazz Festival
Arrangements**

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Clerk: Question 242, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Culture provide details of the organisational arrangements being made to hold a Jazz Festival in Gibraltar?

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Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the Ministry of Culture is, indeed, organising an international Jazz Festival that will be held in the last week in June 2012.

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The Festival organisation is being co-ordinated by staff at the Ministry, with help and advice from the Gibraltar Jazz Society. There will also be collaboration with the Department of Education and schoolchildren will have the opportunity of attending jazz workshops during the morning being given by the international musicians.

The Ministry will shortly be inviting applications from local entities for the provision of sound and light, as well as a stage.

1295

**Gibraltar Sports Advisory Council
Meetings held since 9th December 2011**

1300

Clerk: Question 243, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sports and Leisure provide details of the dates when the Gibraltar Sports Advisory Council and/or any of its sub-committees have met since 9th December 2011?

1305

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the Sports Advisory Council met as a *full* Council on 24th January 2012. The sub-committee of the Sports Development Projects met on 15th January 2012.

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Hon. E J Reyes: Thank you for that, Mr Speaker.

The Minister might be aware that there has been a call by representatives of certain local sports organisations, asking for more openness in access to either attend or to look at the Minutes and so on of meetings of the Sports Advisory Council and all its sub-committees. Does the Minister have any views of whether he will accede to that request?

1315

Hon. S E Linares: Mr Speaker, it has not come to my attention, that request, but I am sure that, within the next meeting, which we are having even more regularly than it used to happen, if that comes up... I even dare to say that I would even propose it myself.

1320

So I have no problem in being more open *if* the Committee wants, because it is up to the Committee, not up to me, but up to the Committee if they wanted to have it in public. I am open to have it public.

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Hon. E J Reyes: Thank you.

I am not entirely clear what the Minister said, 'if the matter comes up'. The matter has been aired through

the media as a proposal from a locally registered sporting association, who I think currently hold a seat within the Sports Advisory Council, so how can the matter come up?

The Minister does not seem to have been able to read that letter to the press that was published. Can he then say how on earth can these people put the matter as an item on the agenda?

Hon. S E Linares: If there is an association already, they have representation and they can represent themselves in the Advisory Council, anyway. I have not read the right letter. I must have been very busy in the office meeting people all day and, therefore, I have not had the chance to read that letter.

But, like I said, if that is the case, I have no problem whatsoever to even propose myself for these meetings to be public, to be open, so that everybody can listen to everything that is happening in this Committee which, I daresay, it is incredible that it has come out now when we are in Government. But, look, I am quite open to having open meetings, no problem.

**Swimming pool emergency repairs
Details of cost**

Clerk: Question 244, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sports and Leisure now provide details of the costs incurred to carry out the emergency repairs at the 25 metre swimming pool, as explained in answer to Question No. 121 of 2012?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Yes, Mr Speaker, the costs incurred to carry out the emergency repairs at the 25 metre swimming pool, as explained in answer to Question 121 of 2012, is £1,302.

Hon. E J Reyes: Mr Speaker, was the hon. Member, as a result of having carried out those repairs and so on... has he been able to advance on an issue that we both share, the long pending saga of the air treatment? Have we managed to make some better progress for the benefit of the pool users?

Hon. S E Linares: Yes, Mr Speaker, absolutely. We have the CEO of the Sports and Leisure Authority has already identified what type of air treatment we are going to put. We have even put more budget this year, in order... or at least, I have put more budget because it has to be yet approved and, as we work, we put in budgets to see how much we can spend on different issues.

I can tell him that I have worked with the CEO of the Sports and Leisure Authority to see how we can not only do the air treatment, but a whole refurbishment of the pool and the poolside and all the pool areas, including the new pool.

**Gibraltar Rugby Football Union
Playing facilities**

Clerk: Question 245, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sports and Leisure say what playing facilities are currently available to the Gibraltar Rugby Football Union?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the Gibraltar

Rugby Football Union has a total of 17½ hours of allocation available to them on a weekly basis, as follows: Westside School outside area, 1 hour; Bayside Sports Centre, pitch number two, 5½ hours; Bayside Sports Centre, archery area, 9 hours; Bayside Sports Centre, north junior pitch, 1 hour; Bayside Sports Centre, south junior pitch, 1 hour.

1385 Mr Speaker, I understand that this is not for competition, but only for training purposes.

Hon. E J Reyes: Thank you for that.

1390 The reason why I am asking this to the Minister is I am taking it for granted that he is aware that the Gibraltar Rugby Football Union seem to be in quite an advanced and favourable position of being able to obtain membership of at least the European, if not the world, governing body, and therefore I think we both share the same thing. We have become victims of our own success in the promotion of sports and, therefore, there are now greater demands for use of facilities.

1395 Does the Hon. Minister have perhaps in mind some further provisions so that they may have at least a competitive type of pitch in order to progress in the game?

Hon. S E Linares: Absolutely, Mr Speaker.

1400 I have met with the Rugby fraternity, or at least the people who are the coach, the Chairman of the Rugby Football Union, a number of times. We are working very closely because we are looking at the short term because the short term is that, for now, we have not got a rugby pitch and therefore, because we have not at the moment got a rugby pitch, we have got to try and do sort of like a patch-up work.

1405 We are trying to negotiate with the Devil's Tower Camp to see how much we can use that extra for the rugby because the rugby could use that area at least for now because, in the medium to long term, we have already discussed with them about the development of the Europa Ground with cricket. So we are going to combine it with rugby and cricket and there might be some football, but at least when the development of the Europa area comes along, then the rugby fraternity will have a permanent ground to play in and, therefore, all... and I am hoping, as well, that they can bring even international tournaments to Gibraltar.

1410 **Hon. E J Reyes:** Thank you for that, Mr Speaker. I am really pleased to see that the Minister tends to have the same approach and philosophy for the future as I also have in mind.

One thing, Mr Speaker, would the Hon. Minister know, or does he need to give it further thought in discussions with the Minister of Defence in order to be able to use the Devil's Tower Camp?

1415 Can I respectfully suggest to him that it might be more beneficial for sports persons that the allocations at Devil's Tower Camp are taken over by the Sports and Leisure Authority, who then, in turn, sublet to a particular association like, in this case, rugby, because it would allow us to develop, perhaps, a better partnership with the Ministry of Defence, rather than having bodies who then... individual sports associations then compete against each other to see who can get first... who can buy the PTI Devil's Tower Camp more drinks in order to compete for locations? I am saying this because I am offering myself to work together with the Hon. Minister for the development of sports, especially rugby, who I sincerely hope are successful in their application for international membership.

1420 **Hon. S E Linares:** I am grateful to the hon. Gentleman for the offer, which I am happy to take and have no problem in trying to work.

1425 On the Devil's Tower Camp, I can tell him that he is absolutely right. It is beneficial for the GSLA but they are a bit reluctant in giving that to the GSLA to control.

Thank you.

Hon. E J Reyes: Since we represent the shareholders, perhaps the directors there will also have to do what the shareholders want.

1430 **Hon. S E Linares:** Thank you.

1435

**Gibraltar Sports and Leisure Authority Board
Meetings held since 9th December 2011**

Clerk: Question 246, the Hon. E J Reyes.

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Hon. E J Reyes: Can the Minister for Sports and Leisure provide details of the dates when the Gibraltar Sports and Leisure Authority Board have met since 9th December 2011?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1445

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the Gibraltar Sports and Leisure Authority Board will be meeting – it has not met yet – on 21st March 2012.

Hon. E J Reyes: Yes, Mr Speaker, the same there.

1450

Given that this is a board of directors who have to carry out business, as prescribed by law and so on, is the Minister considering holding these meetings in open or at least publishing the minutes and so on, on, the formal Board meetings for the future?

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Hon. S E Linares: Mr Speaker, I repeat the same as before, that it would be up to the Board themselves to discuss it, the issue and, like I said, I personally do not have any problem with that. If they feel that they do not want to be in the public eye or do not want to publish for one reason or another, it is up to them, but I am quite open to that.

1460

ENTERPRISE, TRAINING AND EMPLOYMENT

**Families and Community Affairs
Head 5-A expenditure**

1465

Clerk: Question 247, the Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, can the Government state what is the tentative expenditure figure as at the end of February 2012 for Head 5-A Families and Community Affairs and whether, given the rate of expenditure, there might be an overspend at the end of the financial year and, if so, by how much, and in which sub-heads?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

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Minister for Enterprise, Training and Employment (Hon. J J Bossano): No, Mr Speaker.

Hon. J J Netto: Could the hon. Member at least explain what he means by no?

Hon. J J Bossano: I mean the answer to Question 247 is no.

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Hon. J J Netto: Therefore meaning that he will not provide the information.

Hon. J J Bossano: Meaning that the information is not available to me at this point in time and, therefore, I cannot supply it to him.

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Hon. J J Netto: Mr Speaker, I am not going to go regurgitating the same arguments that I did in February or January of this year, because that is in the record in *Hansard*, but as the hon. Member knows, what prompted this particular question was when he said, in the February meeting, that he used to ask similar questions of this particular nature in order to see whether the particular head had been exceeded or not. So, basically, this particular question has been modelled on the same basis as he said it before.

1490 But it seems to me that, even by trying to model my question on the same questions that he used to ask when he was in that position, he seems to be in a position that he is not willing to give the information. Is that the case?

1495 **Hon. J J Bossano:** Mr Speaker, it is not the case that anything that he has said is true because, in fact, I have not asked at any time in any financial year in March for the figure at the end of the previous month, after a period of two weeks.

1500 The questions that I used to ask, which did not go into asking about the subheads, about which subhead had been exceeded, whether it was estimated that it was going to be an overspend, or any of those additional elements, was limited – if he cares to look back, because clearly he does not remember – to asking for the end of September, what had been spent in the first six months of the year. The answer that I normally got, if I asked for it in October, or November or December, was that it was too soon to give me the information and that I should wait until January.

1505 That is what I was referring to when I pointed him to how often the information was available previously. The answer was that it was available previously for a six-month period and it was then described as a ‘tentative’ figure which would change and it was then further conditioned by saying the figures for the first six months were not necessarily an indication of what was happening the whole year. Certainly, I have never been given – or asked for, or expected to get, for that matter – information within a fortnight of the time that the civil servants are working on it. This is information that we will get at the end of March, in order to start looking at the figures that we need to bring to the House in terms of a forecast out-turn. It is not information that I am asking for being provided for, although I would expect which could be... in fact, whatever tentative figures are produced today could change in a week’s time.

1510 **Hon. J J Netto:** Is the hon. Member saying, therefore, that he will be in a position by the end of March, if I ask a question in April, to give me the answer?

1515 **Hon. J J Bossano:** No, I am not saying that I will be in a position at the end of March to give him the answer about February.

1520 What I am saying is that at the end of March we have to close the books. Therefore, it is only once the books have been closed, at the end of March, that we will have some idea whether there is going to be an overspend at the end of the financial year, because a bill can come in during February and be paid, or it may not come in during February and be paid and if it comes in during February, as the hon. Member knows, we operate cash accounts.

1525 So the books show, at the end of the day, what has been paid, as at the end of the financial year. It is only when that has happened that the controlling officers and the Treasury will start working out what are the forecast out-turns that will go into the book that we will bring to this House, which will show the proposed expenditure and the estimated out-turn. Therefore, the estimates that he is asking me for, in respect of February, I do not have, I have not asked for, and I do not think it is reasonable to provide at this stage.

1530 **Hon. J J Netto:** Thank you, Mr Speaker.

1535 Of course, there are many hypothetical scenarios in terms of expenditure, which can occur at any moment in time in the financial year that may bring about an overspend on a particular head but, all things being equal, Mr Speaker, when I do stand up to ask for a forecast out-turn at a particular moment in time, of a particular month of the year, that information can be given with a caveat, of course, that things can change if unexpected expenditure will take place.

1540 It seems to me, Mr Speaker, that the hon. Member is not going to provide this kind of information, no matter in what form or shape I present a question. So, perhaps, in my supplementary question, which was going to be directed to the Chief Minister... but I notice that he is not here right now in the Chamber, so perhaps if I direct it to the Deputy Chief Minister, he may be able to discuss it later on with the Chief Minister.

1540 Mr Speaker, when we were in government during 16 years, very often the then Chief Minister used to offer the Leader of the Opposition the possibility of having a select committee – a public accounts select committee. In fact, he even went to the extent of saying that he would even place the Leader of the Opposition as chairman of the public accounts committee. Therefore, my supplementary question is that, given the parliamentary reforms that the Government is considering, will he not consider also having a select committee

1545 on public accounts?

At the end of the day, the line of questions which I am asking is money that we have all asked for – sorry – that we have all participated and voted for in the Appropriation Bill and it seems to me that the whole aim of asking this particular question is to scrutinise the Government in terms of public accounts. It seems to me that if we are moving forward to scrutinise the Government, we should adopt the same practices that, basically, were not just necessarily the House of Commons, but the Scottish Parliament, the Welsh Assembly and, no doubt, other jurisdictions, whether Jersey, Guernsey or the Isle of Man, also do have means available to all Members, whether they are on the Government side or the Opposition side, to be able to scrutinise the Government on public accounts. The only place I can think of unless, of course, I am mistaken, is Gibraltar.

We did offer to them when they were in Opposition: the hon. Member did not wish to take the offer forward. We on the Opposition benches would like to see, within the context of the parliamentary reform, whether we can have a select committee on public accounts so, at the very least, we know that this matter of looking at public accounts can be taken into account.

Will the Hon. the Deputy Chief Minister take this proposal from the Opposition to the Government so that it can look into that in the context of parliamentary reform? Yes or no?

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Hon. Deputy Chief Minister: Mr Speaker, I do not think the question, the supplementary, has any relevance to the original question.

Mr Speaker: It is not directly relevant, but it is up to the Minister, if he feels he wants to answer it.

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Hon. G H Licudi: Mr Speaker, the hon. Member talks about the possibility of a select committee and the matter going forward.

As the hon. Member well knows, there is a Commission, which has been set up to advise and make recommendations, which will be debated in this Parliament. No doubt, the hon. Member will write to the Commission with his views, as to what parliamentary procedure should be adopted going forward and the Commission will, I am sure, take those views into account.

1570

But there is a Commission that is looking into all these matters and that is the proper place to consider this.

Hon. J J Netto: With respect, Mr Speaker, it is not for me to inform the Commission on what the Opposition may or may not like, this is the place, this is the Parliament, where we actually raise matters to the Government and I am raising to the Government whether they can give some thought to the possibility of having a select committee on public accounts, which is the norm in most western democracies. I am putting it directly to the Government, not to the Commission. Will the Government consider that?

1580

I remember, in one of my first questions, when we had the January session, which was on the question of looking at accessibility for disabled persons, access to public buildings, like in the question of Parliament, and the Hon. the Chief Minister stood up and said, 'Of course we will look into that, so that disabled people can have access to the particular Parliament.' So I do not see why, when I am asking directly a question to a member of the Government, that the Government cannot take it on board and look into the matter?

1585

Mr Speaker: Access to a public building like this House is something which the Government can deal with, without the need for a select committee or a commission, but the procedural matter which the hon. Member wishes the Government to look into, has been answered by the Minister for Justice as a matter which has been... or within the remit of the Electoral Commission, so it is a different issue.

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Hon. D A Feetham: May I, just in relation to that, add this, that my understanding from conversations certainly I have had together with the Hon. the Leader of the Opposition, with the Chief Minister and the Deputy Chief Minister, is that is not intended that the Opposition would make suggestions to the select committee on parliamentary reform, neither is it intended the Government would make suggestions to the select committee on parliamentary reform and that suggestions on this side of the House on parliamentary reform would be made on a bilateral basis. That is my understanding of discussions that we have had.

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Hon. Deputy Chief Minister: Mr Speaker, the Opposition may or may not wish to make submissions but, certainly, the party that they belong to is free to make those submissions to the Commission, which they

1600 would then consider.

Hon. J J Netto: Mr Speaker, could I please have an answer, if they wish to answer the question?

1605 Will the Government consider the possibility, within the process of parliamentary reform, to introduce a select committee on public accounts? Yes or no?

Hon. J J Bossano: Mr Speaker, the hon. Member is pretending to be asking a supplementary to a question about five – Head 5A, Families and Community Affairs – about the expenditure up to February this year.

1610 I do not know what he thinks a public accounts committee would be doing, but he seems to have a notion that a public accounts committee would effectively do the role of the controlling officer of the head, because what is wrong with this question now and what was wrong with the question that he asked before, and what has never been asked in the 39 years that I have been here, is a breakdown of a head of expenditure, where it has payments to the Social Assistance Fund, contributions to the Statutory Benefits Fund, contributions to the Care Agency, additional contributions, general expenses for consumer affairs, electricity and water, telephone service, printing and stationery, Citizens' Advice Bureau, contracted services for inspections, office cleaning, 1615 personal emoluments, overtime, temporary assistance, pension contributions – now that is *one* head of expenditure.

If one were to go through this on a monthly basis, and debate it and if that was a role of a select committee of the House, or a public accounts committee of the House, they would be doing nothing else. This is the job that the Civil Service does.

1620 I do not know if they used to spend all the time doing this when they were in office, but certainly he spent all the time telling *us* in this House what the answers to all these questions was in terms of whether the estimate for the year have been exceeded or not exceeded in the first month, the second month, the third month, the fourth month, and so on throughout the year – which is what he wanted the last time – or in the eleventh month – which is what he wants the first time – but it is not the information that he is going to get 1625 from me. I do not think it is information that makes any sense, or is relevant because, in effect, we would be able to replace all the Civil Service with him, if he was so interested in doing that.

He used to accuse me of number crunching, but I think he takes the cake!

1630

**Disabled persons in long-term employment
Withdrawal of Disability Allowance**

1635 **Clerk:** Question 248, the Hon. J J Netto.

Hon. J J Netto: Can the Minister for Social Security say how many disabled persons in long-term employment or supported employment have received letters from the DSS to the effect that the Disability Allowance is being withdrawn?

1640 **Clerk:** Answer the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, as I indicated in answer to Question 127 of the last parliamentary session, 16 disabled persons were informed that their Disability Allowance would be reduced on a staggered basis.

1645 The Department of Social Security, following our exchanges, where he expressed concern that they would finish up worse off, has introduced a formula which guarantees that the first reduction is in the month of March, because in February they did not touch the allowance, because they had been paid the allowance at the beginning of the month and they had been paid the wages at the end. The first deduction is in March, that is 25% for people who are getting the higher rate of the allowance and 12.5% for people who are getting the 1650 lower rate. There will be three such deductions, so they will be left with 25% of the higher rate, or 73% of the lower rate, which will guarantee that the amount will be well above what they were getting before, which is what worried him.

I have taken it into account and I have asked Miss Sacramento to make sure that the formula does not lead to what he was worried about.

1655 **Hon. J J Netto:** I am grateful for that particular information, but do I take it, just for my own satisfaction in my mind, that the whole process – because, obviously, I have seen a copy of the letter that has gone out to a recipient, that letter, and trying to match the content of that letter with the statement that he has just made, I seem to get the impression that what the Department may have done, is say ‘We are going to issue a letter to these particular disabled persons. Let’s get the file out, let’s see the details of the circumstances of that particular person and then we will act in accordance to the manner in which you have just described now.’

1660 But, of course, even in that particular process, there is also a concern in my mind, in the sense that when a person gets a Disability Allowance – the vast majority, with a very few exceptions – is when they are born. The Department collects all the medical certificates, all the information and then they take a determination whether the Disability Allowance is given or not given.

1665 That happens when the disabled child is born, but 15, 20, 25 years later, that particular disabled person is in the position of this particular person we are discussing right now, may find – and it is probably the case, given the nature of disabilities – that there may have been a deterioration of the condition or disability of the person, so what I am trying to match, if you like, is the file in the Department at the time when the disabled child was born may not match necessarily the circumstance of the disabled persons later on, 20 years later on.

1670 So could I now then ask the hon. Gentleman that, perhaps what is missing here is the possibility that, before issuing a letter, or even in issuing a letter to a disabled person, that at least the Department may say something to the effect of, say, however, if your circumstances have changed, please come along so that we can update our information, in case there are other circumstances that we need to take into account, just as I was saying before, in terms of equipment, maybe expensive services which may be expensive, I don’t know – things of that nature, generally speaking, to do with the necessities of disabled persons. I think that it would help both persons. It would help the Department to update the records, but it would also help the disabled person if he feels aggrieved that, perhaps, the conclusion or that decision has not taken into account any change or any worsening of disability of that person.

1675 Will the hon Member take that into account?

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Hon. J J Bossano: Yes Mr Speaker, I will certainly pass on his ideas and suggestions, so that the Department could see how they can give effect to what he thinks can be more helpful now. I am going to inform any suggestions that he has that there will be a benefit to those concerned.

1685 All I want to say is that, in fact, there are more than 16 people in the category – the 16 people were the people who are getting before either £450 because they were officially in a full time job or in full time training, as it was called then, or the £225 because they were supposedly working only 2 or 3 hours. So those are the 16, and those are the ones that are being replaced by either £912 or £456, which are the new rates.

All that we have done is to make sure, following his intervention last time, that those people are not finishing up worse off, when we intended was to better them. But I take on board his additional suggestions and I will certainly pass them on to the Department.

1690 Thank you.

1695 **Persons in receipt of Social Assistance**
Detailed breakdown

Clerk: Question 249 the Hon. J J Netto

1700 **Hon. J J Netto:** Mr Speaker, has the Minister for Social Security had the opportunity to ask his staff at the DSS to see if information with regard to persons receiving social assistance can be provided, broken down in groups of less than 3 months, 3 to 6, 6 to 12 months, 12 to 24 months, 2 to 10 years, sorry 2 to 10 years and over 10 years and if so can they be provided at the end of February 2012, if not then provide the information in the usual manner as before for the same dates.

1705 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, the answer is ‘yes’, in terms that I have had the opportunity to ask the staff to see if they could do something about it, but I

1710 regret that the answer is 'no', in that the reply I have had is that they cannot, for the explanation that they gave the last time.

They say that if they... when they can tell me the number of people there are today if I ask for the information today, but the way the information is kept does not show how long they have been there. I imagine that it would mean that, if there are 554 in January, the 554 files in January can be looked at individually and there will be something there since they are limiting themselves to providing the breakdown, or providing the answer, from the information that they have in this Excel spreadsheet: all that they are able to give me is that.

1715 I suppose I can ask them if they can find the time to do a manual check of the 500 people but I cannot see them doing it any other way: it is not available electronically. So, on that basis, all I can do is update the information I gave him on the last occasion and I now pass the relevant information which shows the figures in January and the figures in February.

Answer to Question 249 of 2012

Persons in receipt of social assistance by age and gender in 2012

Month	Age						Total	Male	Female
	Under 18	18/25	26/35	36/45	46/60	Over 60			
January	1	87	136	136	172	22	554	210	344
February	1	84	135	138	169	22	549	204	345

1725 **Hon. J J Netto:** Mr Speaker, I am grateful but, as the information comes across, I think that we both recognise the fact that it would have been very useful if the system would have allowed to extract that particular information.

1730 We both recognise, even we both admit – our knowledge of IT is quite limited – the fact that a Microsoft Excel programme is very limited by nature, by being able to get this particular information. It may be the fact that the kind of information that we want to extract from an Excel programme is not possible at all. But could I ask the Minister, perhaps, whether the Department will consider, I don't know, investing some amount of money to have a database programme that may be able to extract this particular information without necessarily being disproportionate in the effect on the staff there? Will he consider that?

1735 **Hon. J J Bossano:** Well, frankly, Mr Speaker, my priority is to reduce the number of people in receipt of Social Assistance. I mean I am more interested in putting the effort into seeing what we can do, because I think we need to remember that something of the order of half the people here are considered to be employable. That is the information I have been given, right. In fact, something like a third of them register as unemployed, it is just that they have exhausted the thirteen weeks, so it may be that, if I am successful, as I hope I will be, in bringing this figure down, once it is smaller and we are then left with the people that are likely to be on Social Assistance for a number of reasons that make it very difficult to put into employment... I think we have got, for example... I think the hon. Member has got the figure of the age groups.

1740 I would say probably people that are getting Social Assistance over the age of 60, of whom there are only 22, would be people that may have been there a very long time and people that may not be... it may not be possible to put into employment. Clearly, those who are in the under 25 are the people who have probably come out of the labour market, exhausted the thirteen weeks and have not found a job. So those are the two extremes of the distribution of those on Social Assistance, and what I can promise him is that I will revisit this depending on how successful we are in bringing down.

1745 I think it would be a lengthy and complicated exercise with as many as 500 or 600 but I think if we had a smaller number we would probably be able to do what he wants.

Hon. J J Netto: Yes, Mr Speaker, I think we both share the same objective, in the sense that, ultimately,

1755 what we want is to reduce, if possible, the number of people on Social Assistance and the other reason, in pursuing this particular question, is that, if we have the tools available to be able to examine this in more detail, then our minds can be focused more attentively as to why a particular group of people and certain ages may be finding difficulties in getting employment because they may have other circumstances which impedes them employment. He used the phrase 'unemployable' –

1760 **Hon. J J Bossano:** I used the opposite.

Hon. J J Netto: 'The opposite', which is not a phrase which I particularly like using at all.

Hon. J J Bossano: 'No, employable', I said.

1765 **Hon. J J Netto:** 'Employable' you used... I'm sorry, I misunderstood you, then.

I think there may be some people in very, very severe circumstances not being able to find employment, but I am sure, to some degree or other, some people could be trained to some type of employment, even if it may be supported employment of some kind.

1770 But, anyway, that is a discussion of a different order, and I am grateful that, at the end of the day, the Minister will take it back because, obviously, it is useful for the Government and it is useful for everyone.

Thank you very much.

1775 **Gibraltarians registered unemployed
Numbers aged 60-64 and 65 and above**

Clerk: Question 250, the Hon. J J Netto.

1780 **Hon. J J Netto:** Mr Speaker, can the Minister for Employment state the number of Gibraltarians registered unemployed between the ages of 60 to 64, and 65 and over, broken down in periods of unemployment of up to 1 year, 2 years, 5 years, and 10 years or more?

1785 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, the number of Gibraltarians 65 years and over registered unemployed is one. That one person has been up to one year registered.

1790 The number of Gibraltarians in the age range 60 to 64 registered unemployed up to one year, 10; up to two years, 10; up to five years, 10; and in excess of 10 years, 12.

1795 **Gibraltar Development Corporation
Board meetings held since General Election**

Clerk: Question 251, the Hon. D A Feetham.

1800 **Hon. D A Feetham:** Can the Minister for Employment state how many times the Board of the Gibraltar Development Corporation has met since the General Election?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

1805 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** The number is none, Mr Speaker.

Clerk: Question 252, the Hon. D A Feetham.

Hon. J J Netto: Mr Speaker, could I ask a supplementary question to the question before?
Could the Hon. Minister say who are the members of the Board, please?

Hon. J J Bossano: I believe the information is published and I am told there is another question dealing with this. (**Hon. J J Netto:** Sorry?) I believe there is another question on this, (*Interjection*) but it is published, anyway – the information is public.

**Future Job Strategy
Civil Service placements**

Clerk: Question 252, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state whether any trainees under the Future Job Strategy scheme have been placed in Civil Service Departments to undertake their training or part of their training?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Yes, Mr Speaker.

Hon. D A Feetham: How many, please?

Hon. J J Bossano: The number in Government Departments is 34 and in Agencies and Authorities is 41, making a total of 75.

Hon. D A Feetham: Do these trainees satisfy minimum entry requirements for the Civil Service, those that have been placed in Government Departments and do the others that have been placed in Agencies satisfy minimum entry requirements to those Agencies?

Hon. J J Bossano: Well, Mr Speaker, the bulk of the people are in the Departments and in the Agencies, where there under the previous VTS schemes so, out of the total, only 14 are people who come in in February as a result of the system that was introduced on 1st February.

The rest are people – the other 61 – that were there already. I do not know whether they used to have to have the requirements for joining the Civil Service, but the training that they are getting, and the training that they have been getting, was not on the basis that there would be a Civil Service job at the end of it.

So that is the answer.

Hon. J J Netto: Could I ask the Hon. Minister for Employment what training has been given to these particular persons?

Hon. J J Bossano: The nature of the training that is being given depends on the area... for example, there are two or three people who are with GBC, who were with GBC since before the last election. Whatever it is that they were being trained to do before the last election is what they are being trained to do now!

These people, in many instances, the feedback that we are getting is that the Departments, or even in the private sector, they were taken on because they were asked to take them on, on the basis that the experience that they were getting in doing administrative work, or whatever it was, would improve their prospects of employment – not that they were being trained on the basis that GBC had three vacancies and was going to take the three trainees. That is not the case and it was not the case before.

One of the things that is going to be happening, of course, is that to the extent... Remember that the bulk of the people that we have got in the Employment Training Company are the people who were previously in Bleak House, and shown as employees of Bleak House, deployed elsewhere.

To the extent that the people have been deployed in a place where the employer in the private sector is telling us, 'Well, look, really, I have got nothing for this person here – I thought I was doing the Government

a favour, instead of the other way round' then what we are trying to do is put them in the public sector so that at least they are learning something and we are actually achieving some return on the money we are investing in their training. I think it is training that will stand them in good stead.

Therefore, that process is driven by people in the Department saying, look, I have got a backlog... for example, of... If I give a concrete example, so that the hon. Member will then get an idea of what this is about. The Social Security people have got a problem every time we have a number of people in the construction industry who have been laid off who are frontier workers, as happened recently. Those people who turned up asking for some EU paper that enables them, on the other side, to get paid unemployment benefit as a result of their employment record in Gibraltar, the Department has a problem in meeting that, and people obviously get very uptight, so they are saying, 'Is it possible to give me a trainee to help me clear this backlog to stop all these people queuing up here complaining?'

That kind of training is an *ad hoc* training and it is being done because we do not want to terminate the people that were already there. Therefore, the people who were already in the VTS will, if the scheme works as I want it to work, eventually finish up in doing dedicated training for a dedicated job. But I think the fact that they have been working, there were some half a dozen in the Tax Office, for example, who are still there; but it does not mean that there are six vacancies in the Tax Office that these people are going to fill and it was never the case.

I do not know, for example, in respect of the original thing, where the fact that the VTS people from Bleak House placed them in the Tax Office meant that only the ones who had five GCSEs could go there. That I do not know.

Hon. P R Caruana: Mr Speaker, clearly, whether it is work experience or training, it is better than doing nothing and I agree with the hon. Member that if the Government wants to encourage the private sector employers to support training programmes then the Government has got to be willing to participate as an employer and not exclude itself.

All that said, this was something that concerned us at the time when people started to be placed in Government Departments. Would the hon. Member acknowledge that there is a danger of and, therefore, will he agree to keep an eye on, the fact that if the Government is not careful about this it ends up as an informal preferential recruitment channel into the Civil Service generally, because if you have been a trainee – a 'placee', let's call them – for a number of years, you then have a huge advantage over other applicants, when there are vacancies in the Civil Service.

It is a very thin line between providing worthwhile training placements from which to do the public sector benefits, as well as the training on the one hand, and care needs to be taken that this does not become the equivalent of the housing pre-list and that, therefore, the people that have been doing this are obviously going to be more attractive candidates. Therefore, people who are not placed in the public service and are placed in the private sector see themselves at a disadvantage when public sector jobs come up – and no-one will want to accept a placement in the private sector. It just needs to be kept an eye on, I would ask him to consider, so that it does not acquire that folkloric, or worse, real significance.

Hon. J J Bossano: Yes, I do agree that we need to be careful that that does not happen.

I have to tell him, Mr Speaker, that we do not expect that, beyond this year, we shall be having those kinds of numbers. It is just that there are two elements in this: one is that the ones that were already in the public sector are in the public sector because of not being able to move them to the private sector. Given that the ones that were in the private sector are now getting £912, in some cases the employer said, 'Look, really, you can take this person tomorrow, because I really have not got that much for him to do'. I remember one particular case – I do not know whether I have mentioned it to the House – the guy said, 'Look, the only training I have been able to give is to put these people to shredding, and now I have got nothing left to shred!'

So we are likely to see, I think, over the next few months, probably an increase of those in the public sector, simply because they have been shifted from the private sector, with the expectation that the move will be in the opposite direction at a later stage, because we do not want to terminate the VTS unit. I think it will be wrong to terminate it for the VTS people who are already there in January and to be taking people away who are not there in January.

So the answer to his question is that I agree entirely with the analysis that he has made. In fact, to the extent that we use the public sector, we would use them on specific targeted work which has got a beginning and an end, and therefore not on a long running basis.

1920 **Hon. D A Feetham:** Can he help us with this: how many of these 75 trainees are actually undertaking any form of structured training? That is the question that I asked. It was about *training*; it was not about work experience as such.

I am aware, in relation to a number of authorities, there were people who were placed on the VTS scheme, where really it amounted to work experience. But I am talking about *training*. I am just focusing on Government Departments. How many people in Government Departments are actually doing formal training, under the Future Job Strategy?

1925 **Hon. J J Bossano:** Well, I think there were some people who were doing some business NVQ and those people were probably in the Treasury or the Tax Office and they probably are no more than half a dozen.

1930 But nothing has been changed in terms of what they are doing, other than the amount that they get paid. So, of the 61 that were already there, to the extent that any structured training was taking place before, it is still taking place. The answer is that I do not know to what extent. I think it is more a question of the training being that in their CV they can say we have worked in the Treasury or in the Accountant General's Department, or in the Tax Office or in the Tourist Office – they are spread all over the place.

1935 Except for those who may require sheltered employment and who have been there for a very long time, I think the rest, really, are there simply because it gives them an opportunity to work in an office environment. If we get a vacancy coming in that says, 'I want a receptionist', then we can say we have got a receptionist here that has been doing reception work in three different Government Departments, and therefore they have got the experience that they can go tomorrow into an office and start acting as a receptionist straightaway. I think it is no more than that.

1940 **Hon. D A Feetham:** Yes, I am not sure you need any specific training to do shredding or I do not know whether you need any specific training to be a receptionist. I really do not know.

1945 But was not the whole point of the Future Job Strategy to train people for a full time job in areas that were relevant to that full time job, with a guarantee of a full-time job at the end of it? Does he not accept that the way that these trainees are being dealt with is not in accordance with their stated policy and stated aim in accordance with the Future Job Strategy?

1950 **Hon. J J Bossano:** Mr Speaker, I accept that the stated policy that we have is not what they were doing before, with the 300 or 400 people. What I am telling him is that the bulk of the people who are there are not there because we believe that is what is ideal; they are there because that is where we found them 'parked' when we arrived!

1955 As we move them into the new system – for example, I can tell the hon. Member that there was a particular company that came to see me, in terms of the investment that they were planning to do and their requirements and their willingness to take on trainees and guarantee them employment. In that case, we were able to provide, from the people that were in the VTS, 10 people who were, in fact, university graduates. They were looking for university graduates.

So out of the 10 that we have, who were getting £450 and were spread in different Government Departments, eight were taken by this particular employer. That is what we hope will be happening with all of them – but it is not happening yet.

1960 **Hon. D A Feetham:** Yes, I understand that your policy is different from ours. I accept that, but I am here to question you on your policy.

1965 What you have effectively done is you have effectively added to the numbers that are working within Government Departments by 14. Can I ask the hon. Member, where is the guarantee of a job at the end of that?

Hon. J J Bossano: Well, I will tell the hon. Member: the answer to that is that the 14 that are in the scheme that are in the Government Departments – and there are going to be more of them – are the people who, under the policy that *he* had when he was in Government, he had placed in the private sector with no job guarantee.

1970 I wish I had been able to give 400 job guarantees the first day I arrived in office! Regrettably, it is not possible to do that, but I can guarantee him that the intention is that they will *all – all*, without exception – finish up in secure jobs at the end of proper training. That is what we are going to do, that is what we are

starting to do, and that is not what has yet been completed. But it will certainly be completed.

1975 **Hon. D A Feetham:** Mr Speaker, when it starts getting a little bit controversial, it is almost as if the thought process of the hon. Member when he answers my questions is, 'That is a very good question. Now, let's see whether I can evade it'! That really is the way that the hon. Gentleman approaches the questions.

1980 Now, we certainly were never going to guarantee people jobs, because it is not *possible* to guarantee people jobs. That is our view! The hon. Members opposite, in their manifesto, said:

'Future Job Strategy: there will be from 1st February a new dedicated Training Strategy with a maximum of three years and a *guaranteed full-time job on completion*'

1985 Does he not accept that he was conning the electorate, when he made that commitment? (*Applause and interjection*)

1990 **Hon. J J Bossano:** Mr Speaker, the answer to that is the answer I gave him when he asked me a month ago: I accept that he is the expert in conning people, but I do not accept that he has got it right on *this* occasion. Therefore I reject his accusation and time will tell whether I was conning people before 8th December or he is trying to con them now! Time will tell who is right and who is wrong.

Hon. D A Feetham: Just one final supplementary on this subject.

1995 If you cannot find a job for these people – a permanent job for these trainees – will you undertake to this House to make good on your electoral promise and actually employ these people within the public service in a Government-owned company? (*Interjection*)

Hon. J J Bossano: Mr Speaker, I do not accept that I am going to fail, and therefore I do not accept that I have to give him any undertakings.

2000 **Clerk:** Question –

Hon. J J Netto: Can I ask one further supplementary question?

2005 In relation to the 75 trainees – well, if you can call them trainees – which are now being seconded in the Civil Service, how long will be the period for secondment within the Civil Service for these 75?

2010 **Hon. J J Bossano:** They are not being seconded to the Civil Service, in the sense that – (*Interjection by Hon. J J Netto*) As I have told the hon. Member in my original answer, Mr Speaker, 61 of them were already there and 14 have entered new. They will be there until we have got a job for them in the private sector. We are not going to be sacking anybody from the Employment Company until we have got jobs for them.

Hon. J J Netto: Therefore, there is no prospect of some of them not getting a job in the private sector? They will remain placed in the Civil Service?

2015 **Hon. J J Bossano:** All these questions, Mr Speaker, are driven by the assumption that we are going to fail in achieving the targets we have set. (*Interjections*) So the answer to the hon. Member is – (*Interjections*)

2020 No, Mr Speaker, if every question assumes that if I set out to employ 50 people in a month, and I employ 49, what will I do with number 50? Well, the answer is that if I set out to employ everybody, then I assume that I am going to succeed, and if I do not succeed, then I will find a way of protecting them and ensuring they are continuing to be having an income. I will not do what was happening before, which is give people £450 a month for six or seven months – or two or three years – and then *sack* them, only that they could not say 'I have been sacked', because they were not employees....

2025 When they went to complain to an industrial tribunal, the previous administration argued in the tribunal that they had no protection in law because, in fact, they were... the tribunal did not have the jurisdiction to hear the case.

So the answer is that we are not going to be finding ourselves in that situation and we will not have the protection that they gave themselves when they did.

2030 **Hon. D A Feetham:** Is the position, then, that the Hon... is the position of the hon. Member this: that if you cannot engage these people in permanent employment in the private sector, they will remain in permanent training mode for the rest of their lives? Is that the position?

2035 **Hon. J J Bossano:** No, the position of this Member is, Mr Speaker, as far as I am concerned I am not going to speculate about what will happen in the future on the assumption that I fail to achieve the targets I have set myself – which they would like me to, but I am not either going to give them that satisfaction, now or in the future.

2040 **Future Job Strategy**
Adult Nursing Diploma trainees

Clerk: Question 253, the Hon. D A Feetham.

2045 **Hon. D A Feetham:** Can the Minister for Employment state why the new arrangements in relation to the Future Job Strategy have not been extended to those people undertaking the adult nursing diploma?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

2050 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, as already stated in answer to Question 17/2012, the Future Job Strategy *is* being extended to those people undertaking the adult nursing diploma, once it is established if this is a more favourable option for them than what they are currently getting, or what they are in the process of getting.

2055 **Hon. D A Feetham:** Well, Mr Speaker, we certainly know of cases of people undertaking the nursing, adult nursing diploma, where they are still earning £400-and-something. Why is it that these people are not earning the £912 that everybody else is earning and that, effectively, as he has recognised, firstly, in his answer just a few moments ago, that he said in January was going to happen to these people?

2060 **Hon. J J Bossano:** Well, Mr Speaker, I don't know of those people that he says he knows. If he tells me who they are, I will make sure that they get paid and that they get paid retrospectively. That's all I can tell you. I don't actually monitor each individual myself. I assume that the people who are providing me with the information have done their homework correctly.

2065 I can tell him that what they tell me is that there are some categories of people in adult training who would be getting a bursary or something from the Education Department, clearly not the £450 – a much higher sum – and that those people might actually be worse off, very much like what was happening when the hon. Member asked me about the people on the sheltered employment. So, we want to avoid giving people the £912 and then finding out that their net take home pay is less than what they would have got if they are getting a grant which, apparently, some of them are getting because of some relationship with Kingston. I think these are people who are possibly doing a level of qualification.

2070 There are two issues: one is whether Kingston would consider still being responsible for granting them the qualifications on the basis that they are employees, as opposed to students, which is more of a technicality. And the second one is the monetary effect. The answer is that nobody should be getting £450 any more, and should not have been getting it since 1st February. If the hon. Member passes me the details of those that he knows, I will make sure that it is put right.

2075 **Hon. E J Reyes:** Yes, Mr Speaker, may I add, I am told by the representatives of these students undertaking the adult course that they have requested a meeting or think, apparently, they are expecting an answer back from your colleague, the Minister for Health, and we have come to this House six weeks after the new sort of rate, or allowances, should have been payable to them and they are none the wiser because the Minister has not, apparently, been able to reply to them.

2080 **Hon. Dr. J E Cortes:** Mr Speaker, the students in question wrote to me and asked me for a meeting and I

am seeing people very very soon, and I am waiting to see them. Issues will not necessarily be purely on the question of remuneration, there could be other issues that they want to discuss with me and I am very keen to discuss it with them. I don't think this is relevant to the question that my colleague has answered.

There are issues, as my colleague has rightly said, a lot of them are students of Kingston University, and therefore there is a technicality as to whether that is consistent with them being in full-time employment and certainly because they receive a grant which is tax free, the sums have to guarantee that, as my colleague has said, their income is not reduced once they get the nine hundred and something, which will be taxable and so on. So this is something that we are looking at but, again, as the Hon Minister for Employment has said in no way will these students be prejudiced, and I will add my own personal guarantee to that of my colleague.

Clerk: Question –

Mr Speaker: The Hon. Edwin Reyes.

Hon. E J Reyes: Yes, Mr Speaker, but it is not, the Hon Minister said that he is waiting to see them. I think from the students point of view it is that *they* are waiting to see the Minister, not the other way around.

Hon. Dr. J E Cortes: Mr Speaker, I must... Sorry, Mr Speaker, I have seen hundreds of people till all hours of the evening and I am glad to do so because I actually enjoy doing it. The suggestion that has been made, that there is any kind of delay in my seeing anyone who wants to see me is preposterous and I am sure there are lots of people out there who will agree with that. If they want to see me they will see me as soon as I have... as soon as they want.

The question is that these are issues that have been dealt with, they have requested to see me and I immediately replied that I would be glad to do so and, for all I know, it is in my diary already, but there is absolutely... I completely reject any suggestion that there is any problem with seeing me at all. People see me more... I have probably seen more people in the last 3 months than my predecessors had seen probably in a year. (**Several Members:** Hear, Hear) (*Applause*)

Hon. E J Reyes: It still does not tackle the issue, Mr Speaker. These individuals, like those on the Vocational Training Scheme, were getting £450 a month. If it has become beneficial for those on the training scheme to move away from the tax free £450 into a new £912, taxable, then surely logic tells you it will also be beneficial for these individuals.

Hon. Dr J E Cortes: Mr Speaker, whatever is beneficial is what is going to happen.

Mr Speaker: The Hon. Danny Feetham.

Gibraltar General Construction Ltd Employment status of sacked workers

Clerk: Question 254, the Hon. D A Feetham

Hon D A Feetham: Can the Minister for Employment state how many of the 14 resident workers sacked by Gibraltar General Construction Limited, a Government owned company, are now back in employment?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment

Minister for Enterprise, Training and Employment (Hon. J J Bossano): I will answer this Question, together with 255 and 256.

**Construction sector
Update on job losses**

2140

Clerk: Question 255

2145

Hon D A Feetham: Can the Minister for Employment state how many workers have lost their jobs in the construction sector since the answer to Question numbers 15 and 16 of 2012?

**Construction sector
Employment status of sacked workers**

2150

Clerk: Question 256.

2155

Hon. D A Feetham: Can the Minister for Employment state how many of the 31 resident workers identified by him as having been sacked by private construction companies in answer to Question number 16/2012, have now found employment?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

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Hon. J J Bossano: Mr Speaker, three of the 14 persons have since been employed. The employment service records show that, since the answer to Questions 15 and 16/2012, the terminations of 287 contracts of employment in respect of the construction industry have been notified by employers. Six of the 31 resident workers given in the previous answer have now found employment.

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Hon. D A Feetham: Just repeat the last part I didn't quite catch that.

Hon. J J Bossano: Yes, 6 of the 31. [*There was a long silence.*]

Hon. D A Feetham: Do these figures include the redundancies made yesterday by Volker Stevin?

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Hon J J Bossano: No, these figures are based on the notifications up to Friday.

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Hon. D A Feetham: Mr Speaker, we accept that it is entirely right... that it is within the prerogative of the hon. Members opposite not to have continued with GSD construction projects. We also accept, obviously, that it is their prerogative to channel resources into their own projects, but does he not accept that the sudden ceasing of work on Government projects, at the end of last year/beginning of this year, is actually causing significant unemployment within the construction sector, is also placing construction companies in severe difficulties, and is also placing companies who depend on the construction sector into severe difficulty? Does he not accept that?

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Hon. J J Bossano: Well, I do not accept any of the conclusions that the hon. Member has reached from the answers that I have given him.

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Hon. D A Feetham: Well, you may recall that when we were in Government – sorry, administration, I don't want to offend the Chief Minister – we came out, (*Interjection*) we came out with a policy in relation to the construction sector, whereby we were spreading the workload around public projects, spreading the workload around amongst construction companies, on condition that those companies then employ residents of Gibraltar from the unemployment, the long-term unemployment, list, or the unemployment list. What measures is the Government doing in order, or what measures is the Government proposing, in order to help construction companies and those operating within the construction sector?

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Hon. J J Bossano: Well, Mr Speaker, what is happening, in that respect, is that that policy which was announced in the budget – and which I welcomed from the Opposition – is being continued and expanded and

2195 monitored to a greater degree than it was before. We are now trying to make sure that, in fact, what was intended is happening, which I don't think was happening to a very large extent. In fact, you know from the breakdown by nationality of the people in these contracts, there were very, very few residents in many cases.

2200 **Hon. D A Feetham:** Does he lose any sleep at night, bearing in mind that he is the Minister for Employment that has actually presided over 250 redundancies up to January and now a further 287 redundancies of workers within this particular sector?

Hon. J J Bossano: Mr Speaker, if I did I would have to lose less sleep than Mr Montiel because, in fact, in January and February last year the level of redundancies in the construction sector was 100 more than in January and February this year.

2205 **Hon. D A Feetham:** What is he doing... are there any specific measures that he is taking, other than a continuation of our policy?

2210 Quite frankly, bearing in mind that I have not seen any new projects that have been commenced by the hon. Members opposite, I do not see how that could have contributed in taking people off the unemployment list, but what extra measures is he, what different measures, is he taking in order to deal with these high levels of unemployment within the construction sector?

2215 **Hon. J J Bossano:** Well, obviously, the hon. Member, Mr Speaker, does not understand very much of the subject matter for which he is now responsible, because the unemployment that is going up is the unemployment in the Campo area, where 90% of these workers came from. That is to say, if we look at the actual figures of the people that are unemployed...

2220 For example, in one of his questions I have told him that three of the 14 have now found jobs. And I can tell him, because the number is small enough to be able to look at it in more detail that, in fact, four of the remaining 11 are unemployed and seven have not registered as looking for work. So he must not assume that every time there is a notification of a termination it means that there is a person registered as unemployed. As his colleague will tell him, what he used to tell me when I used to make that kind of mistake, that is to say, these are notices of termination received by the Department.

2225 The person whose employment has been terminated can register as unemployed if he is registered as having been employed with a Gibraltar address. Sometimes they do not appear, which suggests that perhaps the Gibraltar address was not a Gibraltar address after all. Those that do are a small proportion of the total. The advantage is that, with the scheme that they initiated and I am, in fact, expanding on, the priority will go to those who are here and have registered and not to those who have disappeared over the horizon.

2230 So, in effect, what is taking place now is that we will be seeing the effect of these changes. There were quite a lot of terminations, in fact, in October and November last year, which are in excess of the terminations that have taken place in January and February and they were because projects were coming to an end.

2235 So it is not that the size of the construction industry was growing until 8th December and started coming down on the 9th. That is not the correct interpretation of the information I am providing him with, if he cares to analyse it.

2240 The fact that there are terminations means that the notices have arrived telling us 'this person is no longer working for me'. It does not necessarily mean that the date of termination and the date of the arrival of the notice, you know... I do not know how long Volker Stevin will take to tell us that they have terminated contracts, but I can tell him that very few people actually keep to the seven days that the law says they should do it in and, as we know from previous discussions of speakers in the House, in some cases even the public sector. Last year we found it was months behind and there were people on the records of ETB who were no longer working there.

2245 So the answer is the level of unemployment amongst construction workers is not going up by anything that would reflect the level of reduction in employment levels that we are seeing, which are no different from what has been happening in the past in terms of the total figures. The total figures for October and November are higher than January and February this year. The total figures for January and February last year was that the figure in January was lower than this year but the figure in February was higher and, for the two months, a hundred more construction workers lost their jobs or were 'sacked', in his terminology, in the two months of last year compared to the two months of this year. So, in fact, less people are losing their jobs in these two months.

2250 Thirdly, within the machinery, within the staffing of the Employment Service, I had long ago an officer who was previously in the Construction Industry Training Centre whose job now is to identify the pool of construction workers amongst the unemployed or amongst people seeking employment who are interested in working in that industry. The whole idea is that, independent of the normal process of people being sent to jobs, if it is a construction job it goes to this person who has got a lot of experience of construction and can, therefore, do a better job in making sure that the people we send to the employer are people that the employer is more likely to accept. I think there was a tendency to send a lot of people and a lot of them were then sent back and the Employment Service said, 'Well, look, you are sending me people that cannot handle work on a building site.'

2255 We are hoping that, with the new addition to the Employment Service in the month of February, we will be seeing an improvement in the take-up of construction workers from the pool of skills we have resident in Gibraltar, but it is early days because we only started doing this at the end of February.

2260

Hon. D A Feetham: Yes, Mr Speaker, but there is a world of difference to a situation last year, where notices of termination were coming in but, in actual fact, employment within the construction industry in general was actually increasing because of the number of projects that were being undertaken, particularly in the public sector.

2265

What we face, what we now have, is a situation since *they* were elected into Government, whereby not only are we having very high levels of terminations of employment within the construction sector, but there are no jobs that are being created in this sector because you have *frozen* the Government projects that were a continuation of the projects that we were undertaking when we were in Government, and because you have also decreased the budget for GJBS from £6 million to £2 million.

2270

But, can he help me with this: out of the 287 notices of redundancies, how many of those are residents of Gibraltar?

Hon. J J Bossano: According to the returns from the employers, 60.

2275 Can I just say, Mr Speaker, in answer to all his preliminaries, first of all, I do not know where he gets the information that we would reduce £6 million from the budget of GJBS. GJBS does not have a budget that is reduced or increased. They do work for the Government. I can tell him, certainly, that the level of the construction industry of which he is so proud last year was on the basis that the Government spending, and the spending of Government companies, in projects done by the construction industry last year was of the order of £220 million.

2280 Four years ago, after the 2000 Election, the I & D Fund was running at £30 million or £40 million a year and it went from £40 million to £220 million. Does he really think that Gibraltar can spend £220 million indefinitely?

Hon. D A Feetham: No, I don't. No, I don't, actually. I don't think that. But if you bothered to listen to my original question, I do not dispute the fact that that could not have continued on indefinitely. Nor do I dispute that it is your prerogative to plough the money into whatever projects you want. Nor do I dispute that you have got the prerogative to actually stop projects.

2290 What I *am* saying is – and I am putting it to you – that the way you have dealt with this, the way that you have just simply put a stop to all these projects, that that has had a knock-on very severe effect on this particular sector and that is the reason why we are seeing all these notices of redundancies which are not being also replaced within the sector.

2295 But just coming to another supplementary, which is unrelated to that, out of the 287 there are 60 and, leftover from the figures that he gave me in January, are 36 residents who have not been employed. Does he not accept and agree with me that that is an unacceptably high level of unemployment in this particular sector of resident workers?

Hon. J J Bossano: Mr Speaker, I have to repeat that either the hon. Member does not understand, or he does not care, what answers he gets and continues saying the same thing.

2300 I have told him, as an example, that of the 14 that were originally terminated, only seven have emerged as seeking employment. Fifty per cent of the 14 have simply 'disappeared'. Of the remaining seven, four are registered as unemployed and three have been employed. I have no idea how many of the 60 that we have been told by employers... Remember that what we are relying on here is a termination of employment which

says that company A has terminated the employment of 20 workers. We then look at the 20 workers, and when I say 'we', I mean the people that are employed in the service, look at the 20 workers to prepare this answer for me and they prepare a supplementary in case you wanted to know how many were residents, on the basis that I assumed he would ask me that supplementary...

The answer is that they found that, of the 10, the employer claims that three have a Gibraltar address. What we have found is that, in fact, the Gibraltar address may be just that... the Gibraltar address, but not that the unemployment is going up by the numbers of people that one would anticipate from the terminations.

To my knowledge, this is not a new phenomenon. They tell me that this is, in fact, something that is not abnormal and that, therefore, the fact that there are 200 people who lose their jobs, of whom 150 have got addresses in Spain and 50 have got addresses here, does not mean that over 50 that have got addresses here were actually living here and not that they were using other services, which required the Gibraltar address – because, in fact, the Employment Service does not actually go out and check that people are living where they say they are.

Hon. D A Feetham: With respect to the hon. Gentleman, he appears to be giving us all the excuses that he was criticising Mr Montiel, when he was on the benches opposite, was actually giving him explanations about unemployment figures, because what you appear to be saying in relation to the seven is this: these seven do not want employment and that is why they have not registered themselves in the ETB. So, by definition, what you have is people who do not want to work and when Mr Montiel used to make that precise point to him, he used to say, 'Well, hang on a minute. How could you possibly say that? These poor people.'

What is he doing in relation to those seven? Is his Department, for example, making enquiries as to whether those seven have just simply dropped out of, or have not registered, with the ETB? Because, for example, they may be depressed at the fact that they have lost their job or because the ETB is not listening to them, when they have perhaps gone back and attempted to sign on. Have you made any efforts in relation to those seven because you certainly criticised Mr Montiel when he gave the same answers to you?

Hon. J J Bossano: Mr Speaker, Mr Montiel did not give the same answer to me because he did not give me the level of information I am giving the hon. Member opposite and, therefore, I could not ask the supplementaries that he is asking.

Mr Montiel used to say about people not being interested in working, of the people who were registered... At no stage did Mr Montiel, or anybody else in the last 15 years, tell this House how many of the people who were losing their jobs in fact did not surface as seeking employment.

If the people that have terminated the employment and are entitled to come and register and collect unemployment benefit, having done it, I do not believe that it is because they are suffering from depression. I think a more probable explanation is that they are, probably, having finished work and knowing that they have got six months in which to register, going back home to Morocco, where they came from.

So, in fact, it is a fairly normal pattern that many Moroccans, who are entitled to 13-week unemployment benefit within 26 weeks, do not register and claim it immediately. So, in the case of the four, that seems to me a more logical explanation, but I have not sent anybody with a search party to try and hunt them down.

**Future Job Strategy
Employment Training Company Ltd expenses**

Clerk: Question 257, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state, since the last session of Parliament, how many employers have signed contracts under the Future Job Strategy, agreeing to refund the expenses incurred by Employment Training Company Limited in training that individual if he or she is not employed at the end of his training?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Five employers, as at the end

of February.

2360 **Hon. D A Feetham:** Five employers in relation to five trainees?

Hon. J J Bossano: That is correct. In nearly all the cases the employers have just one trainee here.

2365 **Hon. D A Feetham:** There are 450 people, trainees, that are within the Future Job Strategy scheme and I think, in answer to questions in January, he said that he wanted to increase the numbers to 800 / 900 during the course of the next financial year.

Does he not accept that, in the light of the very low numbers of employers that have signed these contracts, he is not able to guarantee these people jobs, as he promised in his manifesto?

2370 **Hon. J J Bossano:** Well, Mr Speaker, the supplementary is the one that precedes the one about am I 'conning' them, so the answer to this supplementary is the answer that I gave to the previous supplementaries on the same subject.

2375 All I can tell him is that, in all these cases, we are dealing with people that were not initially expecting to be asked to give the jobs. That should not happen with the new ones that come into the scheme as we progress. The second thing is that, of course, he will see that his fears that everybody would sign because the commitment was not worth the paper it was written on does not seem to be shared by the employers, who do not seem to be so happy to sign as he thought they would be.

2380 **Hon. D A Feetham:** Well, I have to say that if he judges a victory by the five employers that he has managed to persuade to sign his contracts, the Future Job Strategy as a concept is worse than I thought.

But what happens, Mr Speaker, what happens, in a situation where somebody, as there must be situations like that, of trainees that are already working with employers, that have been placed with employers, and those employers do not sign these contracts? What happens to *that* trainee in *that* placement?

2385 **Hon. J J Bossano:** Before I answer that question, Mr Speaker, that remark about the victory: I haven't said anything about any victory. What I was saying was that when he gave me what he described as friendly advice, and told me that I should insist not just that they give them a job, but that they have to sign for one year, it must be because his judgement was that they would all be willing to sign if there was no year, but that the year would make it more enforceable. I would, by his analysis, if I had followed his advice, it is possible
2390 that nobody would have signed, in which case he would have been able to accuse me of an even greater failure. So maybe that was what he was really after, and not friendly advice at all. *(Laughter)*

2395 Secondly, Mr Speaker, the position is that the trainees that are there are still the ones in February. The ETCL ones that have come in since are the ones that only completed... they came in during the month of February. Their one month is still not up and, therefore, and even some of the people, for example, of the original 70 that I identified, who said they were willing to sign the agreement, five have done so by 29th February. We hope that more will, but if it doesn't, what will happen will be that we will remove the trainee from them and put them with somebody else.

2400 **Hon. D A Feetham:** Yes, because, does he not agree with me that, if he were to do otherwise, it would not be fair on the employers, the five employers, that have signed contracts?

Hon. J J Bossano: Precisely, yes. Of course, it would not be fair.

2405 **Hon. D A Feetham:** And he is still satisfied, even in the light of that, that he is going to be able to not only produce contracts of employment for 450 trainees but also for the 800/900, which is the number that he expects this to grow to during the next financial year?

2410 **Hon. J J Bossano:** Mr Speaker, when the hon. Member has an opportunity to look at the Estimates of Expenditure for the forthcoming financial year he will see that reflected.

Mr Speaker: Would this be a convenient moment for our 10-minute recess?
This house is recessed for 10 minutes

Hon. Chief Minister: Mr Speaker, only with this caveat, that it is my intention that the House should rise at 12.30, so if that is...

Mr Speaker: I will survive for 20 minutes.

Hon. Chief Minister: Very much obliged, Mr Speaker

**Future Job Strategy
Government placements**

Clerk: Question 258, the Hon. D A Feetham.

Hon. D A Feetham: Is the Minister for Employment in a position to state whether any trainee under the Future Job Strategy is being placed in a post, or used to cover anyone on maternity leave, in any Government Department, Authority or company?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment

Minister for Enterprise, Training and Employment (Hon. J J Bossano): No, Mr Speaker.

Hon. D A Feetham: Well, Mr Speaker, I know of at least one.

Does he not agree with me on this, that the use of Future Job Strategy trainees to cover maternity leave would be wrong and also would not be supported by the Government?

Hon. J J Bossano: Well, Mr Speaker, the one that he knows about is the one that he mentioned in the last meeting of the House. We identified the individual, and the individual told us that her preferred option was to be in the job strategy, so we have kept her there at her request. I mean I was not going to take her off it simply because the hon. Member thought it was not a good idea. So I do not understand. Certainly it is, the ETB is not sending people to cover maternity leave.

If the Health Authority use this person that they intended to use anyway, having asked her before this scheme was in place, having asked an employment agency to send them somebody, the employment agency opened the vacancy in the ETB, the ETB sends somebody to the employment agency, the employment agency sends him to the Health Authority, who then pays the employee and the agency – and we selected this same person and send them to the Health Authority. So the Health Authority received the same person from two sources.

I did not know this until the hon. Member brought it to my attention the last time. I told him I would investigate. Having investigated – I have not spoken to the person myself and I do not know who she is – I got somebody from the Department, and they came back and told me that they have told her that she was able to leave the employment company, join the GHA as a supply maternity cover and she chose not to do that. She said she preferred to stay with the company and not do that. So we have not changed her because, you know... I am grateful to the hon. Member who brought this anomaly up, for to my attention, but I hope he accepts that we are not going to force her to go down the route that she does not want to go.

Hon. D A Feetham: No, absolutely, if we are talking about the same person absolutely not.

But is the answer, then, to my question, which was not about the individual itself, that the Government would not support the use of Future Job Strategy trainees to cover maternity leave within any Government Department, Authority or company?

Hon. J J Bossano: Well, I cannot say that the Government would support or not support it.

It is certainly not from the Employment Service: we are not providing maternity cover from the Employment Service, as such. That is not our role. If, in fact, somebody in some Department says, 'Well, I would like to have somebody sent as a trainee because I have got a lot of work to do,' I mean, it so happens that there is somebody on maternity there, before, during or after, and they do not take somebody to cover the

maternity, in many of these areas... the complement is supposed to contain cover, in some cases.

2470 In budgets there is money to bring in somebody to cover maternity and, in other cases, in budgets there is no provision, so you cannot say in all cases there is an automatic amount of money that says, well, the complement of the place is built in on the premise that, on average, there will be so much sick leave, so much annual leave and so many maternity. Or there is a budget for temporary cover which, some people have it... In the Health Authority they have it and this is why the Health Authority was going to use the temporary cover provision which, last year, the Government moved to the Treasury because it was getting out of control.

2475 I think that was the explanation that was given to me by the Leader of the Opposition at the time in the budget when he... the temporary relief cover that was taken away from the Health Authority because it was getting out of hand, and it was controlled from the Treasury.

2480 Well, not every Department has such a pot of money, right, so what I cannot guarantee him is that, in a place where there is a trainee, there will never be a situation where somebody goes on maternity leave. But the trainee has not been sent there for that purpose and to cover that vacancy. That I can tell you.

2485 **Hon. D A Feetham:** But doesn't he agree with me that it is not an issue of money within the... It is not an issue of money or allocation to maternity leave, this is an issue of the hon. Gentleman having devised a strategy, the Future Job Strategy, which *he* says, and he still maintains, is a new training strategy in order to train individuals and, in the light of that, it is entirely wrong to be sending somebody, within a strategy that is designed to train that person for a full time job at the end of it, to cover for somebody on maternity leave.

2490 **Hon. J J Bossano:** Mr Speaker, I really do not know what I can do with the hon. Member when I give him the answers and he asked me the question as if I had not said anything! (*Laughter*). I have already told him. Yes, I did give him an answer.

2495 I told him *specifically* it is the Employment Services role not to provide maternity cover to Government Departments, agencies or Authorities. That is what I have told him. What I have said to him is what he cannot come tomorrow and say, 'Well, you send somebody to the Tax Office and now there is somebody on maternity leave, so that means the trainee is now doing the work that the people on maternity leave were doing.'

Hon. D A Feetham: That is not what I am getting at.

2500 **Hon. J J Bossano:** Well, if that is not what he is getting at then he has had his answer.

Future Job Strategy Details of placements

2505 **Clerk:** Question 259, the Hon. D A Feetham.

2510 **Hon. D A Feetham:** In relation to the Future Job Strategy, please provide details of where each and every trainee has been placed and ordered to undertake their training under that strategy. For the avoidance of doubt, there is no need to identify the trainee by name.

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment

2515 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** At 29th February, 255 trainees were placed in the private sector and 66 trainees in the public sector.

2520 **Hon. D A Feetham:** Is the hon. Gentleman not concerned by the high levels of trainees in the public sector, as compared to trainees in the private sector, bearing in mind that the whole point, my understanding of it and the explanations that he has given in this House, not during the General Election, but my understanding is that the aim is to place these people in full time employment in the private sector.

Hon. J J Bossano: Well, Mr Speaker, I think we have already dealt with that in answers to the previous

2525 questions, but I would repeat it to him. The 66 in the public sector are going to be going up because, of the 255, the more people we find say 'we are not going to give the guy a job', we are not going to have somebody in a private firm where the private sector does not really have anything to provide him in terms of work or skills, where the private firm thinks they are doing us a favour, where we are paying that person £912 so, rather than have him parked in a private firm, it is better to have him in the public sector because, at the moment, as he knows, only five have told us they are going to give the people a job.

2530 So that is covered by the answers I have already given him. The answer is that this is not a situation that we want to finish up with: this is a situation that we have today on 29th February.

2535 **Hon. D A Feetham:** Is it the position of the hon. Gentleman that none of the 259 will end up in full time employment in the public sector, or does he have, perhaps, an idea of how many – in his projections – trainees may end up being employed in the public sector?

Hon. J J Bossano: Mr Speaker, the 255 are all in the private sector

2540 **Hon. D A Feetham:** In answer to the question originally, you said 259 in the public sector and 66 in the private sector. Have I understood that wrong.

Hon. J J Bossano: No, the other way around. There are 255 trainees placed in the private sector and 66 in the public.

2545 **Hon. D A Feetham:** That makes sense because, in fact, it would not have correlated with the figures that you have already given me.

Hon. J J Bossano: The same figures.

2550 **Hon. D A Feetham:** Exactly.

2555 But out of those 66 is there a number he has in mind of, because he must have, at some stage, sat down and said, looking at all these trainees – and I know there is a question in the order paper later on about the training skills audit – looking at the employment market in general, looking at all these trainees, looking at their profiles, these areas are the areas that, perhaps, we can find them employment within the private sector, but there might be some a number that may end up in the public sector? Has he done that analysis and, if he has done that analysis, does he have a figure – which I am not going to keep him to in the future – but does he have a figure of people that, perhaps, might end up in the public sector?

2560 **Hon. J J Bossano:** Of the 66, well, I think that probably most of the ones that are concerned in health training, because those people have a job guarantee. We are talking about, maybe, 20 of them.

Hon. P R Caruana: Mr Speaker, the Minister may already have said this whilst I was distracted, but the definition of private and public sector here is the one that we have traditionally become used to when we were in different places in this House, each of us.

2565 **Hon. J J Bossano:** All the Government companies would be in the public sector.

Hon. P R Caruana: Government companies, agencies, all statutory authorities are private and any and all.

2570 **Hon. J J Bossano:** Private is private.

Hon. P R Caruana: And AquaGib, which the Government has a minority shareholding in, does he know, offhand, where that one is categorised? You may need notice of the question.

2575 **Hon. J J Bossano:** Well, I can tell the hon. Member that it is based on the definition that we include in the Employment Service report.

Hon. P R Caruana: So they are private sector.

Hon. J J Bossano: So, you know, if they are classified there as private, then in all the answers we will give, we will call them the same definition.

Hon. J J Netto: Can I ask a supplementary question to the Hon. Minister for Employment?

Does he know, of the 259 trainees that will be placed in the private sector, how many, potentially, of those trainees could end up with a mutually recognised qualification at the end of the training period?

Hon. J J Bossano: At the moment the only people that we have got, as at 29th February, with a commitment that they will be employed, are people in the five employers that have got five employees – and they are not doing any training which has to do with obtaining a specified NVQ or any other kind of qualification. They are just being trained, because they were placed there beforehand. That is to say, these are people who have been, maybe, six months last year and we came in in December: their six-month period was due to end and I gave instructions to Bleak House not to terminate the training period for anybody, to let them all stay on and the five employers and the five employees that have been taken on so far, or there is a rigid commitment that they will be taken on, are all the ones that were there already...

So, of the 255, they are only doing training with a qualification at the end, if they were doing it already.

Hon. J J Netto: What I am trying to focus my question on is not necessarily... which is important, obviously, if a person, at the end of the training period, gets an offer of employment, but, leaving that aside, what I am trying to focus my mind is, of those 259 who are now being placed in the private sector, does he know how many of them will end up, potentially, if they fulfil the requirement of the training package with a mutually recognised qualification? That is what my question is aiming for.

Hon. J J Bossano: I think there is another question on that, but...

Future Job Strategy Length of contracts of employment

Clerk: Question 260, the Hon. D A Feetham.

Hon. D A Feetham: In relation to the Future Job Strategy, please state the length of the contracts of employment with Employment Training Company Limited of every trainee employed by that company under that Strategy. For the avoidance of doubt, there is no need to identify the trainee by name.

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): All the trainees in the Employment Training Company have got a contract of employment for a maximum period up to the end of December 2012 and, therefore, the length of the time of the contracts now is on the basis that they all end in December, but it is not that we expect them all to be unemployed in January. In some cases it is written as a maximum, because an employer may be willing to take somebody on before December.

Hon. D A Feetham: And that includes, does it not, people who, for example, had training contracts with the Construction Centre that exceeded 11 months, that were for two or three months for the length of the period which they would end up with an NVQ qualification? Correct?

Hon. J J Bossano: Well, it includes them. The only thing that I want to point out is that they did not have contracts with Bleak House. They were receiving a payment from Bleak House, but it was not a contractual relationship. The contract that they had was with the Training Centre for the training. So the training was provided by one entity and the payment was provided by another. We have replaced the entity that pays. The entity that trains continues to provide the training, as contracted.

During the course of this year, there will be a number of changes, in order to – it will put everybody into the same system to start off within February but, for example, the people that are in sheltered employment

2635 will be moved to contracts that will give them permanent, open-ended contracts and not one-ended. The people who are training with specific dates will have their contracts adjusted so that the payment is linked to their continued period of training, but this has not happened yet.

2640 **Hon. D A Feetham:** So, in other words, those people that were on three-year contracts with the Training Centre, in order to obtain their NVQs, that have now been placed on 11-month contracts with Employment Training Company Ltd, what you are saying is that they will have their employment contracts with Employment Training Company Ltd extended for the three-year period that it takes to complete the NVQ? That is correct?

2645 **Hon. J J Bossano:** Not in all cases, because, of course, they are not all in the first year. We have got people in the first, second and third year. I think there are 40 that came into this year's intake and, therefore, their contract will have to be changed on the basis that it has to be linked to the continued attendance at the Centre. At the moment, the contract of employment with the employment company does nothing other than pay them a wage, instead of paying them £450.

2650 But, as we go through the system, we will then have, for example, of the people in the Construction Training Centre, we would have to do different contracts for the people who are about to finish this year, where it says 'up to 11 months', but they are not going to be up to 11 months in the company, because they will be completing their training and getting their level 3 NVQ later on this year.

2655 In the cases of the people in the second year, there is a different time period. In the cases of those who came in last year, which I believe was about 40, what they tell me from the Construction Training Centre is that there is generally quite a high level of wastage in the beginning, so we need to link to attendance and to performance the contracts where you do not have the situation where somebody walks out of a Training Centre tomorrow and there is still a contractual obligation to pay him £912 for the next two and a half years.

2660 **Hon. D A Feetham:** Just on that, are you saying that, effectively, what there is, the situation there is now, is a contract with the Employment Training Board, which is a contract of employment, where they are being paid, but then there is a separate contract with the Training Centre in respect of their training? Is that the position?

2665 **Hon. J J Bossano:** The position is that when they enter into the training programme, they enter the training programme which was to attend and to go to the Construction Training Centre and so forth for a period of time, to pass certain courses, to do it successfully before they can go up from year 1 to year 2. All that is unchanged. Right?

2670 In addition to that, they were with Bleak House shown as employees of Bleak House, on £415 a month, even though they did not have an employment contract and the law specifically excluded people on Government training schemes from being included in the definition of 'employee'. The Bleak House contract, for want of a better word, because it was not in the standard terms of employment that we have that say you are entitled to so much and with leave and sick leave and so forth, which they now have... That is what has replaced the Bleak House arrangement and that is no different, whether you are in the Training Centre, or in the Tax Office, or in the private sector. Everybody has got one standard terms of employment piece of paper and that is true of all of them.

2675 In the case of the people in the Construction Training Centre, the period ending in December was simply because, on 1st February, we took everybody that was there in January and gave them this new contract and registered them with the employment company and the contract says 'a contract is up to 11 months', so it was not a defined, closed contract, it was a contract with a maximum life of 11 months. It is those contracts, in the case of the construction trainees, that now has to be altered to fit whether you are in year 1, year 2, or year 3 and to put, in their case, conditions related to performance with their training, which does not exist in the places of others, because they are in a structured training programme, where the Construction Training Centre can say, look, you have failed level 1, you cannot go to do level 2.

2685 **Hon. D A Feetham:** Is there a risk here of a mismatch between the rights and duties of employer and employee, particularly the rights of employees in this kind of situation, in this way, that they are employed by Employment Training Company Ltd, but then they have got a separate contract, a training contract, with the Training Centre?

2690 Is he satisfied that employees are protected and, at the end of the day, the whole purpose of employing them by Employment Training Company Ltd was to give them employer/employee rights? Is he satisfied that those people are adequately protected in a situation whereby the Training Centre may terminate their training, which effectively means the end of the whole purpose of placing them there, in terms of, for example, had the company itself terminated, then the employee would have been able to claim unfair dismissal against the company whereas, if the Training Centre terminates that contract of employment, what would happen to the employee in that kind of situation?

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Hon. J J Bossano: Mr Speaker, the Construction Training Centre does not employ them, so there is no –

Hon. D A Feetham: *[Inaudible]*

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Hon. J J Bossano: – contract of employment with the Training Centre, which the hon. Member...

If somebody is going to the college and the college says to him, you are being a nuisance in the classroom, go home, the guy's employment with the Employment Training Company does not cease, whether he is in a Construction Training Centre or doing any other course, but to the extent that there are people with different completion dates of their training, the employment contract has to adjust for the fact that what we cannot do is... there are people carrying on training, whose wages suddenly stop. Under the previous system their £450 was not tied to a period of payment, it was tied to a period of training. So if somebody was sent to do training in the private sector for six months on a six-month placement, then automatically, at the end of the placement, they came back and that was the end of the story.

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With the new system, since what we have got is an employment contract, the employment contract has been done the same for everybody in the first month of February. As we progress, we have to improve that system so that the employment contracts relate, for example, if somebody is studying to be a nurse, and is in the nursing school and is getting not the £450, which the hon. Member told me earlier they are still getting, but £912, what we have to do is link the employment to the period they are going to be training because after the training there is a job guarantee, so the employment will end with the employment company and will start with the Gibraltar Health Authority.

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In the case of people in the Construction Training Centre, there is no guarantee of employment at the moment but, clearly, from what I have told the hon. Member that we are already doing in having a dedicated section of the Employment Service, where what we have done, we have transferred to the Employment Service somebody who was in the Training Centre as an external assessor and therefore knows exactly what the training is that is going on. What we expect is that we will do what we think is something that is important and that is to ensure that the training is leading to employment. We may not be able to do it for the people who are coming out this year, because the timescale is too short, but we certainly want that to be happening for the people in year 2 and for the people in year 1, who finish in a year or 18 months' time and in three years' time. So when they come to the Construction Training Centre, we have already got an employer lined up for them. That will be done, partly because of the placements that we do in the interim.

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The reality of it is that we need to review the way the training is being provided, because some employers have already had meetings with me, telling me that the skills that we are imparting are not the skills that they require. Therefore, I think it has to be done in that way. So the whole idea is, in fact, to avoid a mismatch, that the hon. Member quoted. I have not been advised with anything that such a mismatch exists, but certainly it is not something we want to finish up with.

Hon. Chief Minister: Mr Speaker, I have the honour to move that the House do now adjourn to 3 p.m. when we will continue with Question 314.

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Mr Speaker: Is that convenient to all hon. Members?
This House will adjourn to 3 p.m. this afternoon.

The House adjourned at 12.35 p.m. and resumed its sitting at 3.00 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 5.35 p.m.

Gibraltar, Thursday, 15th March 2012

The Gibraltar Parliament

The Parliament met at 3.00 p.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Mr Speaker: The Hon. the Chief Minister has indicated his wish to make a statement before we resume with the questions.

The Hon. the Chief Minister.

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Gibraltar Power Station and distribution works Statement by the Hon. Chief Minister

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Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the Government has yesterday served a Notice on ETDE SA and Volker Stevin Construction Europe BV, the Joint Venture parties in respect of the construction of the proposed new Gibraltar Power Station and distribution works. The Notice informs the Joint Venture parties that the Government has decided not to proceed with the proposal they have made for the development

15 of the new proposed Power Station at Lathbury Barracks.

The Government will make a full statement next week in order to fully inform the public of the Government's reasoning for this decision, the consequences of it and the alternatives by which we intend to ensure the secure continuity of electricity supply.

20 **Hon. P R Caruana:** Well, Mr Speaker, for the sake of – as a point of order – can we treat the Hon. the Chief Minister as having moved the suspension of Standing Orders?

The House is in Question Time. The making of statements comes much earlier on and I think the usual practice is, so that it looks right on *Hansard* and in the Minutes, for there to be a suspension of Standing Orders to allow the Minister to make a statement.

25 **Mr Speaker:** I am grateful to the Hon. Leader of the Opposition for pointing that out. Yes, I should have invited a suspension of Standing Orders, but it... Can we take it that the Hon. Chief Minister did move (**Hon. P R Caruana:** Yes.) and it has been approved by the House?

30 I am most grateful.

Clerk: Answers to Oral Questions continue.

35 Questions for Oral Answer

CHIEF MINISTER

40 Brussels Process Whether 'dead and buried'

Clerk: Question 314/2012, the Hon. P R Caruana.

45 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister confirm that he agrees that the Brussels Process is 'dead and buried'?

Clerk: Answer, the Hon. the Chief Minister

50 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, sir, but not just 'buried': it is also 'cremated', as far as the Members of this side of the House always have been, are, and will be, concerned.

In this respect, Mr Speaker, I refer the hon. Gentleman to Government Press Release 62/2012, of 26th January 2012, in respect of my meetings with Minister for Europe, the Rt Hon. David Lidington MP and Government Press Release 126/2012, of 22nd February 2012, in respect of the statements made by the Prime Minister, the Rt Hon. David Cameron MP.

60 **Hon. P R Caruana:** Mr Speaker, given that the Brussels Process was, when it was not 'dead and buried', a bilateral Process between the United Kingdom and the Kingdom of Spain, when we say that it is 'dead and buried', we do not mean as far as *we* are concerned because it always... it has been for quite some time, as far as we are concerned through none participation.

65 What we mean is, and the essence of the question and what I am asking the hon. Member to agree with, is that it is 'dead and buried' as far as the *UK* is concerned, which is the position that we used to adopt when we were across the floor of this House, in reliance on the very same statement. It is true that there is a novelty now, in that the words have been uttered by the Prime Minister but the words that the government of the United Kingdom will not take part in any sovereignty negotiation or *even discussion*, unless the people of Gibraltar are content, dates back to the days of the new Constitution in 2007, and that that means, it certainly is helpful that the words have been found on the lips of a Prime Minister, as opposed to the lips of a Foreign Secretary, as it then was. But does the hon. Member agree with me that, since the Spanish Government says

70 that the Brussels Process is intrinsically about sovereignty and the UK government has said that they will not
discuss or negotiate sovereignty unless Gibraltar is content, *ergo* the British Government must be saying that
it will not take part in talks under the Brussels Process unless we are content and, therefore, it is 'dead and
buried' not just as far as we are concerned – which has been the case for some time – but, indeed, as far as the
UK government is concerned, that is the only natural meaning of those words that have been uttered now by
75 the Prime Minister, but previously by Foreign Secretaries...?

Hon. Chief Minister: Mr Speaker, yes, sir, as the hon. Gentleman will know, as far as the Members of
this side of the House are concerned, the agreement was stillborn in 1984, but certainly since the new wording
came into the statements that are made by the Foreign and Commonwealth Office and any relevant Minister
and, recently by the Prime Minister, something which I know will be welcomed by *all* members of this
80 House. It is also, therefore, in *our* view the position of the United Kingdom that the agreement is *de facto*
dead and buried because of the double lock mechanism, which means that Gibraltar will never agree to those
talks going ahead.

Hon. P R Caruana: Precisely for that reason, Mr Speaker, and, of course, that this... Does he
85 acknowledge and agree with me that this has been said not now just by the Prime Minister and by Foreign
Secretaries and Secretaries of State but, indeed, has been contained as a key point in successive addresses by
the UK's representative at the United Nations in their annual addresses to the Fourth Committee, now for 4 or
5 years at least – I cannot remember when it started, I think it was 2007, it might have been 2006 – and that,
90 therefore, it is now the crystallised position and has been for some time of the UK government?

Hon. Chief Minister: Mr Speaker, I will agree with him that the record will show when it started, when
that position started, and it became the crystallised position of the United Kingdom, as he puts it. I am sure he
will agree with me that it is the position that was taken by the party on this side of the House from the very
moment that the agreement was announced in 1984.

95 Mr Speaker, I think it is also important to highlight that it is the position which HE the Governor put in
this House when he opened this House in his capacity as the representative of Her Majesty the Queen, *in this*
House, and that is the only position that will be acceptable to Members on both sides of the House, and that it
is the death knell, not just of the 'dead and buried' Brussels Process but of *any other* Process that might
propose any negotiations or discussions of sovereignty in *any* circumstances in which the people of Gibraltar
100 were not content with that.

105 **Tourism, port, business, e-commerce and e-government advisory councils.
Government policy**

Clerk: Question 315, the Hon. D J Bossino

110 **Hon. D J Bossino:** Can the Government advise whether it intends to continue with the policy of receiving
advice from the tourism, port, business, e-commerce and e-government advisory councils?

Clerk: Answer, the Hon. the Chief Minister

115 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, sir.

Hon. D J Bossino: Can the Hon. the Chief Minister advise whether the membership of these various
councils have been set up?

120 **Hon. Chief Minister:** Mr Speaker, as I understand it, the tourism advisory council, the small business
board, the port advisory council, the tourism advisory council and the small business board have all been,
have either all been set up or are in the process of being set up, with dates fixed for the next meetings.

Hon. D J Bossino: The Hon. Chief Minister has mentioned the small business board and tourism advisory

125 councils twice, so that would leave out the business e-commerce and e-government advisory councils, which presumably have not been set up. If that is the implication of him leaving these out in the answer, does he have any indication as to when he thinks these will be set up?

130 **Hon. Chief Minister:** Mr Speaker, in respect of e-commerce and e-government he will know that those are areas of my responsibility, where I am working already with the internal apparatus of the Government to promote the Government's work in delivering the early stages of e-government.

E-commerce, of course, is not so much a Government initiative but enabling traders in Gibraltar to do business with the world and not just the Government doing business with its citizens.

135 I am delighted to tell him that I will be looking to the e-commerce and e-government advisory councils to provide advice on the issues that those who are representing there the relevant industries think it is appropriate for the Government to bear in mind when it is taking the necessary steps to advance where we are in respect of e-commerce and e-government but, at this stage, the work has to be done almost, if I may say so, infrastructurally, to put the Government in a position to be ready to do e-government and e-commerce. That is why that has not been a priority yet.

140 **Hon. D J Bossino:** I take it from that reply, just to make it fuller, is that at this stage he does not know. The Chief Minister would not be able to advise this House as to *when* he thinks he will be in a position to confirm that or to advise this House about the membership of these councils will be set up... it is too early to say.

145 **Hon. Chief Minister:** Well, only in this sense, Mr Speaker, that I do think that there is a call for advice at this stage, but I would anticipate that those boards, those councils, will be reconstituted before the budget session, for example.

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**Retired civil servants
Detailed figures for 2011 and to end of February 2012**

155 **Clerk:** Question 316, the Hon. J J Netto

Hon. J J Netto: Mr Speaker, can the Government provide the figure of retired civil servants during 2011 and up to the end of February, broken down by month, grade, department, authorities and agencies?

160 **Clerk:** Answer, the Hon. the Chief Minister

Hon. Chief Minister: Mr Speaker, I will now hand the hon. Member a statement giving the information requested. (*The Tables can be found on the following pages*)

Hon. J J Netto: Mr Speaker, I am grateful for the information.

ANSWER TO QUESTION 316

DATE	GRADE / NO.	DEPARTMENTS, AUTHORITIES AND AGENCIES	TOTAL
APR 2011	CARPENTER (1) EXECUTIVE OFFICER (1) COOK (1)	HOUSING WORKS AGENCY GDC GHA	3
MAY 2011	ADMINISTRATIVE OFFICER (1) SCHOOL BUS DRIVER / SS ASSIST (1) GRAVEDIGGER (1) ENROLLED NURSE (2)	FAMILY, YOUTH AND COMMUNITY AFFAIRS EDUCATION ENVIRONMENT GHA	5
JUN 2011	NURSE AUXILIARY (1) ENROLLED NURSE (2) CLEANER (1)	GHA GHA TECHNICAL SERVICES	4
JULY 2011	TEAM LEADER (DISABILITY) (1) CLEANER (1)	CARE AGENCY GHA	2
AUG 2011	SENIOR OFFICER PUBLIC ANALYST (1) SCHOOL ATTENDANT (1) SENIOR ENROLLED NURSE (1) STORES SUPERVISOR GRADE D (1) STOREMAN (1) CONSUMER SERVICES OFFICER DS (1) CHIEF INSPECTOR (1)	GHA EDUCATION GHA GHA GHA GIB ELEC AUTHORITY POLICE	7
DATE	GRADE / NO.	DEPARTMENTS, AUTHORITIES AND AGENCIES	TOTAL
SEP 2011	CHIEF STATISTICIAN SO LEVEL 5 (1) POLICE CONSTABLE (2) POLICE INSPECTOR (1) SENIOR EXECUTIVE OFFICER (1) LABORATORY CLERK (1) ENROLLED NURSE (1) SENIOR OFFICER (1) QUALIFIED TEACHER (4) PRINCIPAL (1) HEADTEACHER (1) DEPUTY HEADTEACHER (1) MANAGING DIRECTOR (1)	STATISTICS POLICE POLICE INCOME TAX GHA GHA FINANCE CENTRE EDUCATION EDUCATION EDUCATION EDUCATION AQUA GIB	16
OCT 2011	STAFF NURSE (1) PLUMBER (1) SENIOR ENVIRONMENT OFFICER (1)	GHA HOUSING WORKS AGENCY ENVIRONMENTAL AGENCY	3
NOV 2011	HIGHER EXECUTIVE OFFICER (1) POLICE CONSTABLE (1) FIRE FIGHTER (4)	POST OFFICE POLICE CITY FIRE BRIGADE	6

CONTD ANSWER TO QUESTION 316

DATE	GRADE	DEPARTMENTS, AUTHORITIES AND AGENCIES	TOTAL
DEC 2011	HIGHER EXECUTIVE OFFICER (1) CHIEF DRIVING & VEHICLE EXAMINER (1) COXWAIN (1) ELECTMEM OF THE GIB PARLIAMENT (2) AO TIMEKEEPER (2) PRISON OFFICER (1) D7 TECHNICAL GRADE (1) ENROLLED NURSE (1) QUALIFIED TEACHER (1)	FAMILY, YOUTH AND COMMUNITY AFFAIRS TRANSPORT - TRAFFIC PORT PARLIAMENT HOUSING WORKS AGENCY HMS PRISON GIB ELEC AUTHORITY CARE AGENCY EDUCATION	11
JAN 2012	SUPPORT GRADE BAND 2 MESSENGER (1) PTO (1) SPTO / COO (1) PAINTER (1) POLICE CONSTABLE (1) SCHOOL ATTENDANT (1) QUALIFIED TEACHER (1) DIVISIONAL OFFICER (1) FIRE FIGHTER (1) PTO (1)	TREASURY TECHNICAL SERVICES TECHNICAL SERVICES HOUSING WORKS AGENCY POLICE EDUCATION EDUCATION CITY FIRE BRIGADE CITY FIRE BRIGADE AQUA GIB	10
FEB 2012	SENIOR EXECUTIVE OFFICER (1) DOMESTIC SUPERVISOR (PTO) (1) TSSU / CSSD TECH (1)	POLICE GHA GHA	3

165

**Moroccans in Gibraltar
Enhancement of rights**

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Clerk: Question 317, the Hon. J J Netto

Hon J J Netto: Mr Speaker, can the Chief Minister state what the Government plans to do in order to enhance the rights of Moroccans in Gibraltar?

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Clerk: Answer, the Hon. the Chief Minister

Hon. Chief Minister: Mr Speaker, as soon as we were elected, we have commenced dealing with the problems experienced by Moroccan workers. We are working already on issues relating to visas to visit Gibraltar for pensioners, who come to collect pensions as well as for family members of those who work here. The process of dealing with naturalisation applications for all of those who have been here for more than 20 years and in good standing have all now been dealt with.

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We are in contact with the relevant representatives of both their collective organisations, the MWA and the MCA and we have met with both since the election on a regular basis and we will continue to do so. We

have also met with the operator of the ferry service and seek to work together on enhancing the service provided.

Hon. J J Netto: Mr Speaker, I am grateful for the information, but my question actually goes much further than the answer that has been provided by the hon. Member.

Can the Chief Minister, the Hon. Chief Minister, provide an indication, where does the Government think in relation to the rights of Moroccan workers for entitlement, for instance the minimum income guarantee? Does the Hon. Chief Minister think that the Government, in terms of enhancing their rights in the future, will allow Moroccans to be entitled to minimum income guarantee?

Hon. Chief Minister: Mr Speaker, the Moroccan Workers Association and the Moroccan Community Association have not raised that issue with me. It is an issue I would have to look into to understand whether the entitlement to minimum income guarantee is based on any qualifying criteria which might cause a problem.

The hon. Member should know that, in the process that was commenced by his government, in the period in the run up to the General Election, and after the General Election, most of the applications, if not all the applications, for naturalisation in respect of people who have been here for more than 20 years have been dealt with, and unless people were not in good standing then they have been dealt with positively so, therefore, there should be no issue in respect of entitlements which a British Citizen has, when resident in Gibraltar, being available to all of those Moroccan workers who have now been naturalised.

Hon. J J Netto: Mr Speaker, I am grateful for the fact that the Hon. Chief Minister seems to be indicating that he has given quite a lot of effort and time in terms of making, of continuing, the progress of naturalisations, which we indeed advocated for. My supplementary question is more in terms of the thinking of the Government in relation to a number of benefits in different forms which, at the moment, the Moroccans are not entitled to.

In relation to the minimum income guarantee, he might know, or may not be aware of that, in the past, one requirement was that when the Moroccans were being issued with a resident permit of a year, that seems to have been like the basis of saying you are not entitled. But the fact is that one of the things that we changed in our term of office is that now they are given five years' resident permit so, in relation to that, as far as the minimum income guarantee, does the hon. Member think that, when considering the natural progress of giving entitlement to Moroccans, a minimum income guarantee would be *one* of the things that the Government will be considering in order to allow them to get that benefit, in the same way as all other taxpayers and people who pay social insurance who are and who are residing in Gibraltar will be able to get it?

Hon. Chief Minister: Mr Speaker, I would need notice of the question in respect of the minimum income guarantee for this reason: the minimum income guarantee was introduced by the hon. Members opposite when they were in government. I do not know the eligibility criteria off by heart of what the minimum income guarantee is, but the hon. Gentleman can rest assured that it has not changed since 8th December 2011. Therefore, if there was an issue with people being eligible for a minimum income guarantee, it must have arisen because they introduced it in a way that created the issue.

But what I want him to understand is that the process – which, as I said, commenced under the previous Administration, has continued and been completed under the current Administration – means that most, if not all, of the Moroccan workers who are resident in Gibraltar – and by that I mean those who have been resident for more than 20 years and are traditionally seen as those who came over during the closed frontier period – have had their applications for naturalisation dealt with and, unless they have not been in good standing – which means, namely, that they have been convicted of something or there have been issues with them perhaps being thought to be working illegally, etc – all of them have been dealt with positively. So we are dealing, principally now, with a group of people who are British citizens, or about to be British citizens, resident in Gibraltar. If there is a citizenship criterion in respect of any of those entitlements then, for most people, for that reason, they will have surmounted it already.

Hon. J J Netto: From recollection, my understanding is that one of the criterion for entitlement to the minimum income guarantee is that the people have to be in excess of one year resident... residency permit in

Gibraltar, and of course, this is the one thing I just alluded to: we did change in order to give the Moroccans a five-year resident permit, as opposed to one year.

Therefore, the way I see it, given that those were the criteria that we set out to create, a minimum income guarantee, I would think logical enough to extend those rights to the Moroccan community in Gibraltar on the basis of the criteria for entitlement which we actually set out for the minimum income guarantee. It is on the basis of that that I am asking my question.

Hon. Chief Minister: Mr Speaker, let me put it this way: if there is a problem with people being eligible – Moroccan workers being eligible – for the minimum income guarantee, it is a problem that would have been created before 8th December, not afterwards because, as far as I understand it, we have not changed any aspects of the permit of residence that is granted – so if it was granted for five years under them, it continues to be granted for five years under us.

Hon. J J Bossano: So why were they not getting the minimum income guarantee?

Hon. Chief Minister: Therefore, it may be that people were already... what he is saying to the House is that these Moroccan workers were eligible to get the minimum income guarantee before the Election, and that he is concerned that we should not have done anything after the Election, to stop them from getting it. That is not the case.

Whatever was the position before is the position now. If there was a discrimination – to use a word, I do not mean it negatively – there was a lack of entitlement under the previous Administration, the lack of entitlement continues today, but not because we have changed anything – only because it was there under the previous Administration. What I am saying to him is that many of those people who the hon. Gentleman refers to in respect of the one-year permit of residence going to five-year permits of residence, are very likely to now be – or be *about* to become – British passport holders.

If there is a group that is not covered by that, I am quite happy for the hon. Gentleman to indicate to me how that group is identified and why it is that they might have a lack of eligibility, which must be the same lack of eligibility that affected them, when he was in Government, and then we can have a discussion about that and I can see whether there is an issue there for the Government to deal with.

But, certainly, the qualifications for minimum income guarantee, I need notice of the question of, in order to be able to give him a specific answer.

Hon. J J Netto: Obviously, I can accept the fact that it is a particular type of question that the hon. Member might require notice of the question, in order to do a bit of homework in relation to giving me a more appropriate –

Hon. Chief Minister: Would the hon. Member give way? (**Hon. J J Netto:** Yes.)

If I could just say to him, I think I said it in the answer to my first supplementary, it is not an issue – this issue of the minimum income guarantee that either the MWA or the MCA have raised with me. That is why I am surprised to see *him* pursuing it, and I am happy to try and understand from him – not necessarily across the floor of the House – why he thinks that there was an issue there before 8th December, that might merit looking into now.

Hon. J J Netto: Mr Speaker, as I was just about to say, I can appreciate that, obviously, I need to give notice of a question, or a very specific question, so that the hon. Member can inform himself so much better, so with regard to this particular line of supplementary, I will just simply put it on hold until another occasion.

But in relation to other issues which may affect Moroccans in Gibraltar – for instance, Community Care – will the Hon. Chief Minister look on the fact that, at the moment, Moroccans are not entitled to the Community Officer's wage between the age of 60 and 65, nor are they entitled to the household cost allowance and my supplementary question to him is that, in enhancing and progressing the rights of Moroccans in Gibraltar, whether he will look into this matter, in order to try and see whether Moroccans who do fall in that particular age group, between 60 and 65 and who, obviously, at the age of 65 may even get the old age pension, should be entitled as well to the Community Officer's wage and the household cost allowance after 65.

295 **Hon. Chief Minister:** Mr Speaker, the position in respect of Community Care is as stated by Chief Ministers since that entity was created, that in this House, we are not really able to answer for the trustees and how they decide that household cost allowance should or should not be paid.

300 But if what he is telling me, Mr Speaker, given that I perceive there has been no change in the way that the trustees have decided to pay household cost allowances since we were elected – at least they have not made any public announcement which I have read to that effect – and what I have told him is that more members of the collective have been naturalised since 8th December, such that the exercise commenced before is now completed, I would have thought that if what he is telling me is that he has got a concern that there was a problem which he presided over when he was in Government, or he was concerned about, when he was in Government, I am happy for him to explain it to me because, as far as I am going to deal with this, household cost allowance and community care are not issues for which the Government is answerable in this House, but they are not either issues which are being raised with me by MWA or MCA.

305 **Mr Speaker:** The Hon. Daniel Feetham.

310 **Hon. D A Feetham:** Yes, is this an issue – the question of Moroccan rights that he discussed with the leadership of the Transport and General Workers' Union – I mean the UK leadership, when they were here earlier on this year?

Hon. Chief Minister: Yes, Mr Speaker.

315 **Hon. D A Feetham:** And did they, Mr Speaker, impress upon him the need to further Moroccan rights in a way that they were urging *us* to deal with it when we were in Government?

Hon. Chief Minister: No, Mr Speaker.

320 I tell you why I venture to say no, although of course I was not privy to the discussions that they had with the hon. Members when they were in Government, but the answer is no for this reason. They did not seek to impress anything upon *me*; they just told me how impressed they were with the way that we were dealing with things.

325 **Hon. D A Feetham:** So all the things that they were saying, that the leadership of Unite UK were saying that we had not done in relation to Moroccans that we ought to do, they never raised any of that with you at the beginning of January?

Hon. Chief Minister: Mr Speaker, I was not privy to the conversations that the hon. Gentleman might have had with the leadership of Unite.

330 **Hon. D A Feetham:** In fact, the question of what they were urging upon us is public knowledge because my recollection is that they were here in Gibraltar; they came over, they had a public meeting in the John Mackintosh Hall, I believe in January of last year – certainly I think the beginning of last year – and were, in fact, threatening legal action because they said that we were not complying with Moroccans' EU rights and several other rights and they were threatening legal action against the Government. Was none of that raised with you at your meeting earlier on this year?

340 **Hon. Chief Minister:** No, Mr Speaker, I was not threatened with legal action; I was simply told that they were delighted with the way that we were dealing with the issues that were being brought to our attention.

Civil Partnerships Government plans for Command Paper

345 **Clerk:** Question 318, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister state when the Government will be in a position to publish a

Command Paper on Civil Partnerships?

350 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the Government expects to be in a position to publish a Command Paper on Civil Partnerships after the summer.

355 **Hon. D A Feetham:** Does the Government intend to deal with the question of civil partnerships just by focusing on homosexual couples or is the question of civil partnerships going to be open to other relationships, for example siblings? Will siblings be able to enter into a type of civil partnership, allowing for the transfer of rights as, indeed, will be allowed when one deals with civil partnership?

360 **Hon. Chief Minister:** Mr Speaker, I am confident that all of those matters will be clear when the Command Paper is published.

365 **Hon. D A Feetham:** Does the Government intend to go further than civil partnerships in this area, certainly in relation to homosexuals, and does the Government intend to, for example, follow the route taken by the United Kingdom government at the present moment, allowing marriage of gay couples?

Hon. Chief Minister: Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago, and he will see what the position is when the Command Paper is issued.
Is he urging us to do so?

370 **Hon. D A Feetham:** No, I am not inviting him to do so (*Laughter and interjections*), but certainly I am entitled to obviously ask – (*Interjection and laughter*) Certainly I am entitled to know what the Government's policy is, and it is not a very difficult question.

375 As a matter of policy, does the Government agree with the concept of allowing gay people to get married? Very simple.

Hon. Chief Minister: Mr Speaker, the previous Administration did not have a policy of issuing Command Papers. We have a policy of issuing Command Papers and the Command Paper that we issue in respect of this matter will set out very clearly what our position will be and what the extent and ambit of the civil partnerships will be. I really cannot put it any further than that at this stage. I am not going to be falling into the trap of making up policy on the hoof.

385 **Hon. D A Feetham:** Absolutely, but does he not agree with me that Command Papers are about advance publication of legislation and what I am asking him is clarification of what their policy is. It is not a difficult question. Is their policy, that they support gay marriages, or is it not?

The hon. Gentleman cannot continue on this particular issue to be all things to all men, which is what he is trying to do, by not pinning his colours clearly to the mast.

390 **Hon. Chief Minister:** Mr Speaker, what the hon. Gentleman cannot do is to be so obviously transparent in the way that he pretends to be the champion of everyone who wants to advance a right whilst, at the same time, trying to avoid understanding the pressure that his party will put upon him.

395 Mr Speaker, it is *this* party that has said it will introduce civil partnerships. It is *this* party that has a Minister for Equality. It is *this* party that will be issuing a Command Paper before the summer, in order to deal with these issues. It is *this* party that is addressing the issue head on.

It is *that* party, Mr Speaker that did not even mention civil partnerships. It is *that* party, Mr Speaker, that has remained always of the view that there was no need to issue anything like a Command Paper because they went out to a different process of consultation. So be it, Mr Speaker. We have taken the view that we have stuck our colours to the mast clearly in our manifesto and our manifesto will be implemented in the timetable that is set out in it and where it is not set out in it, in the four-year term.

400 I have told him today, in answer to his question, there will be a Command Paper on this issue. In that Command Paper he will have the answers to his questions.

405 **Hon. D A Feetham:** Yes, Mr Speaker, I listened to what the hon. Gentleman has to say about this, but it was that party that clearly fluffed their lines when I presented a Private Members' Bill on the age of consent on the rights (*Interjection*) of homosexuals. (**Hon. Chief Minister:** Where is the question Mr Speaker?) But does he not accept – (**Mr Speaker:** There is a preamble there.)

410 Thank you very much, Mr Speaker. Does he not accept that the failure to answer questions on this particular issue, to give particulars of their policy on this particular issue is because the Government – and, in fact, when they were on the Opposition Benches – have a habit of sitting on the fence, of wanting to be Christians as well as Socialists, of wanting to hunt with the hounds and run with the hares. Is that not the case, Mr Speaker?

Hon. Chief Minister: Mr Speaker, I recognise – (*Interjection and laughter*)

415 **Mr Speaker:** Order. Order.

Hon. Chief Minister: I recognise – (*Interjection*)

420 **Mr Speaker:** Order. Order. Order.

Hon. Chief Minister: Mr Speaker, I do not believe that one has to choose between being a Christian and being a Socialist and I commend to the hon. Member membership of the Christian Socialist movement, which has a chapter headed by the Hon. Mr Bruzon in Gibraltar.

425 Mr Speaker, this is nothing of the sort. This is the only party represented in this House that has stuck its colours to the mast on this issue. We are *for* civil partnerships. We are going to publish a Command Paper setting out how civil partnerships will be established in Gibraltar.

If he is so keen on the idea, Mr Speaker, can he tell us why it is that he did not manage to get civil partnerships included in the manifesto for *his* party?

430 **Hon. P R Caruana:** Mr Speaker, does the hon. Member agree with me that the debating of this issue around whether you are a Socialist or not has become irrelevant, following the announcement by the United Kingdom Conservative Party that they (*Laughter*) are going to introduce legislation for gay marriages – not a course of action, by the way, that I am recommending to him. (*Laughter*) I would earnestly recommend to him the opposite course of action.

435 Mr Speaker, will the hon. Member agree that there is a distinction between a Command Paper, which is an act preliminary to legislation, which is relevant to *implementation* of policy, and that simply saying that there is going to be a Command Paper is not an answer to the question? Well, alright, when it comes to legislation you will precede it with a Command Paper, which is very helpful. But now, today, does the Government have a policy on whether to allow – a policy, not legislative intent – is it the policy of the Government to allow gay marriages or not?

440 I suspect that he let slip the answer to that a few moments ago, when he said, 'I am not going to fall into the temptation of making policy on the hoof', which suggests that the answer to my question is, no, the Government does not yet have policy on the matter.

445 **Hon. Chief Minister:** Mr Speaker, I can tell him that *I* have a view on the matter, but that is not a policy. The policy is in respect of civil partnerships and that is set out in our manifesto and fleshing that out in legislation is what the Command Paper will do.

I have a view, Mr Speaker, which I am very happy to share with him and it may or may not be the view that my colleagues have on this subject but, if it came to that, it may be that this would be an issue for a free vote. My view, Mr Speaker, is that – (*Interjection by Hon. P R Caruana*)

450 Well, Mr Speaker – (*Interjection by Hon. P R Caruana*)

Mr Speaker: Order, order.

455 **Hon. Chief Minister:** Well, Mr Speaker, remember that the hon. Gentleman, from a sedentary position, raises an issue of a free vote. In that instance, we took the view that the issue was – and that which the Supreme Court took, and which the Hon. the then Minister for Justice also took – that this was not an issue of

conscience. The equality of the age of consent was an issue of law and, therefore, free votes are not relevant there.

There is no law requiring governments to allow homosexual people to marry or not marry, and that is why the issue may be one of conscience and free vote and not of having to accept the case law of the European Court. My own view is that we should *not* have gay marriage in Gibraltar, that we should have civil partnerships.

Hon. P R Caruana: Well, Mr Speaker, I am delighted to say that, at least on that issue, but I hope on many others, too, the hon. Member and I can agree: that is to say, the first half of the sentence. I'm not sure I am willing to join him on the second part, but I accept it is a separate issue. But I believe that and, certainly, it is *my* view, and I am not – as he has always pointed out that this is an issue that divides, issues of this sort, divide this party – but my *personal* view is that gay marriages should not be countenanced.

Homosexuals in Gibraltar Policy re discrimination

Clerk: Question 319, the Hon. D A Feetham

Hon. D A Feetham: Does the Chief Minister believe that homosexuals in Gibraltar are discriminated against, and if so, what does his Government intend to do about it?

Clerk: Answer, the Hon. the Chief Minister

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the first part of this question calls for an opinion, which in the Government's view, is contrary to Standing Order 17(1)(VII).

I will, nonetheless, remind the House of the fact that, contrary to the contentions advanced by the previous Administration in two cases, the Supreme Court made findings in respect of the case of the referral of the age of consent, and in the case of *Rodriguez v Muscat* which was in respect of Government tenancies, so that it is now established in law that there are certain discriminations affecting homosexuals in Gibraltar. We intend to end *any* such discrimination, where appropriate. I and the Minister for Equalities meet regularly with representatives of Gibraltar Gay Rights (GGR) in order to keep those issues under review.

Hon. D A Feetham: So, is the Government's position the position, in fact, that the Hon. the Leader of the Opposition, when he was Chief Minister, held for a number of years, which was 'we will do whatever is our legal obligation but, in relation to this area, we are not going to go any further'. Is that the position of the Government?

Hon. Chief Minister: That is, self evidently, not the position Mr Speaker, because we have got our manifesto commitments to create civil partnerships, so he should really have thought that supplementary through.

What I am telling him is that I will not answer a question from him in this House, asking me what I believe, and I pointed out to him two instances recently, where the Supreme Court has actually specifically pointed out discriminations, and told him that we will deal with *those*. But simply by looking at our manifesto he would have known better than to ask such a supplementary.

Hon. D A Feetham: Well, the supplementary arises from the answer that he has given me. If he doesn't want those kind of supplementaries then, perhaps, he should give more thought to the answers that he gives me in the first place.

You see, the hon. Gentleman appears to be equating, when I ask him 'does he believe that homosexuals in Gibraltar are discriminated against?', he seems to be equating that to 'discriminated against' in the legal sense. That is not the intention of the question. What I am asking is 'does he feel that there is discrimination against homosexuals?' There may well be no *legal obligation* in terms of ending a particular position but, nonetheless, it may well be, many people may see it, morally, as discrimination.

515 Now, surely the Government must have been able to, at the very least, formulate a view as to what areas of discrimination there are in relation to homosexuals in Gibraltar? Because, bear in mind, that not only in the last election, but also in the 2007 election and in the 2003 election, they were making promises to homosexuals in Gibraltar, in exchange for their votes. So has the Government given a thought to this particular issue?

520 **Hon. Chief Minister:** Mr Speaker, the hon. Gentlemen does not seem to be able to utter a phrase, in forming a supplementary, which I can agree with.

Look, Mr Speaker, the person who needs to give more thought to things is him. He has asked a question which, in our view, is clearly contrary to the Standing Orders. He has asked us whether we *believe* that there are discriminations: that is asking us for our opinion in respect of the discriminations and the rules talk about not being able to ask questions in respect of opinions.

525 So what I am saying is, I am not going to sit here, or stand here, and tell the hon. Gentleman what I believe and now, in his most recent supplementary, what I *feel*! Look, Mr Speaker, I am happy to discuss my feelings with many people, because I am quite an open hearted guy, but he and I are quite beyond the stage where we want to discuss our feelings, (*Laughter*) for each other or in any other way. (*Laughter*)

530 I am happy, Mr Speaker, to have questions asked about issues that seek information and where we can provide that information, but, Mr Speaker, the hon. Gentleman is asking me to give him an *opinion*. He has got an opinion about what discriminations there may be against homosexuals in Gibraltar. I have got an opinion about what those may be. They may, or may not, just be the ones that the Supreme Court have alluded to.

535 This is not the place to discuss issues of opinion, in Question Time. If he wants to raise those issues, there is a particular mechanism for him to do it, which is to bring a motion, and then we can discuss those issues in debate. A question should not be a pretext for debate either, Mr Speaker, so the issue for us is very simple. It is as set out in answer to the original question.

540 **Mr Speaker:** I think before the hon. Member poses a supplementary, may I clarify, in the light of the Hon. Chief Minister's response, my thought process when I read the question. I did have in mind the question that this is an expression of opinion, but I did, in my mind, distinguish between two possibilities. One is that using the word 'discrimination' as legal disabilities, which is what one aspect of the hon. questioner's question aimed at: the other element of 'discriminated' could be discrimination at a 'street level', if I put it that way. So because there were those two possibilities I allowed the question as it was. Anyway –

545 **Hon. D A Feetham:** Yes. Can the Government at least, or the Chief Minister at least, inform us about this. Have the Government sat down and considered in what areas they wish to enhance the rights of homosexuals in Gibraltar, apart from the question of civil partnerships?

550 **Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to the last sentence of the answer I gave him a few moments ago, which says that I and the Minister for Equalities meet regularly with representatives of GGR, in order to keep these issues under review and, therefore, the answer is, yes, as already answered.

555

Statutory Boards Replacement of members since 9th December 2011

560 **Clerk:** Question 320, the Hon. D A Feetham

Hon. D A Feetham: In relation to each Statutory Board, can the Chief Minister provide a list of a) who has stood down, been asked to stand down or been sacked from that board since the 9th of December 2011, and b) who has replaced them?

565 **Clerk:** Answer, the Hon. the Chief Minister

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I now hand the hon. Member a schedule with the

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list of individuals who have stood down, been asked to stand down, or been sacked from all Statutory Boards since the 9th December 2011. The list of anyone who replaced them is also provided. Only one person was asked to consider standing down in respect of the Prison board, that person refused to stand down, and therefore remains on the said board until such time as her appointment expires.

Mr Speaker, only 3 people have been sacked from any board, namely the persons who made up the board of the Gibraltar Development Corporation, Mr Caruana, Mr Holliday and Mr Netto, all of whom were sacked by the people on the 8th December 2011. *(Applause)*

ANSWER TO QUESTION 320

GIBRALTAR DEVELOPMENT CORPORATION BOARD

The Hon Mr P Caruana (sacked)
The Hon Mr J J Holliday(sacked)
The Hon Mr J Netto(sacked)
The Hon Mr E M Britto(retired)

Replaced by:
The Hon Joe Bossano, Chairman
The Hon Joseph Garcia
*The Hon Neil Costa
Ernest Gracia
Caine Sanchez

Date: 20/01/2012
*6/02/2012

NATURE CONSERVANCY COUNCIL (NATURE PROTECTION ACT)

The Hon John Cortes (resigned)

Replaced by:
Dr Darren Fa
Dr Alex Menez
Mr Charles Perez

Date: 26/01/2012

GIBRALTAR HEALTH AUTHORITY BOARD

Mrs Isobel Ellul-Hammond (resigned)

Replaced by:
Mr Ernest Lima

Date: 26/01/2012

HOUSING ALLOCATION COMMITTEE (HOUSING ACT)

Mr Damon Bossino (resigned)

Replaced by:
Mr Derek Ghio

Date: 09/02/2012

PRISON BOARD

Mr Albert Langston (resigned)
(conflict on becoming Chairman
of the Magistrates Association)

Replaced by:
Mr Michael Caetano

Date: 16/02/2012

Isabella Shepphard Capurro

Asked to stand down but
refused.

TRAFFIC COMMISSION (TRAFFIC ACT)

Mr A J P Lombard (revoked)
 Insp. Field (revoked)
 Mr M Azopardi (revoked)
 Sgt H Zammitt (revoked)
 Mr P Origo (revoked)
 Mr G Gaggero (revoked)
 Mr E Tellez (revoked)
 Mr F Baglietto (revoked)
 Mr C Sacarello (revoked)

Replaced by:
 Mr Peter Cleverly, Chairman
 Chf Insp. Richard Ullger
 Mr Albert Parody
 Mr Mario Victory
 Ms Catherine Walsh

Date: 16/02/2012

CONTD. ANSWER TO QUESTION 320

TRANSPORT COMMISSION (TRANSPORT ACT)

Mr Peter Maginnis (revoked)
 Mr Damon Bossino (resigned)
 Mrs Sally Felice (resigned)

Replaced by:
 The Hon Paul Balban
 Mr Peter Cleverly
 Mr John E Dalli
 Mr Dairon Trenado

Date: 28/02/2012

TRADE LICENSING AUTHORITY (TRADE LICENSING ACT)

Mr Joseph Tavares, Chairman (term expired)
 Mrs Daphne Alcantara (term expired)
 Mr Clive Moberly (term expired)
 Mr Martin Ullger (term expired)

Replaced by:
 Mrs Marie Lou Guerrero, Chairman
 Mr Vijay Daryanani
 Mr Isaac Massias
 Mr Charles Avellano

Date: 01/03/2012

**GIBRALTAR INVESTOR COMPENSATION BOARD
 (FINANCIAL SERVICES (INVESTOR COMPENSATION SCHEME) ACT)**

Mr Roy Clinton (term expired)
 Mr Christian Bjorlow (term expired)

Replaced by:
 Mr Christian Garcia
 Mr Derek Sene

Date: 19/01/2012

Contd...

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**GIBRALTAR DEPOSIT GUARANTEE BOARD
(GIBRALTAR GUARANTEE SCHEME ACT)**

Mr Jose-Julio Pisharello (term expired) Replaced by:
Mr Colin Vaughan
Date: 12/01/2012

DEVELOPMENT APPEALS TRIBUNAL (TOWN PLANNING ACT)

Min. for Health & Civil Protection (term expired) Replaced by:
Min. For Housing (term expired) The Hon Neil Costa
The Hon H Budhrani QC (term expired) Dr Norbert Borge
Mr Roy Clinton (term expired) Mr Troy Jeffries
Mr Stephen Bossino
Date: 03/03/2012

GIBRALTAR PORT AUTHORITY (GIBRALTAR PORT AUTHORITY ACT)

Mr J J Holliday (revoked) Replaced by:
Mr Flavio Madeira (revoked) The Hon Neil Costa
Chief Executive, Port Authority (revoked) Mr A H Davis
Mr Peter Canessa (revoked) Captain of the Port
Mr C Lavarello (revoked) Mr Paul Martinez
The Financial Secretary
Mr Richard Buttigieg
Dr Keith Bensusan
Date: 23/02/2012

CONTD. ANSWER TO QUESTION 320

PUBLIC SERVICE COMMISSION

Mr Richard Garcia (resigned) Replaced by:
Mr Ernest Gomez
Date: 10/02/2012

SPECIFIED APPOINTMENTS COMMISSION

Mr Richard Paul Armstrong (resigned) Replaced by:
Mr Lewis Baglietto
Date: 21/02/2012

Mr Speaker: Is it people with a small 'p'?

580 **Hon. Chief Minister:** I must tell you I tend to use it with a large 'P'.

Mr Speaker: My script here says capital 'P', I wonder if some newspaper is involved in this.

585 **Hon. D A Feetham:** Can he help us with this? What does 'revoked' mean in brackets next to a number of names? And in relation to those people that have resigned, did they resign or were they pushed?

Hon. Chief Minister: Mr Speaker, I am minded to ask Mr Bossino to tell us whether he felt –

Hon. J J Bossino: Pushed.

590 **Hon. Chief Minister:** Pushed or otherwise. Because as he will see from the list, he was one of the people who resigned. I don't know whether any of the others felt this compunction to have resigned also. They might

have thought that there was a conflict with their new parliamentary responsibilities and serving on those boards.

595 Mr Speaker, as far as I am concerned, nobody has been pushed. The revocations, as I understand it, take place because the boards have been changed completely and there is going to be a different type of board. So, Mr Speaker, he won't find any evidence here of what he is looking for, which is this *idea* that we have been cutting heads, which is what he seems to want his politics to be about, even though it is not the reality.

600 **Hon. D A Feetham:** Can he just repeat what he said about the question of revoked; we didn't quite catch it on this side.

Hon. Chief Minister: Mr Speaker, as I understand it, some boards, for example, expired at the end of the Parliament, some of them came to an end in another way and, therefore, the whole board was undone and a new board put in its place. That is the position as has been explained to me.
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**Personal Assistants to Ministers Costa and Linares
Terms of Employment**

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Clerk: Question 321, the Hon. P R Caruana

Hon. P R Caruana: Mr Speaker, can the Chief Minister say whether the Personal Assistants to Ministers Costa and Linares are civil servants or GDC employees?
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Clerk: Answer, the Hon. the Chief Minister

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, both posts are presently filled by GDC employees, who have been seconded to the relevant posts,
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Hon. P R Caruana: Mr Speaker, the reason why I am asking and, when I did, I caught the Hon. Minister Costa's eye last month, in an attempt to remind him, and his attempt to intercede with the Chief Minister to correct the answer that he then gave last month, did not prove successful, from what I could see from here.

625 I asked last month about the number of people from GDC, Civil Service and Government companies that had been transferred or moved and the GDC was 'none' – from the GDC 'none'. We had in mind, in fact, these two posts, which is why I asked, informally across the floor, through eye glances, 'are you sure it's none'? Does he accept that these two ought to have been in the schedule last... they were not in these posts before the election and, therefore, they have been moved to those posts.

630 **Hon. Chief Minister:** Mr Speaker, if I remember correctly, I believe that the question the hon. Gentleman posed specifically used the word 'transfer' and, because there has not been a transfer, they were not included in that schedule. These continue to be secondments, and these individuals continue to be on GDC terms and conditions.

635 **Hon. P R Caruana:** So these two officers... For example, the Personal Secretary of Minister Costa, when you say she was not, – it just happens to be a lady – *she* was not transferred, what do you mean by that? She wasn't there before, she came from somewhere else.

640 **Hon. Chief Minister:** Well, Mr Speaker, I think that this is really a technical argument about what the word 'transfer' means. And the hon. Gentleman knows that a 'transfer' means a particular thing in Civil Service terms, and here there is no transfer, this person has been *seconded* to this post, though she has not been transferred. In any event, Mr Speaker –

645 **Hon. J J Bossano:** The post is still a Civil Service post.

Hon. Chief Minister: – the post is still a Civil Service post.

If the hon. Gentleman wants to just bear with me for a moment, he should also note that this particular officer was already, if I may say so, in the Tourism sphere of Government as GDC and, therefore, there has been no transfer out of a Department She has simply moved from the post she had in Tourism to another post in Tourism. She is a seconded GDC officer, she has not been transferred.

Hon. P R Caruana: Well, when you say that this person was in the field of Tourism, can the hon. Member be more specific, and say what exactly this lady used to do before she became the Minister's Personal Assistant.

Hon. Chief Minister: Well, Mr Speaker, I would need notice of that question.

Hon. Hon. N F Costa: Mr Speaker, to answer the question of the Hon. the Leader of the Opposition, whereas I am not sure of the *exact* title, I believe she was the Deputy Manager to the Manager at the Tourist Office in Casemates. She used to assist Ms Tiron and she used to offer VIP tours and assist in the managing of that office.

**Consultant to the Government, Mr E Montado, CBE
Terms of engagement**

Clerk: Question 322, the Hon. P R Caruana

Hon. P R Caruana: Mr Speaker, will the Chief Minister say what are the terms of engagement of Mr E Montado, CBE, as a Consultant to the Government?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the Government approached Mr Ernest Montado, CBE, last month and asked him to provide advice and support, particularly in the transition period of the new Administration, in the establishment of internal processes, renewal of the Office of Chief Secretary and matters generally.

Mr Montado agreed, two weeks ago, to work for the Government; he will not be charging anything. Mr Montado informed me that he considered the opportunity of assisting my Government, as we have requested, a matter of duty in the public interest and not a chance for personal gain or remuneration. The appointment commences from 5th March 2012.

Given that Mr Montado has ongoing full-time work commitments in his private sector job, I wish to formally record in this Parliament my Government's appreciation for his willingness to dedicate extra time and effort to contribute to the business of the Government at *no cost* to the tax payer. I am sure that all Members will agree. (*Applause*)

Hon. P R Caruana: So, Mr Speaker, the position is that Mr Montado remains an employee of the law firm, Hassans, and that, from that position, he will, on a *pro bono* basis, be providing consultant work, be consulting for the Government, on the matters that he has listed, without fee.

Hon. Chief Minister: Yes, Mr Speaker.

Hon. P R Caruana: And what will his status be in terms of access to Government papers and will he have the status effectively of an unpaid civil servant, or will he have the status of an external consultant? What is his exact... how exactly does he fit into the public administration, in terms of the status of individual officers within it, their responsibilities and their... well, he knows what I mean by status and standing.

Hon. Chief Minister: Mr Speaker, he will be a consultant to the Government at no remuneration. He will have such access to official documents as the current Chief Secretary considers is appropriate, with the caveat that he has been reminded by the current Chief Secretary – not that, I think, he needed reminding, but just as a

matter of appropriate form – that he continues to be bound by the provisions of the Official Secrets Act during the period of consultancy, although it was, in any event, understood that that restriction applied to him, even beyond the period of his retirement – the date of his retirement in March 2007.

Hon. P R Caruana: And will his consultation role be limited to matters of Civil Service, public administration, in terms of the running of the organisation, or will it extend to matters of policy, and things of this sort? Or is he simply advising on Civil Service *internal* organisational/management issues or is he a consultant to the Government on policy, external, inward investment... you know, the substance of policy?

Hon. Chief Minister: Mr Speaker, as I said in my initial answer he will be consulting on the establishment on internal processes, and the development of the Office of the Chief Secretary, and how it interfaces with the Office of the Chief Minister, the renewal of the Office of the Chief Minister... of Chief Secretary and matters generally (*Interjection by Hon. P R Caruana*)

It has been renewed in my shape, Mr Speaker!

And matters generally, and I am very happy, Mr Speaker, that that means that ‘matters generally’ will, of course, therefore, be able to include consulting on all matters, including issues of policy and issues of inward investment that the hon. Gentleman has alluded to, in particular issues relating to relationships that Gibraltar has beyond its shores, whether it be the United Kingdom, or Spain, or elsewhere.

I know he will want to agree with me, Mr Speaker, that Mr Montado is, no doubt, imminently, and perhaps uniquely, qualified in this respect, having served Chief Ministers since Sir Joshua Hassan.

Hon. P R Caruana: Well, I am sure you meant ‘eminently’ rather than ‘imminently’, but I am not called upon to agree or disagree with him, simply to remind the hon. Member, and to ask the hon. Member, whether he considers that the appointment of Mr Montado on consultant terms is consistent with the explicit and implicit criticism made by them of *us* when we used to re-engage civil servants on consultancy terms?

Now it is true that this is on a *pro bono* basis, which means that there are not issues of pay and pensions and things of that sort. Will the hon... Mr Speaker, the point I am expressing concerns as delicately as possible is on this business of his continued status as an employee of a particular law firm whilst, at the same time, consultant for the Government as an insider, to the Government on matters general, I mean I was not so much worried about the answer when he was limiting it to *internal* Civil Service organisational structures. If it strays, and indeed even if it got to foreign affairs in terms of relations with Spain and things of that sort, but as you know Mr Speaker there is a considerable amount of interaction between Number 6 and Government Departments, by law firms in general and by the law firm of which he is an employee in particular, being the largest law firm in Gibraltar, with the Government, and I am just questioning the range of his remit to see the extent to which others may rightly or wrongly fear that there is some perceived advantage of Hassans, in effect, having an insider, in terms of an insider consultant, within the Government, which only arises in the question of ‘generally’, not in the question of Civil Service matters.

Hon. Chief Minister: Mr Speaker, I am not at all concerned about that. I will tell you why.

First of all, Mr Speaker, I am surprised at his reticence in wanting to share the Government’s enthusiasm that Mr Montado is eminently, or imminently, or otherwise, uniquely the best person qualified, given that he has served every Chief Minister since Sir Joshua Hassan. Now he has an opportunity, or I have an opportunity, that he should serve with me also, which is, in my view, an absolutely fantastic opportunity for the people of Gibraltar to harness his abilities.

Mr Speaker, he has somebody sitting to his right who is a partner of Hassans. I was a partner of Hassans when I was sitting there. We all understand, as does my hon. colleague, the Minister for Justice, what a conflict of interest is and how to deal with it, Mr Speaker: most of all, Ernest Montado, who has known the administration of Government from inside out, who will be able to spot a conflict of interest, perhaps quicker than most of us. But it will be the current Chief Secretary, Mr Gomez, who will be deploying his – Mr Montado’s – abilities as he thinks fit and I am sure that Mr Gomez also will be alive to the opportunities for conflict of interest and will ensure that they do not occur.

Mr Speaker, I am very confident that the issue that the hon. Gentleman has couched in terms which he knows are designed to be less than generous – in suggesting that a particular law firm might have an *insider* somewhere – are not issues that are going to be relevant at all in any way; especially given the standing of Ernest Montado who has, perhaps uniquely, also been Acting Deputy Governor and Acting Governor in

different times that he has been in the administration, and Financial Secretary, wearing many hats, knowing always how to resolve the conflict of interest that might have arisen, never letting anyone down and always enjoying the confidence of *everyone* – or perhaps, given the reticence, I should say almost everyone that he has served and worked with.

**Culture and Heritage Agency
'Anomalies and inconsistencies' in the structure**

Clerk: Question 323, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, will the Hon. Chief Minister say what were the 'anomalies and inconsistencies' in the structure of the Culture and Heritage Agency, and the staffing and other deficiencies that needed to be addressed that the Government has said were pointed out by the Principal Auditor?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the review of the structure of the Culture and Heritage Agency which the Principal Auditor carried out at the request of the Government was provided to the hon. the Minister for Culture on 23rd January 2012.

The review reflects that the hon. Member opposite determined himself, personally, the salaries that people should earn; that the hon. Member made direct appointments of people who had previously not been civil servants, or GDC employees, or employees of Knightsfield Holdings Limited, to posts in the Agency – that is to say, Mr Speaker, the hon. Member opposite made direct appointments into the public service, not as contract officers but as permanent and pensionable employees of individuals; that the collective agreement that created the Agency has not been signed; that the collective agreement does not contain the schedules with the job descriptions of the individuals in the Culture and Heritage Agency; and that the Government had not dealt with the reimbursement of expenses due to Knightsfield Holdings in respect of payments made prior to the creation of the Agency.

Hon. P R Caruana: All those are the reasons that prompted me to ask the question. Why, even if all those were true, would they be 'discrepancies'? First of all, why does the hon. Member think that engaging people as employees of the Culture and Heritage Agency, which is not a Civil Service, which is not a department of the Government... why he stands up in this House to say that it is a 'discrepancy' that the hon. Member opposite – referring to me – was, personally or otherwise, employing people directly into the Civil Service, when employees of the Culture and Heritage Agency are not civil servants. The Culture and Heritage Agency is a statutory corporation which employs people in its own right and are not civil servants. So I doubt very much whether the Principal Auditor pointed that out as a *discrepancy*. It is factually incorrect and, even if it were correct, it is not a 'discrepancy'.

The Act says how employees of the Agency should be appointed. They are not civil servants, they are not subject to the Public Service Commission, they are appointed by the people that the Act says they should be appointed by and that is how people were appointed, *mostly*, as I recall, people, civil servants who agreed to transfer – some of them, as I recall, chose not to transfer to the Agency and, therefore, would have been left behind. Why does the hon. Member consider that any of that is a 'discrepancy'?

The fact that they do not want to proceed with the Agency, or wanted to proceed with it in a different form, does not make the things that they disagreed with a 'discrepancy'. I would need to see the alleged report of the Principal Auditor to see, before I could believe that he had described any of those things as 'discrepancies' and, if by any chance, he had done so, given that he is an independent statutory authority, then I could, if I so chose, challenge the results of his findings. But I am certainly not accepting the unilateral and bland statement, without publication of the document, that this is *either* what the Principal Auditor has found, *or* indeed, that it is a 'discrepancy'.

Can I further ask the hon. Member why he describes as a 'discrepancy' in the structure of the Culture and Heritage Agency that the collective agreement establishing it has not been signed? The Agency is not *signed*. The Agency was not established by agreement, it was established by Act of this Parliament. I *assume* that he

is referring to the agreement between the Agency and the Unions relating to labour issues, which have nothing to do with the structure of the Culture and Heritage Agency and all anomalies and inconsistencies in it. Does the hon. Member, therefore, agree that, intentionally or otherwise – if he allows me the opportunity to, I will assume unintentionally – by the use of the juxtaposition of concepts, such as ‘Principal Auditor’, ‘review’, ‘anomalies and inconsistencies’, he gives an impression – which he has certainly not been able to sustain by what he has said in this House today on this question – which are neither factually correct, nor were they correct, nor had they been correct, would they amount to ‘discrepancies’. They may be things which he would have done differently, which he does not agree with, but they are not ‘discrepancies’. I do not accept that I *personally* employed people into the Culture and Heritage Agency.

Hon. Chief Minister: Mr Speaker, I am not going to accept that the juxtaposition of words in a Government press release do or do not do one thing or another unless, of course, the hon. Gentleman is offering to consult to my Government at no fee whatsoever, in which case I would be delighted to take him on, if he likes to draft press releases after he has foregone, or been done away with, on that side of the House.

Mr Speaker, the words ‘anomalies and inconsistencies’ are words chosen carefully. We have alluded today in this House to the things that we consider to be the anomalies and the inconsistencies, which the Principal Auditor has set out. It is very clear to us –

Hon. P R Caruana: Well, publish the report.

Hon. Chief Minister: – and he does not need to explain it to us that the collective agreement does not set up the Agency. The collective agreement is the agreement with the Union in respect of the transfer of individuals into the Agency and it is that which has not been signed.

Mr Speaker, the fact is that what the Principal Auditor has uncovered shows that the hon. Gentleman was employing people – and I said ‘public service’ – into the public service *a dedo*. In other words, he was choosing them for himself and bringing them in when he wanted.

Mr Speaker, in Spanish, that has another word that conveniently describes what happens when people are given jobs in that way. We have set out very clearly what the anomalies and the inconsistencies were. We consider them to have been important enough to have issued a statement. They are in a review carried out by the Principal Auditor and I think it is appropriate to have brought this to the public’s attention.

Hon. P R Caruana: Mr Speaker, will the hon. Member *publish* the report of the Principal Auditor? After all, it appears to be highly critical of my Government and of me in particular, and I am the one who is calling for its publication. Will he lay on the table in this House a copy of the Principal Auditor’s report?

Hon. Chief Minister: Mr Speaker, it is not that I am minded not to do so. I am happy to give *him* a copy of the report so that he can, if he wishes, present such defence to the public as he thinks is appropriate.

The concern I have about publication – and he will know that I was the one always pressing for publication of reports – is that this specific report actually identifies *by name* individuals, not by grade and their salaries, but I am happy to let him have it so he can construct *his* public position, in respect of that report with sight of it, as long as he agrees with me that the names of the individuals referred to in it should not be disclosed, either in his, or our, debate on the subject.

Hon. P R Caruana: Mr Speaker, I agree, but does the hon. Member acknowledge – and I would be happy to receive it on those terms – that when I have asked him...

The Government’s press release said:

‘anomalies and inconsistency in the *structure* of the Culture and Heritage Agency and the staffing and other deficiencies that needed to be addressed.’

That was... and I have asked him, will the Chief Minister say what these anomalies and inconsistencies in these – and I have used the same language thereafter – what they actually were and he has said:

‘...discrepancies, the hon. Member made direct appointments and salaries... of civil servants or GDC employees.’

Well, Mr Speaker, my recollection of the matter is that these things were decided at a board meeting, in

870 which I had as much influence... (*Interjection*) Well, Mr Speaker, this is why I want to see the report, this is
why I want to see... it is all very well for the hon. Members to bandy about the words 'The Principal Auditor'
and others in an attempt to gain traction. I will see the report and I will certainly agree to respect the names...
or not to name the names of the people and thereafter I reserve the right to deal with the contents of the report
in whatever way I consider is effective to dispel any false impression that the Government's statement may
875 have made and which the answers he has given... he has given three examples today. He has said, collective
agreement establishing the Agency not signed, well, now he accepts that the Agency was not *established* by
an agreement. He has said that I was employing people directly as civil servants and GDC.

Hon. Chief Minister: Public servants.

880 **Hon. P R Caruana:** You said civil servants.

Hon. Chief Minister: No, I said public servants.

Hon. P R Caruana: As employees of the Authority and that I was making... personally choosing the
885 salaries. Those are the three instances that he has given. (*Interjections*) Yes.

Hon. Chief Minister: Will the hon. Member give way?

Hon. P R Caruana: Yes.

890 **Hon. Chief Minister:** There is a substantive argument to be had here, but there is also this argument, that
in what I have read out about the collective agreement, I have not said anywhere that that established the
Agency. I do not know whether he misheard me, I said that the collective agreement has not yet been signed
and that the collective agreement does not contain the schedules with the job descriptions of the individuals in
the GCHA. I have not said the words 'collective agreement and establishment' anywhere.

895 **Hon. P R Caruana:** Mr Speaker, is he reading from his original answer?

Hon. Chief Minister: Yes, except it is all scribbled over.

900 **Hon. P R Caruana:** We will have to defer to *Hansard*. I am almost certain because I made a note of it:
'establishing an agency has not been...' (*Interjections*)

Hon. Chief Minister: I will send across a photocopy of it.

905 **Mr Speaker:** If it is of any help, I have been following the answer read by the Hon. Chief Minister. It is
exactly per the script I have in front of me and there was no reference to 'establishing' the Agency.

Hon. Chief Minister: Mr Speaker, and just in respect of the other issue that he was referring to, I have the
910 Government press release here.

The Government press release also does not say what the hon. Gentleman thinks it says, but it may be that
he has got a copy of a report of the press release. The press release itself, which, as he knows, is available on
the website is:

915 'This has confirmed that there were a number of anomalies and inconsistencies in the structure that was left behind by the previous
Administration and has pointed out that a number of staffing and other issues need to be addressed.'

Mr Speaker, we think it is actually quite important, in respect of the collective agreement, that the job
descriptions should be attached, because those are very important in respect of what it is that people are
expected to do. So that is why we attach importance to *that* particular issue.

920 If I could just take one of the issues up that he mentioned in his final supplementary, he said that he
reserved the right to deal with the report in any way that he felt appropriate. Of course, I accept that. He is
free to do that, as long as it is within the earlier representation, that the names etc would not be disclosed.

Hon. P R Caruana: I accept.

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**Gibraltar Parliament website
Date when available**

930

Clerk: Question 324, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, I think I can almost withdraw this question. I think the Government, since I put this down, has put out a press release answering this question, has it not?

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Hon. Chief Minister (Hon. F R Picardo): If he wants to ask if there is more information, then...
[Inaudible]

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Hon. P R Caruana: Yes. The purpose of asking the question, which is one that I was hoping the hon. Member would agree with – and I am sure he does – is that it is quite important at the earliest opportunity for Parliament not to look like an extension of Government and that, therefore, the Parliament should have its own website and not *gov.gi* and that presumably is the fact. Since then, he has announced already that it is ready, that the website is ready and up and running and all that.

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Hon. Chief Minister: Mr Speaker, I am grateful and I know that he must be a convert to that because, in the time that he was in Government, there was only one.

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I know, Mr Speaker, that the whole House will want to thank the Clerk and the officers of this Parliament, together with the Government's IT and logistics department, for having delivered this positive change that is a manifesto commitment, but there are still further developments to come in the future as the website evolves to provide video of the proceedings of the Parliament and other functionality, such as e-mail addresses for each Member, that I think will make it easy for us also to distinguish when people are approaching us as Ministers, while other people are approaching us as Members of Parliament.

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He will know, and I am sure will agree with me that, although a sterling job has been done of putting all the *Hansards* of the business of this House, since the last election, on line for all of us to be able, and the general members of the public to be able, to access, that we are seeking and, hopefully, very soon will be also having available all the *Hansards* that were already digitally available to all of us on CD on that website also, which I think goes back to 2002 or 2003. Thereafter, there is a process of digitisation in some way of the even earlier *Hansards* until we get back to 1969.

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Hon. P R Caruana: He may be interested in knowing that there is now a *local* company that will scan all *Hansards* from printed form into searchable electronic form, which would allow the hon. Members to put *all* *Hansards*, going all the way back into the past, on the same website.

965

Hon. Chief Minister: Mr Speaker, I am grateful for that. I think that we are aware of that. He may also be interested in knowing that there is a particular charity that may be interested in contracting such entities to provide that service for nothing, for no cost to the Parliament, so that those are available as searchable documents for anyone who may want to come to look into the more historical aspects of what the business of this House has been.

970

Hon. S M Figueras: Mr Speaker, just as an issue that I identified yesterday it appears that there may be an issue, which I have already brought to the attention of party headquarters and asked that they liaise with the Department, in relation to the searchability of the latest versions of *Hansards* for the meetings we have had since the new session was opened by Mr Speaker. I found it impossible to actually search those documents electronically and I am merely raising the issue simply so that it may be looked at, at some point.

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Hon. Chief Minister: Mr Speaker, if I may say so to the hon. Gentleman, although I am not here to give him advice, what he needs to do, is he needs to download the document: it then becomes searchable and, depending on which web browser one is using when you open the PDF document in a browsing page, you

may or may not be able to search it.

980 If the hon. Gentlemen were to download that particular PDF – and it will take a few seconds to do so – then if he goes to ‘edit’ and ‘find’, he will then be able to put in any term that he might want to find, for example Figueras, and it will take him directly to it.

985 **Hon. S M Figueras:** I am grateful to the Hon. the Chief Minister for his advice, even though he realised he did not need to give it to me. I can assure him that I have done everything that he has advised and I was just wondering whether, perhaps, there was a glitch in the new system of recording the proceedings here in this House.

Hon Chief Minister: Is the hon. Gentleman talking about the audio recording or the –

990 **Hon. S M Figueras:** No, the PDF download.

995 **Hon Chief Minister:** Well, Mr Speaker, I am surprised at that because I have not had that problem, so it may be a glitch in some machine that he is using. But these are not necessarily issues that we need to tie the House up on. Let us take them offline, if I might suggest...

**Mediterranean Hotel demolition
Contractor carrying out work; cost**

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Clerk: Question 325, the Hon. P R Caruana.

1005 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister say which contractor is carrying out the demolition of the ex Mediterranean Hotel and at what cost?

Clerk: Answer, the Hon. the Chief Minister.

1010 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, the demolition of the ex Mediterranean Hotel building is being undertaken by GJBS as part of the works they are doing on site in respect of the maintenance of the site for the completion of the tunnel under the runway. The forecast outturn for this work is £706,721.

1015

**GSD Government Employees
‘Highly paid cushy jobs’**

Clerk: Question 326, the Hon. P R Caruana.

1020 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister provide the list of names of the ‘large number of people’, who according to the Government were GSD supporters and were employed and kept by the previous GSD Government in highly paid cushy jobs.

1025 **Clerk:** Answer, the Hon. the Chief Minister

1030 **Hon. Chief Minister:** Mr Speaker, no sir, for a simple reason: we will not engage with the hon. Gentleman’s attempt to have individual civil servants, employees of the GDC, or other public servants, named in this House, as his question requires. He knows, we know, and the public know, which of his supporters he ‘plugged in’ to these highly paid cushy jobs for his own partisan political reasons. But we will not allow him to turn this Parliament into a circus by pandering to his provocations.

Hon. P R Caruana: No, Mr Speaker, I think the hon. Members answer is disgraceful (*Laughter*) and it is

yet another example of his willingness to cast aspersions and then his unwillingness to make good on them. The hon. Member puts out a Government of Gibraltar press release in which he says that a large number of people who were GSD supporters were employed and kept by the previous GSD Government in 'highly paid cushy jobs' and when asked to identify such people which, contrary to what he has just said, *do not exist* he refuses to do so. And I tell him that he refuses to do so because they do not exist and *not* for the reason that he now gives as a pretext, after the event, in his usual typically cowardly self form.

Hon. Chief Minister: Mr Speaker, the only coward in this House is the man who has just sat down.

The fact is, Mr Speaker that we could spend the next four years fighting over the things he did wrong, and in many instances we shall have to continue to shine the cold light of day on some of the abuses that the hon. Gentleman perpetrated whilst he was in office. But to ask us to identify *by name* those people now, Mr Speaker, is to ask us in our view to break the rules of this House, to discuss individuals who are not here to defend themselves.

Mr Speaker, he knows that he *did* put people into highly paid cushy jobs, (*Interjection by Hon. P R Caruana*) simply because they are –

Hon. P R Caruana: Mr Speaker, point of order. On a point of order, this is not acceptable.

He cannot continue to assert that I know that I put people personally into 'high paid cushy jobs' when I am telling him it is not true. He is, in effect, saying that I am lying. I am asking him to make good on his statement by identifying the people: he refuses to do so – I tell him because they do not exist – and he insists on repeating the allegation but without naming the people.

I say that he is a coward and that he is misleading public opinion. Such people do not exist. He must either withdraw or make good on his statement.

Hon. Chief Minister: Mr Speaker, just on the point of order, not only am I not lying, and not only am I not a coward, it is transparently obvious that we have really put our finger in the wound on this issue. The hon. Gentleman knows just how vulnerable he is, on this particular abuse that he perpetrated whilst he was in Government.

Mr Speaker, it is absolutely incredible to hear Peter Caruana get up in Parliament and suggest that he was not the person who has given more jobs for more boys than any other Chief Minister in the history of Gibraltar. (*Applause*) Mr Speaker, his premiership will go down in history as one which, in particular towards the end, tilted completely towards partisan favour of those who were his supporters.

I am quite happy, when tempers are less frayed and we are having a cup of tea, to share the names with him, but I will not share them with him across the floor of this House, because I will not fall into the temptation of bringing the names of individuals who cannot defend themselves into this debate. But I will tell him one thing, when I give him the copy of the report from the Principal Auditor, he will see a couple of names there which might ring a bell!

Hon. P R Caruana: Well, Mr Speaker, he continues to do what the *Gibraltar Chronicle*, in a recent editorial, said was completely unacceptable in civilised democracy, which is trial by Government. He is a prime practitioner of trial by insinuation, trial by suggestions, trial by Government statement and trial by implications of all kinds.

When asked to make good on his very serious allegation, he continues to wriggle on the hook like a fish and refuses to say... look Mr Speaker, if I felt vulnerable as he alleges about the large number of people that he thinks I have employed into 'cushy jobs' because they were GSD supporters why on earth would I be raising the question and asking him to list them and raising the whole matter in Parliament, I tell him that there are no people who were put into highly paid cushy jobs because they were GSD supporters, The only thing I will admit is that because we were in office for so many years, we put 8,000 people in jobs (**A Member:** Hear, hear.) that did not have jobs before, Mr Speaker.

I will continue to hold him publicly to account for his refusal to make good on his statement, which is that he has made this allegation against the previous Chief Minister and the GSD Government, and he refuses to provide details of the alleged GSD supporters who were allegedly put in to, and kept, in highly paid 'cushy jobs' in the Government by the Chief Minister because they... That is a serious allegation of political nepotism, probably political corruption, which he will either make good or repeat outside of this House and answer for it.

1090 **Hon. Chief Minister:** Mr Speaker, I think the hon. Gentleman has taken leave of his senses. He started his question by saying that we have said it in a Government press release – so we have repeated it outside this House.

Mr Speaker, I almost pity the hon. Gentleman. He really is almost like the melting snowman, disappearing in stature politically before our very eyes in this House. Does he think that anybody is going to believe that he created 8,000 jobs? Everybody knows, Mr Speaker, that most of the jobs that he likes to boast about creating walk across the frontier every morning.

1095 Does he really expect that anybody is going to put any credence to the allegation that what is happening today, by the provision of complete and utter openness by this Government, amounts to ‘trial by Government’?

1100 Mr Speaker, trial by Government is what the hon. Gentleman did, or tried to do, against me in May last year, trying to impugn my fitness for the office that the people of Gibraltar determined I should hold on 8th December 2011. Trial by Government is what the hon. Gentleman has done to many people who he did not believe were his supporters, where he deployed the full force of the state against them, incurring such cost as may be required for him to triumph and sometimes even saying to people, ‘I will see you in the Privy Council’. Mr Speaker, I have only ever heard of one other person doing that before in history and that was Robert Maxwell, who was famous for saying to people, ‘I’ll sue you all the way up to the House of Lords and you will run out of money before I do’.

1105 Mr Speaker, I stand by everything my Government has said on this issue and the *enchufes* are over. *(Applause)*

1110 **Hon. P R Caruana:** Well, Mr Speaker, it may interest the hon. Member to know that, certainly, neither I nor anybody on this side of the House, or in this House, have changed their minds about the comments that were made about the very serious judgement issues that afflict and continue to afflict and affect the hon. Member in terms of the discharge of his professional duties, and time will tell whether those concerns were well founded or not, and I think as he said before that we would have to wait this morning for twenty years until, whatever, the context of Mr Bossino this morning twenty years until, time will tell whether those issues will come back to haunt anybody.

1115 Now Mr Speaker, I am not going to press further in this House except to say to the hon. Member, that presumably the GSD supporters in question, the large number of people who, according to the Government, were GSD supporters and employed and kept by the GSD Government in ‘highly paid cushy jobs’, and which I say do not exist. Can the hon. Member say whether these people that he claims do exist are *still* in highly paid cushy jobs, this large number of people in highly paid cushy jobs, are they still in those highly paid cushy jobs?

1125 **Hon. Chief Minister:** Mr Speaker, as to my ability to discharge my professional duties, we will see what time tells, not just about me but about others, because we remain of the same view about some of the Gentlemen sitting opposite, that they might remain in respect of us.

But, look, let us be very clear: they have got a conflicting mantra of opinion. One day they say that there is a GSD witch hunt and the next day they ask us whether we have maintained these highly paid GSD supporters in their jobs. Yes we have, Mr Speaker, because we haven’t cut off any heads!

1130 **Hon. P R Caruana:** Oh, I see. So there are ‘highly paid cushy jobs’ in his Government, then, and they are all occupied by these GSD supporters that he alleges we shoehorned into these positions. That situation is going to continue, is it?

1135 **Hon. Chief Minister:** Mr Speaker, there is no witch hunt. Therefore, people who have jobs will retain their jobs.

I will only tell him this: everyone I speak to within the machinery of Government is constantly reminding me of the freshness that there is now in the administration, how people are allowed to get on with their jobs, and how there is so much more work to do. So it may be that the ‘cushiness’ is over.

1140 **Hon. P R Caruana:** No, Mr Speaker. The cushiness appears not to be over!

I am now very concerned that there are people in the Government who, in his view, were not just put in there by us, but *kept* by us: if they were *kept* by us, they are being kept by him now, in ‘highly paid cushy job’.

1145 The phrase ‘cushy’ means a job that is not really required, or is over remunerated or overvalued and, in the name of not cutting off heads – another joke – he is going to continue this situation *indefinitely*. Well, Mr Speaker, who does he expect will believe that there are GSD supporters who are so *in* with the GSD that they were ‘employed into and kept in highly paid cushy jobs’ in the Government, and that they will continue to be kept in these ‘highly paid cushy jobs’ by the hon. Members opposite? This is much more than the call of duty requires in terms of not cutting heads!

1150 If there are people in ‘cushy jobs’ in the Government, they have an obligation to the taxpayer – for which I am sure the Principal Auditor will be very interested – in not keeping them in such posts.

1155 **Hon. Chief Minister:** Mr Speaker, I note what the hon. Gentleman says, and I will regard it as licence to deal with anybody who I think has got a job that is not required or is over remunerated in a way that ensures the best outcome for the taxpayer, regardless of their political affiliations, but what we will *not* do is because of the improper way in which someone may have alighted upon a job now deal with them also improperly.

1160 **Hon. P R Caruana:** Well, Mr Speaker, the hon. Members threatening tone and facial contortions is their *real* colours and he has let his mask slip. So what he said was, now that you have persuaded me not to carry on being a nice chap on this question, *I will deal with this matter* in the way in which these questions give me licence! His mask has slipped: this is his real instinct. (**Members:** Oh!)

1165 **Hon. Chief Minister:** Mr Speaker, look, I mean the hon. Gentleman can make fun of my physical affliction today if he likes, but making fun of physical afflictions is not something I commend to him, because he might find that we have a joke at *his* expense. But I have got my Strepsils, and that is what is causing the tone of voice...

What I have said, Mr Speaker, remains, that we will not be in any way dealing with people who are now in the public service in a way that is the witch hunt that they would like to see us pursuing, in order to criticise us for it, and because it is not happening they are trying to pretend is occurring.

1170 **Mr Speaker:** There should be a question there.

1175 **Hon. P R Caruana:** Does the hon. Member understand or accept that there are few people in Gibraltar who do not believe they are engaged in a witch hunt? I mean, there are all number of people who have suddenly moved, gone, rolled the directors of the bus companies, you know, and this always gets trotted out as some consensual arrangement...

1180 *Nobody* in Gibraltar believes that the hon. Members have not engaged in a witch hunt. What everybody in Gibraltar believes is that they have conducted a witch hunt whilst, at the same time, saying all the right things, in other words, *doing* much of the opposite of what they have been saying. Does the hon. Member accept that there is scope for that view to be held in Gibraltar?

Hon Chief Minister: Mr Speaker, not only do I not accept it but the hon. Gentleman needs to know that, simply because he tries to use a particular turn of phrase, people will not be persuaded by what he is saying.

1185 He gets up and he says, ‘nobody in Gibraltar believes’, ‘everybody in Gibraltar believes’... Look. it may be, Mr Speaker, that he comes to this House and he thinks that he can get away with that. I can tell him all the people in Gibraltar who do not believe that, who approach me. And he can tell me the people in Gibraltar who approach him who, he might say, believe it or do not believe it, but he cannot speak, Mr Speaker, for ‘nobody in Gibraltar’ or ‘everyone in Gibraltar’, and, perhaps most importantly, Mr Speaker, thank goodness, he cannot speak for Gibraltar any more.

1190 **Clerk:** Question –

Mr Speaker: The Hon. Daniel Feetham.

1195 **Hon. D A Feetham:** Does the Hon. the Chief Minister accept that all these references to the Principal Auditor might create the perception that you are, in fact, politicising the office of the Principal Auditor, and politicising it in a way that he is being asked to conduct GSLP or Government’s witch hunts? Does he not accept that that is a possible perception?

1200 **Hon. Chief Minister:** Mr Speaker, there is absolutely no question of the office of the Principal Auditor being politicised because the Government refers issues to him, and I think the hon. Gentleman does a very serious disservice to the public administration of Gibraltar, and to the office of the Principal Auditor in particular, by raising that particular issue in that particular way.

He is wrong, Mr Speaker, and it will not happen, because the Principal Auditor will not allow it to happen.

1205 **Hon. P R Caruana:** Mr Speaker, the Principal Auditor is an independent constitutional postholder. If the Principal Auditor thought that anything that had happened under my Government, or the previous Government, or the Government before that, were somehow improper, he has not only the *power* but, indeed, the *constitutional duty* to investigate it and report on it. Yet, he has not done so.

1210 All of a sudden, the hon. Members arrive in office and then he issues a plethora of reports, all at the hon. Member's political request. Are the hon. Members suggesting that the Principal Auditors in the past have all been in dereliction of their duty?

Hon. Chief Minister: Mr Speaker, this is so far from the question that it is absolutely ridiculous that we should be pursuing this line but I am happy to take a supplementary.

1215 The fact is that the Principal Auditor, in his constitutional role, can only deal with the information that he has and he has never had access to this information. What we are doing is giving him the information so that he can look into it.

Mr Speaker, the hon. Gentleman will know that we have in our manifesto, in particular, already on page 11, set out how we will change the legislation in order to give greater jurisdiction to the Principal Auditor, a jurisdiction which he has been asking for in Principal Auditor's reports for many years now.

1220 I do not believe that Principal Auditors before have been in dereliction of their duty: I think they have not been provided the information with which they could make the reports that they are making now that the information is being provided to them.

1225 **Hon. P R Caruana:** Mr Speaker, it seems to me that the hon. Member has no clue of how the Principal Auditor is constituted and what his powers are. He has said the Principal Auditor had never had access to information... the Principal Auditor, as a matter of his office, has statutory right of access to *all* Government information and documents in howsoever to do with the spending of public money, the raising of public money, the accounting of public money. Therefore, Mr Speaker, if the Principal Auditor had thought that any of this was the case he has, as he has done on value for money things, completely spontaneously in the past, he would have asked questions, made statements in his report on the Government accounts.

1230 The idea that the Principal Auditor does none of this for 16 years, not even in respect of the previous 8 years, before the last 16 years, and now, all of a sudden, along comes this new Government and the Principal Auditor is suddenly *invited* to conduct reviews which the hon. Members then publish the results of in press releases... well, Mr Speaker, the Principal Auditor is not an instrument in the hands of the Government!

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Hon. Chief Minister: Mr Speaker, where is the question?

1240 **Hon. P R Caruana:** The question is, does not the hon. Member share my view that, if he asks the Principal Auditor to look into something, the Principal Auditor should be allowed, as a separate authority as he is, to announce the results of what he is looking into, not have the Principal Auditor, that is supposed to be *independent*, do an enquiry at the request of the Government and then the Government decides what treatment it gives it in a Government press release?

1245 Does he not understand that that exposes us all to the risk implicit in my hon. colleague, Minister Daniel Feetham's question, that there is a risk that the Principal Auditor will be seen as a political instrument in the hands of the Government for *their* political purposes, which would not be the case if they just referred matters to him, if they want to and let him conduct his investigations and announce the results in, presumably, his technical and non-political way? Does he not agree with that?

1250 **Hon. Chief Minister:** Mr Speaker, there is absolutely no credence in what the hon. Gentleman is saying—no credence whatsoever.

Mr Speaker, nobody here speaks for the Principal Auditor. The Principal Auditor speaks for himself when he wants to and the fact that we are having this debate, frankly, in my view, leads us only down the path of it

being possible to suggest that the hon. Members opposite are the ones impugning the independence of the Principal Auditor.

1255 Mr Speaker, is it that the hon. Gentleman has now chosen to ignore the practice in other democracies? Doesn't he know that the National Audit Office in the United Kingdom will issue reports, or not issue reports, as it wishes, but that Government and Opposition, and Members of Parliament in the United Kingdom, will have access to those reports and make press releases themselves, whether or not he has made press releases about it, whether the actual Audit Office has made press releases about it when they consider might be appropriate?

1260 We do not accept anything that the hon. Gentleman has said except this, Mr Speaker, that we understand that they find themselves in a very, very difficult bind because an independent constitutional authority like the Principal Auditor is making findings that *they don't like*, and they have to do everything possible to impugn the office and to impugn the independence of that office, because that is the only political corridor left open to them.

1265 **Hon. P R Caruana:** Mr Speaker, the Principal Auditor has neither made any findings that we don't like, nor do we impugn him. We believe that the Government is the one impugning.

1270 Mr Speaker, the hon. Member condemns himself by his own words. Does he not agree with me that the example that he has cited in the United Kingdom is absolutely apposite. Members of the Opposition and members of the Government will, indeed, comment on reports and investigations and statements by the equivalent of the Principal Auditor that is probably called the National Audit Office, or the Auditor General, I think he is called in England, but only after *he* has made his investigation and *he* has published his report. The Director General of the National Audit Office does not – whether he conducts the investigation or the enquiry of his own motion, or at the Government's request or at the Opposition Member's request – does he not agree, he does not send his report to a Minister so that the Government then puts out a public release, commenting on the outcome before the man's report has been published by *him*? This is precisely the distinction that I am trying to draw.

1275 One thing is to comment or not comment on a report once it has been issued and another thing is that the only publication of the Principal Auditor's so-called reviews and investigations are not what *he* says but what the hon. Members choose to quote from what he says. Then the rest of mankind has got to take it at face value that this is not a selective, that this is not an inaccurate, that this is not... and therein lies the degree of politicisation. If the hon. Members want transparency, (*Interjections*) will he agree to allow the Principal Auditor to publish his own reports and to decide whether he conducts enquiries, or not, into whatever factual situation the hon. Member wants to put in front of him with their perfectly welcome... and, indeed, free to do, as we are.

1285 **Mr Speaker:** There was a question there from the very outset, albeit it took a long time to conclude.

1290 **Hon Chief Minister:** A very long time Mr Speaker.

It cannot be otherwise than the Principal Auditor only investigates things which he wants to investigate when they are brought to his attention by us, or by anybody else, or when they come to his attention by his own motion. Or is it that he thinks that we *make* the Principal Auditor investigate things? Is that what he is saying? That is plainly ridiculous, and that impugns the office of the Principal Auditor because it suggests that he is a tool in our hands, when he is not, Mr Speaker.

1295 We have given information to the Principal Auditor, which *he* has reviewed and *he* has prepared reports. Am I in the same Parliament I was in 20 minutes ago when I told the hon. Gentleman that I would give him a copy of the report and review carried out in respect of the Culture and Heritage Agency by the Principal Auditor? Am I in the same Parliament, Mr Speaker, because it appears that the hon. Gentlemen has wanted to forget that?

1300 Mr Speaker, if we give information to the Auditor and he decides it *is* appropriate to investigate and he *does* investigate and he *does* make a report, is he saying that the Government is not free to publicise the issues set out in the report? Well, that, Mr Speaker, if he is saying it, is plainly ridiculous – plainly ridiculous. (*Interjection by Hon. P R Caruana*) Because, Mr Speaker, if the Principal Auditor has felt it appropriate, in a review or a report he is asked to do by the Government, given his constitutional responsibilities, and he brings to the notice of the Government something which the Government believes should be brought to the attention of the public, the Government will do so, in particular because of our commitment to transparency and

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openness. If we can publish the reports, Mr Speaker, we will publish the reports, depending on how they are couched, and I have told the hon. Gentleman not *half an hour ago* that, in the instance of the Gibraltar Culture and Heritage Agency, we are unable to publish it because it contains such level of personal detail that it would be unfair to the people referred to in it to publish it.

That, Mr Speaker, will be the proper and open attitude of my Government as long as we are in office. He obviously thinks we have got it wrong, and he can spend the next four years trying to persuade people that *his* style of Government is right, and *ours* is wrong but, on this issue, Mr Speaker, we uphold the independence of the Principal Auditor. We think he is doing exactly the right thing in respect of the matters that we refer to him, we have a manifesto commitment to give him wider powers and, Mr Speaker, that is the right track to be on.

Hon P R Caruana: Mr Speaker, with the greatest of respect to the hon. Member, it is *he* who distorts the status of the Principal Auditor, it is *he* who challenges its independence, as always saying one thing and doing the very opposite.

Look, Mr Speaker, it is not he or I who decide the status of the Principal Auditor. The status of the Principal Auditor is established in the constitution and the Principal Auditor is not an officer of the Government or a tool of the Government, he is an Officer of *this House*.

Hon. Chief Minister: Absolutely right.

Hon. P R Caruana: No, well, that is not consistent with what he has been saying. He has been an Officer of this House. The Principal Auditor, who is an independent constitutional authority should not report to the Government, he should act like an independent or statutory authority and publish his reports *himself*, (*Interjections*) not hand them surreptitiously to a Government Minister, for them to distort and abuse for political purpose. That is how it happens everywhere else in the democratic world.

We made the improvement of making the Principal Auditor, in the last Constitution, an Officer of this House. The House will have noticed that the accounts of Gibraltar and the Principal Auditor's report are no longer tabled in this House by the Minister for Finance, as they used to be. They are now tabled in this House *directly* by the Principal Auditor.

The Principal Auditor is an Officer of this House. He should answer to this House, he should respond to this House and the hon. Members should allow him to publish his own report and then we can all comment about it. The hon. Members opposite, as a Government – I would invite them to agree with me – should *not* commission reports from the Principal Auditors, *receive* them, keep the reports to themselves and then make two and a half line allusions to them in a Government press release. That is a *direct assault* on the independence and political non-involvement of the office of the Principal Auditor.

Hon. Chief Minister: Mr Speaker –

Mr Speaker: Order, one moment.

I will allow the Hon. the Chief Minister to respond to that, but I think we have strayed from the question. The Hon. Chief Minister.

Hon. Chief Minister: Mr Speaker, distortion, distortion, distortion! He does not want to ask a supplementary about the issues as they are; he wants to ask a supplementary about the issues as he wants them to be.

Mr Speaker, I am not saying that the Principal Auditor reports to the Government. Of course, the Principal Auditor, as a constitutional officer, reports, not just to this Parliament, but to the public, because he has a public office. But when we ask him to do a review and he agrees to do a review for the Government, he sends the report to the Government. And, Mr Speaker, the hon. Gentleman opposite's problem is this, the Principal Auditor feels comfortable with that because he has agreed to do it.

The Principal Auditor, who is the constitutional officer, who is responsible for his independence, *feels comfortable with that*, and has done so. And Mr Speaker, given the openness and given the transparency that we are committed to, we will publish those reports which he provides to us which we are able to publish.

**Government adverts in Gibraltar newspapers
Whether 'political corruption'**

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Clerk: Question 327, the Hon. P R Caruana.

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Hon. P R Caruana: Mr Speaker, will the Chief Minister say why he thinks that the placing of Government adverts by the previous GSD Government in the *7 Days* newspaper was 'political corruption of the worst sort ever seen in the political history of Gibraltar' – he was probably away from Gibraltar that day – but advertisements placed by the GSLP Liberal Government in the newspaper owned by Mr Joe Garcia are not political corruption of the worst sort ever seen in the political history of Gibraltar?

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Clerk: Answer, the Hon. the Chief Minister

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the answer to this question is so obvious that we are surprised that the hon. Gentleman wants to embarrass himself by having us spell it out. But it has been an afternoon of that, anyway.

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Panorama has been a registered newspaper since 1977. It has received Government advertising since that date, but *Panorama* carries adverts from many other sources alongside Government adverts. *Panorama* has never been a free publication; it has always been available for sale. By continuing, for the past 100 days, to place Government notices in *Panorama*, the GSLP liberal Government is only continuing a process established by the AACR, the first GSLP Administration, and the hon. Gentleman's Government that, in particular, for the past 16 years... Mr Garcia, the editor of *Panorama*, is a recognised journalist in Gibraltar and internationally.

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The *7 Days*, which started publication in about early 2006, was before the Election a free publication funded exclusively, or almost exclusively, by Government advertising, in almost equal measure to that provided to established daily publications like *Panorama* and the *Gibraltar Chronicle*, although the *7 Days* was weekly. *7 Days* received £156,000 of such advertising, even though the publishing company was struck off in 2010 and never registered for PAYE or Social Insurance purposes. It was still receiving massive amounts from his Government, despite his protestations that, in the case of the *Vox* newspaper, the withdrawal of advertising from that paper was due to arrears of payment of PAYE and Social Security. (**A Member:** Oh!)

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Mr Speaker, the sole editorial purpose of the *7 Days* was to praise the previous Administration, and to denigrate the parties now in Government and, in particular, the Hon. Mr Bossano and/or myself – not that we cared, nor did it do the Members opposite much good. Indeed, I have it on good authority that the writers of the diatribe which that newspaper carried before the Election may very well have been some of the Members opposite, some of their now departed colleagues and some of their well-remunerated supporters. (*Laughter*)

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Indeed, Mr Speaker, the use of taxpayer's money to fund *7 Days*, as if it were a weekly manifesto for the party opposite, imperilled the good government of Gibraltar and the basic tenet of democracy, that the assets of the state should never be used to advance the cause of the party in office. That, Mr Speaker, broke down under the GSD Administration so dramatically in the case of the funding of the *7 Days*, with Government advertising, as one other daily newspaper put it at the time that the advertising costs of *Chronicle*, *Panorama* and *7 Days* were published, let me just say this, people can make up their minds for themselves. (*Applause*)

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Hon. P R Caruana: So, leaving to one side the sanctimonious diatribe with which the hon. Member has padded his speech, it all boils down to the fact that the *Panorama* has been going for longer, that is has one or two advertisers more, other than the Government, than the *7 Days* newspaper and that it is free, as if free newspapers are somehow illegitimate, when free newspapers, without a cover price, that rely for their revenue on advertising is now more or less the common form rather than the exception.

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And that is the basis – oh, and that he alleges that a company that was previously the publisher was struck off and, presumably, replaced by some other publisher, and that he alleges, quite improperly, since he should not be making public statements about tax payers' individual tax matters, (*Interjection*) he is alleging that they did not pay PAYE – these are the reasons why one is the 'greatest act of political corruption' ever seen in the political history of Gibraltar, but the placing of advertisements in the newspaper owned by Mr. Joe Garcia who, as we all know, is the father of the Deputy Chief Minister –

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Mr Speaker: Order, Order. Order! Order! When this question was first posed I did bring to the hon.

Member's attention that, while it is permissible to refer to the name of the individual concerned, no reference should be made to relationships to Members of Parliament.

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Hon. P R Caruana: In the question I put.

Mr Speaker: Well, with respect, if it applies to the question – (*Animated interjections*)

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Hon. Chief Minister: This must a question too. [*Inaudible*]

Hon. P R Caruana: Does he not, given that he has said that the sole editorial purpose of the *7 Days* was to praise the GSD, Mr Speaker... when has he ever read an anti- or a critical-of-the GSLP or Liberal party statement in the *Panorama*? It is even more sycophantic of the Government... is it not even more sycophantic of the Government than the *7 Days* ever was of the previous Government?

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Mr Speaker, to my knowledge, no editor of the *7 Days* newspaper ever stood for election as leader of the political party that is now one of the two political parties of the coalition that form the Government, but the editor, the owning editor, of this newspaper, has done precisely that. So we have a newspaper owned by a previous leader of one of the two parties in coalition, we have a newspaper in which the principal scribbler appears to be a gentleman who lives up the coast, by the name of Mr Eade, who appears to spend most of his days in the GSLP party headquarters, we have a newspaper that has never said anything critical of the GS...

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Well, I don't want to mislead the House, Mr Speaker, I do recall *one infamous* front page story, one (*Interjections*) one since 1977 (*Repeated interjections*)

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Hon. Chief Minister: Where is the question, Mr Speaker?

Mr Speaker: Order! Order!

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Hon. Chief Minister: Point of order, Mr Speaker.

Mr Speaker: Order! Order!

Hon. P R Caruana: Does the hon. Member recall? Does the hon. Member recall?

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Hon. Chief Minister: On a point of order, Mr Speaker, I do recall it and I am quite happy to refer to it later, anyway – but on a point of order, (*Repeated interjections*) the questions are taking so long that one might be persuaded to think that they are speeches, rather than questions.

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Mr Speaker: The point of order is well made.

Hon. P R Caruana: Look, Mr Speaker, as Chief Minister the hon. Member does not really have time to be the Deputy Speaker as well. He is constantly sending instructions up to the Chair to provide your... (*Interjections*)

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Mr Speaker is perfectly capable of making rulings spontaneously of his own motion without constantly being prompted to do so from the floor of this House which may give uninitiated listeners in this House the false impression that the Chief Minister is trying to manipulate the Chair in this House.

Mr Speaker is sitting in this House, (*Interjections*) he is listening –

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Hon. Chief Minister: Point of order, point of order, Mr Speaker.

That is, as the hon. Gentleman knows, one of the most pernicious accusations that anybody could make in any Parliament, not in respect of me but in respect of the perceived, in his view, ability for the Chair to be manipulated.

Mr Speaker, I do not consider you manipulable in any way.

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Hon. P R Caruana: He reminds me, if I could just say one more thing, Mr Speaker...

Mr Speaker: Just one more thing. (*Laughter and interjections*)

Just one more thing. Yes, do say one more thing and then I will –

1475 **Hon. P R Caruana:** I will, Mr Speaker. The perniciousness to which he refers is the same perniciousness as one sees on Saturday night, usually on Spanish television football channels, where you get footballers constantly trying to get the referee to show the yellow and the red card to some opposing player. It is as pernicious as that.

1480 That attempted manipulation can take many forms and the constant harassment to invite rulings is capable of being misinterpreted by uninitiated listeners as being an attempt by the floor, whether it is from him or from me, to prompt rulings from the Speaker. And all I am saying is that Mr Speaker is listening to the same debate as we all are, he is hearing the length of my questions, he is perfectly capable of calling me to order, without being invited to do so constantly by *him*. That is all I'm saying, and it seems to me a perfectly reasonable point.

1485 **Mr Speaker:** Okay, there are three points there.

First of all, the Hon. Leader of the Opposition did not suggest that the Hon. Chief Minister is manipulating me: so the uninitiated may falsely come to the conclusion of that, I think that was quite clear.

1490 Secondly, it is perfectly in order for any Member of this House (*Interjection by Hon. P R Caruana*) it is perfectly in order for any Member of this House to raise a point of order and draw to my attention the Standing Orders and it is then for me to rule on them.

Thirdly, I must confess I have been over indulgent in the length of the questions I have permitted. I would be very grateful if the Hon. Leader of the Opposition kept his questions short and sharp and to the point.

1495 **Hon. P R Caruana:** Yes, Mr Speaker and, I in turn, if the Hon. Speaker could indulge *me*, although he has got no need to, if he could call me to order for the excessive length of my questions of his own motion and *not* by invitation of the hon. Member.

1500 **Mr Speaker:** That might be frequently!

Hon. P R Caruana: Then I will keep... yes, but nevertheless, I would prefer it.

1505 Mr Speaker, does the hon. Member agree, therefore, with me, that this Government's pumping of Government advertising money into a newspaper such as I have described, edited and owned by the person that edits and owns it, being as it is *exclusively* sycophantic of the Government, never having made any critical statement of the GSLP as a party, or the Liberals, certainly since they have been in coalition, save this famous one with the headline: 'It would be a disastrous day for Gibraltar if any of these three got into office!' – and there were pictures of Mr Bossano, Mr Picardo and who was the other one, Mr Licudi.

1510 I thought it was very harsh on you, Mr Licudi, I have to say! (*Interjection by Hon. Chief Minister*) Will the hon. Member agree with me, that there is no more justification in the suggestion that the one is 'the greatest example of political corruption', than the other, that they are *exactly the same*? Both are newspapers, neither of which are owned or controlled by political parties, but they have their certain editorial line which, in the case of *Panorama*, does not disqualify them, apparently, from Government advertisements, so why should this *New People* fall into the category of 'corruption' when it is the same?

1515 **Hon. Chief Minister:** Mr Speaker, the headline was 'God Help us if these three ever get into Government!', so Mr Speaker, to say that that newspaper, that *Panorama* has never been critical of *us* is really quite something, which takes some believing.

1520 In fact much of what the hon. Gentleman is saying in respect of this question takes a *lot* of believing, and I say to the hon. Gentleman, he really is, Mr Speaker, in a canoe of diminishing credibility, in the Amazon, heading towards a waterfall without a paddle. He has no way back, and if he thinks that he can persuade *anyone* in Gibraltar that this Government is pumping money – pumping Government money – into *Panorama*, which is what he has said a moment ago, simply by continuing the practice of the past 35 years, of all Governments, of advertising in a newspaper that is recognised by everybody as one of the credible newspapers in Gibraltar, then he is not going to persuade anyone.

1525 I remind the hon. Gentleman, Mr Speaker, I remind the hon. Gentleman,

Mr Speaker: Order, Order, Order. I can't hear...

1530 **Hon. Chief Minister:** I remind the hon. Gentleman, Mr Speaker, of the answers he gave me in answer to supplementary questions arising from Question 798/2007, where he told us that the only newspapers he read were the *Panorama* and the *Chronicle*. So he *himself* recognises the credibility of *Panorama* but, Mr Speaker, to compare that to *7 Days* really is to compare apples with pears. Is it that he does not know, or that he did not bother to have anyone check, that *7 Days Limited* is the registered newspaper? It trades as *7 Days*, and that is what the register of newspapers, which is available for public inspection, reflects. Is it that he does not know, Mr Speaker, or that he did not bother to check, when public money was being spent, that *7 Days limited* was struck off by the Registrar of Companies in May 2010 and thereafter continued to receive the lion's share of payments?

1535 Mr Speaker, how is it that he can sit there and say that I should not be referring to the records of payments of anyone, when he went on television and said that he was going to stop the advertising in *Vox*, not because they happened to change their editorial line, which had, until then, been favouring his party and his Government, but because they were not up to date with their arrears in respect of PAYE and social security? Why is it that he could do that, but I cannot say that this company did not register for PAYE or Social Security? If the hon. Gentleman felt that *Panorama* was not a newspaper that should carry advertising of the Government, he had 16 years to stop it! We are continuing that practice which was established 35 years ago by the AACR.

1540 Mr Speaker, everybody in Gibraltar knows the reality of the story of the *7 Days*. Everybody in Gibraltar knows what they tried to use it for before the Election and no amount of dissembling will get the hon. Gentleman out of the mistake he made, perhaps in a moment of madness, when he set down this question for answer in this Parliament.

1545 **Hon P R Caruana:** Mr Speaker, the hon. Member, I have to say to him, has got completely the wrong end of the stick!

1550 I do not think that the *Panorama* is an inappropriate newspaper for the Government's advertising to be carried. I think the opposite: I think it is *eminently* appropriate. It is as *eminently* appropriate as the *7 Days* and both for the same reason, which is why we used to, whilst in Government, provide advertising in more or less similar measure to both.

1555 It is not that the Opposition believes that they are wrong to place advertisements in the *Panorama*. Does he not accept that what I have been saying is that it is as correct to place advertisements in the *Panorama*, as it was correct to place advertisements in the *7 Days* because there is insufficient reasons to distinguish between placing advertisements in the two, and whatever distinctions *he* thinks he can come up with, certainly are not large enough to justify one being the 'greatest act of political corruption in the political history of Gibraltar', and the other being perfectly okay. The difference between one being the worst sort of 'political corruption ever seen in the history of Gibraltar', the difference between that, in the case of *7 Days* and perfectly okay in the *Panorama*, according to him, is the fact that *they* have been going since 1977 etc etc and all the reasons that he has given.

1560 It is not that we think – will he accept what I have been saying, at least that I have been saying it, not that he will accept it – it is not the Opposition's position that they should not be placing advertisements in *Panorama*, they should be placing advertisements in *Panorama* and in the *7 Days*, because the grounds for deciding that they are, it is appropriate for the Government to advertise in both is, in the Opposition's view, the same now as it was during the years that we were in office. The only reason why we did not place an advertisement – will the hon. Member at least acknowledge the chronology of this? – the only reason why we did not place advertisements in the *New People* was that the *New People* was outwardly, and declared to be, an internal organ of a political party, to the extent that, when the GSLP itself was in Government, for that reason *they* did not place an advertisement in the *New People*. What *we* did, actually, is the same as what he claims he is doing now with *Panorama*. We continued the practice of the Government from which we inherited office, which was not to place advertisements in *Panorama*, and we did not – I beg your pardon, in the *New People*, *People* as it was then called – we did not stop doing that.

1575 **Hon. Chief Minister:** Mr Speaker, I do not accept any of that.

1580 I have been, actually, I must say, Mr Speaker, quite prudent, quite prudent I think, and I commend myself for my prudence in my first answer and my original supplementary because the hon. Gentleman likes to talk about relationships in the course of his questions but, of course, there is another relationship which is relevant, a familial relationship between the editor of *7 Days* and one of the individuals who was a Minister in his

Cabinet and who is presently a Member of the Opposition. I put it no further than that because I do not think it is appropriate to, but there is a family relationship there, too.

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And the hon. Gentleman knows that, when we are talking about *Panorama*, we are talking about it being edited by a man who is the doyenne of journalists in Gibraltar, who is recognised in Gibraltar and outside of Gibraltar as an exemplary journalist, whether one agrees with him or not, and I will quite happily tell him, Mr Speaker, that we do not always happen to see eye to eye and we do not always enjoy what we read in *Panorama*, whether we were on that side of the House or on this side of the House, because that is the sort of publication that *Panorama* is, independent of any political influence.

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Mr Speaker, frankly the hon. Gentleman has given himself away. He has said that they would not place adverts in the *New People* because it was outwardly, and declared, a political organ of the GSLP, which I do not believe, but is it that he is saying – because that is, in effect, the practice that he has pursued – that, as long as you are covertly and undeclared the supporter of a political party, he felt it was appropriate for you to have political or, rather, Government advertising? That is the fact of what developed under his Administration, Mr Speaker. And he can argue it as much as he likes, but it was clear to *everyone* that the *7 Days* before the Election, was a party political rag, bought and paid for and, very likely, *exclusively* written by the members opposite and/or their supporters. And that, Mr Speaker, as he likes to say, everybody in Gibraltar knows and nobody in Gibraltar would believe the opposite.

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Hon. P R Caruana: Mr Speaker, just as everybody in Gibraltar/nobody in Gibraltar, does he accept, would believe that the *Panorama* is not a political rag in support of sycophantic of the GSLP Liberal party (*Laughter*). I mean, this Mr Eade character, never mind the rest of the newspaper, this Mr Eade character or whoever it was, I understand was practically working out of the GSLP offices and, frankly, his twice weekly scribblings was embarrassing to read, if I had been the hon. Member opposite. Completely sycophantic! (*Interjection*)

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Mr Speaker, no one has suggested that Governments should not place advertisements in newspapers which have a tendency or a leaning towards a particular party. When the Government, when the GSD Government continued to place advertisements in the *Panorama* newspaper, we did it in the knowledge that this was a newspaper that was *hugely supportive* of the GSLP Liberal alliance, for obvious reasons, never had a congratulatory word or anything good to say about the Government, but that was not enough. Governments cannot withhold advertisements and it does not become wrong to advertise simply because the newspaper is not pro-, might even be anti-, the Government of the day. The distinction is not whether it is pro- or anti-, the distinction is whether it is an internal organ of a political party, owned and controlled by a political party as an organ of a political party, which is what the *New People* was –

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Mr Speaker: I do think a question is now due.

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Hon. Chief Minister: Thank you, Mr Speaker.

Hon. P R Caruana: – and does the hon. Member not agree that neither the *Panorama* nor the *7 Days* fall into that category of internal organs, however supportive they might be, one in the case of one and the other in the case of the other party?

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Hon. Chief Minister: No, Mr Speaker, because people are not stupid despite the fact that the hon. Gentleman tries to treat them as if they were.

The hon. Gentleman is dancing on a pinhead, this question of internal organ says, in his lexicon, you can't have the chairman of a political party as editor of a newspaper, but you can have a close relative of somebody who is a Minister in my Government – in *his* Government – (*Interjection by Hon. P R Caruana*) a close relative of somebody who is a Member of the Opposition with me – in *his* Opposition – and that doesn't matter, so all we do is we set up this nominee-ship (*Interjections*) of ownership. (*Interjections*)

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Mr Speaker: No, no. Order, order.

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Hon. P R Caruana: On a point of order, Mr Speaker. He cannot launch a tirade on the basis that I have said that you cannot put an advertisement in a newspaper which is edited by the chairman of a political party. I have said the *opposite* of that.

I have said *nothing of the kind*. I have said, indeed, that the Government continued to place advertisements in such a newspaper. It is not the political status of the chairman, or of the editor, it is the *ownership* and *control* of the newspaper by a political party which is the only consideration I have said disqualifies a newspaper from... Let him focus... He cannot put words in my mouth for the purpose of answering a statement that I have not made!

Hon. Chief Minister: Mr Speaker, I have interpreted his statements *exactly* like that, whether he likes it or not. (*Interjection*)

Mr Speaker, he is wrong when he says that is the only criteria that he set up when he was here because he went on television and he said that his Government would stop advertising in *Vox* because *Vox* owed PAYE and Social Security. Despite the fact, Mr Speaker, that they had been advertising grandiosely in that publication, continually, previously to have had, when it had earlier, PAYE and Social Security issues also, but the only thing that had changed was that the editorial line went against him. So, Mr Speaker, he knows *exactly* what happened and the people know exactly what happened.

Mr Speaker, let us be *very clear*, he does not enjoy reading what Mr David Eade writes and he finds it embarrassing because Mr David Eade is the one that brought out that he had told Peter Hain that he was ready to do an Andorra-style solution. He does not like what David Eade writes because it embarrasses him by sticking its fingers into the truth that he likes to avoid. He has singled out Mr Eade on a number of occasions for criticism in this Parliament, although Mr Eade is not here to defend himself. And I am not going to go down the same road that he perniciously, continuously, goes down. All I am going to say is that the editor of the *7 Days* – which is an English language newspaper, as he knows – does not speak English! And that, Mr Speaker, identifies immediately the reality of what was happening with the *7 Days*, how it went to the very core of good government, how it affected the basic tenet of democracy, that they were using taxpayers' money to publish a weekly sycophantic manifesto, with a nominee in place to cover their pernicious writings.

Hon. P R Caruana: Mr Speaker, we are not going to carry on debating this.

The hon. Member's statements are absolutely disgraceful. What the fact that he says that, to do with the editor of the *New People*, of the *7 Days* doesn't speak English have to do with the good governance of Gibraltar is not immediately obvious to us. The fact of the matter is, Mr Speaker, that the hon. Member is wrong when he says what he says about the *Vox* and the stopping of the Government... Government did not stop advertising in *Vox* because they changed their alliance or because they were in arrears of PAYE – there were lots of newspapers in arrears of PAYE. Government stopped advertising in *Vox* because they *stopped paying* PAYE, not because they were in arrears, because they adopted the position of *not paying* PAYE. That is why the Government stopped... in the day stopped paying... not because they were in arrears of PAYE, as the hon. Member now wishes to mischaracterise.

The fact of the matter is, Mr Speaker, that whatever the hon. Member... all I am asking him to agree with in my question, that he is seeking to erect... and continues with this pre-electoral *gambit*, that advertising by the GSD Government in the newspaper which he characterises as he has characterised – called the *7 Days* – is the 'greatest act of political corruption that Gibraltar has ever known', but that advertising by *this* Government in the *Panorama*, despite all the connections, as we have characterised the *Panorama* – I am not going to repeat either of the two characterisations – that that is fine? And I am saying to him, will he agree with me, that there is no factual, or intellectual, or objective, basis for categorising the difference between the two newspapers, such as they might be – obviously, they are not identical – but the difference between the two newspapers in terms of the propriety of Government advertising in them, will he not agree that difference, whatever it might be, is *not capable* of amounting to the 'greatest political corruption of the worst sort in the political history of Gibraltar'?

Hon Chief Minister: No, Mr Speaker, and I particularly do not agree when he starts with the phrase that he loves so much, 'the fact of the matter is', as if everything that he were going to say thereafter were an empirical truth incapable of challenge.

I challenge what he has said for the reasons I have already explained, but I will give him one piece of free advice which he will say he will not take, but so be it. On this issue, stop digging because everyone can see through to the truth.

Hon P R Caruana: The hon. Member is right. I have no intention of taking his dodgy advice.

Mr Speaker: The Hon. Daniel Feetham.

1695 **Hon. Chief Minister:** The only 'dodgy advice' that I have seen is some that was tendered by him in the time that he was in office, and perhaps we can have a word about that later.

Mr Speaker: The Hon. Daniel Feetham.

1700 **Hon. D A Feetham:** Yes, Mr Speaker.

He has made a serious allegation against *7 Days* of not paying Social Security payments, and so essentially an allegation of illegality. If that is the position, certainly we would condemn it from this side of the House. But is that statement based on the fact that he has made enquiries from, for example, the ETB as to whether the *7 Days* actually employed anybody, or is it a conclusion he has reached from seeing that there had been no Social Insurance or Social Security payments by the *7 Days*?

Hon. Chief Minister: No, Mr Speaker, it is information that has been provided to me voluntarily by people responsible for these registrations.

1710 **Hon. D A Feetham:** So what he is saying that there were employees of *7 Days Limited* in respect of which identifiable employees – and bear in mind this is an allegation of illegality that the hon. Gentleman is making in this House and publicly – there are identifiable employees of *7 Days Limited*, in respect of which there have been no payment to Social Security, no Social Security payments.

1715 **Hon. Chief Minister:** No, Mr Speaker. What I am saying is that *7 Days* was not registered for PAYE and Social Security. That is exactly what I have said, that is what I will continue to say. It is very serious indeed and the hon. Gentleman is right to highlight it, and I am glad that he chooses to join me in condemning it, that an entity that has received £156,000 of Government money, and which cannot write its own articles, which cannot put itself together in some way, which cannot just in some way do business in Gibraltar without registering for PAYE and Social Security – which, as he knows, are the requirements under the law – that has received £156,000 of Government money, should not be in good standing.

1720 It is particularly relevant, Mr Speaker, that the company that trades as *7 Days* and publishes, therefore, the newspaper, the company that trades as *7 Days* was struck off by the Registrar on 23rd May 2010 – this is publicly available information that I have obtained, not from Government sources, as he can imagine – and that there is a statement registered against the company, that the company does not have the authority to maintain a registered office at 6a Queensway, Gibraltar, and that this was filed on 21st August 2008 by the persons having control of the premises, with effect from 18th October 2007.

1725 So, Mr Speaker, there is also a reference as to the information in respect of the shareholder being untrue or incorrect. That is the level of seriousness of the issue affecting *7 Days*.

1730 **Hon. D A Feetham:** Well, if there is any illegality perhaps he may want to refer that one, as well, to the Principal Auditor (*Interjections*) or even, indeed, to the Attorney General, if he thinks there has been some criminality involved in those particular circumstances.

1735 But, you see, I am troubled by this because, is he saying that he knows, for a fact, that *7 Days Limited* actually had employees, because he must also know that the company could have, perhaps, structured its affairs in terms of having self employed contracts with people who, for instance, were editing or running the newspaper. I mean, I certainly don't know but he has made an allegation of illegality in respect of *7 Days* in Parliament, and what I am trying to ascertain is whether that allegation of illegality is well founded, based on reasonable evidence and reasonable enquiries that the Hon. the Chief Minister, as Chief Minister of Gibraltar, is bound to make when he makes allegations of this nature.

1740 **Hon. Chief Minister:** Mr Speaker, the Hon. the Chief Minister of Gibraltar has made the allegations with the information that has been provided to him, and has made a perfectly proper statement of fact in this House.

1745 The hon. Gentleman might like to know, and I am quite happy to give him a copy of the profile, that there isn't even a director registered in respect of *7 Days Limited*, in the information available at Companies House. And perhaps he can explain to me how it is that a company can do business in Gibraltar without registering

1750 for Corporate Tax, for PAYE, or for Social Security. Of course, Mr Speaker, it is possible that there were people who were actually running this newspaper who were not employed by it. It might, for example, have been Ministers of the Crown at the time that it was doing what it was doing.

Mr Speaker, I am delighted to accept his invitation to put the information that we have available in respect of *7 Days* to the Attorney General and shall be doing so after the meeting of this House.

1755 **Hon. D A Feetham** Would the hon. Gentleman withdraw the allegation that he has made, and the inference that he has made, that at the time, during the course of the last Parliament, that there were Ministers of the Crown in the employ of the *7 Days*, because that is not true and, again, the hon. Gentleman is playing the man, not the ball, in the worst possible way and he has made a number of allegations during the course of the exchanges today, but certainly I would ask him to withdrawn that particular one.

1760 **Hon. Chief Minister:** Not only, Mr Speaker, do I not withdraw it, I did not make that allegation because Ministers of the Crown were not in the *employ* of *7 Days*. That is not what *Hansard* will say that I said, but I do not resile for one moment from saying that Ministers of the Crown were involved in the *running* of the *7 Days* and in its publication and in the writing of its articles. If he does not like it, Mr Speaker, well, there you go, but that is our position. We recognise more than one pen in the pernicious little articles that we read in that rag.

Clerk: Question –

1770 **Hon. D A Feetham:** Mr Speaker, for a man that professes to want to play the ball and not the man, the hon. Gentleman has a habit of launching into very nasty two footed tackles. But, Mr Speaker, don't worry, I am not going to ask you to show the hon. Gentleman the red card, lest you become the latest victim of Madame Guillotine, unless you also lose your head in the process. (*Interjection and applause*)

1775 But, Mr Speaker, will the hon. Gentleman not make good on that statement and either put up or shut up and say to this House, who he believes was writing or running the *7 Days*, and what is the evidence that he relies upon in support of that very serious allegation.

Hon. Chief Minister: Mr Speaker, it is not a question of playing the ball and not the man, or playing the man and not the ball, I'm playing against the whole team!

1780 I am quite happy to tell them, as I have, that there was a number of *them* that were involved in writing the *7 Days*. And I am quite happy to tell them, Mr Speaker, I believe it was him: I believe it was the then Chief Minister, Mr Caruana; I believe it was Mr Joe Holliday; and I believe it was some of their very highly paid supporters who are not present in this House and who were not Ministers at the time, so I won't mention. But I am quite happy to tell him outside who it was. I will give him a hint, he was a very highly paid legal officer by the initials of RB, with whom he used to have many lunches and I'm sure still does enjoy the odd bite.

1785 Look, Mr Speaker, they are entitled to write whatever it is that they want, in whatever newspaper it is that they want to write it. It can only be a serious allegation if he believes that the writings in that newspaper were, in fact, so dodgy and really quite so awful that he does not want to stand behind them. That is my view; he is not going to shake me from it. So there he goes.

1790 **Mr Speaker:** Point of Order. I must say that it is totally out of order to refer – to use the same analogy – to refer to the Speaker now as the football. We have had mention of to the uninitiated, there may be an erroneous perception of the Speaker being manipulated, you have heard reference to a deputy speaker you have heard reference to the Speaker being guillotined, with respect, the Speaker should not be used as a political football and used as an argument, if it serves to enhance an argument – I believe it does not – but, with respect, I would prefer it if the Speaker was not referred to as *the football* in this game. (*Applause*)

1795 **Hon. D A Feetham:** If you have taken offence I apologise for my comment. I have not referred to Mr Speaker as the football.

1800 **Mr Speaker:** No, as the guillotine! (*Laughter and interjections*)

Hon. D A Feetham: I said that I was not going to ask you to show the hon. Gentleman the red card, lest

you also receive a kiss from Madame Guillotine. It was meant light-heartedly.

1805 **Mr Speaker:** No offence has been taken. I am anxious to assert the position of the Speaker as an independent and neutral party in these proceedings.

Clerk: Question three hundred and...

1810 **Mr Speaker:** the Hon. Daniel Feetham

Hon. D A Feetham: Well, Mr Speaker, is the Hon. the Chief Minister, then – and I can say, before I ask my supplementary, that I have not written at all in the *7 Days*, and whether the hon. Gentleman believes it or not is another matter – but is he going to deny that he was one of the principle scribes in the *New People*?

1815 **Hon. Chief Minister:** Mr Speaker, I am not here to answer questions –

Hon. D A Feetham: Yes, you are.

1820 **Hon. Chief Minister:** – other than in respect of the time that I have been in office since 8th December so, Mr Speaker, frankly, if the hon. Gentleman wants to ask me questions about what I used to do in Opposition so I can give him a few tutorials on how to get here – I know he needs the help – I am quite happy to do so over a coffee. In fact, Mr Speaker, if he has finished with his supplementaries, this may be a convenient moment to have one. (*Laughter*)

1825 **Hon. D A Feetham:** Well, does the hon. Gentleman deny that he was the writer of the column, ‘Python’, in the *New People* for many years?

1830 **Hon. Chief Minister:** Mr Speaker, the column Python in the *New People* I think, unfortunately, stopped being published by that august newspaper way back in 2004, 2005, long before I am answerable for issues in this House. But I, too, would like to see it come back. (*Interjection*)

I would love to see the Python come back, Mr Speaker, so perhaps if the hon. Gentleman could have a word with him and convince him to go back to his desk and write a few more of those *excellent* articles (*Laughter*) that appeared in the *New People* in that time that would be, perhaps, a good thing. But I am not answerable in this House, Mr Speaker, for what happened in 2004.

Hon. P R Caruana: He is not answerable in this House for what he used to do so many years ago, but he is answerable in this House for not misleading it today here.

1840 He has referred to the Python in the third person – ‘perhaps we could invite the person to come back’ – thereby clearly implying that it was not him. Does he want an opportunity to clarify that he is not saying, in this House, that the Python was not him, as he has insinuated by reference to him in the third person.

1845 **Mr Speaker:** No, with respect, that question is out of order because, then, he is being obliged to, if he was, or is, the Python to confess he is the Python. (*Laughter*) Thus obliging him to do so. That question...

Hon. P R Caruana: Mr Speaker, with the greatest of respect, he has made a statement.

Mr Speaker: In the third person to maintain the neutral stance.

1850 **Hon. P R Caruana:** How does Mr Speaker know what motivated the hon. Member to make a statement?

Mr Speaker: With respect, *with respect*, I am not an idiot. (*Laughter and applause*) I will be 60 on my next birthday, and I can make out the sense of the question and the sense of the answer.

1855 **Hon. P R Caruana:** Well, Mr Speaker, none of us in this House are idiots, (*Interjection by Mr Speaker*) and the Hon. Mr Speaker is not the only one who is entitled to respect for the positions that they adopt. The fact that I have to bow to his rulings does not necessarily make him right and us wrong. (*Interjection by Mr*

Speaker) It simply means that there is an arbitrator whose rulings have got to be accepted and that is his status in this House and none other.

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Mr Speaker, I invite the hon. Member, if he is willing to, to simply confirm whether or not he is saying in this House today, that he is not the Python. It is a very simple question.

Mr Speaker: I rule the question out of order.

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Hon. Chief Minister: I accept Mr Speaker's ruling on this issue.

Hon. P R Caruana: Sorry,

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Hon. Chief Minister: Mr Speaker, that may be a –

Hon. P R Caruana: I didn't hear what you said.

Hon. Chief Minister: I accept Mr Speakers ruling on this issue.

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Hon. P R Caruana: It's pretty dubious! *(Laughter)*

Hon. Chief Minister: Mr Speaker, this may be a convenient moment to –

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Mr Speaker: I think it will be a convenient moment for us all to enjoy a bit of refreshment. We will recess for, say, 15 minutes.

The House adjourned at 5.35 p.m. and resumed its sitting at 5.55 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

EVENING SESSION: 5.55 p.m. – 7.03 p.m.

Gibraltar, Thursday, 15th March 2012

The Gibraltar Parliament

The Parliament met at 5.55 p.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Questions for Oral Answer

CHIEF MINISTER

Government payments made to SP (Butchers) Limited in 2008 Investigation by Principal Auditor

Clerk: Question 328 the Hon. P R Caruana.

Hon. P R Caruana: Yes, will the Chief Minister... can the Chief Minister say why the Government

5 thought it necessary or appropriate to ask the Principal Auditor to look into payments made by the Government in 2008 to SP (Butchers) Limited?

Clerk: Answer, the Hon. the Chief Minister.

10 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government identified the issue of the payments to SP (Butchers) as a result of pointed questions posed by the *Gibraltar Chronicle* on this matter.

As a result, it came to our attention that, apart from the acquisition of the units in and around the public market, a substantial amount was also paid, namely £220,000 in respect of the determination of a licence on the East Side. Because we could not find anyone in Government who could explain to us the value for money in paying £220,000 for a licence that could have been determined with a letter sent by e-mail for nothing, or by post for 10p, the matter has been referred to the Principal Auditor for his views.

20 **Hon. P R Caruana:** Mr Speaker, does the hon. Member acknowledge that the payments to SP (Butchers), which is a company originally owned by the father and now, I believe, by the wife of Mr Reyes, who was then Minister and is now a Member of the Opposition, and has been carrying on as a butchers in the Gibraltar markets for many, many decades... that the Opposition elicited the information of payments made by the Government to this company in a Parliamentary question in 2008, when they were then the Opposition and we were then in Government? Is he aware of that?

25 **Hon. Chief Minister:** Mr Speaker, I believe that is correct in respect of the payments relating to the market stalls but not the payments relating to the plot on the East Side.

Hon. P R Caruana: Yes, so the referral to the Principal Auditor then does not refer to the stalls in the market or, rather, better still, the sheds in the market?

30 **Hon. Chief Minister:** Mr Speaker, other than that those were two connected transactions.

35 **Hon. P R Caruana:** Because, of course, you see, both the Principal Auditor and, indeed, the Opposition have had notice of those payments since 2008 and I was just wondering why, having asked the question and got the information in 2008, it takes them 4 years to decide that there is something suspicious worth investigating?

Certainly, the Principal Auditor, who audits the accounts of the Government and is aware of all the payments that are made using public funds, and certifies the account, and certifies the accounts of the Government and all its companies, he has never thought that there was anything untoward about any of these payments. Yet now, four years after there is evidence of pay... well, evidently, I presume, as publicly given in answer to a question, the hon. Members must know that, as part of the policy of exposing the city walls and... I beg your pardon?

40 **Hon. Chief Minister:** If the hon. Gentleman would give way... (**Hon. P R Caruana:** Yes.)

45 Not the payment in respect of the licence on the East Side, Mr Speaker. That is the issue that I alluded to before.

Hon. P R Caruana: I hope that if the Principal Auditor needs any information it will be happily given to him, that these were connected transactions, because one part of the business was not viable without the other.

50 **Hon. Chief Minister:** Mr Speaker, I am sure that if the Principal Auditor feels that he needs to speak to those who were involved in respect of the transactions he will do so.

My answer in respect of the question referred to the East Side aspect of it for a purpose, and to the fact that it was a licence that could have been determined by a letter for a purpose, because that is the issue that raised the value for money question for us.

55 **Hon. P R Caruana:** I see. It's a value for money issue.

**Non-EU spouses of Gibraltarians
Issue of five-year residence permits**

Clerk: Question 329, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, will the Chief Minister say on what terms will five-year residence permits be automatically issued to non-EU spouses of Gibraltarians?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, as has been the case until now for all EU citizens *except* Gibraltarians, ironically, five-year residence permits will be automatically issued to non-EU spouses of Gibraltarians under the following terms. That the relationship is genuine, that the marriage has to be valid and subsist through the period of the permit or permits and accommodation has to be suitable, and the tenancy has to be approved by a relevant landlord. This will end the discrimination against Gibraltarians in this sense Mr Speaker. I know the hon. Gentleman will recall that the way that the law was drafted, all EU citizens resident in Gibraltar, *except* Gibraltarians, have this right and Gibraltarians enjoyed it only for a period of six months for their spouses instead of five months and therefore by doing –

Hon. J J Bossano: Five years.

Hon. Chief Minister: – it in this way, we put Gibraltarians on the same footing as other EU nationals receiving or bringing their non-EU spouses.

Hon. P R Caruana: Mr Speaker, will the hon. Member acknowledge that the rights of non-EU spouses of EU citizens in Gibraltar, in other words the other category in whose favour there was alleged discrimination compared to Gibraltar, that that was a matter of EU law and not something that was chosen, so EU law gives that right? But the EU legal right is linked to their status as workers in Gibraltar and to the fact that they hold jobs in Gibraltar, so it was not a right indefinitely for five years, it was forfeitable on loss of employment. That is the EU regime.

Now, by extending it to non-EU spouses of Gibraltarians – and we have had brief debates on this issue before in this House – where the practice was to do the permit for 6 months *and*, provided the marriage and the relationship subsisted because, of course, Mr Speaker, if there is a *successful* relationship, it doesn't matter whether it is 6 months, 6 years or 60 years, the longer the better, if it's based on...

The danger is, and this is what I would ask the hon. Member to keep under constant review, because we began to see an increase in the trend, especially on the basis of internet-based relationships, whereby this was just being used as a side door into Gibraltar and that, shortly after, the relationship would breakdown, thereby suggesting that one party to the relationship – obviously the non-Gibraltar party to the relationship – was using this, as has been the experience in England – and they have had to clamp down on it, too – as a means of gaining entry into Gibraltar. So the 6 month rule, as he will be aware, was 6 months but conditional upon the relationship persisting in terms of cohabitation, and I think I have correctly understood the hon. Member to say that they have attached the same conditions to the five year rule. So it is not five years, it is five years or if there is a break up, whichever is the shorter of the two. Obligated to him.

Hon. Chief Minister: Yes, Mr. Speaker, that is correct and I am not suggesting that he changed the law of Gibraltar to discriminate against Gibraltarians. It is clear that the rules that gave greater rights to EU citizens came in through the EU legislative route.

There is one difference now, Mr Speaker, between Gibraltarians and non-Gibraltarians bringing their non-EU spouses. He has alluded to it but I am happy to sort of dwell on it, which is that, a Gibraltarian will not be required to be in employment for that right to kick in, but they will have the same condition attached to their spouse's work permit, namely that they have to remain in the relationship for the period of five years, subject to such review as it may be possible to do of those things.

It is as we debated when we were on opposite sides of each other, a very difficult issue to keep under review because it is not easy for the Chief Minister of Gibraltar, or for the Principal Immigration Officer to determine whether a marriage is genuine or not, and I am sure he has come across some fairly heartbreaking

115 cases, as I have already, and saw when I was Leader of the Opposition, of Gibraltarians who believe that they are in loving relationships, although the objective evidence suggests the contrary.

120 **Taxpayers' payment to OEM**
GSD agreed settlement of claims

Clerk: Question 330, the Hon P R Caruana.

125 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister say on what basis the Government thinks that the GSD appears to have agreed that the taxpayer would pay nearly £7 million to OEM as full and final settlement of all claims?

Clerk: Answer, the Hon. the Chief Minister.

130 **Hon. Chief Minister (Hon F R Picardo):** Mr Speaker, on the basis of the correspondence between his office and the liquidator of OEM, which discloses that, prior to the Election, a position had been reached which was agreeable to both those parties, with the previous Government proposing to make a payment of £6,977,738 to OEM's liquidator as full and final settlement of all claims.

135 **Hon. P R Caruana:** Yes, Mr Speaker, he may have seen what I believe is a draft letter to that effect, but is he aware – and perhaps we ought to discuss this in a different forum, because they must make their own policy decision, about whether they think that these monies should be paid or not – that, although these discussions are with the liquidator, they are effectively for the benefit of the bank that funded the first stages of the project and it raises questions about the extent of the bloody nose that we are happy for that bank to suffer?

140 There are policy decisions for the Government to make, then, legitimate ones, and they could legitimately come to a different one to the one that we came. But this goes back to much longer than before the last Election. This goes back to a couple of years ago, or at least 18 months ago.

145 The reason why I ask on what basis is this: is he aware that the original commitment was that the Government would not wish to keep the benefit of value for work that had been done and paid from that source, and would return that money, *provided* that the costs of the project did not exceed the sale proceeds. In other words, the Government would not make a profit on the development and keep the financier of the first phase of it out of pocket.

150 There is a link between, and, certainly it is true that there was a – I cannot remember the exact timing – where the advice reaching me was that there *was* a profit. A letter was drafted, but I do not believe actually signed and sent – although I could be mistaken about that, I don't remember the exact details – and then it was countermanded, when the Financial Secretary discovered that, in fact, there was not a profit in that amount and that, therefore, the original term of the commitment of the Government, which was that it would be paid, provided that there was surplus in the proceeds of the sale over the final costs of the development, in fact that had not happened – that there was not that degree of surplus, or *any* degree of surplus.

155 This is why I ask whether the basis... It is just that the statement that I read from the Government leads me to believe that the Government – the new Government – thinks that there is a hard and fast commitment to make this payment. The hon. Members could certainly justify a decision to make that payment, on the grounds that, if they were interested and we could discuss privately or, equally, make a contrary decision, but there is no contractual commitment to pay the money.

160 That is the purpose of asking on what basis they think... His use of words leads me to believe that he thought there was an absolute commitment to make the payment. I assume that he will have discussed this matter with the Financial Secretary, who will share with him the content of the last two meetings I had with the Financial Secretary on this subject, which is where I left it and which is what raised the concern and the doubt, which is why we did not proceed with the payments.

165 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman rightly refers to our press release as saying that it *appeared* that there was an agreement and that we were not saying actually that there *was* an agreement.

170 Mr Speaker, I have no problem in informing the hon. Gentleman that I received a letter from the Liquidator of OEM on 17th January 2012. That letter says this – and I have got an extra copy of this, so I am quite happy to give him this at the end of this session –

175 ‘I have been in negotiation with the previous administration over a period of time and, prior to the recent elections, had reached a position which was agreeable to both parties, with the previous Government proposing to make a payment of the amount of £6,977,000 as full and final settlement of all claims.’

And what I have, Mr Speaker, is a draft letter, as he rightly says, sent to the Liquidator by his private secretary, saying:

180 ‘Please find attached a draft text of GoG’s letter to you. Please confirm that you are content to proceed on this basis. The Chief Minister has asked whether you would be able to come in tomorrow at 9.15 to finalise this matter.’

That was on 1st December, and the reply from the Liquidator, that very day, a few hours later, saying:

185 ‘I am pleased to confirm I have received the approval of the committee of inspection to agree to the terms set out in the Government’s draft letter.’

190 What we are saying, Mr Speaker, is that there *appears* to be an agreement, but not that there *is* an agreement, (**Hon. P R Caruana:** I see.) and I am very happy, Mr Speaker, to have the opportunity to talk to him about this.

We will, of course, make our own decision about whether there is an agreement and whether there should be an agreement and I will let him have a copy of this bundle of correspondence, which was sent to me by the Liquidator, just so that he understands that I have not had access to *his* correspondence files. The Liquidator has sent me a bundle of the exchanges of correspondence going back, I think, to the first exchange he had with him in, if he will allow me, sometime in early 2010.

200 **Hon. P R Caruana:** Yes, well, Mr Speaker, I am very happy to give the hon. Member a full briefing – and he can make of it what he pleases, it is a large sum of money – explain to him the circumstances in which the Government took the view that it would be right to pay, that that draft letter was formulated on receipt of financial statistics, in relation to the OEM projects as a whole, that showed that the Government was in profit, which was the terms of the original letter of commitment with OEM, only to pay profit over in payment of the monies that they had invested, but not to make...

205 Now, since that letter was drafted – and this was in the last couple of days before the elections – news came up from the Finance Ministry, to the effect that, in fact, there had been a miscalculation of the accounting of the OEM projects – and that, in fact, there wasn’t the profit – all of this information is available to him: it is in the Finance Ministry, not in my D files – that there was, in fact, not the profit that the Government had been advised there was and that, therefore, the original commitment of the Government, which was to pay this money to the extent that there was profit... In other words, the Government’s original position was, when we took over this development, there had already been a few million pounds worth of work done, which had been funded effectively by Barclays Bank, and we said well, look, we are not going to pocket the benefit of that work for nothing, sell the properties, including the value of that, and keep the profit and then keep the bank – who were secured creditors of OEM – out of their money, whilst the Government counts the profit that it has made, in part relying on that inherited paid-for work. So, we agreed, in writing – and there should be letters which the Financial Secretary can make available. There, will be letters on the file, which commits the Government to pay. They are here ... I have not had the chance...

215 **Hon. Chief Minister:** If the hon. Gentleman will give way... those exchanges and the calculation of the 6-9-7-7 (**Hon. P R Caruana:** Yes.) is based on that premise, the agreement is based on that premise, and hence why we are saying appears to be...

220 **Hon. P R Caruana:** Alright, alright. Now, there is –

Hon. Chief Minister: Almost what the hon. Gentleman is saying – if he will indulge me – is that the Government said, ‘look, you can have a *quantum meruit* of the work done.’

225 **Hon. P R Caruana:** Absolutely, so long as it can be paid for out of profit. Now, and indeed, we were sent up statements of account, which showed there was this degree of profit, that draft letter was issued on the basis of them, and then the financial statements were countermanded and the profit, in fact did not exist, for reasons of a mistaken calculation that had been made at technical level.

230 So the question now facing the new Government – as, indeed, it would have faced us, if we had been re-elected – is, do you, nevertheless, pay the Liquidator, in order to avoid the loss being suffered by the Bank, or do you take the view that, in fact, the circumstances of the payment have not materialised. Of course, the Liquidator has his own legal arguments, which are based on the terms of the licence agreements.

That is the situation, Mr Speaker, but it will require careful consideration by the hon. Members opposite.

235 **Hon. Chief Minister:** And those arguments, if the hon. Gentleman will permit me to say, were rejected in the correspondence, and it was only – I hesitate to say *ex gratia* – that the Government was agreeing to make the payment, but not based on the representations set out in the early correspondence from the Liquidator of what the claim of rights might have been.

240 **Hon. P R Caruana:** Correct. The Government's position was there is no claim of right in the circumstances that have happened under the licence agreements, but we will not enrich ourselves. In other words, the Government does not seek to benefit unfairly from profit made, selling assets part of which have been built with money provided by the party in question and that that would not be the case, provided that the Government could pay for it of the excess of sale proceeds over final building costs.

245 Initially, we were told that that difference existed, and we were then told that it did not exist. So the hon. Members now have a difficult policy decision. Certainly, I am happy to say privately to the hon. Member how I would have resolved that, had I been re-elected, but it's very much a question... The point of the question is simply to indicate to the hon. Member that I do not believe that, in the circumstances as they finally were shown to exist, there is a binding commitment on the part of the Government. Which is not to say that I don't think the Government should pay.

Hon. Chief Minister: Which is not to say what, sorry?

255 **Hon. P R Caruana:** Which is not to say, which is not to say that I do not think that the Government should pay, I think there are issues on both sides of that question which the hon. Members will have to weigh up for themselves, in terms of the relationship between Gibraltar and that organisation.

Hon. Chief Minister: Yes, Mr Speaker, I think that is the position as we understand it as well, that there is no finalised agreement, no executed, no enforceable agreement.

260 I did not appreciate the exact reasons why we had not got to the final stage, but I could see that there was an agreement to agree almost, but not a fixed agreement that the Liquidator might have been able to hold the Government of Gibraltar to.

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**Previous Government payments to Haymills and OEM
Investigation by Principal Auditor.**

270 **Clerk:** Question 331, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, will the Chief Minister say why the Government considered it necessary or appropriate to ask the Principal Auditor to conduct what the Chief Minister calls a 'forensic audit' of payments made by the previous Government to Haymills and OEM, and what are the terms of reference?

275 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, because it was a manifesto commitment reflecting our consistent position since 2009.

280 **Hon. P R Caruana:** Mr Speaker, the word 'forensic' suggests investigative.

Now, the Principal Auditor, as the hon. Member knows, audits or procures others to audit, if he doesn't want to audit it themselves, the accounts of the Government and of all Government Companies and Agencies, and things of that sort. Does the hon. Member agree, that the Principal Auditor would have seen all the payments made, and that the use of the word 'forensic' as an adjective to the noun 'audit', adds nothing to the matter? The Principal Auditor has audited the accounts of the companies in question – accounts are a statement of expenditure and of revenue – and he will have seen all the payments in and out in respect of this scheme.

285 I accept that it was a manifesto commitment about which they made quite a lot of fuss, both in the run up to the Election and, indeed, earlier on. Does the hon. Member agree that the phrase 'forensic audit', alarmist and colourful as it is, adds nothing to the phrase 'audit of payments', which is what the Principal Auditor does habitually and as a matter of statutory obligation, anyway?

290 **Hon. Chief Minister:** Well, Mr Speaker, obviously not, because the choice of words was made, not considering that the word 'forensic' was simply there to be alarmist, but because it has another meaning, which is that it is a *tracing* of payments, not just an understanding of what payments have been made, which is what the Auditor will already have checked, in other words the Auditor, as part of his annual recurring work, looks at payments that the Government makes and decides whether they are appropriate or not.

295 We are asking now whether he will make a forensic audit – which he has agreed to do – and which, of course, as the hon. Gentleman will know, there is no in-house expertise to do it, it is very likely that he will have to procure the services of forensic auditors to have this work carried out, to understand and trace the payments and see what they were used for.

300 I know that the hon. Gentleman found himself in a difficult situation in respect of these matters, and I don't envy him. He was providing affordable housing, the developer that was providing it collapsed, and the constructors that were involved also collapsed. So it is not as if we are saying that the hon. Gentleman was embarked in an endeavour that was anything other than designed to better the lives of those who would become owners in the co-ownership regime, despite the fact that those buildings now, as constructed, have so many problems with them.

305 But we are very concerned about those payments which were made, in particular because the hon. Gentleman will know, when we were first having this exchange of press releases in 2009, when the issue arose, it had become apparent that, I think, Haymills, which is in liquidation, and one of the other companies, might have had great arrears of PAYE and Social Insurance and collapsed, in receipt of payments from the Government directly, without any regard to those PAYE and Social Security arrears, even with monies which would have been held in retention having been paid to them. Those are the issues that we want a forensic audit of, they are the issues that were the exchanges of press releases in August 2009.

310 **Hon. P R Caruana:** Mr Speaker, the hon. Member must believe that they were payments that were made, other than in relation to the construction of the projects, on architects' certificates. Is this what the hon. Member believes that they were, they were payments made from public funds that were not due to the contractor?

315 **Hon. Chief Minister:** Mr Speaker, I do not believe or disbelieve anything, I just want to understand where that public money has gone. It may be that it has gone into a black hole, which is a company in liquidation. But the hon. Gentleman will recall that he did not just pay the amounts due, he also, well I say *he*, I mean the Government of which he was the chief political individual responsible, made payments even of the amounts retained, the 10% that would have usually been the retention amount which would have been paid a period after the completion of construction, were released to this company that was involved in the building and etc.

320 Now the hon. Gentleman will know that a number of entities which owe, or corporate entities, that owe PAYE or Social Security to the Government when they provide services to the Government, or when they receive payments that originate with the Government, have large amounts of those payments or the whole of those payments, retained by the Government, set off against the amounts due in respect of PAYE and Social Security and, in this instance, not only did that not happen, but the company went into liquidation owing many millions and received also the 10% retention, so those are really the principal headline issues, if there are any other issues I suppose the auditor will pick them up.

335 **Hon. P R Caruana:** Oh I see, so the hon. Member is not concerned about *improper* payments but whether the payments that were made were made in circumstances when they should have been made, as opposed to circumstances in which they should not have been made.

340 **Hon. Chief Minister:** Well, Mr Speaker I do not know whether any payment was proper or improper, and I do not want to prejudge the outcome of the forensic audit. We will see what that says.

But, Mr Speaker, I think I have been pretty clear about what the concerns were, and our press releases, in particular, at the time which I have had cause to look at, and refresh my memory on as a result of his question, I thought were also pretty clear. We had the usual exchange, it was August, he didn't reply, but when he came back from holiday in October he told me to do my homework, you know, that sort of usual exchange that we used to have in public!

Those are the issues which led to the manifesto commitment and this is the implementation of that commitment.

350 **Hon. P R Caruana:** But does the hon. Member not accept that the Principal Auditor and, indeed, the accountant, the auditors of this, of these companies, audit and certify the accounts as being correct and the payments reflected in it as being due and payable, and have not qualified the accounts?

Apart from the political cut and thrust, which I am perfectly happy to submit to, as being political cut and thrust, I am just interested to know why the hon. Member *particularly* wants a forensic audit about this particular, as opposed to any of the... You know, the Government has made £4 or 5 hundred million worth of payments in capital projects over the last few years, and is just curious that the hon. Members get, sort of, excited about this one – unless they have a reason to think otherwise. I mean if there *were* something untoward, something that would justify *a forensic audit*, would the hon. Member not have expected the Principal Auditor to have raised the alarm already?

I mean, if the hon. Member is saying, well, did the Government release retention payments sooner than it should have, or did the Government make payments due under a construction contract without withholding, without deducting, things for unpaid PAYE and Social Security, well, I mean, those are issues in which there can be a multiplicity of views. But why does that require a forensic audit? The auditor of the company will tell you whether the Government made these payments and the Government's own accountant, internal, will tell you whether, at the time that the Government made these payments, the recipient was, or was not, in arrears of Social Insurance contributions.

All I am trying to understand... If the hon. Member says to me, look, this is what we said and this is what we are doing, I understand that – he is obviously keen to do what he said he was going to do. I am just interested, more technically than that, to understand why the hon. Member feels that the use of the word 'forensic' adds *anything* to the audit that the Principal Auditor presumably has already done, in respect of payments that go back this number of years.

375 **Hon. Chief Minister:** No, Mr Speaker, for this reason... I mean, if he cares to go back to August and October, as I am suggesting that he should, he will see that that is exactly what we were saying – we need a forensic audit because these companies have gone into liquidation owing very many millions of pounds in terms of PAYE and Social Security.

Most of the companies that the hon. Gentleman dealt with – and I know that people say that, you know, it was the kiss of death towards the end, because Bruesa also I think had its own problems, after having dealt with his administration, but that was in Spain and not here.

380 In relation to Haymills, I think it is the *only* company – and when I say Haymills, it includes the wider family, I think Labour Hire was also a company involved in that – which was mentioned in the press releases, of a company exclusively in receipt of Government payments – and I say Government not knowing whether it was also GRP, which may have been why the Auditor may not have been able to look into these issues before, because it is a wholly owned company of the Government. These payments were being made into these companies and, at one stage, I think the hon. Gentleman was paying into the company £50,000 a month. He was almost becoming the paymaster of the company, in the sense that he was paying the payroll of the company in order to keep the developments going. As it turned out, when the liquidations came, that is what happened when GGCC was created – the men were transferred in and the hon. Gentleman (*Interjection by Hon. J J Bossano*) carried on making those payments on a monthly basis.

So, Mr Speaker, those are our concerns. I thought we had set them out very clearly, the hon. Gentleman

390 set out his position then, we said that when we were elected we would look into these things and have a forensic audit of what these payments were used for, and how it was that retention monies were paid out before construction was finished, let alone after the period post completion of construction and how it was that these companies were receiving payments, and not having applied to them the rules that the Tax Office tends to apply in respect of others.

395 I am happy to refresh his memory. The hon. Gentleman at the time said:

‘There is only one rule for tax defaulters, and its being applied across the board to everyone’

400 and we said, well, how can that be? Those were the issues in debate and live at the time. The relevant period is – if he wants to look it up – 14th October 2009, 18th August 2009, 7th August 2009, when these exchanges were being had by us in the press. That is exactly what we said we would do and what we are asking the Auditor to do.

405 **Hon. P R Caruana:** Would the hon. Member make available to the Opposition a copy of the terms of reference of this.

410 **Hon. Chief Minister:** Well, Mr Speaker, yes. I note that he asked for those terms of reference and that we haven’t actually set out what those were, we have simply not wanted to say to the Auditor you do things in a particular way or now that we have had the debate already about his independence, we have just said to him that we think there should be a forensic audit into these payments, it’s up to him how widely he goes or how narrowly he goes. (*Interjection by Hon. P R Caruana*) He knows what our concerns are because those are the concerns set out publicly.

415 **Hon. P R Caruana:** Correct me if I’m wrong – I am relying on my memory now, I do not have it in front of me – does the Government’s last press release on the matter not make reference to the terms of reference?

420 I had a statement in front of me when I formulated the question. Perhaps it doesn’t. I think it says something about the terms of reference are being drawn up, or have been drawn up, or something like that? I think it says something to that effect, that the terms of reference have been or are being drawn up, or are now ready or something like that.

Hon. Chief Minister: Mr Speaker, I have got the same here and it doesn’t mention terms of reference that I can see.

425 **Hon. P R Caruana:** If I come across it, I can write to him... [*Inaudible*] ...if they don’t exist, then they don’t exist...

430 **Hon. Chief Minister:** If such a press statement existed then it would be inaccurate, in the sense that when we have asked the Principal Auditor to do the audit, we have not wanted to restrict him to anything too wide or to anything too narrow. He is able, as we debated before, for all the reasons we were debating before, to take such steps as he wishes in that respect.

435 Mr Speaker, he would also be free to come back to us and say, having looked at this in some more detail, I do not think there is any need for a forensic audit because you are using the word ‘forensic’ in an alarmist way, again juxtaposing it to the other noun, but so be it, Mr Speaker. It is up to him. (*Interjection by Hon. P R Caruana*)

It is up to him. He may wish to say so publicly if he decides to do so. But the hon. Gentlemen can look at the press statements that I have referred him to and he can see what the logic was in what we were saying then.

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Gibraltar Pensioners’ Association
Government policy on payments to retired private sector workers.

Clerk: Question 332, the Hon. P R Caruana.

445 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister say whether it is the policy of the Government to make Government-funded payments to retired private sector workers with no occupational pension or only a small pension, as demanded by the Gibraltar Pensioners' Association?

450 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Question 333.

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**Gibraltar Pensioners' Association
Requests made to Government**

460 **Clerk:** Question 333.

Hon. P R Caruana: Mr Speaker, will the Chief Minister say what requests were made of the Government by the Gibraltar Pensioners' Association at his recent meeting with them?

465 **Clerk:** Answer, the Hon. the Chief Minister.

Hon Chief Minister (Hon F R Picardo): Mr Speaker, on 8th February this year I had the honour to receive the Gibraltar Pensioners Association at No. 6 Convent Place. I understand that the Association had been seeking a meeting since 2003 with the previous Chief Minister, but that the meeting had not been granted despite repeated requests in the intervening 8 years.

470 I have agreed to see the GPA quarterly to review progress on issues discussed, or any new matters they may wish to raise. The agenda items listed for discussion by the GPA were as follows:

1. recognition of this Association;
2. re-introduction of WOPS or similar arrangement to provide for a scheme for widows etc;
3. a pension scheme for the private sector;
- 475 4. entering the Double Taxation Agreement – Government requested to consider – I am just reading what the agenda was that they came with;
5. accelerate the introduction of the Freedom of Information Act;
6. review of certain medical matters to improve the present arrangements;
7. bus service, review certain routes, and;
- 480 8. any other business.

I discussed the issue of private sector pensions with the GPA and I am looking forward to meeting with the Private Sector Pensioners Association also. Other than payments made to all pensioners, public or private sector, on the basis of qualification for minimum income guarantee or for additional financial support designed to ensure that the standard of living of all pensioners keeps up with the growth in the economy, as provided for specifically in our manifesto, the Government has no policy to make Government funded payments to retired private sector workers with no occupational pension or only a small pension.

485 I must tell the hon. Gentleman that the Gibraltar Pensioners Association made no demand of me to the contrary. All the GPA sought to discuss with me was the introduction of a pension scheme *for* the private sector, which is something Members opposite will know is also being promoted by officers of Unite, especially given the changes being introduced in the United Kingdom to promote pensions schemes for the private sector.

490 I want to now take this opportunity, Mr Speaker, to thank the Gibraltar Pensioners Association, the Gibraltar Senior Citizens Association and the Private Sector Pensioners Association for the hard work that they do in representing pensioners and the elderly in our community. I look forward to working with them in the next four years.

495 **Hon. P R Caruana:** Well, Mr Speaker, certainly the Gibraltar Pensioners Association had supported the Private Sector Pensioners Association in the latter's request and, on several occasions, the latter on several occasions came to see me.. They are a pretty determined group of people, who feel aggrieved that having

500 worked for private sector employers who did not provide an occupational pension for their employees, have
now reached retirement age, have *no* occupational pension or a small one, and feel aggrieved that the
Government has discriminated against them by abolishing tax on pension income, because they argue that this
505 benefits people that have a pension and is a double whammy to people who don't have a pension, because if
you have got a pension you save the tax on it and if you don't have a pension because you pay no tax there is
no tax to be exempted from.

Arguments to the effect that tax is something that you, that the Government takes from people's income
and that exempting pensions from income tax is simply saying the State doesn't want a share of your income,
is very different to discriminating against somebody who does not have a pension for reasons that are not the
510 fault of the State. And I was just wondering whether this issue had resuscitated itself, and whether, and what
the policy of the Government was. Its implicit in his answer, that although he looks forward to working with
them and congratulates them, has had the great honour to meet with them, that he, nevertheless it is *not* the
policy of the Government at this time to, to, fill any vacuum of income caused by not having a private sector
occupational pension, beyond the state pension, the minimum income and the mechanisms that already exist
515 to ensure a minimum income of elderly people.

Have I correctly understood that to have been the thrust of the answer?

Hon. Chief Minister: Yes, Mr Speaker, with the caveat that, as he knows, our manifesto contains a
statement applicable to all pensioners about keeping them in line with the growth in our economy.

520 I have seen, Mr Speaker, a copy of the newsletter which the GPA itself put out, after their meeting with
me. It was the quarterly meeting, and it says, about that meeting:

525 'other items raised by the Government in their manifesto, including the introduction of a pension scheme for the private sector, were
similarly discussed. The question of a private sector pension has now been taken over by the newly formed Private Sector Pensioners
Association, who have our support. As with our own claim –'

– which is the WOPS Claim –

'– any arrangement should be in accordance with Government directives and legislation.

530 So that is the position that they themselves are putting to their own members.

Clerk: Question 334 –

535 **Hon. Chief Minister:** Mr Speaker, I'm sorry. I should add – and I should have added it by way of
supplementary, I think it has fallen out of the first answer – that I had the honour of meeting the members of
the GPA with the Minister for Social Services and Equality.

540 **Legal action against Government**
Policy on surrendering on grounds of costs.

Clerk: Question 334, the Hon. P R Caruana.

545 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister say whether it is the policy of the Government to
surrender to the claimant in every legal action in which the Government's legal costs might exceed the
potential damages claimed against the Government, regardless of the merits of the claimant's case?

550 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the policy of the Government is not to spend
money unnecessarily in defending cases where there is no issue of principle at stake, and where the cost of
settlement is lower than the anticipated legal costs.

555 **Hon. P R Caruana:** So the answer to my question is, yes, provided that there is no issue of principle at

stake. In other words if, if the costs might exceed the damages, they will surrender to the claimant, regardless of the merits of the claimant's case, provided that there is no issue of principle at stake. Is that what, I think that is what...

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Hon. Chief Minister: No, Mr Speaker, the position is that the policy of the Government is not to spend money unnecessarily in defending cases where there is no issue of principle at stake and where the cost of settlement is lower than the anticipated legal costs.

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Hon. P R Caruana: Correct. Well, that's just a way of saying yes. In other words, you will settle for a sum lower than the legal costs, regardless of the merits of the claimant's claim. Does the hon. Member not share my view, that this risks people launching into litigation against the Government, on the basis that they will get *something* by the application of this principle and that, by this principle, the Government is encouraging litigiousness, and that the Government ought not to send this signal? I specifically did not mention the case that we debated this morning although, obviously, it is the case that promotes the question, to try and separate it from the sort of emotional stuff attaching to that case – politically emotional stuff attaching to that case.

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Would the hon. Member consider that there is a danger in the Government signalling that you can have something – launch a claim against the Government and we will pay you some figure *less than* what we would otherwise pay in legal fees – that this will cause a *mushrooming* of litigation against the Government and that the Government needs to be aware of this, and cautious, and perhaps moderate this signal?

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Hon. Chief Minister: No Mr Speaker, for a very simple reason. It will be an issue of principle that somebody who had absolutely no meritorious claim against the Government should decide that they would claim against us, *simply* because they believe that we would settle.

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Hon. P R Caruana: Mr Speaker, but the hon. Member is sort of half provoking me to alluding to the earlier case.

Is the hon. Member saying that he thinks that there is *merit* in the employee's claim, in the previous claim, in all the circumstances that he now knows affected that case?

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Hon. Chief Minister: Mr Speaker, in respect of the previous case that we debated, I refer the hon. Gentleman to the answers that he was getting then about the nature of that, or the state at which that case is.

Needless to say, Mr Speaker, I do not accept his interpretation. I do not think that there will be a flood of unmeritorious cases. If there is *one* unmeritorious case, then that will be an issue of principle, *always*, because if claims have no merit and they are brought against the Government simply because people believe that we are going to be a soft touch, that is going to be an issue of principle at stake.

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But, Mr Speaker, when there are disputes, then he will know – perhaps, 16 years out of practice, he may have forgotten – that the best advice sometimes is for people to settle, and not litigate for the sake of litigating. Mr Speaker, I have the costs that the Government has incurred in some other cases, and, compared to the damages awarded in one particular case, which is not the one that we discussed this morning, it shows that the Government, in our view, made the wrong decision. For example, in one particular case, the Government's total legal costs were £62,333: the Government folded, in that case, at the last minute, and the compensation awarded was £48,000. (**Hon. P R Caruana:** Yes.) And that was the maximum award, as I understand it, at the time.

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Hon. P R Caruana: Mr Speaker, as the hon. Member knows – and we don't want to get into that case again – (*Laughter*) the case folded, as he called it, the case folded, as he calls it, (*Interjections*) because the employer's witness would not come to the jurisdiction to take part in the proceedings. But, Mr Speaker, does the Government not understand, sticking to the generality of it, that, if there is an employee that sues his employer for unfair dismissal, the idea that, in those circumstances, the employer should pay compensation, when the employees merit has no claim, simply because it would cost more to defend the case, is a hugely dangerous precedent, which is not even put into practice by most private sector employers, who are usually more concerned to save unnecessary costs than governments deploying public funds. In other words, if you are sued by somebody for doing something that you think you were perfectly entitled to do, the idea that you pay him £48,000 in compensation, because to defend yourself against an unmeritorious claim would have cost

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you £62,000, is creating a charter for unmeritorious litigation against the Government and Government-owned companies.

That is the point that I am trying to make in this question as opposed to all this morning's questions, which were much more politically driven on the facts of that case.

Hon. Chief Minister: I am grateful to the hon. Gentleman accepting that his questions were really exactly that, just politically driven. We could see through that, and now people who are listening will know that that is exactly why it was being done. (*Interjection by Hon. P R Caruana*)

Mr Speaker, there is a large measure of agreement across the floor of the House. Of course, it would be a hugely dangerous precedent for Government to start settling claims that have absolutely no merit. *Ergo*, there is an issue of principle at stake in any such case.

Hon. P R Caruana: And therefore the Government thinks that there is merit in this particular case, but he does not want to say that because of the *sub judice* rule.

Mr Speaker, would the hon. Member just clarify and allow me one final supplementary, something that I was not quite clear on this morning. I am almost certain I understood the Hon. Minister to say, this morning, that the Gibraltar Bus Company was represented by Isola & Isola, Mr Mark Isola QC... (*Interjections*) No, Mr Mark Isola QC is with Isola & Isola, not with Triay, (*Interjections*) and that the advice to discontinue the case was issued by Verralls. (**A Member:** Correct.) Is that correct? So – even though Isola & Isola continued to represent the Bus Company in the conduct of that case, which I think was said this morning, that Mr Mark Isola continues to represent the Government – nevertheless, the Government withdrew the case, not on the advice of their solicitors acting in the case, but on the advice of a firm of solicitors that were not engaged – Verralls. I am just asking whether that was the correct understanding of what I heard this morning.

Hon. Chief Minister: Mr Speaker, we are not going to get into what the correct understanding is, or is not, of what was said this morning. What was said this morning was said this morning.

Mr Costa has confirmed in this House that the case was handled by Triay & Triay, when Mr Mark Isola was there. I don't think any part of the case has been active after Mr Mark Isola QC went to Isola & Isola, and that he obtained *pro bono* advice from Verralls in respect of a particular issue in respect of that case. We will not stray further in respect of that case because we believe, as we believed this morning, that there are *sub judice* issues there.

Hon. D A Feetham: Well, you say that. Mr Speaker, the hon. Gentleman says a particular part of that case, but can he confirm that the advice was sought on whether to discontinue the defence of the claim, (*Interjection by Hon. N F Costa*) that that was the advice, because that was the original question that my hon. and learned friend, Mr Bossino, asked this morning? Is it in relation to that that Verralls advised?

Hon. Chief Minister: Mr Speaker, the Government is not going to go further than it already has in respect of this matter. (*Laughter*)

And it is certainly not going to set out exactly what questions were asked of what lawyers at what time. Look, we have said what we have said; we believe that we should not be saying anything more. The hon. Gentlemen are enjoying baiting us in trying to get us to go further, but they are on a hiding to nothing. We are not going to say more. We think we have said enough already, as it is, in respect of this matter, which remains live before a tribunal in Gibraltar.

Consolidated Fund Increase in expenditure since 8th December 2011

Clerk: Question 335, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, can the Chief Minister say by how much policies and measures introduced by them since 8th December 2011 have increased Consolidated Fund expenditure so far, up to the 29th February this year?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker I will answer this question together with Questions 336 to 340 and Question 342.

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**Government revenue and expenditure
Current figures as at 29th February 2012**

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Clerk: Question 336, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, will the Chief Minister say what has been the overall Government revenue and expenditure in the current financial year, as of 29th February 2012?

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**Aggregate Public Debt
Breakdown as at 29th February 2012**

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Clerk: Question 337, the Hon. P R Caruana.

Hon. P R Caruana: Can the Chief Minister give a breakdown as of the 29th February 2012 of Aggregate Public Debt by bank loans and bank and each different issue of Government Debentures?

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**Aggregate Public Debt and Government cash reserves
Figures as at 29th February 2012**

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Clerk: Question 338.

Hon. P R Caruana: will the Chief Minister what was the Aggregate Public Debt and the Government cash reserves as at 29th February 2012?

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**Gibraltar Savings Bank
Debentures issued, 15th January to 29th February 2012**

705

Clerk: Question 339.

Hon. P R Caruana: Will the Chief Minister say how much by nominal value has been issued in debentures or other debt security by the Gibraltar Savings Bank from 15th January 2012 to 29th February 2012 both inclusive?

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**Gibraltar Savings Bank
Government Debentures/Bonds purchased since 9th December 2011**

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Clerk: Question 340,

Hon. P R Caruana: Can the Chief Minister say whether the Gibraltar Savings Bank has purchased or subscribed to any Gibraltar Government Debentures or Bonds since the 9th December 2011 and, if so, how

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much and what were the terms of such debentures or bonds?

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Corporation Tax
Amount collected as at 29th February 2012

Clerk: Question 342.

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Hon. P R Caruana: Will the Chief Minister say how much has been collected in corporation tax as of 29th of February this financial year (1), in respect of the current tax year, and (2) in total?

Clerk: Answer, the Hon. the Chief Minister.

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Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I hand the hon. Gentleman a schedule with information requested in respect of Questions 336, 337, 338, 339 and 342. He will know that many of those figures are tentative and that they will likely be changing quite considerably, as we get to the end of the financial year and the Treasury makes the adjustments it usually makes. *(The Schedule is included at the end of the Question.)*

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Mr Speaker, in answer to Question 335, details of variances, i.e. any increases or decreases in expenditure, resulting from the policies and measures introduced by this Government since 8th December 2011, are not readily available at this stage. Any increases in Consolidated Fund expenditure, over and above that provided for in the approved estimates for this financial year – which, of course, commenced with them in office – will be reflected in a detailed statement, showing the reallocations which may be required from Head 15 in the approved estimates, where £7 million is provided for supplementary funding. Any further funding required will be reflected in the Supplementary Appropriation Bill.

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In answer to Question 340, the Gibraltar Savings Bank has not purchased or subscribed to any Gibraltar Government debentures or bonds since 9th December 2011.

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Hon. P R Caruana: Yes, Mr Speaker, but surely the hon. Members must know which of their policies they have implemented, which has had the result of increasing current expenditure. For example, the Hon. the Minister for Employment told us, if not at the last, at the last but one meeting of this Parliament, that the cost of deploying the Future Job Strategy since February was – I can't remember the figure he said – £1 million a month...

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Hon. J J Bossano: About £½ million a month.

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Hon. P R Caruana: About half a million a month. I mean that's a ballpark figure, but that is a policy initiative that has clearly had an effect on increase, may have been offset by savings and capital expenditure through frozen projects but, fine, we understand that, consolidated funds.

Surely, the hon. Member must have a list of the policies that he has implemented in the last 98 days, or whatever it now is, that have had the effect of increasing public expenditure. I cannot believe that, given the concerns that he professes to have about the state of public finances, that he has introduced policies to increase them, without keeping a tally of things that he does which have the effect of increasing annual expenditure.

765

Hon. Chief Minister: Well, Mr Speaker, in fact, as he knows, these are things that will be provided for after the end of the financial year, when the actual expenditure figures have been finalised. And we have been there, really, for 98, 99 or 100 days and much of what we have done is to *stop* things which were being done by *his* administration, which is the criticism that we came under by his deputy this morning. Now, the actual spending in respect of our policies will commence when we start to see, for example, some of the capital projects in our manifesto going forward.

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A lot of the spending that there may have been, in these 100 days, may have been preparatory but is not additional, in the sense that it is simply being done by officers already in the Government like, for example,

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the Chief Technical Officer is now looking at *our* projects rather than looking at the projects that *he* had responsibility for when he was Chief Minister.

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So, Mr Speaker, I do not think it is possible to give him an answer like that, and it may be that there isn't any increase in Consolidated Fund expenditure, it may be that there is a *decrease* in Consolidated Fund expenditure, not in respect of projects, of course, but in respect of payments being made on an ongoing basis.

Mr Speaker, the hon. Gentleman knows that we would, of course, have a view ourselves of what we are spending, but the question was a very pointed one. It was asked of the Treasury, and the Treasury's view is that this cannot be provided at this stage, for this reason.

ANSWER TO QUESTION 342

Answer to Question 336

Tentative overall Revenue in the current financial year to 29th February 2012 stood at £404.9 million and tentative overall Expenditure stood at £351.6 million.

Answer to Question 337

Summary of Public Debt as at 29th February 2012

1. Government of Gibraltar Debentures

	<u>Maturity Date:</u>	
Pensioners' Monthly Income Debentures		£50,361,700
Monthly Income Debentures		£8,971,200
Special Issue of Monthly Income Debentures 2008		£50,669,900
Limited Issue of 3-Year Fixed Monthly Income Debentures	30/06/2012	£22,375,700
Limited Issue of 3-Year Fixed Monthly Income Debentures	31/12/2012	£33,443,400
Limited Issue of Fixed Monthly Income Debentures	31/12/2013	£15,188,000
Limited Issue of Fixed Monthly Income Debentures	31/12/2015	£70,304,300
Limited Issue of Fixed Monthly Income Debentures	28/02/2017	<u>£68,305,800</u>
		£319,620,0

2. Commercial Loans (Bank Revolving Facilities)

Barclays Bank PLC	£150,000,000
Natwest Offshore Ltd	<u>£50,000,000</u>

Total Commercial Loans £200,000,0

**Total Public
Debt as at :** 29/02/2012 **£519,620,0**

ANSWER TO QUESTION 338

As at 29th February the Aggregate Public Debt stood at £519.6 million. The Cash Reserves on that date stood at £226.5 million.

CONTD ANSWER TO QUESTION 342

Answer to Question 339

The Gibraltar Savings Bank has issued the following Debentures and Bonds from the 15th January 2012 to the 29th February 2012:

	Total Issues
Monthly Income Debentures (Issued 17 January 2012)	£330,300
3-Year Fixed Maturity Monthly Income Debentures (1 February 2015)	£1,303,300
5-Year Fixed Maturity Monthly Income Debentures (1 February 2017)	£14,228,300
10-Year Accumulator Bonds	£553,800
	<u>£16,415,700.00</u>

ANSWER TO QUESTION 342

As at 29 February 2012, Corporation Tax collected in this financial year is as follows:

	£M
Years of assessment up to and including the penultimate year prior to the deemed cessation of trade under the 2010 Act	4.2
Year of assessment under the deemed cessation of trade under the 2010 Act (period from 1 July 2010 to 31 December 2010)	4.7
Accounting periods ending in 2011	20.5
Accounting periods ending in 2012	22.2
Accounting periods ending in 2013	1.1
	<u>52.7</u>

The above figures include tax collected from companies through two advance tax payments, one on 31 August 2011 and the other on 28 February 2012. The amount of tax collected at each of these is £20.2M and £13.6M respectively.

Given that the Government has recently introduced a moratorium on surcharges arising on payments on account until 31 March 2012, the Commissioner of Income Tax has confirmed that an additional amount of tax is still to be collected in respect of those taxpayers who have withheld payment until the expiry of the moratorium.

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**EU Policy of double non-taxation
Threat to economy**

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Clerk: Question 341, the Hon. P R Caruana.

Hon P R Caruana: Mr Speaker, will the Chief Minister say whether the Government has considered whether an EU policy of double non-taxation would represent a threat to our economy?

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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the Government is aware of the press release

issued by the EU Commission, by the Director General on Taxation and Customs Union, on 29th February 2012 in respect of what they call ‘tackling double non-taxation for fairer and more robust tax systems.’ A consultation paper was issued on the same date and responses have been requested by 30th May 2012.

It is important to point out that the purpose of this consultation is to contribute to the debate, to collect relevant information and to help the Commission to develop its thinking in this area. It also states that the document does not necessarily reflect the views of the European Commission and should not be interpreted as a commitment by the Commission to any official initiative in this area.

The consultation focuses on establishing factual examples of double non-taxation and mentions the potential harmful effects, in terms of fairness, of the tax systems and potential distortion of the internal market. This is effectively the opposite of double taxation, where tax is potentially paid twice, i.e. in this case, where tax is not paid in any country. An example of this may include a transfer pricing and unilateral advanced pricing arrangements, transactions with associated enterprises and/or countries with no, or extremely low, tax, debt financing of tax exempt income, such as the deductibility of interest on debt, with no corresponding tax on income, and the debt finances and different treatment of passive and active income.

The Government has not yet had the opportunity to peruse this consultation paper in detail. However, we will be paying close attention to this consultation and examining any possible ramifications for Gibraltar’s tax systems.

Hon. P R Caruana: Yes, indeed, Mr Speaker, and therein lay the purpose of asking the question. I mean I assume the hon. Members have seen the statement and, indeed, the material available on the Commission website and all of that. But, to urge the Government to keep a close eye on this. Of course it is not the position of the Opposition that the Gibraltar Government is in a position to *prevent* any such EU initiative from gathering head, but I think it’s worth keeping a very close view on, because *our* experience was that unless we engage with the UK very early on in an EU debate on these issues, there came a time when the initiative had got too much momentum and the UK really could do nothing about it, even if it had been minded to. The purpose of this is that the Government should engage with the UK Treasury on this, find common ground with them on this question, with a view to trying to get the UK to adopt a position which most fully protects the Gibraltar macro-economic interest. Which is not easy, even if you do it on a timely basis, because the UK Treasury has its own agendas and its own national policies and they frequently do not coincide with our interests. But certainly if you don’t engage them on a timely basis, even if they are *minded* to adopt a supportive position, in defence of our interests, it could be too late. So would the hon. Member accept the need to engage with this, and this is really basement, this is the first statement that has emerged from the Commission on this question, and it’s, I think the answer to my question, the second part of my question, presumably is, yes, I think a policy of double non-taxation would be considerably challenging to our economic model, and it’s worth therefore engaging at the earliest opportunity in this. Would he agree with that?

Hon. Chief Minister: Yes, Mr Speaker, I note why the hon. Gentleman has put the question. I invite him, Mr Speaker, when he feels that there are issues like this which he needs to bring to our attention, to write to me also, even if he then also puts the question. He will get a reply and an acknowledgement within 14 days, and a substantial reply within 21 days thereafter. I guarantee that I won’t treat his letters like he treated mine!

And if he allows me, Mr Speaker, there are some parallels with the consultation process that the Commission has launched with the issues that are arising in the Code of Conduct Group discussions about our corporate taxation regime, which includes questions about dividends and royalties etc.

He will know that, at the time that he left office, that was an issue that was about to come on. It has come on; Gibraltar has already been before the Group. We have raised issues with the United Kingdom, as I know he was doing, to ensure that we had their support there as well. It is an issue where I think there will be a large measure of agreement across the floor of the House, as I am sure there is in respect of the proposals relating to what I call the Gaming Transaction Tax, where I know that he has been kept informed of what is happening.

I am quite happy to also keep him informed in respect of *these* issues, because these are really national issues that concern us all.

Hon. P R Caruana: Indeed they are, Mr Speaker, and I would be very happy to be of whatever assistance he feels I can be to him on the question of the Code of Conduct consultation group, because I do not know if he is aware, or if he has been shown correspondence relating to this at the time that we ran the draft Income

Tax Act past the UK government.

They raised with us the issues that they thought were Code of Conduct sensitive and my recollection is – I'm not 100%: I would have to seek access to my files to refresh my memory – But my recollection is that we addressed each of the points that had been raised by the UK Treasury's EU tax department, in order to make the Tax Act Code friendly, including, he will remember, taking out of the Act the whole of the anti-avoidance provisions which, for some reason which we could never get our heads round, were thought, even though they were there to prevent tax fraud... There was a section, several sections, in it which, for some reasons which we couldn't ever fully understand, were thought to be Code unfriendly, even though they were there to make people not escape tax through anti-avoidance.

So, whilst, certainly, the UK never guaranteed that we would have no difficulty with the Code, certainly the Government took on board the UK's advice as to what the UK thought was –

Hon. Chief Minister: A compliance Act?

Hon. P R Caruana: – might have put the compliance of the Act in jeopardy under the Code criteria. I am certainly happy to seek access to my files – I think I am entitled to seek access to my old files – find the papers and perhaps then authorise that the hon. Member should have access to them, assuming that he has not already had access to them!

Hon. Chief Minister: Mr Speaker, what I have had access to, I think, is a summary of the exchanges that there were – I have not had access to the files themselves – and they have been useful in us preparing the officials who have attended in respect of the Code Group.

There are now questions, this is the process, which are in the process of being answered. I am very happy to have access to the correspondence of the hon. Gentleman, if he will allow me to have it, so I would be grateful if he could make those communications with the Chief Secretary – he can have access to his files according to the rules – and let me have copies of them himself or ensure that somebody else can. Of course, if he likes, Mr Montado could have a look at that file and prepare us something which he could share with him.

Hon. P R Caruana: Well, Mr Speaker, the other source of very useful information for him are the group of professionals that supported the Government, two of them from Hassan's and another from some other firms of accountants. They will be of considerable assistance to the hon Member on this.

Hon. Chief Minister: I am obliged, Mr Speaker.

Mr Speaker, I have the honour to move that the House do now adjourn until 10.30 tomorrow morning.

Mr Speaker: I now propose a question, which is that this House do now adjourn to Friday, 16th March 2012 at 10.30 a.m.

I now put the question, which is that this House do now adjourn to Friday, 16th March 2012 at 10.30 a.m. Those in favour. (**Members:** Aye.) Those against... Passed.

This house will now adjourn to Friday, 16th March 2012 at 10.30am.

The House adjourned at 7.03 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.35 a.m. – 12.50 p.m.

Gibraltar, Friday, 16th March 2012

The Gibraltar Parliament

The Parliament met at 10.35 a.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Questions for Oral Answer

Clerk: Sitting of Parliament, Friday 16th March, Answers to Oral Questions continue.

ENTERPRISE, TRAINING AND EMPLOYMENT

Future Job Strategy Incentives for employers

Clerk: Question 261/2012, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state whether any special or different measures

5 will be taken in order to incentivise employers to permanently employ anyone in sheltered employment under the Future Job Strategy?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

10 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, as was the case previously under the Vocational Training Scheme, there are no special or different measures in place currently to incentivise employers to permanently employ anyone in sheltered employment under the Future Job Strategy.

15 **Hon. D A Feetham:** Is he insisting that employers who take on board disabled people, under the sheltered employment scheme, sign Future Job Strategy contracts with Employment Training Company? And is he also insisting that those who are currently placed with those companies, that those companies sign those contracts?

20 **Hon. J J Bossano:** I believe I told the hon. Member last month, Mr Speaker, that everybody had been put into ETCL, simply because they were there in the vocational scheme originally, but that they were not going to remain permanently there and that the present system, which is that they have contracts that say, up to eleven months, will not apply to the people in this category, who will have a separate company that will employ them permanently. I believe I have already told him that.

25 **Hon. D A Feetham:** So the answer... I cannot remember that the hon. Gentleman has told me that, otherwise I would not have asked the question – and I do look through *Hansard* before formulating the questions.

30 But what he is saying is that, effectively, they are going to be employed by a separate company and that the employers, within which these individuals are placed, will not be required to sign a Future Job Strategy contract basically undertaking to employ them at the end of a period of time or, as an alternative, repaying the cost of their notional training.

Hon. J J Bossano: That is correct.

35 I mean, some of the persons in this category have been five or six years already as vocational training scheme individuals on £400 a month so, you know, in effect they were not... the placement was having no responsibility for them, other than giving them something to do. That will continue to be the case in future, but it will not be done the way it was done: it will be done on the national minimum wage and go up as the national minimum wage goes up – but there will be a separate entity that will cater for supported employment.

40 **Hon. D A Feetham:** Yes. Well, I commend that approach; it is clearly the correct approach.

Clerk: Question –

Mr Speaker: The Hon. Jaime Netto.

45 **Hon. J J Netto:** My supplementary question was... obviously, the question is directed to the Minister for Employment, and the Minister of Employment has given his answer. I just wonder whether, perhaps, the Minister for Social Services, within part of her remit, she is actually in discussions with perhaps some NGOs in order to try and see whether there are some viable plans to develop opportunities for disabled persons.

50 The reason why I am saying this is because I myself, although I was not the Minister for Employment in the last four years, I took it upon myself to have constant discussions to try and promote the uptake of opportunity for disabled persons. There was one scheme in particular, which I am happy to share the details with, with both the hon. Lady or even the Minister for Employment, which never took off through lack of time, which might have meant the opportunity for employment for disabled persons.

55 So I just was wondering whether, quite apart from the initiatives that the Hon. Minister for Employment may be taking, whether the Minister for Social Services is also in discussions with relevant NGO organisations, in order to try and get some particular ideas for the promotion of employment opportunities for disabled persons. Is that the case?

60 **Mr Speaker:** If the Minister is able to answer.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, even though I think it is irregular to ask a supplementary question to a different person (**Mr Speaker:** Yes.) to whom the original question is aimed, I am happy to answer that the case is yes, that I have already been in discussions and there are already plans afoot to develop a scheme for supported employment.

65 Having said that, Mr Speaker, I do not think it would be appropriate to continue answering supplementary questions. I have answered that on a one off, with a caveat that I started... Mr Speaker, the original question has not been addressed to me.

70
Training Schemes
Number introduced since General Election

75 **Clerk:** Question 262, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, what new actual training schemes have been introduced since the last election by this Government?

80 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, other than the continuation of those that existed under the Vocational Training Scheme, such as Construction Training Centre, Gibdock, or the training of nursing assistants at GHA, for example, all other training since 1st February is new.

85 **Hon. D A Feetham:** Sorry, can you repeat the last part of that. I could not hear it

Hon. J J Bossano: I am saying that all other training, other than the ones I have identified that existed already, is new. All the training that is currently being provided, other than those that existed, is new training. It was not being done before.

Hon. D A Feetham: Yes, but what is it?

95 **Hon. J J Bossano:** Well, it is the training that is provided by an employer to fit the person for the job that the employer wants the person to do, so it is the training that is provided by the placement that the trainee is sent to. So if we send somebody to the telephone company, he is trained in the work that the telephone company will require of that person.

100 **Hon. D A Feetham:** Does he not agree with me that that is not a new training *scheme*, that that is the position, a continuation of the position as it existed at the last General Election, and that is precisely what happened before the last General Election. There were a number of training schemes, one of them was the placement of people with different employers so they could undertake relevant training in the area where that employer operated. Is that not the case?

105 **Hon. J J Bossano:** Well, that is the theoretical case. The practical case is that the employers who have had this placement have told the Department and me since the Elections that they have no work for these people and that they really were taking them on at the request of Bleak House, on the basis that they were being, if you like, responsible employers by providing a niche for some people, so that it was better to have them in this placement than on the dole.

110 In practice, the fact that only five employers have actually so far said that they would take on five people shows that there has been no training directed to a job. There was no job at the end of the training.

Hon. D A Feetham: So, is it not the position... What you are really saying to this House is that it is a

115 betterment of what existed before, but there are no new training schemes that have been introduced by this Government, since the last Election. Is that not the case?

120 **Hon. J J Bossano:** Well, the case is that, unlike the philosophy of the previous Minister for Employment, who used to tell us that it was a good thing to provide people with interminable doses of VTS Bleak House placements, on the basis that that improved their prospects of being employed by somebody – for which there is absolutely no evidence from the questions that I have asked in the Department and the information that I have been provided – it is now the case that it is not just an *improvement*, it is a different approach, where the placement only takes place if it is known that there will be a job.

125 The reason why we have not yet been able to move faster is because there were no jobs in the 300 people that were previously placed. Otherwise, they would all be working now and we would be dealing with more people. So the result is that we have replaced a completely false concept of training people for jobs which was, effectively, an attempt – by the previous administration – to mislead the public as to the numbers of unemployed, by one that is directed at getting people into work, and the training is provided to get people into work.

130 In the areas that training has been provided, like the Construction Training Centre, I am in discussion with employers to see what it is that has stopped them, until now, from taking on the people who come out of the Training Centre, because out of the 15 years, the figures that I have seen of people working in construction trades, *out of 15 years of training* is something of the order of 50 individuals, all of whom are in the public sector.

135 **Hon. D A Feetham:** The hon. Gentleman seems to be obsessed by my former Ministerial Colleague, Mr Montiel, and if it was not because I am professionally engaged to act on his behalf, I would make several comments in response to the comments that he has made. (*Interjection by Hon. J J Bossano*)

140 But, look, is the hon. Gentleman looking at, for example, something that I was personally involved in when I was Minister for Justice. During the last year or so of the last administration I was closely involved in employment matters myself, working very closely with Mr Montiel, and one of the things that we were looking at was scaffolding, for example. In Gibraltar this is conducted primarily by labour, by qualified scaffolders, that either come from the UK or come from... in fact, there were a lot from Poland. And one of the things that we were considering doing, and we would have done had *we* been elected into Government, would have been to use GJBS to train people in scaffolding. As I understand it, it requires people to be sent to the UK in order to do some examinations and obtain qualifications – part of it is done in the UK – and then, obviously, we would have a trained scaffolding pool of skills, here in Gibraltar, by people who are resident here in Gibraltar.

150 Now is he considering something like that, or anything else that is different to what was occurring on 9th December last year?

Hon. J J Bossano: Well, I am considering somethings that were not occurring before and one of them is what we need to do with the Construction Training Centre in order to produce craftsmen that will be able to find employment and be acceptable to employers.

155 I can tell the hon. Member I have also had discussions with people who employ, in the trade, electricians, who tell me that, as far as they are concerned, what they are looking for is City & Guilds qualifications and not NVQs and that, as long as we insist on producing NVQs they will not find employers recruiting the people that we produce. So the training is being reviewed on the basis that what we want to do is train people who do not just get a piece of paper that shows that they have satisfactorily completed the training, but get a piece of paper that actually is what the employers demand, and are able to do, on the practical side, the skills that are required for them in employment. That will include all the construction trades, including scaffolding.

160 But I have to tell him that one of the things the we have done, in order to assess that, is in fact set up, as I told him in the earlier questions yesterday, an individual formerly in the Training Centre, now in the ETB, whose job it is to provide the labour force for the construction industry whereas, previously, the position was that people from the construction industry would be sent to construction employers even though they had never had any previous involvement and possibly very little interest in entering in the, the whole thing has been shifted so that there is a far greater selection of employees in sending them to employers, instead of a random selection.

170 **Hon. D A Feetham:** Does he not accept that he will be judged, certainly at the next Election – but he will
be judged during the next four years – on results? And does he not also accept, and agree with me, that
placing, so far, five individuals and having five individuals who have been guaranteed a job, bearing in mind
the huge fanfare with which he rolled out this programme at the last election, does not bode well for the
future, and so far does not represent a huge success in the implementation of his much vaunted Future Job
Strategy scheme?

175 **Mr Speaker:** Does that not ring like a question that was asked yesterday – exactly the same question?

Hon. J J Bossano: I'll give him the same answer!

180 **Mr Speaker:** I seem to recall that question but, anyway.
Yes, the Hon. Minister.

185 **Hon. J J Bossano:** Well, Mr Speaker, it is true that the disastrous state in which the employment market
was left by Mr Montiel and the Government, to which the hon. Member opposite belonged – and, clearly, he
must share part of the blame as he has just told us now that he was also involved in what was happening in the
labour market – means that the task is proving more difficult at the beginning than I anticipated, but I have not
the *remotest doubt* that it will be a total success and that when people judge me, in three years and nine
months, they will be very happy with the results. No doubt whatsoever!

190 **Clerk:** Question –

Mr Speaker: The Hon. Edwin Reyes.

195 **Hon. E J Reyes:** Mr Speaker, I am slightly confused and perhaps the Minister for Employment can try to
enlighten me.

He said that, talking with the people in the electrical trade, they preferred trainees to have City & Guilds
rather than NVQs. Can he please explain to me the difference, because I have a different interpretation to him.

200 **Hon. J J Bossano:** Well, all I can tell the hon. Member is what the people in the industry have told me.
They asked specifically for a meeting with me, they told me that, in fact, the MOD, for example, on MOD
contracts insist that the qualifications for electricians should be City & Guilds. They say that, in the industry,
City & Guilds is considered to be the 'brand' that has been there since time immemorial and the preferred
option for official employers in the United Kingdom and that the industry here clearly will not recruit people
with NVQs, if the client demands City & Guilds.

205 As far as we are concerned, I see no problem in shifting from one to the other, because I imagine that there
isn't all that much difference in the content of what has to be learned. It is the same as if you said 'I have got a
degree from Oxford or Cambridge and a degree from Southampton', they are still degrees and they ought to
be the same, but employers don't treat them the same. That is the nature of the argument that they put to me.

210 **Hon. E J Reyes:** Yes, Mr Speaker, so just to make certain we are both clear. NVQ is the level 1, 2, 3
whatever, that is the actual qualification. City & Guilds is the awarding body, so City & Guilds actually award
NVQs.

215 What I think the Hon. Minister is trying to say now is that they would rather that the electrician had his
NVQ validated by City & Guilds, as opposed to, for example, EMTA, or whatever other awarding body
[inaudible]. But City & Guilds and NVQs are actually one and the same. City & Guilds issue NVQs, which is
what they do at the Construction Training Centre. The trainees learning, for example, carpentry are training at
NVQ level 2, which gives them a qualified craftsman status in a certificate issued by City & Guilds, because
that was the preferred awarding body.

220 So let us not... I think we both mean the same. City & Guilds and NVQs are not opposed. City & Guilds
is one of the *awarding bodies* in respect of NVQ's.

Hon. J J Bossano: Well, that is not how they explained it to me. All I can tell him is –

225 **Hon. E J Reyes:** If the hon. Member will give way. Then I suggest that he talks to the Director of Education, because they are wrong.

230 **Hon. J J Bossano:** I accept what the hon. Member is saying. All I am telling him is that the people that came to see me said 'Look, the NVQs are considered to be a less demanding qualification than the City & Guilds and that the MOD wants electricians to come –' (*Interjections*)

Mr Speaker, I am not making myself responsible for the accuracy of what I have been told. I am *sharing* the information with the hon. Member because he asked me to explain exactly what it was that the *industry* had put to me. And it is in response to that request from the industry... If an employer says to me 'Look, if you keep on producing people with NVQs we are not going to take them on, we want them to come with City & Guilds,' well, I then go back and say to the people that are doing the training, what do we need to do to make sure that they come out trained with a certificate that says City & Guilds.

Hon. E J Reyes: No, Mr Speaker. I don't think I have succeeded in explaining myself.

240 City & Guilds is not a qualification. City & Guilds are an awarding body. The Hon. Minister was correct before in an example he was trying to give to clarify the situation: you can end up with a degree either from Canterbury University, like I got, or like the Chief Minister has from Oxford. Perhaps his is far more prestigious than mine. Understood. But what the employers cannot say is that I want a 'City & Guilds'. No, City & Guilds is just one of the awarding bodies, and the qualifications to be attained is an NVQ level whatever, in respect of electrical trade, welding, fabrication, mechanical trade.

245 The qualified craftsman status is achieved with an NVQ level 3, that is the standard and then there are certain awarding bodies of which, one of which I think they are expressing a desire, should be City & Guilds, I can go along with that because perhaps it is a more prestigious and more established awarding body. In respect of the construction trades, plumbing, carpentry, tiling and so on, their qualified craftsman status is actually attainable at NVQ level 2. The level 2 gives them a qualified craftsman status and a level 3, although possible, and I hope is still being offered for those who have the ability at the training centre is really something that is aspired to by those wishing to become foremen in the future. So I am not blaming the Minister, I am just trying to advise him, as a colleague that, with the best intentions in the world, he may be being slightly misled, and in a friendly way I advise him to contact the Director of Education, who can show you how the whole thing works, and the different awarding bodies for particular qualifications.

250 But a qualification is NVQ and then the employer wants to be... or wants to express a preference for City & Guilds validation, as opposed to one of the other awarding bodies. I want the Minister to make certain that, although he takes in good faith what is being said, he should perhaps ask his colleague, the Minister of Education, to get the Director... just to make sure that, for the benefit of trainees, that we give them the best product possible...

260 **Hon. D A Feetham:** Yes, and perhaps come properly prepared to the next Parliament because, in answer to my supplementary about new training schemes, he cited precisely that example as something new that he was doing, which obviously is not new, if what my friend, Mr Reyes, says is true.

265 **Hon. J J Bossano:** Well, Mr. Speaker, if sharing with Members opposite information or requests that I have received from employers is judged by the Member opposite to be that I am not properly prepared then the answer will be no, obviously not, no.

270 You have asked me a supplementary and, in the supplementary, I have told you what an employer has told me. The employer has given me something that you claim is incorrect or misleading. In future, I can tell the hon. Member, when he asks me something I will not tell him what people tell me, because clearly that, in his judgement, makes me insufficiently prepared to deal with him, and the last thing I want to do in this House is not to be able to put him in his place constantly at every meeting, and I wouldn't want to be not sufficiently prepared to be able to do that.

275 **Hon. D A Feetham:** Can he, in the light of what has transpired in the last few moments... does he not agree with me that, therefore, the answer to my previous supplementary which was what new training schemes or skills is he promoting in his Department since the last General Election, the answer is *none*, because that is precisely the example that he gave. It is the wrong example and, therefore, will he not be man enough to admit that there are *none*. (**Members:** Oh!)

280 **Hon. J J Bossano:** If he wants to put to test whether I am manly enough to do then I don't think the *Chamber* is the place. But we have the ante-chamber, we can put that to the test any time the hon. Member wants to test my manliness!

285 Mr Speaker, as far as I am concerned, if the hon. Member wants to have information and he wants me to say whether it shows that I am doing nothing and that I am not manly enough to admit it, then I can assure him that I am doing more in the three months than the previous administration did, at the very least, in the last *four* years and in all probability in the last *fifteen* years, and they were not *man enough* to come out and admit, in an election campaign, half the things they were doing and covering up.

290 When he came out with a statement in the Election campaign, saying it will cost £11 million to employ people who are seeking employment he was, in fact, admitting that he knew already that the numbers of people seeking work, if they were all given £10,000 each, would cost £11 million, notwithstanding the fact that we have had this constant misleading of Parliament and public by producing *cooked* and *concocted* and *massaged* figures year after year in budgets and in the figures presented to the House! (**A Member:** Hear, hear.) And will he not be manly enough to admit it? (**A Member:** Hear, hear.)

295 **Hon. D A Feetham:** The hon. Gentleman should really calm down. (*Laughter*) In his advanced years he really is going to blow a gasket (*Interjections*) if he continues down the vein that he habitually continues in these sessions.

Does he not accept that when I made my statement about the £11 million –

300 **Mr Speaker:** Order, Order. I think now that that remark, which was 'the £11 million issue' – I call it briefly that – was beyond the scope of this discussion. It was not properly brought into the discussion by the Hon. Minister, but when the Hon. Daniel Feetham invites the Hon. Minister to calm down, with respect, he did raise the tempo by accusing him of not being man enough. (*Applause*) Perhaps we can keep our questions away from personal epithets.

305 **Hon. D A Feetham:** Yes, and, of course, Mr Speaker will apply that across the board, no doubt.

Mr Speaker: Absolutely.

310 **Hon. D A Feetham:** I am absolutely certain about that, because yesterday the Chief Minister made a number of allegations. He made an allegation... I will be separately writing to Mr Speaker in relation to this.

Mr Speaker: Please do.

315 **Hon. D A Feetham:** He made an allegation of impropriety in relation to – he did not name – Members sitting on this side of the House, accused Members on this side of the House of writing in the *7 Days* without a *shred* of evidence.

320 And let us not forget, Mr Speaker, that if we are to apply, for example, the rule that you must not call a Member of Parliament a liar, I do not see what the distinction is between calling a Member of Parliament a liar and accusing a Member of Parliament of impropriety or, without any *shred* of evidence, accusing them of writing anonymous articles in a newspaper. I hope that Mr Speaker also bears that in mind for future sessions of Parliament.

Mr Speaker: I certainly will.

325 I take on board the point the hon. Member makes and I would be grateful if he did write to me and I *will* address the issue. But in my defence, if I may say so, statements are made in this House by both sides and I have absolutely no means – or limited means – of knowing the veracity of statements, so it is very difficult for me to actually rule on the actual content of statements. My job here, I think, is to create an atmosphere where proper, meaningful debate can be had on the issues and if any statement is made which is not true there is a procedure whereby the matter can be dealt with on a motion, where we can carefully examine the real facts.

330 (**Hon. D A Feetham:** Yes.)

So I take on board that the hon. Member may well have a grievance in terms of the allegations of impropriety but, again, I hope he will appreciate that I have no means of knowing whether that is true or not true.

335 **Hon. D A Feetham:** Yes but, of course, Mr Speaker, you do have the means of actually saying to Members of Parliament, 'If you are going to make an allegation like that, produce the evidence.' What you cannot do is just simply make those kind of blank statements because there is, as I said, there is an inconsistency here. If I then stand up and say 'You're a liar', you would then call me to account for calling him a liar! (*Interjection by Mr Speaker*)

340 The hon. Gentleman has made allegations which are completely and utterly unfounded and, if we are, and I appreciate, Mr Speaker, that you are in a very difficult position. I accept that. I accept that, sometimes, Members of Parliament do not help your role in some of the comments that I make...

Mr Speaker: They make it impossible, actually.

345 **Hon. D A Feetham:** And I accept that.

But there has to be even-handedness in relation to how one deals with this particular issue because, of course, if those allegations are made we are inevitably going to stand up and call the hon. Members 'a liar', and then we are the ones who are called to account for calling them a liar – which is incongruous.

350 **Mr Speaker:** No, I take on board everything the hon. Member says and I do not disagree with him.

All I am saying is, as I say, when statements are made I have limited knowledge or resources to be able to judge, there and then, whether the statement is true or false. You must accept that. But I can judge when terminology, for example, 'a liar' is used. It is a different thing altogether. But I will take it on board and I will be grateful if the hon. Member would write to me, and I will address the issue, in a fair and even handed manner.

355 Can we proceed to the next Question.

360 **Labour Market
Skills Audit**

Clerk: Question 263, the Hon. D A Feetham.

365 **Hon. D A Feetham:** Has the Government completed a full skills audit of the labour market??

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

370 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** No, Mr Speaker.

Hon. D A Feetham: Is the Minister on course to complete the full skills audit by the date set out in his manifesto, which I believe was April 2012?

375 **Hon. J J Bossano:** There are two elements, one is an assessment of the demand for skills which is being done through an analysis within the ETB, and then there is an assessment of the skills held by the resident population which will be done later in the year, taking advantage of the census.

So, in the census, we will have questions which will identify what the resident population skills map is. That, of course, is not the whole of the skills in the market because the skills in the market include 7,000 frontier workers.

380 **Hon. G H Licudi:** Mr Speaker, can I just add to that. The hon. Member is slightly mistaken when he refers to the manifesto and says, and asks, whether the Government is on course to complete the skills audit by the date given in the manifesto, and the date he has given is 1st April. That is not, in fact, what the manifesto says. What the manifesto says is:

385 'a full skills audit of the labour market will be undertaken in the current financial year to prepare the final action plan of the Future Job Strategy, from April 2012.'

390 So the final action plan is going to be started from April 2012.

Hon. D A Feetham: I still do not see what the actual difference is. But, turning to more important matters than the date of the skills audit, will the skills audit also include an analysis of the skills required by employer, which seems to me to be a far more important aspect of, or an equally important, I should say, aspect of the aim of conducting a skill audit.

395 **Hon. J J Bossano:** I have already answered that, Mr Speaker. I have told him there are two sides, the supply and the demand.

400 The demand for skills is determined, as far as we are concerned, by the vacancies opened in the ETB. That is the source of the demand, people are opening jobs. And we can analyse the skills of the jobs that they are opening, and then there is the supply, from the resident population, which we would have had to do in some other way but since the census that should have taken place in 2011 did not take place in 2011 and has had to be deferred to 2012, and we are now in the process of setting that up, I have already spoken to the statistics office who will be including the questions that are required in order to establish the skills that exist in the resident population in October or September this year, when the Census takes place.

405 **Hon. D A Feetham:** Yes, I understood him the first time about the vacancies opened in the ETB.

410 I don't think that just simply analysing the vacancies that are opened in the ETB will give him a full picture of the skills that employers think are necessary within the labour market. And could I urge upon him, and does he think that perhaps it is a good idea, to also conduct a survey, just apart from the question of the vacancies that have opened, but conduct a survey of employers in Gibraltar as to what are the skills that *they* believe are necessary within the labour market and can I urge upon him that approach.

415 **Hon. J J Bossano:** Well, I imagine that no employer can give me that information, other than about his own business. (**Hon. D A Feetham:** Absolutely.) So I mean if somebody... for example, there are 2,500 shop assistants in Gibraltar: I am not talking about whether the people that own the retail shops consider the shop assistants are skilled enough or need to be trained to achieve a certain level of skill. That is not what I am talking about, What I am talking about in the assessment is whether there is a demand for 2,500 shop assistants, or a demand for 2,500 carpenters, not the skill of the individual.

420 So the nature of the audit of the vacancies and of the supply is to establish what *is* the supply and demand for workers of a certain trade in a certain industry. The idea of talking to individual employers is something that will happen if we find resistance from employers in employing the people that we have got and the argument is they are not trained enough. That is part of the exercise that will be done in the context of whether we find the numbers signing up to employ the people that we can provide grows or does not grow. If it does not grow, and the reason is that they do not consider that our people have the skills it is an argument, of course, that we will have to analyse because they do not seem to have the same problem with skills with those who come across from the border.

430 **Department of Employment**
Ministerial involvement re job vacancies

Clerk: Question 264, the Hon. D A Feetham.

435 **Hon. D A Feetham:** Can the Minister for Employment please confirm whether job vacancies are held back by his Department and are not advertised until he *personally* vets notifications?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

440 **Hon. the Minister for Enterprise, Training and Employment (Hon. J J Bossano):** No Mr Speaker.

Hon. D A Feetham: Well, is he aware – knowing that he is aware, or so he says, of everything that happens in his Department, that he is all-knowing about what occurs in his Department – he is aware that, in

fact, there are employers that are very concerned about the amount of time that it is taking for job vacancies to be advertised, from the point at which notification is received by the ETB? And does he not agree with me that that is a matter of concern, particularly, in fact, within, for example...

I notice that he is deep in conversation with the Minister for Justice. Perhaps he may want to – the Minister for Justice and for Gaming – listen to the question because it also concerns him, that, in relation, for example, to particular sectors like the gaming sector, which is already facing considerable difficulties from pressures in the United Kingdom that, we would not want to do anything that places obstacles and impediments in the way of these companies?

Hon. G H Licudi: Mr Speaker, it is, of course, not a matter for the hon. Member to direct me, or to suggest what I can do or cannot do on this side of the House.

The hon. Member mentions certain difficulties which, presumably, have come to him from the gaming sector. Those are not difficulties that have been brought to me as Minister for Gaming, or Minister with responsibility for gambling. One would have thought that if the industry had a particular issue with a particular Department and there is a Minister responsible for that particular industry that that issue would have been brought to my attention. It has not and, as far as I am aware, that issue simply does not exist.

Hon. J J Bossano: Mr Speaker, the Department usually sends candidates to vacancies within 24 to 48 hours of the vacancy being recorded with us.

I do not think that anybody has complained that that is too long! Of course, they may be complaining about the fact that they are no longer able to do what they used to do, when the hon. Member was in Government. I don't know whether he knew about it and agreed with it, but it had been going on for a considerable time, and that is that, notwithstanding requirements of the law, people used to fill the vacancy first and inform the Employment Service later. It was called 'passing through' by the officials in the Department, and apparently there was no political directive to tell them to do anything else about getting the law respected and implemented.

The 'passing through' is now non-existent. Everybody in the private sector and, indeed, in Government Departments, who were as guilty of this, have now accepted that they have to open the vacancy first because, otherwise, what we have is a situation where, in fact, individuals who go to the Department seeking employment are sent on a wild goose chase. They go round half of Gibraltar with lots of cards and all the places that they go to tell them the vacancy has been filled already.

That is the change that has taken place and that is a change that is a matter of policy. I am surprised that the previous administration allowed it to deteriorate to the extent that 9 out of every 10 jobs that were registered with the Department were, in fact, jobs that were not available to the people who were unemployed and that only one tenth of the jobs were.

Hon. D A Feetham: Well, we are actually being told is that it is taking, in some cases, two weeks for adverts to come out from the time that they were notified and that, in fact, there are employers that are actually going to the ETB and asking why the advert has not come out promptly.

But can I ask him this – and I hope that he doesn't challenge me to a *mano a mano* in the lobby as a consequence of the question – but does he send notifications to GSLP headquarters to see whether some of his stormtroopers are employed in relation to some of these vacancies, thus causing delays in advertisement of the jobs. (*Interjections*)

Hon. J J Bossano: Mr Speaker, as long as the hon. Member chooses to put into question my manliness, I will tell him that he can put it to the test any time he wants! (**Mr Speaker:** But he hasn't done so on this occasion.) If he wants a *mano a mano*, we will have a *mano a mano*.

I have no problem, and if he thinks I am too old to take him on, he can test that as well! And we will see who comes off better out of it.

Hon. D A Feetham: I have to tell the hon. Gentleman that he continues to be value for money! (*Laughter*)

Hon. J J Bossano: Well, he can tell me whatever he wants! But he should know me, having known me since he was a little boy, he should know me sufficiently to know that I am not actually joking. I am deadly serious. So he should take it seriously.

500 Let me say that if the hon. Member thinks that I am sending the vacancies to the stormtroopers – which were his stormtroopers in another age, when he used to consider it a matter of pride and not something to be ashamed of, as he does nowadays – then he has been misinformed by his henchmen, wherever they may be.

505 I can tell him that I was told that during the election campaign there was regular contact between Bleak House and the GSD headquarters precisely in order to infiltrate as many of *their* stormtroopers into the system before we got there, since they could see the way the wind was blowing, and, maybe, because *he* was doing it and *his* party was doing it, he must think that it is common practice.

Hon. D A Feetham: I do not know where the hon. Gentleman gets the information about my communications with Bleak House. I can assure him that there has been no communication, certainly, from me to Bleak House.

510 Has he had an opportunity – because I left him all the files – of going through all the files that I left him of people that had come to see me, some of whom were, in fact, his own supporters that we were trying to help prior to the General Election?

515 **Hon. J J Bossano:** Mr Speaker, when I asked the civil servant that he used to have for the files, I was told there were no such files and they were never given to me. I was given a piece of paper with handwritten notes, and that is all the information that I have.

520 Those people I have checked in the ETB records to see whether they are employed or not and, if they are not employed, then we will, in fact, do everything we can to employ them, regardless of which political party they support, because the commitment of the Government is to employ *all* the people who are unemployed, irrespective of political affiliation. He will know that if he cares to look at the names of the people that go into employment because, in fact, there is no indication. We look at their skills and their ability and their suitability and it will make no difference which way people vote. They will find that I am 100% committed to getting a job for every single one of them.

525 **Mr Speaker:** Before we move to the next Question, again may I just point out there were two words used which I think are quite unnecessary: ‘stormtrooper’ on this side; ‘henchman’ on that side. Both of you know what the English language has to say about both those words.

Next Question.

530

HOUSING AND THE ELDERLY

535 Housing Waiting Lists Empty homes awaiting repairs

Clerk: Question 290, the Hon. E J Reyes.

540 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state how many homes are currently empty and awaiting repairs before they can be allocated to applicants on the Housing Waiting Lists?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

545 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, there are 149 flats currently empty and awaiting repairs before they can be allocated to applicants on the housing waiting lists.

Hon. E J Reyes: Mr Speaker, does the hon. Minister have some sort of indication of the target timespan when, perhaps, he would like to see these flats ready for allocation?

550 **Hon. C A Bruzon:** Not exactly, Mr Speaker.

I can inform the hon. Member that we do prepare these flats as quickly as possible and we have a system in place whereby the Housing Works Agency does part of the work and also private sector companies are employed to speed things up for us.

555 I can state in Parliament that we are improving the system and that more houses are becoming available on account of the efforts that we have put in since we came into Government.

560 **Hon. E J Reyes:** The Hon. Minister may need a bit more notice, but does he have some sort of indication of whether these are pre-war or post-war houses, or perhaps an indication of the percentage of which fall into which category?

565 **Hon. C A Bruzon:** As the hon. Member hinted, I do not have the facts at my disposal, but I can acknowledge in Parliament that many of the pre-war houses are in pretty poor shape and they do require a lot of refurbishment, both on the outside and within, so these will take a little longer to be prepared – to be made available, rather – but the post-war flats, which regrettably also experience an element of dampness, also require sometimes major refurbishment from within. So it is impossible to give you a time limit or timescale on this, but if you want to know how many of them are post-war and pre-war, I would be happy to provide the information, if you give me notice.

570 **Clerk:** Question –

Hon. J J Netto: Mr Speaker –

Mr Speaker: The Hon. Jaime Netto.

575 **Hon. J J Netto:** Could I ask the Hon. Minister for Housing... I take on board the question of the difference between pre-war and post-war in relation to any refurbishment work that may be carried out – meaning that the pre-war, obviously, would, by nature, have more work involved – but in relation to the moment when the Housing Department at City Hall get the vacant keys and the process starts, whether the refurbishment is going to be taken either by the Housing Works Agency, or now, as the hon. Member has said, the private sector, does he have an indication as to the time it will take for at least work to *start*, because another thing would be how long it would take, depending on the condition of the house? At least does the Hon. Minister for Housing know the time between getting the keys, so that the process starts for the works to start? Does he have an indication of that, Mr Speaker?

585 **Hon. C A Bruzon:** Again, it is only an indication, because I do not have accurate facts at my disposal, but there are two dimensions to the process.

590 One process is called the cleaning-out process: when flats are made available, we get the keys, we go and inspect them and they need a good clean-out – old stuff that has been left there by the previous tenants. That, of course, could take just a matter of a couple of weeks or less. If there is an element of more serious internal refurbishment that is required, it could take a little longer – a month, two months – because there is an element that requires the drying up, the dampness to dry up, the skimming, the... I am not a technical person, so I cannot give you exact... use technical jargon, but it could take up to a month, maybe two.

595 As soon as we get the keys, our inspectors go and inspect the flats and the process is as fast as it can possibly be because we know that there are many applicants waiting for homes to be allocated to them.

600 **Hon. J J Netto:** I appreciate that, Mr Speaker and, of course, I am aware of how the process starts, in terms of cleaning first but, in relation to the work as far as refurbishment of flats is concerned, does the Housing Works Agency – I am only asking – have the first bite of the cherry, in the sense of saying, ‘We do the work, so long as we can do the work in a specified period of time,’ and if they do not do the work in a specified period of time, because they may have other works to do, then the work is taken off the Housing Works Agency and given to the private sector?

At the end of the day, what the Housing Minister wants is to be able to do the turnover and allocate the house. Is that the system in place?

605 **Hon. C A Bruzon:** Yes. The first bite of the cherry, as the hon. Member implies, of course, goes to the employees of the Housing Works Agency and they have to give a commitment to undertake to achieve the task by specific dates. Of course, this will differ, depending on the enormity or the smallness of the jobs. That is why there is the bonus scheme and they are encouraged to work for that bonus, and therefore... That is

what it is there for. At least that was the idea of the previous administration and we want it to work.

There is also the question of the private sector companies that we are using. That is when we are told by the people in charge of the Housing Works Agency that the jobs have to go out so that as many people as possible can be allocated homes in the shortest possible period of time. Then *they* come into play, but the first bite of the cherry goes to the employees of the Housing Works Agency, yes.

Hon. J J Netto: If I can pursue this a little bit further, Mr Speaker, I guess that what may be happening right now is that, because all the housing projects that the GSD Government had came to fruition, in the months that follow – probably in the 12 months that follow – there is going to be a huge increase of work to the Housing Works Agency, particularly people moving or who have moved already to all the different housing projects, leaving behind the flat they used to occupy in the current housing stock. So that means that the volume of work now in the Housing Works Agency is going to increase.

At the end of the day, what the Minister quite rightly is interested in is to do the turnover of the work so that the people on the waiting list continue to come down. So, is the Minister finding himself in a situation where the volume has increased so much at the moment, as a result of this example I have just given, and it is as a result of that that he is using the private sector? Is that the case, Mr Speaker?

Hon. J J Bossano: Mr Speaker, the position is that the Government introduced an early-exit package, which has reduced the numbers of people working in the Housing Department by 47 initially. Subsequently, there are still, I think, 16 in the pipeline entitled to take the early-exit package. So the workforce of the Agency is down; it is not that the workload is up.

Hon. J J Netto: Mr Speaker, notwithstanding what the Hon. the Minister for Employment has said, even when the workforce was much bigger – in fact, even if we go back to 1995, which was at the time of the GSLP Government, because obviously we came in in May 1996, when the workforce was even much bigger – there were cycles in the volume of work. It used to go up and down, regardless of the size of the workforce, and what I am saying at the moment is that what is happening... I *guess* what is happening right now is that the volume of work is increasing at the moment and it will be increasing for the next 12 months, simply as the result of all these people who have been moving into the new housing schemes that we provided. It takes a lead up time between the time they move out and the keys being given to them.

So, at the end of the day, what the Housing Minister wants is a quick turnover of the works to be done, and he might be using the private sector in order to drive the works much forward for the benefit of the people on the housing waiting list. That is what I was trying to get at in my supplementary question. So, formally, my supplementary question is: is he experiencing a surge of volume of work as a result of what I am saying and, in order to meet that work, he is using the private sector?

Hon. C A Bruzon: I am trying to understand what the hon. Member is saying. I think the work continues to be the same as it has always been.

Housing stock in Gibraltar consists of over 5,000 homes for rental. It has increased slightly, obviously, because we have had 490 that the other administration, rather late on in their 16-year term, provided, which was very good.

Obviously, he has to remember that we distinguish between our manifesto commitments to construct new homes and to refurbish homes as an ongoing thing, but we are talking about 149 empty flats, which was the question asked in the original Question. That Question I think I have answered, and I am not sure if I want to venture and attempt to answer the hon. Member to the extent that goes beyond the knowledge I have at the moment in connection with Question 290, basically.

You may ask another supplementary, if you wish to make it clearer.

Housing Waiting Lists Additional applicants since Q178/2012

Clerk: Question 291, the Hon. E J Reyes.

665 **Hon. E J Reyes:** Can the Minister for Housing state how many additional applicants, since the answer given to Question No. 178/2012, have been added to the Government's Housing Waiting Lists, giving a breakdown of their housing allocation requirements?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

670 **The Minister for Housing and the Elderly (Hon. C A Bruzon):** Yes, Mr Speaker.
A further 31 applicants have entered the housing waiting lists since the Answer given to Question 178/2012, and the breakdown is as follows: 1RKB, 21; 2RKB, 1; 3RKB, 2; 4RKB, 6; and 5RKB, 1.

675 **Hon. E J Reyes:** These, I take it, as a consequence, have been added to the pre-list?

Hon. C A Bruzon: Yes, Mr Speaker.

680 **Homeless persons**
Additional housing applicants since Q179/2012

Clerk: Question 292, the Hon. E J Reyes.

685 **Hon. E J Reyes:** Can the Minister for Housing state, since the answer given to Question No. 179/2012, how many new applications for housing from homeless persons have been received?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

690 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Since the answer given to Question 179/2012, no new applications for housing from homeless persons have been received.

695 **Hon. E J Reyes:** Therefore, Mr Speaker, the situation in respect of the homeless persons remains exactly the same at the figure of 25, as it was a month ago.

Hon. C A Bruzon: I would have to check with my staff but I hope that some of those 25 have already been allocated a house. I cannot be sure, so I would need notice of that question.

700 **Hon. E J Reyes:** Yes, thank you.

Mr Speaker, would the Minister try to, if possible, give me some sort of explanation, what priorities is it his policy to try to give to homeless persons, because he did explain to me, two meetings ago, that although they fall under the nomenclature of 'homeless', they are not necessarily sleeping out on the street.

705 I do now happen to know, and am personally aware of, a couple of cases of people who have no roof over their heads, and actually have to beg and borrow, sometimes, little vehicles in order to have a roof over their head at night time. So the Minister might want to enlighten us as to what sort of priority he is giving these people.

710 **Hon. C A Bruzon:** Well, some of these cases go to the Allocation Committee for their consideration, and then they will provide advice to the Minister as to how... with what speed we should proceed with some of these cases.

715 **Hon. E J Reyes:** And some of these cases, Mr Speaker, when they turn up at the Housing Department sort of desperate, they have no roof over their heads, they, for some reason or other, they don't seem to leave satisfied that a certain urgency is being allocated to their case. One particular applicant was explaining to me that, not blaming the Minister directly, but is perhaps a bit under the impression that the information is not being quite forwarded to the Minister of how desperate her own situation is. Is there some advice or otherwise that the Minister can offer, where this lady can, perhaps, get an opportunity to see him as soon as possible?

720 **Hon. C A Bruzon:** Absolutely. If the hon. Gentleman will be kind enough to give me her name in the ante-chamber, I will do my best to see her and help her.

Hon. E J Reyes: I really appreciate that, Mr Speaker.

725

**Housing Allocations Committee
Meetings since Q180/2012**

730 **Clerk:** Question 293, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Housing state how many times the Housing Allocation Committee has met since the answer provided to Question 180/2012?

735 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, since the answer provided to Question 180/2012, the Housing Allocation Committee has met three times.

740 **Housing allocations since Q181/2012
Breakdown and assigning authority**

Clerk: Question 294, the Hon. E J Reyes.

745 **Hon. E J Reyes:** Can the Minister for Housing state how many homes have been allocated since the answer to Question 181/2012, giving a breakdown of the size of home and indicating whether these have been assigned on the advice of the Housing Allocation Committee or by any other authority?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

750 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, since the answer to Question 181/2012, a total of 31 homes have been allocated. Two of these were not assigned by the Housing Allocation Committee.

The breakdown is as follows: 2RKB, 9; 3RKB, 17; and 4RKB, 5.

755 **Hon. E J Reyes:** Mr Speaker, under what authority, have... [*Inaudible*]
Sorry, Mr Speaker, if it is not on the advice of the Housing Allocation Committee, by what authority have those two homes been allocated?

760 **Hon. C A Bruzon:** Let me remind the hon. Gentleman that I am the Housing Authority and, in fact, I allocate every single home, on the advice of the Allocation Committee.

These two incidents were exchanges of one [*inaudible*] flat to another. So the Allocation Committee did not have to be involved. It was a straightforward matter.

765 Maybe I should also explain that the Housing Allocation Committee comes into play, more than anything else, when there are elements where applicants have medical conditions, there are serious social issues and they provide advice to the Housing Ministry, so that we just simply look at these specific cases, and their assistance, of course, is invaluable. The process just carries on naturally, in terms of whose turn is it to have a house next.

770 I sit with my Housing Manager, and we look at the empty flats that are given to us – the keys to those empty flats – and we actually authorise and sign the allocation of every single home. The Housing Allocation Committee will then, at a later stage, be made aware of *all* the allocations that have taken place.

So the question that you have asked me two or three times is one that I myself am responsible for, because I used to ask the previous Government, but at the time I did not fully understand the procedure. So the reality is, Mr Speaker, that the Housing Allocation Committee will advise the Minister and the Authority and *I* do all

the allocations myself. I have got to sign every single allocation.

Everything I do is also submitted to the Allocation Committee, so that they know exactly what is going on, but their advisory role comes into play mainly in what concerns medical cases, social cases, etc. There is a system in place and we follow that system. (**Hon. E J Reyes:** Yes.) Whoever is next on the list gets the next home.

Hon. E J Reyes: Basically, if I have understood it correctly, and I had always had that interpretation which the Minister now says he also sees but, in respect of two allocations that have been given, they were not necessarily on the recommendation there.

However, I am a bit confused – and I may have got this wrong, Mr Speaker – the Hon. Minister mentions that there was an exchange there, so it is not really a new allocation of a flat, but rather a person living in address A has moved on to address B and has therefore taken over a property but handed one back in, so it does not necessarily follow, then, that the number of applicants has been reduced. It remains the same; it is just that this person has been moved for reasons sometimes that a person may be considered by either the Housing Allocation Committee or by a Minister – and I think rightly so – you allow the person to move somewhere else, mainly connected with medical reasons, but it does not help to reduce the housing waiting list. (*Interjection*)

Hon. C A Bruzon: The Minister is, in a sense, right.

I was going to simply say that all the allocations have been made on the advice of the Allocation Committee, but I was asked to explain it in this way. That is why I have done it like that.

Mr Speaker: The Hon. Jaime Netto.

Hon. J J Netto: Mr Speaker, can I –

Hon. J J Bossano: I would like to... Mr Speaker, the hon. Member is wrong in saying it does not reduce the waiting list.

It does reduce the waiting list by one, because that person may have been waiting for the house to become available, and the exchange means that he is no longer –

Hon. E J Reyes: Yes, I see.

Hon. J J Bossano: So there is one person less.

Hon. E J Reyes: Yes, Mr Speaker, let us say, if it is an exchange of a 2RKB for another 2RKB, we have had a case... It could be an exchange from a 2RKB to a 3RKB and, therefore, it does then remove an applicant who was a 2RKB tenant, applying for a 3RKB.

I am grateful for that clarification, yes.

Hon. S M Figueras: I think, Mr Speaker, sorry – just for purposes of clarification, the number of allocations that you referred to, how many were transfers by allocation *versus* allocations to people on the current list? I do not know whether – I cannot recall this as something that has been covered. If it has, I apologise but I did not quite get it.

Hon. C A Bruzon: The 31 homes that have been allocated have been allocated for people on the Housing Waiting List – period.

Hon. J J Netto: Mr Speaker, can I just point out to the Hon. Minister for Housing that, in terms of allocation – in fact, he may have found himself already in this position – as far as the decanting is concerned the Minister might find himself, as I used to find myself on a few occasions, in a situation where the housing inspector would actually go out to inspect a particular flat – sometimes even a flat in the private sector – and submit a report on the basis of Health and Safety, whether the Health Inspector may find himself that there were electrical faults maybe endangering the lives of people or the structural building was in such a detrimental state and, on the basis of that report, if the Minister is satisfied that he has to take urgent action

830 and this is not something that he can wait for the next meeting of the Housing Allocation Committee, then the Minister, obviously, should act on the basis of putting Health and Safety before the normal procedure.

I do not know whether the Minister has already found himself in a situation like that but certainly it is something that you need to act very quickly. Has the Minister already found himself having to act in those circumstances on the basis of decanting?

835 **Hon. C A Bruzon:** The reality is that the hon. Member is right, there are situations whereby people – even elderly ladies...

I had a case, not so long ago, who lives in private rental accommodation in a fairly disgraceful state of affairs and, of course, we do our best to help them but then the system comes into play. The case goes to the Allocation Committee. She could well be placed in Social Category A or she will be placed on the homeless list. Therefore, we move as fast as possible to find an adequate home for her, or for him.

Clerk: Question –

845 **Hon. E J Reyes:** May I, Mr Speaker – ? Just something... I am sorry, I have only just noticed now.

Last Question Time, the Hon. Minister said that, the previous session, he had managed to allocate 36 new homes, and there were 40 offers that had been made that, hopefully, he was expecting.

Am I correct in assuming that these 31 that have been allocated are 31 who accepted of the 40? Because I do not know how to account for the figure. Is it 31 *after* those 40 offered, or these 31 could be from the 40 that were offered?

850 **Hon. C A Bruzon:** I have not got the exact answer. The 40, however, offered were obviously offers of allocation.

I know for a fact that just a handful did not accept. So it could well be that these 31 *are* the ones that have been allocated since the last question was asked, yes.

**Housing tenants
Works completed since Q182/2012**

860 **Clerk:** Question 295, the Hon. E J Reyes.

865 **Hon. E J Reyes:** Can the Minister for Housing state how many tenants, since the answer given to Question 182/2012, have had their pending works completed?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

870 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, I will answer this Question together with Questions 296, 297 and 298.

**Housing tenants
Additional works required since Q182/2012**

875 **Clerk:** Question 296.

880 **Hon. E J Reyes:** Can the Minister for Housing state how many tenants, since the answer given to Question 182/2012, have been added to the list requiring works to be done in their homes?

885

Housing Agency
Jobs completed since Q183/2012

Clerk: Question 297.

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Hon. E J Reyes: Can the Minister for Housing state how many jobs, since the answer given to Question 183/2012, have been completed from the list requiring the attention of the Housing Agency?

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Housing Agency
New jobs added to list since Q183/2012

Clerk: Question 298.

900

Hon. E J Reyes: Can the Minister for Housing state how many new jobs, since the answer given to Question 183/2012, have been added to the list requiring the attention of the Housing Agency?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

905

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, in answer to Question 295, since the answer to Question 182/2012, a total of 88 tenants have had their pending works completed.

Since the answer given to Question 182/2012 – and now I am answering Question 296 – a total of 41 tenants have been added to the list requiring works to be done in their homes.

In answer to Question 297, since the answer given to Question 183/2012, 321 jobs have been completed from the list requiring the attention of the Housing Works Agency.

910

The answer to Question 298 reads as follows: since the answer given to Question 183/2012, a total of 47 new jobs have been added to the list requiring the attention of the Housing Works Agency.

915

Hon. E J Reyes: Thank you for that information, Mr Speaker.

I do not know if it is correct, but would the Minister agree with me that we seem to be able now to be completing more jobs from one Question Time to another than the number of questions coming in. Am I correct in my simple mathematics?

Hon. C A Bruzon: Yes, that is right.

920

Hon. E J Reyes: That augurs quite well for the Housing Works Agency and, if you have a chance, please congratulate them on my behalf.

Hon. C A Bruzon: Thank you very much, Mr Speaker.

925

Housing Agency
New jobs contracted out since Q184/2012

930

Clerk: Question 299, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing state how many new jobs have been contracted out, and to which companies, by the Housing Agency since the answer given to Question 184/2012?

935

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, the number of jobs contracted out by the Housing Works Agency, since the answer given to Question 184/2012, is 13, as follows: Gemini

940 Riteway Scaffolding Ltd, 6; Skybridge Ltd, 6; Health Safety and Environmental Consulting Ltd, 1. That makes a total of 13 jobs.

945 **Hon. E J Reyes:** An increase of? What was the *[inaudible]* numbers compared to last time? Any particular reason that the Minister may wish to enlighten us why, last time, only five had to be issued out and now 13?

Hon. C A Bruzon: The demand for jobs increased and more jobs were given out to these companies. That is a fairly straightforward answer, I think.

950 **Hon. E J Reyes:** Sorry, Mr Speaker, I did not quite phrase it properly. What type of jobs? Is it a particular nature because of major structural problems, or?

955 **Hon. C A Bruzon:** Without having the information in front of me, I would venture to suggest that these are to do with external jobs, because the Housing Works Agency – up to now, anyway – have been concentrating on *internal* refurbishment work. The concept that I want to introduce is for big jobs and small jobs, and if our boys cannot do the small jobs, the big ones, obviously, will go out to private contractors.

The important thing, as I keep saying, Mr Speaker, is that we have to provide as many homes for our people as possible and this is being done as we speak.

960 **Hon. J J Netto:** Mr Speaker, I am somewhat confused. In the figures that he has provided that 13 particular jobs are being put out to the private sector. Leaving aside the six works which is to do with scaffolding, the balance, was it works to do with that refurbishment, or was it works to do with some other kind, which not necessarily means work with flat refurbishment?

965 **Hon. C A Bruzon:** I really cannot answer that question, Mr Speaker. I would need notice. I am sorry.

970 **Hon. J J Netto:** Fair enough, Mr Speaker, given the comments that the hon. Gentleman just said, to the effect that the big jobs would go to the big contractors because, obviously, of the size of the work, the housing works, they may not be able to do it and the smaller jobs might be the type of work that the... Does he have any particular threshold, in terms of money, where it would determine what goes to the big contractors and what goes down to the small contractors? Does he have that in mind?

975 **Hon. C A Bruzon:** There are technical officers who will advise the Minister as to which jobs go to which company, or whether they will be handled by the Housing Works Agency and, as far as money is concerned, then I have not got the information available, Mr Speaker.

980 **Hon. J J Netto:** Mr Speaker, I am aware of that but, normally, as far as the technical officers, which he is referring to, they would have different thresholds. They would probably say, look, a job, which may cost from £5 to £1,000, we will give it to the self-employed person. A job that may cost between £1,000 and £10,000 may go to the small contractor that may employ 10 people, but a big job that costs £250,000 or £500,000 would go to the big contractors.

985 That is what I am asking the hon. Gentleman. Fair enough, he may not have the information available there with him, which is fair comment to say, but what I am trying to determine is, as far as his Department is concerned, where are the thresholds in terms of value for money in jobs, before deciding whether it goes to a big contractor or to a small contractor in the private sector.

Hon. J J Bossano: Mr Speaker, the change has not yet been introduced of moving for a criterion of small and big. The original criterion that was introduced when the Agency was set up is the one that is still being applied, which is inside and outside.

990 I think the logic of inside and outside is that it is assumed that the inside jobs will require less resources and less manpower and the outside jobs will require more. But that is not necessarily so in every case. Consequently, it would be a question, once the new policy, that we have been discussing with the people concerned, is actually put into effect, that it will not just be a question of value, but a question of the pool of resources that we have.

995 For example, we have got a situation where the hon. Member must remember that, given that the
 opportunity to take the early exit was given to everybody, we are committed to respecting that agreement and
 continuing with it. It does mean that the mix of trades can, unintentionally, become unbalanced, simply
 because more people choose to go who are plumbers, and less people choose to go who are carpenters. So you
 could finish up where, not only have the numbers gone down, but the profile of the workforce has changed
 1000 and, therefore, what the Agency can take on may not just be a question of the *value* of the job, but the *size* of
 the job, given the number of carpenters, or given the number of plumbers, or given the number of masons.
 So when we move from inside and outside to *size*, it will be that whether the job is an inside job or an
 outside job, they will tell us, look, if we can do a job inside a house and it is going to take ages, because we
 have only got three plumbers, then the logic is that we want to get the house ready quicker, we may need to go
 to a contractor. So it is not as straightforward as drawing a line and saying anything above this cost goes out
 1005 and everything below it stays in.

Hon. J J Netto: Mr Speaker, I accept everything the hon. Gentleman has said, in terms of the availability
 of skills that may be available for the Housing Works Agency to do the job. Indeed, this is one of the areas,
 perhaps, from his employment angle, he may be able to look at, if there is a scale of certain skills to
 1010 complement the needs of the Housing Works Agency.

Absolutely, but the Hon. the Minister for Housing, in his previous answer, from my hon. Colleague, Mr
 Reyes, when we were talking about allocation of flats, he was also talking in terms, not just of value for
 money for works that go outside, but he was also talking in terms of timing for the job to be done. Therefore,
 1015 the only determination for putting the jobs, the way I understood it from him, was not just the size or the value
 of the work that would be going out, but also, if the work is registered to be done and never gets done, the
 implication of the comment that the Hon. Minister said before was, if the work does not get done, beyond a
 certain amount of time, then that will trigger giving the job to the private sector.

That is the implication of what the hon. Member was saying in terms of flat allocations. This is what I was
 trying to get at, not just in terms of size and money, but also in terms of timing, so that the work gets done.
 1020 Perhaps if he could clarify that, it would be very good.

Hon. C A Bruzon: I do not think I said, but if I did –

Hon. J J Netto: It was an implication.
 1025

Hon. C A Bruzon: – an implication, okay.

The aim – and I speak in general terms – because I cannot talk about thresholds or about how much money
exactly has to be requested from a contractor before we do this or that. I am not... I have not been briefed on
 that. That is why I am trying to explain to the Member, that there are some of the supplementary questions for
 1030 which I would need notice.

The reality is that we do our best to get – as soon as we get the keys handed over to us – our inspectors
 will inspect the flats. Then the decision will be made as to whether it is just an easy, clean-out job, or whether
 refurbishment has to be done in the flat and that is happening as we speak, in connection with the 149 flats
 that was in part of the answer I gave to the Hon. Mr Reyes.
 1035

Housing applicants living in Spain Creation of new waiting list since Q185/2012

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Clerk: Question 300, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing confirm if, since his answer to Question No. 185/2012, he
 has opened a separate housing waiting list for applicants currently living in Spain and wishing to return
 home?
 1045

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1050 **Minister for Housing and the Elderly (Hon. C A Bruzon):** The simple answer is no, Mr Speaker.
Since the answer given to Question 185/2012 no separate housing waiting list has been opened for applicants currently living in Spain. I may add, as I think I mentioned last time, that the demand is, literally, very limited. One or two people have expressed an interest and I have got... I have made a note of that and my staff is aware of this. So we have not really opened an official list yet.

1055 **Hon. E J Reyes:** Mr Speaker, although I do not disagree that the demand may be small, for those one, two or three people, for them it is a question of wishing to return home and not being entitled to go into the pre-list or any housing list proper and so on. So, for them, they are not interested in the numbers, but rather interested in the quality of life and they are expressing to me a desire to see this list open, as has been promised by the Members in their manifesto.

1060 **Hon. C A Bruzon:** I do take his point, Mr Speaker.
The reality is that there are, as the previous administration is well aware of, people who offer a local address. This is the reality, I think, both the previous administration and our administration is aware that there are people who wish to live in Gibraltar. It does not mean to say that I am forgetting them, or putting them to one side, certainly not, we are trying to advise them to go through a procedure, which is legal, we do not want people to lie, but if there are valid reasons why they have been forced to live in La Línea, or whatever, we keep them in mind and, whether or not there is a list, there are a number of people already on the housing waiting list who provide local addresses and we are trying to do our best to help them.

1070 **Mr Speaker:** The Hon. Daniel Feetham.

1075 **Hon. D A Feetham:** Yes, given the fact that he now says that the demand from people living in Spain – Gibraltarians living in Spain – is very small and I think he mentioned a figure of one or two, will he not accept, therefore, that the criticisms that he levelled against my Government, that there were ‘scores of Gibraltarians’ forced to live in Spain, because we were not providing accommodation here in Gibraltar for them, was misplaced and was wrong?

Hon. C A Bruzon: No, Mr Speaker.

1080 **Hon. D A Feetham:** Well, Mr Speaker, how could he possibly justify the statement he has been making over the past four years about those ‘scores of individuals’ living in Spain, who could not find accommodation here in Gibraltar in the light of the statement that he has made a few moments ago that the demand is very small and there are only two individuals, that, in fact, have expressed a desire to come to Gibraltar from Spain, to the hon. Member?

1085 **Hon. C A Bruzon:** These one or two individuals, Mr Speaker, have approached us in connection with our manifesto commitment. It is as simple as that. They have read the manifesto, they are aware that we are opening a new list, and they have got in touch with Housing. That is all.

1090 By the way, I did not spend the four years criticising the GSD administration because they had ‘forced people to live in Spain’. The reality is that some of our Gibraltarian people had to go into Spain, because the GSD Government took much longer than they should have in the construction of rental homes for our people.

1095 **Hon. D A Feetham:** Just in relation to that last point, it gives me an opportunity of asking this supplementary. I thought I heard him say that the GSD had constructed 490, nearly 500, homes for rental and that that was very – I think he used the term ‘insignificant’ (**A Member:** Slight.) – a slight increase in the rental stock. Does he not accept that 490 rental flats over 5,000, if I may, I know that this question makes Mr Costa nervous, but he has an opportunity to – (*Interjections*)

1100 **Mr Speaker:** Order! Order?

Hon. N F Costa: On a point of order, I simply said that the number was 500 or 400 over 15 years. I was just making his question complete, that is all.

1105 **Mr Speaker:** Yes, well... Order!

That remark was made from a sedentary position. It should not have been made and any Member on his feet would be well advised to ignore remarks made from a sedentary position.

1110 **Hon. D A Feetham:** Yes, well, will he not accept that, in fact, 490 over 5,000 is *not* an insignificant amount and will he not congratulate the previous administration for being the first administration (*Interjections and applause*) to construct Government rental homes since Varyl Begg Estate was constructed in the 1970s?

1115 **Hon. C A Bruzon:** I will certainly *not* congratulate the previous administration for *only* constructing 490 rental homes for our people.

Those 490 homes, Mr Speaker, that was a good thing and I have always acknowledged that in Parliament, I wish they had done that four, five or six years earlier to help the people on the waiting list. The reality is, Mr Speaker, that when those 492 flats were actually allocated, the housing waiting lists were not reduced by 492, because only 139 Government flats were made available to people on the waiting list because many of the people who moved from Government rental accommodation to those 490 new rental flats did not necessarily vacate rental accommodation. The lists were not reduced in the way that the GSD *hoped* they would. They were not reduced to the extent of 490. Only 139 flats were actually made available to people on the housing waiting list, Mr Speaker.

1125 **Hon. D A Feetham:** Given that he is critical of the fact that the GSD only constructed 490 rental homes during 16 years, will he also join me in condemning the hon. Member, the former Leader of the Opposition and Chief Minister for eight years here in Gibraltar, for constructing *no* rental homes when he was Chief Minister of Gibraltar. (*Applause*)

1130 **Hon. N F Costa:** That is inaccurate. That is not true. He knows it is not true.

Hon. J J Bossano: Mr Speaker, I was not responsible for constructing homes. The Government was responsible for reducing, in eight years, the waiting list, under Ministers which *he* at the time supported.

1135 **Hon. D A Feetham:** I was in the UK at the time.

Hon. J J Bossano: Well, yes, but I imagine you supported the Minister who was responsible for the estates – as he happens to be your dad! (*Applause*)

1140 **Mr Speaker:** Order.

1145 **Hon. J J Bossano:** And I think a magnificent job was done, which reduced the waiting list and which produced 50/50 home ownership at prices of £18,000 and £19,000 which, in fact, taking into account the tax breaks introduced by the GSLP administration, were practically at the level of rents. That is to say, people were moving from rented accommodation and getting an opportunity to buy 50% of a brand new house for very little more, in net terms, than they were already paying in rent and that meant that the waiting list was dramatically reduced. (**A Member:** Hear, hear.)

1150 In 1996... (*Applause*) (**Several Members:** Hear, hear.) In 1996, the hon. Member will know that the party that existed then, to which he did not then belong and which then he used to criticise as much as *we* did, came in and actually allowed the waiting list to grow bigger and bigger and bigger (**A Member:** Shame!) and, eventually, when it was getting *so* big that it was going to sink them, they came up with this estate which they promised in one manifesto and then had to re-promise in the subsequent manifesto, (*Interjection*) before they finally completed it in a rush, at the last minute, having paid many millions of pounds over the original costs, when all the companies...

1155 So I think if we compare the eight years of the GSLP and the first eight years of the GSD, the comparison is that the first eight years of the GSD were lousy; and if we compare it with the *second* eight years, all that they managed to do in the 15 years is to put the [*inaudible*] the list which they inherited. All that they did was to re-house and re-accommodate and allocate property to people that *they* had allowed to go on to the list after 1996, and the figures today show that the list today is where it was in 1996, but not where it has been in

1160 between. So, fortunately, we are now able to continue what we started doing in 1988 and we will show, in three-and-a-half years' time, what it is possible to do with a Government that is committed, as the eight years before proved. (*Applause*)

Several Members: Hear, hear.

1165 **Mr Speaker:** Order. Order. Before the hon. Member carries on, I ought to remind the Hon. Minister it is not in order to refer to relationships in regard to any Member of this House. The reference to 'your dad' was not proper.

The Hon. Daniel Feetham.

1170 **Hon. D A Feetham:** Mr Speaker –

1175 **Hon. J J Bossano:** Can I just say that I intended no offence. I did it in the affectionate way (*Laughter*) that reflects the warmth of feeling that I have for a colleague who did such an excellent job in building those housing estates.

Mr Speaker: I am sure no offence was intended, but the rules... my distinguished predecessor ruled 15 or 16 years ago that, whilst it is proper to name persons by their proper name, it is not proper to refer to anyone by relationship.

1180 The Hon. Daniel Feetham.

Hon. D A Feetham: Yes, well, Mr Speaker, I do not mind at all –

Mr Speaker: No, no.

1185 **Hon. D A Feetham:** – and let me tell the hon. Gentleman that my father shares exactly the same warmth for him as he shares for my father.

1190 My father was his best man at his wedding and I think that the hon. Gentleman was my father's best man at his wedding. But he should also recognise that, in my political career, I have shown more than once that I am my own man, that I am not my father's keeper and that simply because my father was a Minister in the GSLP Government, does not mean that I was born into that tradition, – because, clearly, I *was* born into that tradition – but that does not mean that I am bound to follow that tradition or, indeed, keep quiet and not express criticisms of him or his Government when I believe that it is justified. I will continue to do so, whether my father was a Minister in his Government or whether he was not.

1195 Now, Mr Speaker, does he not accept that it is the height of political hypocrisy for the hon. Member to have made the comment that he made a few moments ago, that there is not any demand from Gibraltarians resident in Spain and there are only two people who have approached him, when not only him but you yourself spent a considerable amount of time during the last four years criticising our administration precisely on those grounds? Now, either there was a huge demand then and there is no demand now, which is very odd indeed; or, alternatively, this really is a case of the height of political hypocrisy.

1200 **Hon. C A Bruzon:** Mr Speaker, I am just as concerned about the 28 people who the GSD acknowledge were living in Spain as I am for the 1,500 Gibraltarians still waiting for housing, (*Applause*) which the other Government did not do as much as they should have, in their 16 years, to provide homes for those people.

1205 As Mr Bossano has just said, my colleague here, the housing waiting list was reduced to a mere 200 or 300 when their term in office regrettably finished in 1996. It has been being going up and up and up to a figure of about 1,680, which was when it reached the top a year or two ago. It was reduced slightly, yes, to 1,490 to 1,500. There were new rental homes made available, but the reality is that my criticism of the previous administration on the way in which they did *not* make adequate provision for the people on the waiting list, that criticism is as valid now as it was then.

1210 I have always acknowledged in Parliament that what they did in Bishop Canilla was good – 82 or 86 flats – but by 'always', I do not mean that I said it every single day, 24 hours a day. I did refer to this a couple of times, when the then Chief Minister reminded me that they had done 82 or 86 houses for rental. The reality is that they inherited Edinburgh House, handed over by the MoD. The reality also is that, in their 16 years in

1215 office, Mr Speaker, they did not do *enough* to cater for the demand of people on the waiting lists and that criticism from me, and I assume from all my colleagues, is still as valid now as it was then.

Clerk: Question 301, the Hon. E J Reyes.

1220 **Mr Speaker:** The Hon. Minister.

Hon. J J Bossano: The hon. Member opposite has made the mistake of inviting me to agree with him that the statement made by my hon. colleague was the height of hypocrisy. He should know how dangerous it is to tread on that ground. I will tell him what I consider to be the height of hypocrisy.

1225 I think it is the height of hypocrisy to have just heard him say that he is his own man, that the fact that the Hon. Mr Feetham was a colleague and a very close friend of mine, and continues to be a very close friend of mine and did a very good job, does not mean that he cannot criticise him, because he seems to have forgotten that the *only reason* that he came to Gibraltar – he told me in my face in my office when he was trying to persuade me to hand over the control of the GSLP to him – (*Interjection*) was that he was here to get rid of Mr Caruana for all the nasty things that they had said about Mr Feetham, and that he was not interested in coming back to Gibraltar, that he was not, in fact, a person with any political ambition and that the only reason why he thought I should do a secret pact with him and pretend I was still going to carry on in the leadership of the party was so that *he* could do what he claimed I could not do, which was, in fact, to rid Gibraltar of the GSD and of Mr Caruana!

1230 *All that* is evidence of what the height of hypocrisy means – not whether there are 28 people in La Línea or two.

Hon. D A Feetham: Well, with respect, the hon. Gentleman has sidestepped the question.

1240 Now, look, if he wants to conduct a debate about Daniel Feetham, we will conduct a debate about Daniel Feetham. I do not recognise anything that he has actually said and it is a matter of public record. I wrote to him, saying to him that I was not going to be standing for election, asking the hon. Gentleman for a commitment that if he lost four elections in a row he should go. I shouldn't have even asked him for that because that is the only decent and credible thing for a leader in his position to have done, having lost four elections. (**A Member:** Hear, hear.)

1245 But, Mr Speaker, is –

Mr Speaker: Order. Order.

May I just say, I think we are straying away from the question on housing. We are now straying into the realms of internal party politics, with which I do not believe most Members of the House are interested.

1250 **Hon. J J Bossano:** If there is a question, I am happy to answer.

Mr Speaker: Can we stick to the housing issue, please.

1255 **Hon. D A Feetham:** Is he avoiding the question? Is it not the height of political hypocrisy for the Minister for Housing to stand up in this House today, saying there is no demand of Gibraltarians living in Spain for housing in Gibraltar, having *him* constantly bleating on over the last four years that there were Gibraltarians living in Spain because of the actions of the GSD Government?

1260 **Mr Speaker:** The Hon. the Minister of Employment.

1265 **Hon. J J Bossano:** Mr Speaker, the hon. Member invites me to agree with a value judgment that he is making about what constitutes 'the height of hypocrisy'. Therefore, in order to determine whether *this* is the height of hypocrisy or what he was saying half an hour ago is the height of hypocrisy, in order to do justice to the question that he is putting to me, I have to say, well, look, he is a man who says, 'People should not think that because Mr Feetham senior was your best man and was in the –

Hon. D A Feetham: Mr Speaker, point of order.

You have already made a ruling in relation to this. I have accepted it and I have not carried on with the

1270 many points that I could make about the hon. Gentleman opposite. He *insists* on deviating the answer to the question about something that is completely and utterly irrelevant. I am prepared to have a debate with him about this.

1275 **Mr Speaker:** I take the point. Yes, the Hon. Minister is requested to focus his answer on the question about housing.

Hon. J J Bossano: Mr Speaker, you ruled that I could not talk about –

Mr Speaker: Internal party politics.

1280 **Hon. J J Bossano:** No, no.

No, Mr Speaker, you ruled, if you will excuse me (**Mr Speaker:** Certainly.) and I take a very careful note because I always obey a rule. You told me I could not say it was ‘his dad’. I am not saying it is his dad any more.

1285 **Mr Speaker:** I accept that.
No, the point is –

Hon. J J Bossano: So, therefore, I am talking about *my* Minister.

1290 My Minister, Mr Feetham senior, right, was a person who was at the receiving end of many, many accusations from the GSD and consequently –

Hon. D A Feetham: He was on the receiving end of many accusations, mostly from his own supporters!

1295 **Mr Speaker:** Order! Order!

A Member: – and if he wants to continue –

Mr Speaker: Order! Order!

1300 **Hon. D A Feetham:** If he wants to continue with this line (**Mr Speaker:** Order!) I will happily have this debate with him. (**Mr Speaker:** Order!) I have no problem at all.

Mr Speaker: Order! The Hon. Minister is in the middle of an answer.

1305 **Hon. J J Bossano:** He is asking me, Mr Speaker – and I do not know whether the rules permit that kind of question, but the question has been allowed – and the question is: do I agree with him that saying that there was a big demand from people living in Spain to live in Gibraltar, and now saying that there are only two who have actually come forward, is the height of hypocrisy?

1310 I am being invited by the hon. Member to express my view on whether that constitutes the height of hypocrisy and, therefore, by that invitation, I have to respond to say, ‘Well, look, I do not think this is the height of hypocrisy because what I think is the height of hypocrisy is the things that *you* do, and the things that you have done, and the fact that you said you had come to Gibraltar to clear up the unfair and unjust accusations against one of my Ministers, for which I was very grateful you wanted to do that. But now you are telling us that, in fact, you now agree with the people who did all those things to my Minister and that you agree with the views of the people who did it. *That*, I think, is the height of hypocrisy. That is my answer.

1315 **Hon. D A Feetham:** Mr Speaker, there has to be an element of fairness in relation to this. (**Mr Speaker:** Absolutely!) You have allowed him to make all of this and, really, I do not mind, because I do not mind having a debate on this and throwing back at him what he throws at me. But the reality is that, if we are to have proper, structured and effective proceedings of Parliament, then your rulings must be respected by both sides.

1320 **Mr Speaker:** Absolutely! There was no question, I think.

1325 **Hon. J J Bossano:** Mr Speaker, can I ask you to clarify: is it not correct that the questions are supposed to be to obtain information and not opinions? (**Mr Speaker:** Absolutely!) Well, if he is asking me to agree what is the height of hypocrisy, he is asking me to express a value judgement and an opinion. Then the question should not be allowed and then none of this would happen.

1330 **Mr Speaker:** Yes, the question was an invitation to express a value judgement and an opinion which, in strict practice, should not be allowed. I did allow it, as there is a certain degree of latitude allowed in questions and the Minister and, indeed, well, both Ministers were given the opportunity to express their view on the matter, which we are, of course, listening to.

1335 The ruling I did make, was that, because the matter was straying from expressing value judgements on housing, I did not feel it appropriate to engage in, or bring up matters of internal party politics, because that would take the debate further from housing than ever before, so that was my way of seeing it and that is the way it should be conducted.

1340 **Hon. D A Feetham:** Mr Speaker, because it is not the first time that he has done it. He has done it on a number of sessions. (*Interjection by Hon. J J Bossano*) He appears to – I am addressing the Speaker, please may I be allowed the courtesy that I have allowed Mr Bossano when he has been making his points. It is a number of times that they have made these points and, in my respectful view, are attempting to shield from valid political criticism about comments or policies of the Government by, effectively, referring to my father and what I intended to do and what I intended not to do...

1345 I hope, Mr Speaker, that in the future – and I will have a debate with the hon. Gentleman about it and I do not mind having a debate – but, of course, what I do not want is a situation where, every time there is a political criticism, we then... the hon. Member launches into that kind of political diatribe, because that is really what it is, and Mr Speaker allows him to do so and does not, in fact, cut him short because, of course, if he makes comments like that, then we are bound, on this side of the House, to stand up and make other comments. That is not really the way that parliamentary proceedings ought to be conducted and it is not really what members of the public listening to question and answer expect from us as parliamentarians.

1350 The hon. Gentleman has, during the course of today, mentioned my father, mentioned conversations which did not happen between me and him in, I don't know when. He has invited me to the lobby to have fisticuffs with him and that is not the way parliamentary proceedings ought to be conducted.

1355 **Mr Speaker:** Can I just bring this debate to an end by making one clear ruling and I will enforce that very strictly henceforth: internal party politics – whichever party you are talking about, whatever the circumstances – is not a subject properly to be discussed in this forum. Parliament is *not* about internal party politics. That I think is very clear and we will all observe that henceforth, very strictly.

1360 The Hon. Charles Bruzon.

1365 **Hon. C A Bruzon:** As the original question was for me to answer, may I just make a comment in connection with supplementary remarks made by the Hon. Daniel Feetham, that the demand that I am referring to was not the demand for housing coming from people who have had to be housed in Spain because there was not sufficient rental homes in Gibraltar. The demand that I was talking about was the demand in connection with the list, that new list. That is all, Mr Speaker.

Mr Speaker: The Hon. Edwin Reyes.

1370 **Hon. E J Reyes:** Mr Speaker, I know it was a while ago, but am I right in interpreting then that what the Hon. Minister for Housing is now saying is that every single applicant on the housing list, as it stands today, will be given a house within the current term of office?

1375 **Hon. C A Bruzon:** Not everybody who is on the housing waiting list today, Mr Speaker, but those who were on the housing waiting list, pre-list and list on 9th December. They have an assurance from us that they will be housed before the four term in office is completed.

Hon. E J Reyes: That, Mr Speaker, is a slight deviation from the manifesto commitment, because the manifesto commitment says that those who were on the housing list prior to election day will be allocated

1380 during their term of office and that those subsequently putting their names down will be allocated a house within a three-year period. So, a three-year period is less than what their term of office is left, therefore it should mean that everyone today on the housing list should be allocated within the term of office.

1385 **Hon. C A Bruzon:** Mr Speaker, the assurance and commitment that we offer is that all the applicants on the waiting list as on 9th December will be allocated a home within the four term in office. After that, people who go on the list later on, will be allocated a home in three years, but we have to do the first part first. We have to complete the four-year commitment in connection with housing those people on the waiting list on 9th December.

1390 **Hon. E J Reyes:** Mr Speaker, my understanding is slightly different. It says:

‘The supply of new homes will be kept under review in the light of applications received from 9th December onwards’,

1395 so an application submitted on 16th day of March is after 9th December. Full stop. Next sentence, still within the same paragraph:

‘Nobody in future will have to wait for more than three years to be rehoused.’

1400 Therefore, within three years of today’s date, if I become an applicant, I expect to get a home. Is that not correct, Mr Speaker?

Hon. N F Costa: Mr Speaker, if the hon. Gentleman is confused, because he clearly has not read the paragraph that is above it:

1405 ‘Eliminating waiting list: Everyone on the housing waiting list and on the pre-list on 9th December, who has not received a letter allocating them a flat will also be rehoused before the next election, eliminating the existing waiting list and pre-list. The pre-waiting list will be eliminated.’

1410 In other words, everyone on the pre-list or the waiting list on the 9th will be allocated a house within this term of office and *then* the supply of *new* homes will be kept under review, in the light of applications received from the 9th onwards. So, if he does not understand that, it is because he does not understand reading plain English, I am sorry.

Hon. E J Reyes: No, Mr Speaker, then it is clear that my teachers did not teach me quite well. No, sir.

1415 Two separate paragraphs under two separate headings. One is ‘Elimination of waiting list’, which is what the hon. Member has said. New paragraph, new heading: ‘Waiting reduced to three years maximum.’ Tell me, sir, what do I not understand in English language? It says here, if I put my name down for housing after 9th December within three years I am going to get a house. (**Several Members:** Hear, hear.) Explain to me, Mr Speaker. (*Applause*)

1420 **Hon. D A Feetham:** May I also add to that, so I do not have to ask later on, he finished reading and did not read the sentence that said:

‘Nobody in future will have to wait more than three years to be rehoused.’

1425 **Hon. N F Costa:** That’s right!

Hon. D A Feetham: That is absolutely clear.

1430 **Hon. N F Costa:** Yes, that’s right.

But, Mr Speaker, I am sorry, they are making political mischief and they know it. It is very simple. A plain, ordinary reading of both paragraphs combined give the net result of the answer that the Hon. Mr Charles Bruzon has made.

The difficulty, of course, that Mr Charles Bruzon has is that he is a kind-hearted and polite gentleman, who does not give time to the *ridiculous* misinterpretations that they proffer for political, partisan reasons.

1435 The answer he gave is perfectly clear. I will read it again, so that it is perfectly clear for those who pretend to be able to read plain English, but clearly cannot for their own political mischief reasons.

1440 'Everyone on the housing list and on the pre-list on 9th December, who has not received a letter allocating them a flat, will be rehoused before the next election.

Everyone. Everyone. Everyone before the next election. All right, so that is a four-year mandate and then it *eminently clearly* says,

1445 'the supply of *new* homes will be kept under review from 9th December onwards, so that nobody in future –'

i.e. in respect of the new homes, as clearly stated, peradventure,

'will have to wait for more than three years to be rehoused',

1450 which may I also say, Mr Speaker, given the appalling and atrocious record of the GSD of creating an average of around 40 or 50 flats for rental a year over 16 years is a strong, solid... and I know the people of Gibraltar welcome this manifesto commitment. (*Applause*)

1455 **Hon. D A Feetham:** With respect to the hon. Gentleman for *his* interpretation of what this manifesto actually says, you have to be a lawyer and you have to be an extremely *bad* lawyer at that. What you are saying is, that the sentence,

'nobody in future will have to wait for more than three years to be rehoused'

1460 is a reference to *new* homes. So what you are saying is that commitment only bites when you, on the other side of the House, decide to build new homes. It is the most *ridiculous* 'commitment', if that is the case, that I have ever heard and it is the most ridiculous commitment contained in this manifesto, far more ridiculous than the Future Job Strategy that Mr Bossano came up with at the last General Election.

1465 Does he not agree with me that the words, 'nobody in future will have to wait for more than three years to be rehoused' only is capable of one meaning and that is that no-one will have to wait more than three years to be rehoused?

Hon. N F Costa: As from 9th December.

1470 **Hon. D A Feetham:** Yes, as from 9th December. I understand that [*inaudible*].

Hon. N F Costa: That is the answer. As from 9th December.

1475 **Mr Speaker:** Order! Order! Order!

Hon. N F Costa: If I am bad at interpreting, I am a bad lawyer...

1480 Let me remind the Minister about political hypocrisy, (**Mr Speaker:** Order!) when *he* came out in a party political broadcast saying that he was very worried about Gibraltarians having to live in Spain because of the GSD's appalling housing policies. How about that for political hypocrisy? (*Applause*)

Mr Speaker: Order! Order!

Hon. D A Feetham: Is the hon. Gentleman going to answer the question? (*Interjections*)

1485 **Hon. N F Costa:** Did he not make that statement in a party political broadcast?

Mr Speaker: Order! Order!

1490 **Hon. D A Feetham:** If the hon. Gentleman wants to ask the questions, perhaps he might be able to persuade all his colleagues to resign en masse and then come to this side of the House. Otherwise, it is us that

ask the questions; you have to answer them.

Hon. N F Costa: Point of order, Mr Speaker. I am answering the fact that he said I was a bad lawyer –

1495 **Mr Speaker:** Order! Order!

Hon. N F Costa: – the answer I have just given, if I was a bad lawyer, he has a bad memory!

1500 **Mr Speaker:** Order!

Hon. D A Feetham: I am not suggesting... the hon. Gentleman is a good personal friend of mine. Never would I suggest that the hon. Gentleman is a bad lawyer. (*Interjections*) And he knows that. (*Interjections*)

1505 **Mr Speaker:** Order! Order! Would the hon. Members please listen...

Order! In this House *none* of us are lawyers. We are all Members of Parliament, so the accusation ‘good or bad lawyers’ is totally out of order and irrelevant. We are all Members of Parliament. Nobody is a lawyer here and, quite frankly, having listened to this discussion, we are both looking at the same document. I do not think we are going to get much further trying to analyse what the document says.

1510 I think both sides know what the document says. I think the people out there know what the document says and I do not think there is a call for any further interpretation of the *document*. Any further questions, yes, but not on the document, mainly the manifesto.

1515 **Hon. D A Feetham:** Yes, I think the question that was asked by my friend, Mr Reyes, was a question about Government policy in relation to housing, perhaps the Hon. the Minister for Housing, or indeed Mr Costa, if he is so keen to participate in the debate, might be prepared to answer, which is... Is it a commitment of the Government to rehouse anybody within three years? In other words, anybody that is on the list today is going to be rehoused within three years. Is that the commitment?

1520 **Hon. C A Bruzon:** Mr Speaker, in January I think we had a less heated debate, or question and answer session, with the Hon. Edwin Reyes, when he asked me about that and I said that weren’t we splitting hairs here, really?

1525 Let’s face it, the important thing, I suggested then, was that we provide as many houses for our people as is conceivably *possible* and that we have a serious commitment, whether it is three years, whether it is three years and nine months, whether it is four years and three months – and we failed a little bit, because we are three months late. The reality is that we have a *serious commitment* to provide as many houses as possible, and I pray to God there will be more than... that we do it as quickly as possible and as efficiently as possible, whether it is three years, whether it is four years.

1530 Mr Speaker, whatever interpretation we want to suggest, or want to give to the manifesto commitment, the commitment is, on an ongoing basis, to provide as many homes as possible for our people and reduce the housing waiting list as far as we possibly can.

Mr Speaker: The Hon. Edwin Reyes.

1535 **Hon. E J Reyes:** Yes, thank you, Mr Speaker.

I think there are some areas there I would certainly agree, so in that agreement I was just trying to get a confirmation: what was the policy?

1540 I was trying to explain to the Hon. Minister, I took it that anyone who was on the housing list, pre-list or whatever type of list, before 9th December, the commitment was that they would be offered a home within a four-year period. I then added, for the clarification of what the electorate is asking me as well, those who put their names down on a subsequent date, meaning the future – and I used today’s date as an example – is it then not the case and is he still stuck to the commitment that, within a three-year period of putting your name down? Hypothetically, that I become an applicant today, within a three-year period it is his intention to offer me a home as well? That is simply what I was trying to get at.

1545 **Hon. G H Licudi:** Mr Speaker, the commitment is as set out in the manifesto. It is very clear and we

intend to keep to that commitment and every other commitment in the manifesto. (*Applause*)

1550 **Hon. S M Figueras:** Mr Speaker, just for clarification purposes, is that what the commitment is, as my hon. Friend has requested?

Hon. G H Licudi: Well, Mr Speaker, it seems somewhat out of order for me to say, 'the commitment is what it is' and the hon. Member then gets up and says, 'Well, is that what the commitment is?' I have already said that it is and we stand by it.

1555 **Hon. S M Figueras:** Mr Speaker, with respect, I do not agree with the hon. Member. My hon. Friend, Mr Reyes, has asked for a clarification of what the commitment is and he has been unable to give it. That was the simply the reason why I asked.

1560 **Hon. G H Licudi:** There was no inability to provide any clarification. The matter is absolutely crystal clear. It is as set out in our manifesto and we intend to commit to that and everything else.
If he wants me to repeat it 10 times, I will do so, but I can go no further than –

Mr Speaker: Please don't. Order.
1565 I think I have allowed sufficient opportunity for this particular information to be obtained. The answers have been provided. It may not be the answer which a particular questioner has sought, but that is the answer and we have to accept that, as far as this question goes.
The Hon. the Deputy Chief Minister.

1570 **Hon. Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I move that this House do now adjourn until half past three today.

Mr Speaker: Will that be convenient to all the hon. Members, adjourn until half past three this afternoon?

1575 **Hon. C A Bruzon:** Sorry, not to me, Mr Speaker.
Could you kindly, with the Deputy Chief Minister's permission, allow me to finish my answer.
Have I actually answered all the questions I had to because I cannot come back at half past three?

Mr Speaker: I have drawn a line at that last question.
1580 The way I see it there are still (*Interjections*) three... (*Interjections*) Order! Order!
There are three Questions still... (*Interjections*) Order!

Hon. Deputy Chief Minister: Mr Speaker, we will finish the Questions and then adjourn.

1585 **Mr Speaker:** Question 301, is it?

**Management Companies of co-ownership housing estates
Meetings with Minister for Housing since Q186/2012**

1590 **Clerk:** Question 301, the Hon. E J Reyes.

1595 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state if he has, since his answer to Question No. 186/2012, held meetings with any management companies of co-ownership housing estates in order to address the issue of increasing service charges and/or other concerns?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1600 **Minister for Housing and the Elderly (Hon. C A Bruzon):** No, Mr Speaker, I have not yet met with any management companies of co-ownership housing estates.

1605 **Hon. E J Reyes:** Mr Speaker, if I recall correctly, last month the hon. Member said that the meetings were imminent and then, in the Chamber, in order to help the Minister be better prepared for the meetings, I gave him an example of a letter showing how service charges were being increased, which is the main concern for these residents. Does the Minister expect to hold the meetings quite soon because the talk within these co-ownership housing estates is that it is taking quite a long time to get this matter started?

1610 **Hon. C A Bruzon:** What I am doing, Mr Speaker, is that I am meeting a number of representatives of housing estates – hundreds and hundreds of individuals – who want to see the Minister for Housing, and the reality is that I know that the Chief Minister is interested to be present at this meeting and, therefore – he is not in the House now – but I would suggest that... or if I could ask a rhetorical question... if the Member is speaking on behalf of a particular group, if they were to write to us, I am sure that we could give them a meeting as soon as we possibly can.

1615 **Hon. E J Reyes:** No, Mr Speaker, I am only speaking on behalf of the electorate and not of any particular group – certainly not. I do not pretend for a minute to speak on behalf of the group of the housing estate or the co-ownership housing estate in which I live. I have no such mandate, only a mandate on behalf of the electorate.

1620

Varyl Begg Estate
Estimated completion date for works in communal areas

1625 **Clerk:** Question 302, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing give an estimated completion date for the works currently being undertaken in the communal areas at Varyl Begg Estate?

1630 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Yes, Mr Speaker, a certificate of practical completion was issued on 27th February 2012.

1635 **Hon. E J Reyes:** Do I take it, then – and I am asking this question with a bit of ignorance – that all the works are now deemed as having been completed?

1640 **Hon. C A Bruzon:** My understanding, Mr Speaker, is that the works started by the previous administration have been completed. Obviously, it is an ongoing process and we intend to continue refurbishing not only this particular estate but all other Government estates.

1645 **Hon. E J Reyes:** Yes, Mr Speaker, what I am trying to get at is that some of the residents of Varyl Begg Estate have expressed a bit of a concern that there seems to be Heras fencing and so on around and they do not quite see much work happening. Now that the better weather is coming along and refurbished play areas and the communal areas... they are a bit concerned that they may not be able to enjoy as much this area with young children because of the ongoing works. So is there a message that the Hon. Minister can send to those tenants of Varyl Begg Estate to assure them of the completion of those works?

1650 **Hon. C A Bruzon:** Yes, Mr Speaker, I am conscious of the concerns expressed by the Varyl Begg Association and I am constantly in touch with them and I have spoken to one individual only a few days ago about it and things will happen.

1655

**Government Rental Estates
Reporting and replacing of fused light bulbs**

Clerk: Question 303, the Hon. E J Reyes.

1660

Hon. E J Reyes: Can the Minister for Housing explain what procedures are in place for the reporting of and replacement of fused light bulbs in all communal areas of Government Rental Estates?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1665

Minister for Housing and the Elderly (Hon. C A Bruzon): For any fused light bulb problems in all the communal areas of Government Rental Estates the standard procedure is to report this to the Ministry for Housing Reporting Office. The work will then be tackled by our contractor engaged for this task.

1670

Hon. E J Reyes: Mr Speaker, when he said to 'report' this, who is meant to do the reporting?

Hon. C A Bruzon: The reporting is made by whoever notices that there is a bulb broken in an estate.

Hon. E J Reyes: So it is upon the tenants of the estate to report this to the Housing Work Agency?

1675

Hon. C A Bruzon: I imagine so. If one of my men are driving through Varyl Begg Estate and they see that there are some lights broken or fused, I imagine that they would report it themselves.

1680

Hon. E J Reyes: Mr Speaker, I understand the hon. Member is trying to be helpful, but it is not a question of 'imagining'. One has to know clearly what the procedure is. I will give him an example of one which was expressed to me.

Since very early in this new year there seems to be a very good, or very substantial, number of fused light bulbs in Mid Harbour Estate, including the stairwell which has to be used when the lift is not working, and people are concerned that one or two, close to three months later, no-one seems to have fixed those light bulbs and the tenants are simply asking... well, you know, the onus is upon whom to report this and who is responsible to ensure that the works are done within a reasonable period of time, and certainly, two months on does not seem to be a reasonable period of time to have to wait for light bulbs to be replaced.

1685

1690

Hon. J J Netto: Could I ask, Mr Speaker, from the moment that a tenant makes a report in the Reporting Office in the City Hall, within the procedures that the reporting staff have, can the Minister judge whether there is a response time between the time reporting the fault and the time of execution of the works? Is that the case?

Hon. C A Bruzon: You have asked if I can judge and then you say, 'is that the case?'

1695

Hon. J J Netto: Sorry? What I am trying to get is, within the resources available within the Reporting Office, will the Minister – or, indeed, management for that matter – be able to print out a printout saying the day on which a tenant reported a bulb which was fused and the actual time that the bulb has been replaced with a new one? Is that resource available?

1700

Hon. C A Bruzon: Yes, Mr Speaker, the computer keeps records of all the reports made to the Reporting Office and I am sure that if a bulb is broken and the report is made, it can appear on a printout if it is printed.

1705

Hon. J J Netto: Given that the resources are available, does the Minister for Housing have a judgement, an idea, what is a reasonable period of time that a tenant should wait for the bulb to be replaced?

Hon. C A Bruzon: Mr Speaker, to be honest with the hon. Gentleman, I have got many, many more serious problems in connection with applicants for housing than worrying about a bulb; but, indeed, I take your point. I certainly do not wish our tenants to walk in the darkness when the sun sets and, therefore, these repairs should be done immediately, basically.

1710 **Hon. J J Netto:** Mr Speaker, I do, of course, realise that the Hon. Minister for Housing has a lot more serious problems, but let me tell him that if there is a particular person – as there is, and I know some people who are partially blind, and if a bulb is fused at night time that could be the cause of an accident – for that particular person that is an important thing.

1715 So whilst, obviously, the Minister for Housing has much more important things to do, the partially blind person is also an important person, who needs that bulb to be replaced. The point I am trying to get at is the Minister and the senior management, indeed, should have a target of accepting when it is reasonable that work should be done – in this case replacing bulbs which are fused – and going beyond that certain time, which is the response time, then the Minister and the management should take action to ensure that the work gets done. Is that the case, Mr Speaker?

1720 **Hon. C A Bruzon:** Mr Speaker, I think I have already answered that, or partly answered that. The aim should be – and I have just taken over the Housing Department recently – that light bulbs should be replaced ASAP with the maximum possible speed, but I cannot say, ‘I will allow it to be like that for a whole month before I take action.’ No. It has to be done as soon as is conceivably humanly possible for the benefit of all the people that you have mentioned and for everybody.

1725 **Hon. E J Reyes:** Mr Speaker, I am still none the wiser in my original question. I asked for an explanation of the procedures and I am still none the wiser. When a light bulb is fused, whose responsibility is it? Is it the tenants to report it to a particular Department or are there personnel within the Housing Agency that go and check this out so that these tenants can at least be informed and know what it is that they have to do?

1730 **Hon. E J Reyes:** Mr Speaker, I am still none the wiser in my original question. I asked for an explanation of the procedures and I am still none the wiser. When a light bulb is fused, whose responsibility is it? Is it the tenants to report it to a particular Department or are there personnel within the Housing Agency that go and check this out so that these tenants can at least be informed and know what it is that they have to do?

1735 **Hon. C A Bruzon:** Mr Speaker, first of all, let me say that I have not heard of the problem in terms of my staff coming to me to say, ‘Minister, who is responsible for this or for that in terms of light bulbs?’

I do know that... *I imagine*, common sense tells me, that if a tenant spots that all of a sudden his area is dark because a light bulb is fused, then that tenant probably will report it. If that tenant does not, maybe others will or maybe our own people as they drive through the estate. As I said earlier, if they spot it, the likelihood is that they are not going to go driving through there at 11.00 p.m., so it would probably would depend on the tenants letting us know. That is all I can say to him at this point.

1740 **Hon. E J Reyes:** Mr Speaker, would the Hon. Minister assure me that he will undertake... because I am informed by tenants, for example, the one I gave on Mid Harbour Estate, that some time during the month of January they reported fused light bulbs which rendered a certain degree of darkness that made it difficult for them to access their homes at night time, especially if, unfortunately, the lift was out of order and they had to walk up this dark stairwell. They have reported the matter at some stage during the month of January – I do not know the exact date – and in the middle of March the repairs have still not been undertaken.

1745 **Hon. C A Bruzon:** That is wrong and, as far as I can, I will avoid this happening in the future, Mr Speaker.

1750 **Hon. E J Reyes:** I am very grateful for the Minister agreeing that it is wrong and I take his personal assurance that this will be remedied as soon as possible, in some cases as a matter of urgency.

1755 **Mr Speaker:** The Hon. the Deputy Chief Minister.

Hon. Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I move that this House now adjourn until half past three.

1760 **Mr Speaker:** Is that convenient to all the hon. Members?
This House will adjourn until 3.30 p.m. this afternoon.

The House adjourned at 12.50 p.m. and resumed its sitting at 3.30 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.30 p.m. – 7.00 p.m.

Gibraltar, Friday, 16th March 2012

The Gibraltar Parliament

The Parliament met at 3.30 p.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Questions for Oral Answer

HEALTH AND THE ENVIRONMENT

Western Beach pollution problems Technical explanation

Clerk: Answers to Oral Questions continue.
Question 265/2012, the Hon. S M Figueras.

5 **Hon. S M Figueras:** Mr Speaker, will the Minister with responsibility for the Environment provide details of the technical explanations received as to why previous solutions have not worked to solve the Western Beach problem as reportedly discussed at the Chief Minister's meeting with the La Línea Mayor, Ms Gemma Araujo?

10 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, may I first apologise for my voice. I am suffering from a cold.

I will answer this Question together with Question 266.

15
**Western Beach pollution problems
Discussions with Mayor of La Línea**

20 **Clerk:** Question 266.

Hon. S M Figueras: Mr Speaker, in light of the meeting held by the Chief Minister with the La Línea Mayor, Gemma Araujo, can the Minister for the Environment confirm whether any agreement has been reached with the said Mayor in respect of progressing towards a solution to the Western Beach pollution issue?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

30 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the technical solution to this issue is that the illegally polluted discharges from the storm water drain should not discharge into the sea. In order for this to occur, La Línea needs to be able to invest in works to their system.

The poor state of the La Línea economy has made an investment of this nature almost impossible, even though the present Mayor would clearly like to be in a position to do so. Government has concluded that, under the circumstances, pursuing a solution with the regional authority, as was the previous administration's preference, will not lead to this.

35 It has, therefore, decided that it is Spain's central government that needs to be made responsible and pressed for a solution, and an official complaint will be lodged with the EU to this effect.

40 **Hon. S M Figueras:** Mr Speaker, I am grateful to the Hon. Minister for his answer. However, he has failed to address the point of what technical solutions have not worked previous to this meeting.

Hon. Dr J E Cortes: The fact is that the technical solutions would be almost impossible in one respect, in the sense that they are illegal connections to the storm drain and the technical solution would be to cut off those illegal connections.

45 Also, any works which would have to be carried out to take the effluent from the point at which they enter the sea to a point far enough away where they would not cause contamination would be more costly than it appears the La Línea authorities are able to cost. Those are the solutions, of which one is very difficult because it is a question of illegal connections and, obviously, the costs that that will incur.

50 It is not for me to make excuses for the La Línea authorities; I am just reporting the facts.

Hon. S M Figueras: Just by way of an aside to this matter, I have been made aware in the last few days of what appears to be some works in the area of that storm drain. I wonder whether the Minister is aware of any action being taken at this time?

55 **Hon. Dr J E Cortes:** No, I am not aware and if they have decided to progress any works then, obviously, we would welcome that, but that does not come to us officially. They may be works which are not related to that, even though they are in the area, but certainly I will endeavour to find out as soon as possible.

60 **Hon. S M Figueras:** I am grateful, Mr Speaker.

Hon. Chief Minister: Mr Speaker, if I might just, in terms of information... the Government has also been made aware of those works.

65 They do not appear to be of the nature that would suggest that they are designed to deal with the problem, although they may be designed to deal with ancillary problems arising in that storm drain.

Hon. S M Figueras: I am grateful to the Hon. the Chief Minister for his participation in the answer.

I understand that this is a matter that has complicated cross-border – what is the word I am looking for? (*Interjection*) – dimensions to it. Thank you.

70 However, in January, we were told that the matter was being reviewed, that legal advice had been sought and then, in February, that the advice had been received and was being considered and would be considered – and I quote – ‘for a considerable length of time’.

75 Obviously now, in light of this meeting, and the decision that the Government appears to have taken in respect of the matter, would the Minister agree with me that it is now of the highest priority to pursue this complaint with the central government in Madrid, to try and progress the matter before the bathing season is upon us?

80 **Hon. Dr J E Cortes:** Yes, Mr Speaker, in 2010 – I was not a member of this Parliament, but I have checked *Hansard* in relation to my preparation for this Question – the then Government was not sure what the source of the pollution was. In 2011, when the issue was raised again by the then Opposition, it had become clear to them that it was pollution proceeding from this drain in the La Línea area, and the Government at the time was of the opinion that it had to proceed with discussion with the regional authority first, and then consider taking legal action.

85 I am aware, from my officials, that certain steps were taken, but they were made aware also that it was unlikely that the regional authorities were going to take any steps, and that is where it was left. When I came into my responsibilities for the environment, we wanted to confirm that those steps with the regional authorities were not going to get us anywhere, hence the discussions with the Mayor of La Línea and that was within two and a half months of our coming into office. Within about a month, we have now got all the documentation, all the data, updated.

90 I have seen the reports today and I am having a meeting with Mr Llamas next week, in order to make the complaint with the EU in the shortest possible time. It is, in fact, imminent.

95 **Hon. S M Figueras:** Mr Speaker, I commend the Hon. Minister for the action that is being taken in respect of this matter, which is obviously one of great concern to the community. Is he in a position, however, to say to this House whether he anticipates the problem will be solved in a specific timeframe, or is this simply just out of his hands and the community will be, unfortunately, without resolution in this matter for some time to come?

100 **Hon. Dr J E Cortes:** Yes, I do not want to waste the Parliament’s time in looking for the precise quote, when a similar question was asked a year ago of the then Chief Minister, but it is unlikely that this will be resolved in a very short space of time.

Hon. S M Figueras: I am grateful for...

105
Barbary apes
Population details

110 **Clerk:** Question 267, the Hon. S M Figueras.

Hon. S M Figueras: Yes, Mr Speaker, can the Minister with responsibility for the Environment provide this House with details in relation to the ape population in Gibraltar, broken down by births, deaths and location over the last four years?

115 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the information requested by the hon. Member is contained in the schedule which I now hand to him.

Answer to Question 267

Barbary Macaques Population

Year	Total population at start of year	Deaths	Births	Total Population at end of year	Breakdown of population by location*					Totals (+/- 5 animals)
					Middle Hill	Prince Philip's Arch	Anglian Way	Apes Den	Farringdon	
2008/9	241	56	27	212	54	61	43	38	16	212
2009/10	212	57	27	182	48	57	29	40	9	183
2010/11	182	36	29	175	50	56	24	35	12	177
2011/12	175	13	21	183	46	56	34	41	9	186
2012/2013	183	3								

* It should be noted that there is movement of macaques between locations and that some groups are sub-divided.
(Data provided by GONHS)

120 **Hon. S M Figueras:** I am grateful.

**Barbary apes
Plans for dealing with problems**

125

Clerk: Question 268, the Hon. S M Figueras.

130 **Hon. S M Figueras:** Can the Minister for the Environment confirm what plans, if any, have been put in place by his Government, beyond what was already in place on the 8th December 2011, to deal with the issues faced on a daily basis by many members of the community arising from the size, distribution and behaviour of the Barbary ape population?

Clerk: Answer, the Hon. the Minister for Health and Environment.

135 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 269.

140

**Barbary apes
Plans for population management and anticipated cost**

Clerk: Question 269.

145 **Hon. S M Figueras:** Can the Minister for the Environment provide details of his Government's policy for the management of the Barbary ape population in Gibraltar, as well as further details of costs of the measures anticipated?

150 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, no new systems have yet been introduced since December 2011, although contracted staff continue to attend when called. However, complaints in the past three months have been few.

The Government's policy for the future management of the Barbary Macaques is based on the Barbary

155 Macaque Management Plan, which was presented to the then Chief Minister in the autumn of 2009, but which was never agreed nor implemented by the then Government.

This plan was prepared by representatives of the Gibraltar Veterinary Clinic, the Gibraltar Ornithological and Natural History Society, and the Department of the Environment, with the involvement of the Gibraltar Tourist Board.

160 The plan will be updated and re-costed, following consultation with the team that prepared the plan and with Prof. Agustín Fuentes of Notre Dame University, Indiana, who is a world expert on Macaques and has worked in Gibraltar.

165 Prof. Fuentes is currently in the field in the Far East and will visit Gibraltar shortly. Once the plan has been updated, it will be made public. However, I can say that the main components will be improving the sites on the Upper Rock, increasing on-site supervision, observation and data collection, contraception and, as far as possible, exportation.

170 **Hon. S M Figueras:** In the context of the exportation of the apes, is the Minister able to confirm whether there are any willing entities which have been identified to receive any of the Barbary apes?

Hon. Dr J E Cortes: Yes, Mr Speaker, in fact, there was an entity which, for possible commercial reasons, I will not name, but I am happy to give the information to the hon. Member outside this House.

175 There were approaches from one entity in the United Kingdom, which did not come to fruition, and we have re-engaged with them to see whether there are possibilities and the possibility of sending Macaques back to North Africa. Tunisia, possibly, now that the political situation there has changed, and Morocco, certainly, are still being considered and contacts are once again being made, with a view to the possibility of sending some of our surplus animals to North Africa.

180 **Hon. S M Figueras:** Mr Speaker, is the Hon. Minister able to commit to a period of time during which this may occur?

185 **Hon. Dr J E Cortes:** No, Mr Speaker, at this stage, I am not. It is a complex issue. Particularly in North Africa, there are many different levels of authorities there that have to be engaged, and at this point in time, it is too early. But I will share that information with this House as soon as anything is certain, because I think it is something which is in the interest of the whole community.

Hon. S M Figueras: Has the Hon. Minister managed to overcome the issues that the previous administration was facing in respect of the exportation – the practical aspects of the exportation of the apes?

190 **Hon. Dr J E Cortes:** This is a problem that I have personally been dealing with through several administrations, and the problems are not yet overcome.

195 The problems are several. I have no problem with sharing them with the House. One is the inability, or difficulty, of getting them through the land frontier, and the other is the fact that none of the airlines currently servicing Gibraltar will take animals on their flights. Therefore, one has to resort to either transport by sea, which could be very long and not satisfactory for animals in boxes, or chartering of aircraft, which are issues which obviously increase the cost of any such exportation.

In the discussions with the UK entity, it would be hoped that, perhaps, there could be co-funding. In the question of North Africa we have not got that far yet.

200 **Hon. S M Figueras:** Is the Minister confident, then, that the issues arising from the practical exportation of the apes are ones that will be overcome in due time?

205 **Hon. Dr J E Cortes:** Yes, inasmuch as when the present Minister was working in a non-governmental organisation, even though for a long time there was a lot of goodwill from the Government at the time, I was not personally in a position to move certain things that I hope, as a Minister, and with the backing of my colleagues in the Cabinet, I will be able to make some inroads. But, obviously, the proof of the pudding, as the saying goes, will be in the eating.

Hon. S M Figueras: Is the Minister able to confirm to this House whether or not – and I understand you

210 are in the early stages of discussing the matter with the UK entity in question – they are interested in sufficiently large numbers of the population, as would make a significant impact on the local population?

Hon. Dr J E Cortes: Yes, they are.

215 The discussions, as far as I was involved with the previous administration, although mainly with the Hon. Mr Britto – who is not here in this Chamber any longer and is now lucky enough to have time to be on the stage, which is something I will not be doing for a while, I suspect – the intention was that they would take one group, initially, of up to 30 animals, followed by a second group of up to 30 animals and, quite frankly, if we were able to export two groups like that, the situation would be back to a very manageable level. So it would be useful if we could pull it off.

220 **Hon. S M Figueras:** Mr Speaker, I suspect that this House will be as close as we both get to the stage for some time to come!

I am grateful to the Minister for his answer.

225 In relation to the numbers, is the Government committed to a specific number in relation to the management of the population?

230 **Hon. Dr J E Cortes:** Mr Speaker, numbers will not necessarily solve the problem. The aim of successive Governments, ever since Prof. Bob Martin, then of Zurich University, now of Chicago Field Museum, carried out his survey some years ago, I forget the exact year, the recommendation was that 180 should be the maximum number and the number at the moment is about – give or take – five animals per group. It is not possible to be exact, you are always going to miss some, and I am referring to the schedule from the previous question – the number is now down to about 186.

235 But it is not just numbers, as such, because if you have one group of 30 animals, which are stable and they are on the Upper Rock, then that is not going to be a problem. You could have a smaller group of 10 or 15 animals that decide to roam, and then you are going to get a problem. So it is not just the absolute numbers, but the composition and their behaviour. Although the numbers are approximately what the scientists say we should have, the question is now where those numbers are and that is where the management issues come in.

240 **Hon. S M Figueras:** Mr Speaker, perhaps you will indulge me just one question which may perhaps include an element of speculation and the Minister will decide whether or not he chooses to answer it.

If for any reason, practical, economical, or otherwise, the Government were unable to move on the process of exporting up to, say, 60 Barbary Macaques, how would the Government propose to deal with the population, as it grows, in the light of their stated position on culling?

245 **Hon. Dr J E Cortes:** I think there was an argument about speculation earlier on in this session. I am not going to accept failure at this stage.

All I can do is confirm that we can control movements, we can control the problem of where the animals go to, without culling, and that would be our aim, if we could not export.

250 Controlling the way they – ‘control’ is a very strong word, you cannot really control a wild animal, but manage in such a way that the likelihood of them coming into contact with areas of human habitation would be reduced. We are not contemplating culling.

255 **Hon. S M Figueras:** Mr Speaker, the only reason why I asked the question is because, if their likeness on warning signs all over the Upper Rock is to be believed, the Barbary macaque is a dangerous wild animal and there have been stated instances of attacks on the human population which, of course, have been discussed in this House in previous sessions.

260 It is a concern, certainly from this side of the House – and I fully believe that it is shared across the floor – that incidents of that nature should be, as far as possible, a thing of the past and it is this side of the House’s position that the policy of not culling at all, no matter what, may lead us to a situation where it is not manageable. Hence the question, but I do completely concede that it involves speculation.

Hon. Dr J E Cortes: I have no problem in commenting on that. It is not the numbers, it is what the animals are doing, it is where they are, it is the interaction, it is the way people interact with them. It is normally people who cause the bites, not the animals. So what we have to control is the man-Barbary

265 macaque interface and the management plans that we are going to be introducing will tackle that, regardless of the numbers.

270 You can have one group of 20 monkeys and, if they are treated in the wrong way and they are in the wrong place, they are going to bite. I can say that there is scientific research, which I do not have here – I could, if I had had notice – which indicates that the percentage of bites in Gibraltar is the lowest of that in any population where monkeys and humans come together. That research, in fact, has been carried out by Prof. Fuentes, who will shortly be here on his way back from the Far East to advise us further.

275 **Hon. S M Figueras:** The plans for management, which the Hon. Minister has just referred to, is there a timescale on that?

280 **Hon. Dr J E Cortes:** Yes, Mr Speaker, we are starting our consultation process on the question of the Upper Rock management within the next two weeks and the question of the Barbary Macaques will be considered in tandem with the rest of the Upper Rock, so I think we would be able to have something in place within the next, maybe, three or four months. I am not going to be held to that timescale, but that is the timescale that I would like to see and the way I see it, as it is developing at the moment.

Hon. S M Figueras: Mr Speaker, is the Minister able to enlighten this House, as to the kind of cost that the Government is contemplating is almost the ceiling in this matter?

285 The Hon. the Chief Minister did refer in a question in a session in 2009 to the fact that the then administration needed to take stock and invest a significant amount of money in this particular issue. Has the Minister or the Government taken a moment to consider where the ceiling might be in relation to those costs?

290 **Hon. Dr J E Cortes:** Yes, I have an idea of the cost, but because it depends on which final model of management we follow and because I still think we could benefit from our external adviser, I do not feel I am in a position to offer any actual figure at this stage but, as soon as we have an idea, then, obviously I would be able to do so. I do not think it would be correct for me... It is too early a stage now to be able to commit myself to figures.

295 **Hon. S M Figueras:** If Mr Speaker will indulge me with one more supplementary on the matter – the Hon. the Chief Minister in this very House, some years ago, referred to having not been gutless for a long time and therefore not an avid beachgoer...

300 I am not gutless and have not been for as long as I can recall and if my gut ever had that loud a say in my life, I would scarcely leave the house. That said, I am an avid beachgoer and I am interested whether the Minister can enlighten us as to whether the complaints received, although low in number, have been in respect of the Catalan Bay area at all? (*Interjection*)

Hon. Dr J E Cortes: Mr Speaker, it has been mooted, in fact only this morning to me, that the Barbary Macaques might well be members of the Gibraltar Socialist Labour Party because, since the Election, there have been remarkably few complaints.

305 I have seen them myself in the area of the Caleta Hotel and I have seen them myself in the Trafalgar cemetery area, but I have not had any direct complaints, bar possibly two.

310 Mr Feetham will be amused that they came to me via Facebook, (*Laughter*) of Barbary Macaques in built-up areas, but I would like to credit the people who manage them who, perhaps being former colleagues of mine, they are putting in an extra bit of work, or perhaps the Macaques are Party members, if not of the GSLP, maybe of the Liberals. (*Interjections and laughter*) I thought I would throw that in. But the complaints are certainly much lower than they have been.

315 **Hon. S M Figueras:** And just to bring the tone of the conversation right back to the seriousness with which, obviously, we consider the matter, is the Government content to stand by its policy not to cull, if that means the possibility of facing fatalities or injuries in future?

Hon. Dr J E Cortes: Mr Speaker, the Government is content to stand by its policy of not culling, because we are not going to have a problem, once we have put in the proper management structures, which have not ever existed in Gibraltar.

320 **Hon. S M Figueras:** As long as that is a guarantee with somewhat more strength than the Future Job Strategy, thank you and I am very grateful. (*Laughter*)

Hon. E J Reyes: May I, Mr Speaker –

325 **Mr Speaker:** Yes, the Hon. Edwin Reyes.

Hon. E J Reyes: The Hon. Minister, in his answer to Question 269, referred us back to the schedule he offered on 267.

330 When it says here ‘Year’ and it says, for example, 2011-12, and then 2012-13, are we talking about financial years or when does a year – is it 1st April like a financial year, or when would the year come in? I am a bit confused.

Hon. Dr J E Cortes: Yes, I think by looking up the last entry, the thing is that the young of the year are added to the total on 1st January.

335 Because they are born round about October and there are some deaths, we do not add – the contractors used to be me, but it isn’t me any longer – the contractors do not add – the numbers until, for example, 1st January, so in the case, for example... Let us look at the first one: we are talking about 2008, although the actual figures, when you tally up, would be on 1st January 2009, so the births were in 2008, but the number is added in 2009, so look at the first figure, rather than the last figure.

340 **Hon. D J Bossino:** Can the Minister advise this House whether he is aware of what the nature of the complaints are? He has stated that there are few, but does he know what the nature of the complaints are?

345 **Hon. Dr J E Cortes:** They were not complaints as such, other than being advised that there were Macaques in built-up areas and people are often scared of them, but I have not... I cannot recall anything specific that has happened in the past of them getting into people’s houses.

I am not saying it has not happened, I am just saying that I have not been aware of any such complaints, but that does not mean it could not happen tomorrow or as I speak. Remember, we have not implemented the programme yet.

350 **Clerk:** Question 2...

Mr Speaker: Hon. Damon Bossino.

355 **Hon. D J Bossino:** Thank you, Mr Speaker. Which authority would normally be the authority that would be in receipt of those complaints? Can the Minister advise me what the position is?

360 **Hon. Dr J E Cortes:** There have, in the past, as part of the management programme – we would like to streamline that – but in the past, phone calls could come in to the Royal Gibraltar Police, to officials of the Department of the Environment, to members of the macaque team of the Natural History Society, including myself personally, so there is a wide range of different sources of complaints, which would then all be channelled to the Department of the Environment. Those are the main sources.

We would like to have something like a hot line or something like that, but that would be part of the plan.

365 **Hon. D J Bossino:** The important issue I wanted to address from my question was that it would be channelled to your... to the Minister’s Department?

Hon. Dr J E Cortes: Yes, indeed.

370 **Hon. D J Bossino:** If it has, then I am satisfied with that answer.

Hon. D A Feetham: There has been no-one referred to hospital, because of any incidents with Macaques? I do recall a letter from Ray Pilley, referring to a girl who had been badly injured as a consequence. There have been no incidents of that nature, has there?

375 **Hon. Dr J E Cortes:** There may have been people who are bitten, who will normally go to the hospital and they keep a register. If any of the hon. Members wish to ask me, for a future occasion, how many bites there have been, but I do not have that information. (*Interjection*)

I am told that was before the Election, so obviously –

380 **Hon. D J Bossino:** What was? The incident? (*Interjections*)

Hon. Dr J E Cortes: No. Nonetheless important. (*Interjections*)

385 **Hon. S M Figueras:** [*Inaudible*] ...Mr Speaker the management of the apes today. This is what we are discussing. [*Inaudible*] This is precisely why it is very important to have this discussion in this House.

Clerk: Question 2 –

390 **Hon. G H Licudi:** Just to dispel any notion or any misunderstanding, my recollection of the letter that the Hon. Mr Feetham has referred to was, in fact, in relation to a fictitious incident that he created simply to illustrate a particular point, but it was entirely fictitious.

395 **Hon. D J Bossino:** Mr Speaker, if I could assist the House and concur with what the Hon. the Minister is saying, I think that was just an introductory paragraph in Mr Pilley's letter, in order to create alarm, initially, and therefore create, I suspect – I have not spoken to the author – but to create the interest in what he was saying. I would agree with that.

So I am not sure he was referring to any specific incident, whether before or after the new dawn arrived.

400

**Seagull population
Management and control policy**

405 **Clerk:** Question 270, the Hon. S M Figueras.

Hon. S M Figueras: Yes, Mr Speaker, the Minister need not wince; I am not armed with a barrage of supplementaries on this one! (*Laughter*)

410 Can the Minister with responsibility for the Environment confirm the Government's policy in relation to the management and control of the seagull population?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

415 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the Hon. Mr Figueras can ask me as many supplementaries as he likes, but if my voice runs out before the Hon. Mrs Ellul has a chance to ask me any questions, then I might have to get somebody else to read my answers!

Mr Speaker, the existing year-round culling programme will continue with enhanced resources currently under discussion with the service providers.

420 Government inherited a four-year programme from the previous administration which is run by the UK's Food and Environment Research Agency (FERA). This is the last year in this programme, which has now been considerably streamlined and will factor in an element of handing over and training to the local operation, which will take over in full.

New technologies, which have proved very successful elsewhere, will also be introduced this year. The Government is committed for the long-term control and reduction of the gull population.

425 **Hon. S M Figueras:** Mr Speaker, is the Minister able to enlighten us in respect of the identity of the local operators who will be taking this matter on?

Hon. Dr J E Cortes: Yes, the local operators who have been operating the Gull Control Unit for the last 15 years are the Gibraltar Ornithological and Natural History Society (GONHS).

430 **Hon. S M Figueras:** In respect to the cost, which has obviously been in the questioning, is the Minister able to assist us in respect of the anticipated cost moving forward of this operation versus perhaps what has gone before?

435 **Hon. Dr J E Cortes:** I would have had to have notice to give you details of cost. I can pass them over to you outside the meeting if you like, but I do not have that information here.

Hon. D A Feetham: Yes, if he wants notice of the question, we will ask it in a month's time. It really is not contentious in any way.

440 But I have noticed in my walks in the Upper Rock that there appear to be a very large number of feral cats. I wonder what the Government proposes to do about feral cats (*Laughter*) and whether he thinks there is an impact, or a potential impact, on wildlife.

445 I think also that he and I have spoken in the past about the resident population of goats: what is the Government to do about the goats, because he knows that we have spoken, as well, in the past about the possible re-introduction of the Iberian ibex, (*Laughter*) which is not possible, unless something is done about the herd of domestic goats that are running wild in the Upper Rock.

Mr Speaker: I am not sure there is a connection between feral cats and goats and seagulls, but if the Minister wishes to – (*Interjections*)

450 **Hon. Dr J E Cortes:** Mr Speaker, if I fall into the temptation of giving a lecture on the wildlife of the Upper Rock, (*Laughter*) then we might be here for several days, let alone...!

I am happy to answer specific questions in future, but opening a discussion on those subjects, (**Mr Speaker:** Yes.) I think is...

455 But we can talk about it outside – the second person today who has offered your – (*Interjection*)

Clerk: Question –

Mr Speaker: The Hon. Mrs –

460 **Hon. Mrs I M Ellul-Hammond:** Yes, Mr Speaker, can the Minister explain how is GONHS going to be taking over the service that was introduced by the UK? What measures will be taken – any new ones?

465 **Hon. Dr J E Cortes:** Right, yes, there will be a considerable amount of training which, for the first time, has been organised by the people from FERA, the Food and Environment Research Agency, with the Control Unit here, with a view to, depending on the success, expanding the size of the Unit.

470 The question of new technologies, we will be trying and GONHS will be trained in this new technology, which is the use of lasers to disrupt gulls at their breeding colonies, which means they will abandon the nests. Then there will not be the number of young, which is obviously a problem, and eventually, if this is successful – it has been tried in the UK but never outside the UK, perhaps in the United States – then it may be possible to reduce the population of gulls without resorting to killing them directly, which would be the ideal situation.

475 **Dementia and Alzheimer patients
Policy re care provision**

Clerk: Question 271, the Hon. Mrs I M Ellul-Hammond.

480 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain what the policy, in conjunction with the Care Agency is 'to further and adequately increase the overall provision for Dementia and Alzheimer patients' as outlined in their press release number 32 of 17th January 2012?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

485 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the Ministers with responsibility for Health, Social Services and the Care Agency have commissioned a multi-agency team, which will work in regular consultation with relevant non-governmental organisations and which will report by the end of the summer on a strategy to address the core needs of those with dementia.

490 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister explain if he has plans to boost the community health service and domiciliary care?

495 **Hon. Dr J E Cortes:** Mr Speaker, it is highly likely that the conclusions of this group, this multi-agency team – as I have declared in conversations and possibly even publicly – will be that the community will be well-benefited by increasing health care in the community, including domiciliary care.

I do not want to pre-empt the results, but I think it is very clear to those of us – both the Minister for Equality and Social Services and myself have discussed it at length – that it will, most likely, be necessary for us to take considerable steps in the community.

500 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Minister aware that the domiciliary care funding increased by about 400% over the last five years to £750,000? By how much does he envisage, or would like to see, the domiciliary care budget increase this year?

505 **Hon. Dr J E Cortes:** Mr Speaker, domiciliary care is handled by another ministry. I do not have insight – although we discuss regularly – obviously, I do not have insight into the proposed budgets and so on. I cannot answer that. All I can say is that we hope to be able to expand it, but I cannot go into figures at that stage. I do not have that information.

510

**King George V Hospital
Breakdown of expenditure**

515 **Clerk:** Question 272, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain how the £70,000 has been spent at the KGV Hospital, broken down by painting of the building, erection and hire of scaffolding and purchase of new equipment and furniture for the KGV?

520 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the spend to date, as committed expenditure for the renovation programme at the KGV Hospital, is as follows:

525 Painting external building, £2,765 spent, £8,000 committed; internal paintwork, £1,000 committed; scaffolding, £7,800 spent; external plumbing, £500 spent, £1,500 committed; refurbishment of male and female toilets, £13,145 spent; ceiling tile renewal, £2,820.38 spent; ironmongery, £3,380 spent; general building materials, £2,405.09 spent; new suspended ceiling in the dining area of the long-stay ward, £1,500 committed; new treatment room, £1,600 spent; new isolation room, £2,340 spent; furniture, £4,069 spent.

530 The following are committed, subject to final receipt of all the estimates that have been requested. These are the last few things that are going to be done, and that is: curtain rails, £7,000 committed, subject to quotes; privacy wall-mounted partitions, £7,000; main entrance flooring, £2,000; new signage, £1,000; repairs to windows, £2,000; renewal of entrance ramp, £3,000.

Total spent to date: £40,824.47; committed expenditure, £34,000. Total expected expense on the project: £74,824.47.

535 I would like to take this opportunity to congratulate the team in the Health Authority for their exemplary work in having all this work done to schedule. *(Applause)*

Hon. Mrs I M Ellul-Hammond: Mr Speaker, I am grateful for that information. Could the Minister extend a copy of that schedule to the Members opposite?

540

Hon. Dr J E Cortes: Certainly.

Hon. Mrs I M Ellul-Hammond: Thank you.

ANSWER

THE HON THE MINISTER FOR HEALTH AND THE ENVIRONMENT

Mr Speaker,

The spend to date and committed expenditure for the renovation programme at the KGV Hospital is as follows:

Works	Spend to date	Committed Expenditure
Painting external Building	£2,765.00	£8,000.00
Internal paintwork		£1,000.00
Erection of Scaffold	£7,800.00	
External Plumbing renewal	£500.00	£1,500.00
Refurbishment of Male and Female Toilets	£13,145.00	
Ceiling Tile renewal	£2,820.38	
Ironmongery improvements	£3,380.00	
General building materials	£2,405.09	
New suspended ceiling Dining Area Long Stay Ward		£1,500.00
New treatment Room	£1,600.00	
New Isolation Room	£2,340.00	
Furniture	£4,069.00	
Curtain Rails Anti-ligature		£7,000.00*
Privacy wall mounted partitions		£7,000.00*
Main entrance flooring		£2,000.00*
New signage		£1,000.00*
Repairs to all windows		£2,000.00*
Renewal of entrance ramp asphalt		£3,000.00*
	£40,824.47	£34,000.00

The committed expenditure marked with an asterix has been calculated on approximate costs as the quotes requested have still not been received.

545

**Royal Naval Hospital site
Explanation of plans**

550

Clerk: Question 273, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain what changes will be made to the former Royal Naval Hospital site and to the plans for the internal buildings of the new mental health hospital and of the new Alzheimer and Dementia hospital?

555

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, as this is something in which my colleague, the Hon. Minister for Equality and Social Services, and I are working together, with your permission, we will answer this Question in two parts. (**Mr Speaker:** Yes.) My colleague will start on her side of the project, and I will continue on mine.

560

Mr Speaker: Certainly.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, with regard to the Alzheimer and Dementia Unit, as I have said in previous sessions of Parliament, a review of the initial proposed 80-bed facility for the site of the Royal Naval Hospital was commenced very shortly after this Government began in office. It was very evident that the facility fell short of UK minimum standards, even taking into account the conversion of existing buildings into this type of facility.

I can at this stage say that the number of beds will be reduced to incorporate communal facilities to allow residents accommodation in the facility to have quality of life. The final layout of the interior has not yet been finalised, as we are awaiting input from experts.

Hon. Dr J E Cortes: Mr Speaker, I will now continue on my half. I have a little bit more because we have been able to proceed further on the mental health.

Regarding the Mental Health facility, the plans were incomplete and had not been approved by the professionals. The professional team has now reviewed all aspects and I was pleased to be able to sign off proper plans last month.

The area designated for Mental Health will be divided into three main zones: first is the Activity and Rehabilitation Centre zone, which will include a small garden area attached to the back of block D, the area will consist of activity for daily living, kitchen, assessment room, arts and crafts room, IT facilities room, bookable rooms for conducting groups, sitting room, quiet area and dining room.

Second, the Psychiatric Unit zone on the lower ground floor will consist of main entrance, reception security area, visitors' facilities, consisting of a visitation area, cafeteria offering sheltered employment facilities and seating area, multi-disciplinary team room, resource room, medical records storage room, clinical nurse manager's office, pharmacy department, disabled toilet facilities, technical services workshop, staff facilities, outpatient department, workshops, general stores, medical equipment stores, domestic equipment store and boiler room.

The upper ground floor, which will be for enduring mental health illness (EMI) and a Dementia unit, will consist of seven twin rooms with 14 beds... clearly, dining area, lounge/TV area, quiet rooms, male and female assisted bathrooms, male and female toilet and shower rooms, staff office, staff base, multi-disciplinary team room, clinic room, utilities sluice room, clean linen store, staff WC, food preparation room, dishwasher room, ward kitchenette and covered terrace.

On the first floor will be the Rehab Unit and the rehab apartments divided into two sections by a lobby. The first section with four twin-bedrooms, four single bedrooms, one high dependency bedroom with 13 beds, lounge/TV area, quiet room, assisted bathroom, male and female toilet and shower room, staff office, staff base, clinic room, utilities sluice room, clean linen store, staff toilet, ward kitchenette and covered terrace, including a dining area.

The second section of this floor will have the Psychiatric Intensive Care Unit, which will consist of three single rooms and en suite facilities, a staff base, two high dependency rooms, dining area, lounge/TV area, covered terrace area and also a self-contained multi-functional suite, composed of two single rooms, dining area, lounge/TV area, toilet and shower facilities.

And, finally, the external recreational area, which is still in the process of being designed; however, it will be a secure area divided into two sections, in order to be able to offer a safe environment to the various client groups. It will contain sheltered areas, a splash pool, an aviary, a one-on-one basketball court, exterior exercise equipment, group seating, picnic chair and table facilities.

Hon. Mrs I M Ellul-Hammond: I am grateful for that, Mr Speaker. Could we possibly have a copy of that. (**Hon. Dr J E Cortes:** Certainly.)

Could the Minister advise what additional costs these changes will incur?

Hon. Dr J E Cortes: Mr Speaker, I have not got that information with me now. Again, I would need notice of that in order to be able to give you the specific details.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister advise what is different to the original plans that were there?

Hon. Dr J E Cortes: There were no plans that had been approved. They were working plans. They had not been finalised by the professionals. The main difference is that the rooms will, in fact, be bigger than had originally been planned.

Hon. D A Feetham: Can he confirm whether there are going to be any additional costs because, of course, it is quite possible that you may actually change around internal layouts from what was originally envisaged, but there be no additional costs? Does he know whether there are going to be additional costs, without actually telling this House what that additional cost is?

Hon. Dr J E Cortes: The original costs have not ever been communicated to me, so I am not able to compare one with the other. So I am not able to answer that question. The original estimates cannot have been very accurate because the plans had not been finalised.

Hon. D A Feetham: Well, that does not necessarily follow, but we will ask the question again in the future.

But what about the hon. Lady, can she tell us whether the change of plans that she envisages in relation to the areas that are within her responsibility will involve an increase in cost; and can she inform the House as to what those costs are?

Hon. Miss S J Sacramento: Mr Speaker, I cannot inform the House as to the costs because the plans have not yet been finalised.

What I would speculate is that some cost would be incurred but, in proportionate terms, Mr Speaker, it would be desirable to incur some cost and have a better finished product than incur the tremendous cost that will be incurred, in any event, ending up with a product that will not be fit for purpose. At this stage, I am not able to provide any figures on costs because we do not have the plans, therefore we cannot calculate from there.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, could the hon. Lady advise who the proper consultants are who they have engaged in relation to advice on the Alzheimer's and Dementia Unit?

Hon. Miss S J Sacramento: Mr Speaker, I do not have the name of the consultant. It is people in the Department who are liaising with this consultant. I know that they are people who were recommended to us by the local Alzheimer and Dementia Society, who gave us some contact details for the UK Association and they recommended us with some names. I am not sure who, from the list of names has been selected, but I am happy for the question to be asked on the next occasion.

If I were to have notice of the question, Mr Speaker, I would be happy to answer it.

Hon. J J Netto: Mr Speaker, can I ask the hon. Lady, the Minister for Social Services... because she said that, in the new plans for the Dementia and Alzheimer Hospital the number of beds will come down from 80, but what she did not say was to what number will the new plans cater for. Does she have that figure available?

Hon. Miss S J Sacramento: No, Mr Speaker, that is because I do not know because I am waiting for the final plans to be confirmed by the specialists in the UK.

What we have identified, as I explained, Mr Speaker, in the last session of Parliament, was that initially the plan was for a 66-bed unit. That was changed four times, eventually going up to a 90 something bed unit and then going back down to 80, which was the sort of structure that I saw when I went to visit the unit in my second day in office and which I was told by the local people that would not be fit of purpose. I gave plenty of detail as to that on the last occasion and, in fact, I have asked for the costs of the consequences of having changed the plans four times by the previous administration and I am actually waiting for those figures.

But the answer is that there is no final plan for the interior yet because we are waiting for the feedback.

Hon. J J Netto: Mr Speaker, I can accept that there are no final plans, in terms of final plans being the exact minutiae of details of work that needs to be done, but the hon. Lady does not need final plans in a construction project to be able to tell us, and for her to know now, what the number of beds would be.

The hon. Lady says, for instance, that the previous Government changed its mind four times: she should

be congratulating the GSD Government for only changing its mind four times (*Laughter*) because, if the hon. Lady knew anything about the construction industry, she would know that, with any particular construction project, the Government normally changes it mind many times, architects change their minds many times, engineers change their mind many times and the actual contractor involved in the works changes his mind. So it is a matter of record that we only changed four times.

Leaving that aside, it is not credible for the hon. Lady to stand up saying that she needs final plans to know what the final numbers of beds is because we knew, in the four times that she was mentioning, the number of beds that were going to be available with our final plans – that is the reality of the construction industry.

So will the hon. Lady not try and get the information as to what will be the final number of beds, regardless of having final plans?

Hon. Miss S J Sacramento: Mr Speaker, once I have the cost to the taxpayer of those four changes, then people can decide whether to congratulate the previous administration for those changes. (*Laughter*) I suspect not, because I suspect, given the information... (*Interjection*) Well, given the information that I have, Mr Speaker, the reasons for changing the plans was motivated by increasing the number of beds, having no regard to the needs of the patients.

Mr Speaker, what we have done, in principle, is revert to the initial plans that the architects prepared for the previous administration, which was for a 66-bed unit. What we are waiting for is for the experts to tell us whether the layout is acceptable or not, because it may be very well, Mr Speaker, for us to have a room where we want to fit a bed but then, if the hoist or the armchair or the wardrobe do not fit into the room, then the plans cannot be finalised. I therefore cannot say whether I can have one room with one bed or it may be better to have a bigger room with two beds, in which case there is a difference in the number of rooms and, ultimately, there will be a difference in the number of beds available.

The answer, Mr Speaker, is that until we have the final professional advice, I cannot answer the question. All I can say is that, at the moment, we have reverted to the initial 66-bed plan.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain their idea behind developing extra buildings to serve as sheltered accommodation for patients with long-term mental illness? Will this also be done in conjunction with the plans for the new mental health hospital?

Hon. Dr J E Cortes: Are you referring to something specifically in what –

Hon. Mrs I M Ellul-Hammond: In the... No, no, sorry.
In your manifesto commitment as part of the new mental health facility.

Hon. Dr J E Cortes: Can you refer me exactly to... I am sure I know –

Hon. Mrs I M Ellul-Hammond: It says:

‘Extra buildings to serve as sheltered accommodation for patients with long-term mental illness...’

on page 29, the second to last sentence. Sorry, no.

‘We are committed to the completion of a new KGV facility and will also develop extra buildings to serve as sheltered accommodation for patients with long-term mental illness in a position to look after themselves.’

Hon. Dr J E Cortes: There are additional buildings on that site, but whether that will fulfil all the requirements of the community, we are hoping that the exercise that I have heard referred to earlier on another question as we develop the Dementia strategy, then we will identify what those requirements will be. They could be somewhere else.

**Consultants' contract
Update on progress**

730

Clerk: Question 274, the Hon. Mrs I M Ellul-Hammond.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health state at what stage he is at in relation to the Consultants' contract and when does he envisage it will be finalised and signed as per their manifesto commitment 'to resolve the issue of the Consultants' contracts in the shortest time possible'?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

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Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the consultants' contract was first drafted in 2004 and, by December 2011, had arrived at version 19B. The GHA has now updated the draft and will very soon be in active negotiations with its consultant doctors. The consultants have been kept aware of the situation through regular meetings.

745

Hon. Mrs I M Ellul-Hammond: I am obliged for that, Mr Speaker.
Can the Minister explain if the starting point at resolving the consultants' contract impasse is draft contract 19B?

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Hon. Dr J E Cortes: No, that was the finishing point of the last administration. Ours is the new contract draft 1, which incorporates some of the things that were being negotiated at the time, together with other issues which we feel would be to our mutual benefit but, obviously, before the start of negotiation, I am not going to be able to reveal those publicly.

755

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister explain if he we will be considering including a recruitment and retainment allowance within the contract?

760

Hon. Dr J E Cortes: I do not feel that I should go specifically into items of a contract just before we are going to negotiate them with a consultant body. I do not think it would be in our interest, or in the interest of the consultants, that we should start discussing this in public.

765

Hon. Mrs I M Ellul-Hammond: I am grateful for that, Mr Speaker, but perhaps the Minister could, in general terms, give an indication of what aspects of the contract will be standardised across all the consultants and which ones will be variable, if possible?

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Hon. Dr J E Cortes: Different consultants will have different disciplines in which they will work. Some of them will have a number of consultants in the same field and some of them may have rarely one, possibly two consultants. So, obviously, when it comes to cover, and so on, there may be different conditions, but I do not want to be drawn into giving away a negotiating position because, as I said before, I do not think this would be fair on the process, as it is in everybody's interest that the consultants should have a contract which is acceptable to them and acceptable to the Government so they can stop worrying about that and get on with doing the work that we want them to do for the community.

775

Hon. Mrs I M Ellul-Hammond: I am grateful for that.
One final supplementary question, Mr Speaker. Did you state when you envisaged the contract would be finalised and if the process has already started in earnest?

780

Hon. Dr J E Cortes: The draft contract is now ready and we hope to be starting negotiation within a number of weeks only.

**Hospital meals
Update on improvements**

785

Clerk: Question 275, the Hon. Mrs I M Ellul-Hammond.

790

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain what the new arrangements for hospital meals will be, as per their manifesto commitment to 'make alternative arrangements to improve the delivery of meals and consequently their quality'?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

795

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, a proposal presented by the catering department to revert to bulk meals service at St Bernard's Hospital has been approved and initial discussions have taken place in order to phase in this service. This has already been introduced as a highly successful trial at the newly opened Calpe Ward.

800

A feasibility study to relocate the catering facility to St Bernard's Hospital has also been commissioned and is progressing well. This project will encompass the introduction of bulk food distribution.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister explain why there was a problem with the provision of meals in St Bernard's Hospital?

805

Hon. Dr J E Cortes: Yes, at this point I would like to congratulate the catering staff of St Bernard's Hospital. They have always been very concerned that hospital meals have not had a good name, despite their excellent professionalism. They have a catering manager who is extremely highly qualified and extremely competent and a very dedicated staff, but the method by which the food was delivered to the wards meant that all their efforts could well be spoilt in the process. The problem is with the plating system, in that the food is prepared in the kitchen and is then put onto plates and put into trolleys and then carried by van in two stages to St Bernard's Hospital and then, from there, wheeled into the wards. So, by the end of the process, the food was no longer as fresh as it had been when prepared and, therefore, that was a problem.

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By bulk food, we are referring to the way in which the food is prepared in larger containers and then served at the point of consumption. Therefore, the quality of the food, which is very high, will actually be high on point of delivery whereas, in the process at this point in time, it does lose because of the system that is in operation.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister explain, then, where the kitchens will be sited within the Hospital and what will be happening to the existing catering facility on the North Mole?

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Hon. Dr J E Cortes: Mr Speaker, we are carrying out an exercise at the moment with a team of the Health Authority and the support of Technical Services. A number of alternative locations within the Hospital are being considered. I am not able now to say exactly where. It will not affect any of the existing facilities, in the sense that we are not moving anybody *out* to move a kitchen *in*. There is spare room available in and adjacent to the building.

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As to what would happen at the North Mole, I am not in a position to say that because, frankly, I do not know.

Hon. D J Bossino: Does the Minister have an idea what the cost of this initiative will amount to at this stage?

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Hon. Dr J E Cortes: No, Mr Speaker, we are engaging with the catering department, as I have said, with management of the Hospital and with Technical Services. They now know the surface area that they require, the different sections that they require and so on, but because the site is not exactly... although we have a fair idea of where it will go, we are not yet at the point of knowing exactly how much it will cost. I think that we will be able to know... I think, again, it is a matter of weeks before we know that.

835

The discussions are well on their way.

**Gibraltar Health Authority
General Medical Council registration**

Clerk: Question 276, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain how their policy on ensuring all GHA doctors are GMC registered will work?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I have met with the Medical Registration Board and we are working together in drafting new legislation to encompass this. We have also taken steps to meet with GMC representatives to explore details of how we can establish a system. I will be able to report further once these discussions have taken place.

Hon. Mrs I M Ellul-Hammond: I am grateful for that, Mr Speaker, but could the Minister give us an indication of how he will be outsourcing to the GMC the assessment of doctors in Gibraltar to practice? Is there some initial idea of how the GMC could become Gibraltar's regulatory body in practice?

Hon. Dr J E Cortes: Not yet, Mr Speaker.

We have only very recently – I met with the Board, I think it was about two weeks ago – made contact with the GMC. I need to discuss it with the Medical Registration Board and we have now sent out... we have made contact now with a view to meeting with them and discussing with them but, obviously we have to be professional enough to await our discussions before I say anything publicly because they will have their views, we will have ours. I am confident that we will be able to marry the two and come up with a way of meeting our manifesto commitment to the satisfaction not just of the doctors, but also of the Health Service of the community as a whole, which needs to be confident that the doctors are properly regulated.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, this is a policy move I do support, to ensure that all doctors practising in Gibraltar should be, and are, GMC registered.

Can the Minister explain if *all* doctors practising in Gibraltar, including in the private sector, will also require GMC registration and yearly re-registration?

Hon. Dr J E Cortes: Again, I cannot speak for the GMC, but certainly the intention I think that the community, as a whole, should be confident that *all* doctors practising in Gibraltar, both within the Health Authority and outside, are properly regulated to the standards of the GMC. So I think that, on this one, we agree.

Hon. Mrs I M Ellul-Hammond: And, finally, Mr Speaker, what will now be the role of the Gibraltar Medical Registration Board, which is chaired by the Director of Public Health? Will its role change or will it be taking on any of the GMC's roles?

Hon. Dr J E Cortes: We will have to await the discussions of the GMC before I am able to reply to that question. We are just initiating contact. We need to see how we will work and I just do not know. Hopefully, in a couple of months' time, if you ask me again, I will have some indication.

**Surgical services
Day surgery**

Clerk: Question 277, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain their manifesto commitment, outlined on their Health page, under 'Day Surgery', of: we will be 'looking into operating a day

case unit for surgical services’?

895 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, ‘looking into operating a day case unit for surgical services’ will entail reviewing all aspects of day surgery within the GHA so that we can optimise the use of resources available within theatres and look at opportunities in widening the range of treatments provided on this basis. We plan to look into all aspects that relate to this service and this includes facilities, management of the unit, operational procedures, activity, current practices and quality measures.

The aim is to expand the Day Surgery Service as much as possible, without the need for overnight admission.

905 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, in the Hon. Minister’s answer to my Written Question number 69/2012, the Minister stated that the Day Case Surgery Clinic was first introduced by the GHA on 24th February 2005.

910 Was the Minister not aware that a Day Case Surgery Service had already been in existence for these last six years, when his party was writing their manifesto?

Hon. Dr J E Cortes: The sad thing is that the Day Surgery facilities are not operating to the extent that, certainly, *I* would like or to the extent that I think would benefit the community. The Day Surgery system is not functioning as one would like.

915 I had the pleasure of visiting a Day Surgery Unit in Salisbury General Hospital a couple of weeks ago in order to discuss and look into the way they work there and it is likely that maybe even as much as 80% of the kind of surgery we do at St Bernard’s Hospital *could*, if the facilities and the culture were right, be carried out by Day Surgery, which has various benefits, including the fact that beds are more available overnight for emergency admissions and the fact that people spend less time in hospital and more time at home. So it has got the benefit across the board.

920 We have to do a lot of work yet to get our Day Surgery facilities working at full throttle and that is what we intend to do by tackling the matters that I referred to in my original answer.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, is the Minister not aware that there is a difference between a Day Surgery Unit, that, in their view is *not* working, and there not being one at all? (**Hon. D A Feetham:** Hear, hear.)

925 How will the Minister improve on the so-called ‘deficient Day Surgery Service’ that exists at present which, in his answer to my question 69, 160 patients had benefited and used this service within less than a month?

930 **Hon. Dr J E Cortes:** There is a difference between a Unit that is not working and none at all. It depends on how much or how little it is working.

935 What I am saying is that there is a huge potential for developing Day Surgery, which is not being fulfilled at the moment and which we want to work at improving. This will require looking into all sorts of things, including the staff that we have available, including the fact that they are geared up to Day Surgery and the whole management of the Unit.

Therefore, I think that the judgement should come once we have taken on this initiative. It may work better or it may work less well, but I am confident that, if we put in the necessary resources, we will be able to increase the number of patients who are operated on in St Bernard’s without having to stay overnight.

940 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, I am grateful that you are looking into ways of improving the service, but does the Hon. Minister not concede that the service was in existence (**A Member:** Yes, absolutely.) while you were writing your manifesto and that, surely, you would not be sending 160 patients to use a service that is not working correctly?

945 **Hon. D A Feetham:** Hear, hear.

Hon. Dr J E Cortes: Mr Speaker, I did not write the manifesto. I was not in politics at the time so I

cannot really answer her comment.

All I can say is that... (*Interjections*) I was not in the College yet, Mr Speaker.

Mr Speaker, I revert to my original answer and explanation. The potential for Day Surgery in Gibraltar is very great. It is under-utilised and therefore we have to work hard to achieve it and that is really all I have to say on the matter.

EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS AND JUSTICE

New teaching posts Recruitment

Clerk: Question 278, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Education explain the process by which the 47 new teaching posts will be filled and if any will be recruited to fill 'retired' posts or specialist advisory roles within the Department of Education?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the process started in December 2011, when head teachers were asked to produce a report on whole school needs. This included staffing requirements.

The consultation process continued with the Advisory Service of the Department of Education visiting individual schools to discuss staffing issues with head teachers. The result of the exercise have helped to inform the Department of Education as to how and where the 47 new teaching posts should be allocated.

The vacancies have been advertised in an official notice advising prospective applicants that interviews would commence on Monday, 2nd April 2012. Successful applicants will be in post for the start of the 2012-13 academic year. Any teaching posts left vacant due to retirement will be covered by the recruitment of teachers over and above these 47 new posts, in keeping with the Government's manifesto commitment of increasing the current teacher complement of 333 to 380.

In other words, the 47 new posts will not be used to cover retirements. Any retirements that occur between now and the end of this academic year, or the start of the following academic year, will be recruited by new posts over and above the 47.

It is anticipated that at least three of the 47 new posts will go towards the Behaviour Education Support Team which, to date, has been staffed predominantly by supply teachers.

Hon. Mrs I M Ellul-Hammond: Thank you for that, Mr Speaker.
Can the Minister advise if any of these 47 vacancies are to be used as Classroom Aides positions?

Hon. G H Licudi: No, Mr Speaker, there is a separate question on the Order Paper in relation to Classroom Aides, but these are teachers, not Classroom Aides. That is a totally separate exercise that is being done in relation to Classroom Aides.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister advise what the Government's optimum maximum number of children in classes at each level of the education system will be, where a number of these new teaching posts will be placed to achieve these optimum class sizes?

Hon. G H Licudi: Is the hon. Member asking what the class sizes will be or how many of the 47 will be used to achieve that?

Hon. Mrs I M Ellul-Hammond: The size. I appreciate that, perhaps, I should have given notice for this.

1005 **Hon. G H Licudi:** What I can say is that that is a matter that I am in discussion with the advisers at the Department of Education and the Director of Education in relation to the recruitment process of the 47 new teachers.

1010 I am undertaking an exercise whereby I have visited all schools, in fact, except for Varyl Begg Nursery, which is the only Government school that I have not visited yet. I have visited all schools to see for myself the question of classroom sizes and to talk to head teachers about that. That is an ongoing process, which I am in the process of discussing with the Education authorities.

Hon. D J Bossino: Does the Minister, so I can understand him fully, after assessing staffing requirements with the head teachers, is he aware of where these posts are going to be filled in by these 47 new recruits?

1015 **Hon. G H Licudi:** Yes, Mr Speaker, the exercise that has been done was done in conjunction with head teachers, taking into account their needs. Following discussions with the head teachers, tentative provisions have been made in respect of the numbers to be allocated to each school, so that exercise has been done.

1020 **Special educational needs
Additional resources for schools**

Clerk: Question 279, the Hon. Mrs I M Ellul-Hammond.

1025 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, as per the manifesto commitment to start within three months of taking office, can the Minister for Education explain at what stage his Department is in relation to carrying out a review to identify what additional resources are required in each school for children with special educational needs?

1030 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1035 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I will answer this question together with Question 280/2012.

1040 **Special educational needs
Classroom Aides**

Clerk: Question 280.

1045 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education tell us if the Government is going to increase the number of Classroom Aides as part of their resourcing and support of children with special educational needs?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1050 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Government's manifesto commitment was to identify – starting within three months of taking office – what additional resources are required for special educational needs for children in each school. I can confirm that this review was started in December 2011.

1055 All head teachers have been consulted in relation to the additional resources for special educational needs that they may require. These include staffing, environmental adaptations and equipment.

The data received is now being processed. The review has already identified a need for extra Classroom Aides. As an immediate step, 15 part-time Classroom Aides – in other words, 15 Classroom Aides who

currently work part-time – who have asked to be considered for full-time employment, will be made full-time as from April 2012. This will have the immediate effect of increasing the overall support available for children with special educational needs. The effect, in fact, is an increase by 7½ Classroom Aides immediately.

The engagement of further Classroom Aides is currently being considered, because the process is ongoing, having received the data and information and the requests from the different schools. I can also confirm that the supply lists for Classroom Aides is in the process of being repopulated. Applicants have already been interviewed and they should be available to provide cover shortly.

I should explain that the problem we found was that, just before the Election, the supply list for Classroom Aides has essentially been exhausted, because the people on the supply list have been taken on for permanent employment. Therefore it was not possible, when Classroom Aides were off sick, or had engagements, to get supply Classroom Aides to come in to do that temporary cover. I understand that the previous administration was in the process of advertising, or had advertised, for that supply list. We have continued that process; interviews have been taking place and the successful applicants to go on the list will go on the list shortly and will be available to provide cover.

The Department of Education and the Care Agency are also working together on collating data with reference to pupils with disabilities. The aim here is to look at the future needs of young people and children, as they progress through the education system and on into the adult world.

Hon. Mrs I M Ellul-Hammond: I am grateful for that.

Mr Speaker, is the Minister aware that a full review of Classroom Aides was conducted by the former Director of Education just before the Election? I am not sure if you are using that Report – he submitted new salary scales, job descriptions and made recommendations – whether that review has been looked at and is being implemented as part of the plan of making 15 part-time Aides full-time?

Hon. G H Licudi: No, Mr Speaker, the answer I have given is in relation to the review in respect of additional resources, which is something separate from reviewing the contract and the terms of engagement of Classroom Aides.

This is something that I started in December 2012 with a face-to-face meeting with all head teachers and asked them specifically for their requirements, both in respect of staffing, so that we could do the exercise for the 47 teachers, and also in respect of special educational needs, as well as other matters, such as maintenance and buildings and all those matters were discussed.

I asked for the teachers to produce, essentially, a wish list of what they would like for their schools. Having received that, that was the data that was collated. It was immediately identified that there was a need for additional Classroom Aides. Therefore, a decision was taken to engage those Classroom Aides who currently were in the system, working part-time, who wanted to go full-time, to engage them full-time and we are considering what further resources are required, in addition to making available supply Classroom Aides.

As a separate exercise, we are looking at the contracts and terms and conditions and we expect that that process will be ready when the Classroom Aides are made full-time in April, so that the terms of engagement can be standardised for all Classroom Aides.

Hon. Mrs I M Ellul-Hammond: Can I suggest to the Hon. Minister that, perhaps, he asks the previous Director of Education to show you the work that had already been done, so that you do not have to duplicate it? Just to, perhaps, facilitate that.

Mr Speaker, can the Minister answer how gifted children will be helped? Does he have an idea of what extra resources, or work they will receive that is already over and above the differentiation of current work that is being done and any extra work that is already given to them within the classroom?

Hon. G H Licudi: Mr Speaker, that is a matter that is also being looked at. Primarily, as the hon. Lady has identified, the matter is tackled through differentiation. Not everybody that is in the same class receives the same work and takes the same homework home.

Pupils are differentiated, not just by being placed in bands in separate classes, depending on ability, but also within the same classroom there is differentiation that occurs. It is a matter that I have discussed with head teachers. I am informed, and am satisfied, that differentiation is working well, but we are looking at what additional help can be given, but the main process by which that is achieved, is through differentiation and it

is actually working.

1115 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, the Government pledges for all children, you just mentioned, to be assessed for special educational needs on entry into the education system.

1120 Is the Minister aware that this assessment or psychological screening is already being conducted on all children on entry into the education system and that the reporting system does ensure that there is continuous assessment and this stays in place? So what does the Hon. Minister envisage will be extra assessment for these children and will there be any extra work for the teachers to take on?

Hon. G H Licudi: Mr Speaker, it is not a question of extra assessment. I am certainly aware that there is an assessment panel and that children are assessed.

1125 There is a need for ongoing assessment, not just an assessment at the start of the educational life of the child, but ongoing assessment, because the needs of children can change in one direction or another. There may be a need for a particular child to have a Classroom Aide for a particular year, but not the next year, because of the progress that may be made. So the assessment is, and has to continue (*Interjection by Mrs Ellul-Hammond*) to be and has been, well, and that is a process that will continue.

1130 What we are also doing, is not just looking at it from an educational point of view, but because we said that we want to have the assessment and continue that through the educational life of the child and beyond, that is a reference that I made to the collaboration that is taking place with the Care Agency at the moment, so that there is exchange of information.

1135 In effect, what there should be, what there must be, in respect of children, is shared information, as to information that the Care Agency has in respect of disabilities – because they are dealing with issues regarding children with disabilities – and information that the Education Department has in respect of the assessment panel and the assessment in respect of special needs. That information is shared, so that there is, firstly, co-operation between the two agencies, the Department and the Agency, during the school life of the child and support is provided to both because, in some cases, we have children that are in the hands of the Care Agency, but they do need educational support. We have already witnessed, in the last few months, a number of examples of that and there are also children, clearly, within the educational system, that need the support of the Care Agency and that collaboration must continue on a hands-on and a shared information basis.

1140 Beyond that, what is also important is that there should not just be shared information and collaboration during the school years, but that, at the end of the day, the child with, perhaps, disabilities, that is going to have continuing needs for services of the Care Agency, they will progress into adulthood and there has to be a transition. That transition has to be managed during the course of the education system and that is why that collaboration is existing, to be able to make sure that we can manage that transition and not essentially leave a child in limbo, once he leaves the educational system.

1150 **Hon. Mrs I M Ellul-Hammond:** Well, Mr Speaker, my understanding is that process already was in existence and there was already collaboration between the Care Agency and the Department of Education and the Health Authority, so my question is how will it be different from what has already been in existence?

1155 **Hon. G H Licudi:** Mr Speaker, I have absolutely no idea what the system was before.

We came into office in December 2012 (*Interjection*) and we have decided – sorry, 2011, thank you – and we had decided to put this system in place to make sure that that exists. I am certain that there must have been some collaboration before, but it is not something that we have said, ‘Well, what existed before, let us just continue’: we have decided to talk about the needs of these children and how we can assist in working in conjunction with the two agencies to assist those children.

1160 Of course, there was collaboration before, of course there was assistance given to children with special educational needs before and, of course, the Education Department did a very good job in doing that, as indeed, did the Care Agency. What we are doing is continuing that work, perhaps enhancing that work by focusing more on that transition to adulthood. Perhaps there was – I will not say a failure – in that respect, but possibly more needed to be done and we are concentrating specifically on that, to make sure that transition is seamless.

1165 I do not want to be critical of the previous administration; I am here to answer for what *we* are doing and to explain what we are doing, rather than how what we are doing is different from the previous administration.

1170 Whatever happened before happened, and we are certainly grateful for the efforts of the Department of Education and the Care Agency *before*, in assisting these children and we will continue that process and try to enhance it.

1175 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, I am grateful for that acknowledgement and so, just to sum up, you are perhaps reviewing what is already in place and, perhaps, in your mind, if you feel there could be an improvement or more resources or funding could be pumped into the service, that is what you will be doing.

1180 **Hon. G H Licudi:** Mr Speaker, not just that. We have not come in and said, 'Well, let's just review what is in place and see how we can improve it.' We have come with ideas as to what *we* want to see achieved, and we have given instructions so that our system is put in place.

To the extent that that requires speaking of what happened before, that is what is happening. It is not just a question of looking at what existed before; we have decided what we want to do and how we want to achieve it and that is what we are putting forward.

1185 **Mr Speaker:** The Hon. Damon Bossino.

Hon. D J Bossino: I am grateful, Mr Speaker.

1190 Just for my assistance, can the Minister confirm what my understanding is, in terms of the review... and I commend that the review has started and that was one of their manifesto commitments. I commend them for that.

But the features of the review, if I can put it and summarise it in these terms, is a consultation with the head teachers which, presumably, you have confirmed has started and will presumably be ongoing; and, secondly, there will be a data collection in relation to all children with diabetes – sorry, with disabilities – I am thinking about something else! – (**Hon. G H Licudi:** Special needs.) Sorry, special needs – is that the position? I think you said disabilities but, fine, I accept that.

1195 So is the review going to take other features? Are you going to be looking at different things within the review they are carrying out?

Hon. G H Licudi: With special needs?

1200 **Hon. D J Bossino:** Yes, of course – this arises out of a supplementary question made by my colleague, Mrs Ellul.

1205 **Hon. G H Licudi:** Well, yes, as I have already explained, what we are doing is looking at specifically what is required by the different schools, what the head teachers identify are either additional resources or additional facilities, or additional equipment. All those matters are subject to... and it is not a review which we say, 'We've started the review and it is going to be an ongoing review.' It is a request that we made – that I made specifically – of head teachers to provide me with what those resources, both personnel resources, material resources, building resources, equipment resources – all those resources – were and all that has been provided. All that information has already been collated and is being looked at, at the moment.

1210 And it is being looked at not just for the purposes of saying we are doing a review; it is being looked at with a view to implementing the additional resources which are required which, as the hon. Lady identified, was a manifesto commitment from us. We immediately implemented part of it by identifying a need for Classroom Aides – and further Classroom Aides, I am sure, will be needed and will be engaged – as well as issues relating to buildings – which we are looking at – and specifically also in relation to equipment – not just equipment specifically for special needs, but generally equipment that is required in schools. All that is currently being looked at and will be implemented very soon.

1220 **Hon. D J Bossino:** In relation to the second feature which I identified, in relation to the data collection of children with special needs, can he expand on that?

Am I right in understanding that forms part of the review and, if it is correct, what does it mean by that – by data collection?

1225 **Hon. G H Licudi:** I explained it to a certain extent, before. What I specifically asked was for head teachers to provide to me a wish list of what it was that they required, in terms of resources, both staffing, manning, additional Classroom Aides and other kinds of resources and facilities that they require. That is the data that has been collected, in respect of those wish lists from all the individual schools, which has been put together with an emphasis, on the one hand, for the purposes of staffing and the 47 teachers which we already have touched upon; on the other hand, separately, looking at facilities and resources which are required in respect of special needs, on which we are very interested in implementing as much of that as possible very, very quickly; and, separately, in relation to buildings, maintenance, refurbishment, those sorts of areas.

1230 So there are distinct areas to the collection of that data, which is in a very advanced stage of having been looked at.

1235 **Hon. Mrs I M Ellul-Hammond:** And, if I may, Mr Speaker, I think my hon. Friend perhaps was referring to individual educational action plans for the children with special educational needs and, together with a continuous assessment, the plan will be changed and adaptations or resources will be required for the children as necessary. Is that the plan?

1240 **Hon. G H Licudi:** Yes, Mr Speaker, as I said, there is an assessment panel. There are professionals in the Education Department that deal specifically with these matters and I have given them instructions to specifically look at all aspects of special educational needs and the plans that are required in respect of the children, with a view to implementing all of that, as I said, very, very quickly.

1245

Schools maintenance teams Policy

1250 **Clerk:** Question 281, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Education explain their schools' 'maintenance teams' policy?

1255 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1260 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Government's policy is as stated in its manifesto, namely to provide a dedicated pool of sufficiently resourced maintenance staff for schools. This policy is already in effect, as stated in the Government press release dated 15th February 2012.

1265 The system put in place consists of a team contracted from GJBS. They comprise an experienced foreman and eight skilled operatives working exclusively in schools. They are tackling small scale repair jobs estimated at taking less than five days, and are liaising directly with officers from the Department of Education.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister say if this service went out to tender or was it directly given to GJBS?

1270 **Hon. G H Licudi:** This is a matter that was discussed with the Chief Executive and other officers from GJBS and it was decided that they... or rather they put together a proposal that they *could* put together a dedicated team for schools, and it was decided that they should be engaged to provide that service.

1275 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister explain how this policy is now different to the one before, where GJBS staff were called into schools to carry out minor works maintenance projects?

Hon. G H Licudi: Mr Speaker, again, I am being asked to look into the past, and look at the situation before we came into office.

1280 In this particular case, I happen to know how the position is different. All schools have in the past had access clearly to maintenance facilities and, as I understand it, that was traditionally provided by GJBS. That was on the basis that a requisition form was sent to the Department of Education, then onto GJBS, and GJBS, as and when they had somebody available to do that particular job, would send somebody to the schools.

1285 That is quite different from what we have at the moment, which is a *dedicated* team of GJBS employees and a foreman, dedicated exclusively to schools and who can be called upon. As I understand the position, previously GJBS did act on requisitions, did provide, again, as I understand a good service to schools. They did not have this dedicated facility. Whether it is going to be better or worse, time will tell. What we certainly can say, it is slightly different, and it is a *dedicated* service for schools, which is what we said we would be putting in place and we did so within a couple of months.

1290 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say if these maintenance costs are to be paid from the different schools' individual maintenance budgets, as per your new manifesto commitment, the new policy, or the costs are taken from the Department of Education's yearly maintenance budget, which was around £1½ million as per the previous administration's maintenance spending?

1295 **Hon. G H Licudi:** Mr Speaker, schools do not have their own individual budget for maintenance.

What we have said in the manifesto is that that is something that we would bring into effect. That has not actually happened yet. What we have done is provide the dedicated maintenance team for schools, but that is being met out of central funds administratively controlled by the Department of Education themselves.

1300 I have discussed the issue of the specific dedicated budget for schools with head teachers. The view that has been taken for now is, 'Let's see how *this* system operates', and although we are certainly committed, to the extent that there is a need for individual budgets, it is something that we will put in place, but not immediately. I wanted to put in place *this* system immediately and see how it works, and then discuss further the maintenance requirements of the schools and how much they needed – having regard to how this system is working, paid for by central funds controlled by the Department of Education; then, having regard to that, see what else would be required by the schools by way of individual and dedicated budgets which each headmaster would control. So that would be looked at following the implementation of the system and after the system has been running for a number of months.

1310 **Hon. Mrs I M Ellul-Hammond:** I am grateful for that. Perhaps that would be a topic for a question at a further date.

Finally, Mr speaker, can the Minister explain how the new maintenance team's policy will fit in with the school refurbishment programme – will there be any link at all?

1315 **Hon. G H Licudi:** Mr Speaker, it is a totally different policy and programme. As I explained in the original answer, this is maintenance in respect of works which are estimated at taking less than five days – five days or less – in other words, very minor works.

1320 There are, in addition, minor works plus refurbishment of schools. What we have said we will do is put together a permanent refurbishment programme for schools. What will actually happen will be seen in the context of the new financial year – the allocation of the specific budget for that, but that will be coming on stream very soon and it will be something very different from this, which is purely maintenance of very small works.

1325 **Director of Education post**
Number of applicants; commencement date of successful applicant

Clerk: Question 282, the Hon. Mrs I M Ellul-Hammond.

1330 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education tell us how many people applied for the position of Director of Education and when the successful applicant will be in post?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications

and Justice.

1335 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, two people applied for this position. Interviews were held on Thursday, 8th March 2012. I can confirm that the successful applicant was Mr Joey Britto, who is in post as of 14th March 2012.

1340 Mr Britto was Senior Education Adviser at the Department of Education. He has been acting as Director of Education since 3rd January 2012, when the previous Director of Education commenced his new role on promotion to the post of Chief Secretary.

I take this opportunity, Mr Speaker, to welcome Mr Britto to his new and important job (**A Member:** Hear, hear.) and look forward to working with him. (*Applause*) Certainly, I and the rest of the Government look forward to working with him in relation to the Government's Education Programme.

1345 I also want to take this opportunity, at this stage, of thanking the former Director of Education, Mr Ernest Gomez, for his dedication over many years to education in Gibraltar and, in particular, for the excellent work he carried out over the more than five years that he spent as Director of Education.

1350 **Hon. D A Feetham:** On behalf of the Opposition, certainly the Opposition would associate themselves entirely with the words of the Hon. Minister and congratulate Mr Britto, and also join with the Minister in thanking Mr Ernesto Gomez for the work that he has done as Director of Education when *he* was there.

EQUALITY AND SOCIAL SERVICES

1355

Calpe Ward Running costs

1360 **Clerk:** Question 283, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services state how much it will cost to run the Calpe Ward on an annual basis, broken down by staffing costs, equipment and other costs?

1365 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

1370 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the cost of running Calpe Ward for 2012-13 will be £774,842, of which £603,360 is staffing – that is personal emoluments, wages-related allowances and social insurance. The recurrent cost of expenditure for the Unit will be £171,482. The cost of equipment has been £136,445. This has been a one-off expenditure to equip the Unit to its present state.

1375 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister confirm that I am right in assuming that her Department has had to reissue the employment advert for registered nurses at levels 1 and 2, to 'man' the Calpe Ward because of a low level of people applying for the first advert that came out about six weeks ago?

1380 **Hon. Miss S J Sacramento:** No, Mr Speaker, I am not aware and perhaps if I had been given notice of that specific question I would have been able to reply. I am not... as far as I am aware Mr Speaker, there was an advert placed by the GHA, actually, not the Care Agency and people applied to that advert. In fact, that question is asked by the hon. Member later on and I do have the details for that.

I am sorry, Mr Speaker. Actually, it is asked as a written question!

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister advise if all the eight registered nurses and the 18 care workers positions have been filled in order to run the Calpe Ward properly?

1385 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, the date of appointment of the registered nurses is contained in the written answer – in the answer to the written question.

**Facility for the Elderly
Long term plan**

1390 **Clerk:** Question 284, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services explain what the Government's long term plan of 'a made to measure facility for the elderly', is as outlined in their manifesto on the Health page, under additional wards at St Bernard's and facilities for the elderly?

1395 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, our manifesto commitment for a short term policy of adding beds at St Bernard's and having a made to measure facility for the elderly has already been met. This was achieved on the 26th February 2012, by the opening of Calpe Ward for 18 long stay elderly patients, and thereby releasing this number of acute beds in hospital. We will, of course, strive to provide further made to measure facilities for the elderly, and will do so once the feasibility study as to the need is complete. The Care Agency and the Gibraltar Health Authority will work in close collaboration to achieve this aim.

1400
1405 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, for the sake of clarification, can the Minister explain if this is the same after the review will be conducted, high quality, I quote 'high quality cost efficient nursing homes' which is also stated in the same paragraph in that page 30 of the manifesto.

1410 **Hon. Miss S J Sacramento:** Mr Speaker, as I have said on previous occasions in this Parliament, the starting point will be to identify the need, and that is what we are doing now. Once we are able to identify the need, then we will move on to step 2, as to the need for residential care, domiciliary care, and any other care for the elderly. We are not yet at that stage because the feasibility study is not yet complete.

1415 **Hon. Mrs I M Ellul-Hammond:** Yes, I am grateful for that Minister, but it is just for the sake of clarification, because it has been brought up by several people while reading this paragraph in the manifesto, under 'Additional wards at St Bernard's and facility for the elderly', because there is a mention, as you rightly said:

1420 'our short term policy will be to add beds at St Bernard's. We will also provide a made to measure facility for the elderly' –

which you have clarified is the Calpe Ward, but then it goes on to say,

1425 'It is time to provide high quality cost efficient nursing homes in Gibraltar...'

and we would seek clarification if that means a home *in addition* to the new Alzheimer and Dementia Hospital that is being built. And it goes on to say,

1430 'We will do so to complement Mount Alvernia and the new Geriatric Care Ward –'

- which I am assuming is the Calpe and Cochrane Wards –

'and Alzheimer's centres we will provide.'

1435 Now, again, there has been question as to what these Alzheimer's centres are. Is this, again, the daycare centre that was already planned up at the Royal Naval Hospital site, or is this a new... so that paragraph is a little confusing and members of the public are not sure how much more the Government will be providing for Alzheimer's and elderly care.

1440 **Hon. Miss S J Sacramento:** Mr Speaker, for clarification, no day centre at the RNH Unit was planned. What was planned was a very little unit which is not by any stretch of the imagination the type of day centre that would be suitable for the need of Alzheimer and Dementia patients.

Mr Speaker, to clarify once again, before I can answer that question properly, I need to wait for the

outcome of the feasibility study.

1445

Hon. Mrs I M Ellul-Hammond: Mr Speaker, but the manifesto seems to be quite clear of what the Government is pledging. Is the Minister suggesting that you may be reneging on what is stated in the manifesto?

1450

Hon. Miss S J Sacramento: Mr Speaker, I am certainly not reneging on what is written in the manifesto.

However, Mr Speaker, as to the number of facilities or the type of facilities that we build will depend on the need for each individual facility and I will not know the exact need until the feasibility study is complete.

What this Government will do, Mr Speaker, is assess the need and address the need, not the other way around, because then we find ourselves with a situation that we have found ourselves at the Dementia unit at the RNH, which will be that we may have to incur expense in having the layout of the premises fit for purpose. What we will do first is identify the need and we will work from there.

1455

Hon. D A Feetham: Yes, expense that the Hon. Minister, having been a Minister now for over 100 days, does not even know what extra expense there will be. She keeps on talking about all these works that need to be done to the Dementia Unit and then, when one asks a very simple question about, 'Well, what's the extra cost?', she does not even know that.

1460

But will the Hon. the Minister, confirm – and I agree with her, that one analyses first need, and then one goes on to effectively meeting those needs – was that equation and that assessment and that analysis not done when you clearly made manifesto commitments that you did, which are clearly making pledges in relation to facilities that you are promising to members of the public? Therefore, you either made those pledges without having done analysis of the need, or you must have done so. Now what is it?

1465

Hon. Miss S J Sacramento: Mr Speaker, as we were not in Government more than 100 days ago we could not have undertaken an in-depth analysis as to the needs for the elderly because we did not have access to the information that was required. Now that we are able to access this information, that feasibility study is being undertaken.

1470

Insofar as the costs that the RNH Unit... what I said this morning, Mr Speaker, was that, of course, there will be costs incurred in any changes but I do not know the exact level of those costs because I do not know the exact level of the changes that will be made. And, of course, no architect and no engineer and no builder will make alterations free of charge.

1475

In fact, what I did say was that I have been asking for information of the costs, following on from the four changes that have already been requested to the plans at the RNH Dementia Unit by the previous Government, and I still do not have that, Mr Speaker, so I cannot give any further details.

1480

Hon. Mrs I M Ellul-Hammond: Mr Speaker, this side of the House was under the impression that the manifesto had been costed.

Hon. Chief Minister: Mr Speaker, not only has it been costed, I am very happy to say it has been very *accurately* costed, from the information that is coming across to us from the civil servants who are now looking at some of the commitments and what we can expect to see in respect of the tenders for construction of some of the projects that are in the manifesto.

1485

But that is not to say, Mr Speaker, that in respect of *some* aspects of the manifesto, the hon. Lady is going to be unable to give Members opposite a figure of what the costs will be in undertaking certain works, some of which may only have arisen as a result of her own investigations, having arrived in the Department. It could not be otherwise, Mr Speaker.

1490

Clerk: Question –

Mr Speaker: The Hon. Daniel Feetham.

1495

Hon. D A Feetham: Perhaps the Chief Minister can help me with the question that I asked the hon. Lady. The hon. Lady quite rightly says that one has to do an analysis of needs and then see what one has to do, in order to meet those needs. But perhaps, because he was involved in the writing, or he wrote or was the

principal writer of the manifesto, did he, when the manifesto pledge was made of

‘We will also provide made to measure facilities for the elderly’,

and then there is another – a number of other commitments – had he conducted that assessment of needs when he made those pledges in the manifesto? Because she is absolutely right: you make pledges based on needs, but now, when we ask her about, ‘Well, what extra facilities are you doing?’ she now falls back on having to conduct an assessment, which we would have thought would have been done before writing that manifesto.

Hon. Chief Minister: Mr Speaker, I had the opportunity of hearing the answer that the Hon. Miss Sacramento gave whilst I was in the ante-chamber and I thought that she answered absolutely perfectly and demonstrating a maturity beyond her years in this Parliament. *(Applause)*

You see, Mr Speaker, what the hon. Gentleman needs to understand is that, from Opposition, one is able to make certain assessments and from Government assessments take, obviously, a different shape when one has the information available to one, that the hon. Members opposite, despite being in Opposition, will themselves have at the time that they come to fight the next General Election and whoever it is who may lead that party. As I have said, I am going to adopt the Douglas-Home guidelines to allow members of the principal parties of Opposition access to senior civil servants so that they can make assessments with information available to the Civil Service when the time comes to write their manifesto, in four years time – something which, he will know, his party did not do when they were in office until the 8th December, despite my public request that that should have been the case.

Hon. D A Feetham: Well, thank you very much for that party political broadcast, and, but he has not, with respect, answered the question, and you may every time we ask a question of the hon. Lady, decide to refer to the fact that the hon. Lady has only been Minister for a short period of time, and I accept that, one has to give new Ministers a certain amount of latitude. But one must also accept that we are doing our job and that it is within our job description, of asking questions about commitments that the party opposite made when they were in Opposition. Now can he answer once and for all, what facilities, what, did he have in mind when they made the commitments in the manifesto? It’s a very simple question.

Hon. Chief Minister: Mr Speaker, I am delighted to get up and refer the hon. Gentleman to date to the short period of time that the hon. Lady has been a Minister, but I fully expect that she will be a Minister for much longer than *he* has been a Minister and, therefore, the time will come when I have to refer to the fact that she has much more ministerial experience than he.

But, anyway, I am delighted for them to come to this House to do their job, to ask us questions, but when it comes to issues of policy and how it is that we are going to implement parts of our manifesto and what it is that we had in mind when we were in Opposition, I will (a) remind him of the debates we have had about me not having to tell him what it is that I have in mind; not having to be answerable for what we did in Opposition; and (c) remind him that he will very soon be seeing statements setting out different parts of our manifesto which are being implemented.

When we come to the point of making a decision to make the announcements of what we have in mind, he will read it in the press.

Hon Dr J E Cortes: Mr Speaker, if I may –

Hon. D A Feetham: He obviously doesn’t have a clue what he had in mind when he wrote the manifesto!

Hon. Chief Minister: No, Mr Speaker, I have many clues of many things I have in mind when I did many things including when I wrote the manifesto, not sharing it with him doesn’t mean that my mind is empty, although that may be what happens to him when he doesn’t want to say much more than he has said into the microphone.

Mr Speaker: The Hon. Minister for Health.

Hon. Dr J E Cortes: Mr Speaker, if I may come back to the question of assessing the need for the elderly,

1555 I think it is perfectly logical, as my hon. Friend, Mr Feetham, has pointed out, that when coming into
Government, a new Government has to assess what the needs are, what is not logical or even acceptable is
1560 that the former Government who *had* the information at the time, did not assess the needs, because they have
left us with a problem with the elderly, a problem to do with housing, a problem to do with domiciliary care, a
problem with the institutionalisation of the elderly, with our hospitals full of elderly people, not allowing
acute medicine to take place. We have already started and taken immediate steps to relieve that, I think the
shame is that the past Government had not carried out that assessment, had given the false impression that
there was a Mental Unit and Dementia Unit that had already been properly designed, when they had not. That
is the point that we must not miss, and that is a point that we are going to put right.

1565 **Hon. D A Feetham:** Well, thank you very much for that, but does the hon. Gentleman not agree with me
that building 86 flats at Bishop Canilla, 145 flats for the elderly at Albert Risso, when, in fact, in the late
1990's only a third of Mount Alvernia had, in fact, been open, whereas now that has triplicated in capacity,
would he not agree with me...

1570 **Hon. Chief Minister:** Mr Speaker, on a point of order... On a point of order, Mr Speaker. This morning,
when I was listening to a less than edifying spectacle in this House, one of the rulings that you made was that
we should not be referring to things which were decades old. If the hon. Gentleman wants to get up and talk
about the record of what he called this morning 'my Government' – namely, his Government, the one that
ended on 8th December – that is a matter entirely for him, but I thought that, after your ruling he should not
1575 be referring to things older than that.

Hon. D A Feetham: Well, Mr Speaker, I am actually asking a question arising out of a statement that the
hon. Gentleman has made about the record of the GSD in Government. Now, what's good for the goose is
also good for the gander. He says that he was listening to it on the radio: well, the only unedifying spectacle
1580 was the fact that the former Leader of the Opposition challenged me to go to the ante-room to have a fisticuff
with me. That was the only unedifying spectacle – (*Interjections*)

Mr Speaker: Order! Order! Order!

Now I think we are going back into recent history... The matter was dealt with this morning: I do not
think we need to go back into that.

1585 The Hon. Daniel Feetham is right and, having regard to the fact that the Hon. Minister for Health *did* refer
to the state of affairs that was left by the previous administration, that can form the basis... but, again, aimed
at eliciting information or urging a course of action, not for defending previous Government's policies.

1590 **Hon. Chief Minister:** Mr Speaker if I might just clarify, I am not saying he cannot refer to what his
Government – what he called, this morning, 'my Government', he talked of the GSD Government that ended
on 8th December as 'my Government'... Of course, he can talk about that, but he was going back to 1993 and
Mount Alvernia etc.

1595 **Mr Speaker:** No, exactly, I have ruled that, in the context of remarks made by the Hon. Minister, which
was on the state of affairs left by the previous administration, that can form the basis of a question, not –

Hon. D A Feetham: I would not have asked the question had he not made the statement. But, Mr Speaker,
I have already made the point I think that I want to make.

1600 **Mr Speaker:** Then we can move on.

Hon. Miss S J Sacramento: Mr Speaker, I would like to make a final point on that statement regarding
the state of affairs of the elderly on 9th December, being that this Government inherited a waiting list for
Mount Alvernia that exceeded 500 people, a waiting list of people on domiciliary care that exceeded 400
1605 people, over 80 elderly people in surgical beds in the GHA, which resulted in over 100 operations being
cancelled a year... (**A Member:** Shame!)

If we are going to talk about the state of affairs, Mr Speaker, those are the facts on 9th December.

1610 **Hon. Dr J E Cortes:** I would like to add, Mr Speaker, the fact that we have had to assess numerous flats in Albert Risso House because they were not suitable for the elderly.

Mr Speaker: Well, I must allow a question on this side, if it is a question?
Then we shall move on. Next Question.

1615

**Children with severe challenging behaviour
Plans for secure unit**

1620 **Clerk:** Question 285, the Hon. J J Netto.

1625 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Service say if any Government property or properties has been, or is in the process of being, prepared and refurbished for the purpose of having a secure unit in the short term, prior to having a substantial property in the long term for children with severe challenging behaviour?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

1630 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, options are being considered with regard to identifying an appropriate property to be used as a secure unit in the short term, prior to establishing a property in the long term for children who display severe challenging behaviour, which would require a secure unit.

1635 **Hon. J J Netto:** If I understood the hon. Lady correctly, she seems to be saying that a property is being identified for the purpose, in the short term, to provide a secure unit.

1640 I understood, from the question from the last month, that some flats have already been identified and some works were in the process of being carried through in order to refurbish those flats, hence the reason why this has triggered my question today. So, let me see if we can get this right: do we have some flats, in the short term, in the private sector... I'm sorry, in Government housing stock, being refurbished, as a short term measure, for the purpose of a secure unit? Is that the case?

Hon. Miss S J Sacramento: Mr Speaker, I said that flats have been identified, not that they have been refurbished.

1645 We are looking at identifying flats... not flats, premises, for it to be refurbished for the long term. Any short term flats are being identified but do not necessarily require refurbishment, Mr Speaker.

That is what I believe I said on the last occasion and the occasion before that.

1650 **Hon. J J Netto:** Perhaps, then, Mr Speaker, *Hansard* will say whether it was 'properties' or 'flats' but, anyway, that is a minor point which I don't want to dwell on.

Can the hon. Lady say whether they will be in a position within, perhaps, the next three months, of knowing whether there are some properties which can be used – notwithstanding the fact that some refurbishment may have to take place – and thereby use these properties as a short term basis for placing some looked-after children with severe challenging behaviour?

1655 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, in fact probably earlier, but certainly within three months.

1660 **Hon. J J Netto:** Could we also ask the hon. Lady, in terms of preparing for a situation where, hopefully, there will be a property in three months, notwithstanding any refurbishment works, whether some consideration has been given by, perhaps, the senior management, in this case, of the Care Agency, as to what the needs or the package that would need to be put together, in order to deal with the necessities and the circumstances of these looked-after children with severe challenging behaviour?

Hon. Miss S J Sacramento: Yes, Mr Speaker that is something that we have already looked at.

1665 Predominantly the most urgent thing in that respect is training, and DCRT training has already commenced. I explained that in the first meeting of this House, Mr Speaker. I am sure that the hon. Member may recall, because I was asked questions specifically on that training.

1670 **Hon. J J Netto:** By all means, of course, training is a most important necessity in the equation but, given that we are considering looked-after children with severe challenging behaviour, which presumably, in addition to having severe challenging behaviour, may have emotional problems, social problems, is the Care Agency giving thought that these particular children may need, perhaps, a ratio of carers much bigger than the other one? If so, have they considered the number of carers, notwithstanding the training and the level of training that may have been obtained so far, for this purpose?

1675 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, and the complement is actually being reviewed specifically for this purpose.

1680 **Hon. J J Netto:** Could I also ask what specialist provision will be provided for these particular looked-after children as a package?

1685 **Hon. Miss S J Sacramento:** Sorry, Mr Speaker, I do not really understand the question, but I think that... Well, anyway, the answer is that the whole secure accommodation arrangements are being reviewed, both in terms of the accommodation itself, the legislation that is required and anything else that may be relevant, for Gibraltar to be able to provide secure accommodation.

Hon. J J Netto: I was not referring, Mr Speaker, in relation to any possible amendment to the Children Act for the purpose of having a secure unit because, obviously, I understand that that would be a necessity.

1690 What I meant by a specialist provision of care provision, given the nature of these particular children, whether a programme would be put in place, in terms of having educational psychologists, in terms of anger management, a whole range of different facilities that would be targeted for these particular children. That is what I meant by special care provisions, as opposed to the training, as opposed to the changes of legislation. Could the hon. Member please expand on that area?

1695 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, because all those things that the hon. Member has just mentioned are already provided for, in any event, and it would be a question of enhancing those and making those facilities available to the secure accommodation.

1700 **Hon. J J Netto:** Mr Speaker, I understand that those services are already there because it developed as I was there. But, given the fact that we are talking about removing some of these children – and I assume some of these children are in Tangier View right now and, hopefully, will be moving on to a property out there – there will be, perhaps, a question of resources that need to be thought through because, if you have, for instance, one support of an educational psychologist attending there or some particular psychologist attending to the other premises, they may not be able to duplicate that in a different area.

1705 One of the logical reasons behind Tangier View was that the facilities would be available in one particular place but, by having different facilities which, as I expressed before, I am not against the idea – in fact, I see it as a positive move, actually – will that mean that there will be extra resources over and above to the ones that already exist?

1710 **Hon. Miss S J Sacramento:** Mr Speaker, as I have said *ad nauseam* already, in the light of this question, the whole situation is under review, so if resources need to be provided then resources will be provided.

1715 **Hon. J J Netto:** Well, Mr Speaker, with respect to the hon. Lady, I mean, the whole question may be under review but what I am trying to ask the hon. Lady – which I think is a fair and sensible and reasonable question – is whether *she* thinks, regardless of what the review would say, whether extra resources will be needed as a result of this?

Mr Speaker: She is being asked to pre-judge the review?

1720 **Hon. G H Licudi:** The hon. Member is asking specifically for that, for a pre-judging of the review, also asking for an opinion by the hon. Lady. The matter is currently being investigated, it is not appropriate to ask for an opinion from Government Ministers, the Government is currently looking into the whole question of resources and, as *soon* as we are able to identify what is needed then that will be announced.

1725 **Hon. J J Netto:** Okay, Mr Speaker, fair enough, on and in relation to that, can I also ask in a slightly different supplementary question, are we still talking about, I think it was the figure that you provided in a different session, of five looked-after children are we still talking about that number? Or has the number decreased or increased, which is something that is likely to happen in areas of this issue.

1730 **Hon. Miss S J Sacramento:** Mr Speaker, I don't think that we have ever said that any secure accommodation would provide for five or four. We have never said the number. That was a reply to a specific question of how many children are at present in care, who manifest this severely challenging behaviour.

1735 The unit, obviously, would have to cater for a certain minimum looked-after children but, again, Mr Speaker, that is part of the review, because the review would establish the pattern of the need. We cannot just go by the figures that we have given – the children in care right now – we would have to see the pattern and see whether that pattern shows a consistent figure in the past, so that we are able to cater for enough children in the future.

1740 **Care Agency residential homes
Recordable acts of violence**

Clerk: Question 286, the Hon. J J Netto.

1745 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if there have been any recordable acts of violence in any of the Care Agency Residential Homes, since this question was asked in Question No. 169/2012 to date and, if so, could the Minister provide a breakdown showing the date of the incident or incidents, whether the incident or incidents were between children or between children and staff and whether, as a result of the incident, medical attention was required either at the Home or in the Hospital and for what purpose?

1750 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

1755 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Yes, Mr Speaker, there has been one incident of recordable acts of violence in Care Agency Residential Homes since this question was asked in Question No 169/2012. On 2nd March 2012 there was one incident between a child and a member of staff. No medical attention was required for the incident.

1760 **Hon. J J Netto:** Okay, Mr Speaker.

1765 **Care Agency Residential Homes
Absconding Children**

Clerk: Question 287, the Hon. J J Netto.

1770 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services say if there have been any looked-after children in the care of the Care Agency in any of their Residential Homes who have been absconding since 9th December 2011 and, if so, could the information be provided on a monthly basis, and stating how long the absconding lasted, whether any of them may have been engaged in acts of violence against other looked-after children or staff members?

1775 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

Hon. the Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker there have been a total of 23 incidents of children absconding since 9th December 2011, 16 of which involved the same child.

1780 I am now handing out a table with the dates of the absconding, the time the absconding lasted, and whether any of them had been engaged in acts of violence against other looked-after children or staff members.

ANSWER TO QUESTION 287 OF 2012

Date	Length of time LAC absconded	Violence to LAC or Staff?	Home or hospital treatment
13/12/11	1 hour	No	
19/12/11	1 Hour	Staff	Hospital, attention to nose
24/12/11	3 hours 15 minutes	Staff	Hospital attention to shoulder (LAC)
01/01/12	8 hours	Staff	None required
03/01/12	7 hours 5 minutes	No	
04/01/12	7 hours 15 minutes	Staff	None required
05/01/12	9 hours 15 minutes	No	
06/01/12	7 hours 35 minutes	No	
07/01/12	10 hours 30 minutes	No	
08/01/12	22hours 30 minutes	No	
14/01/12	8 hours 30 minutes	Staff	Hospital attention to leg pain (LAC)
18/01/12	10 minutes	Staff	None required
23/01/12	6 hours 10 minutes	No	
24/01/12	15 hours 20 minutes	No	Hospital attention to wrist. (LAC)
26/01/12	7 hours 30 minutes	staff	Tetanus for a bite, and anti biotic.
06/02/12	4 hours 7 minutes	No	
07/02/12	27 hours 45 minutes	No	
12/02/12	7 hours 30 minutes	No	
12/02/12	7 hours 30 minutes	No	
12/02/12	9 hours 15 minutes	No	
13/02/12	35 minutes	No	
16/02/12	6 hours	No	
16/02/12	6 hours	No	

Hon. J J Netto: Mr Speaker, I am grateful.

1785 Whilst the information is coming through, perhaps, I do not know whether it will be contained in the information coming, but can the hon. Member say whether all these incidents of absconding have been within Gibraltar or perhaps some of these looked-after children have even absconded and gone in to Spain?

1790 **Hon. Miss S J Sacramento:** Mr Speaker, I cannot answer that question for certain but I can say that I have not been advised that anyone has absconded across the border. I cannot confirm that for certain but, certainly, I am usually advised when a child absconds and usually given the background, and I have not been informed that anyone has been absconding in Spain.

Hon. J J Netto: Okay, Mr Speaker, we can move on to the next one.

1795

**Elderly Persons
Domiciliary Care**

1800 **Clerk:** Question 288, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services say, what is the total number of elderly persons receiving domiciliary care as at the end of February 2012?

1805 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

Hon. the Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the number of elderly persons receiving domiciliary care as at the end of February 2012 is 88.

1810 **Hon. J J Netto:** I'm sorry I missed the... How many?

Hon. Miss S J Sacramento: 88.

1815 **Hon. J J Netto:** 88...

Mr Speaker, obviously the figure of 88, which the hon. Lady has just given us, is a figure which is less than the figure than we left of 91 people receiving domiciliary care, as provided by the senior management of the Care Agency to me was 91.

1820 Now, leaving that aside, what I would like to ask the hon. Lady, which is I think much more important than that, is that, given that we have 88 persons who are receiving domiciliary care and given that, last month, the hon. Lady – I think it was last month – was saying in one of her answers to one of my questions that there are elderly people in the community who, I think, were not receiving any help either from the family or from the Care Agency... Shall I give way to the hon. Lady and clarify that before I proceed?

1825 **Hon. Miss S J Sacramento:** Mr Speaker, I do not have the answer to that question before me but, as I recall, there were no people in the community, according to our records, receiving no domiciliary care or no help from their family. I am happy to, perhaps, go back and check that but, as I recall the table, there were people who were either assisted by way of domiciliary care, assisted by way of help from their family, or by both – not by neither.

1830 **Hon. J J Netto:** Well, perhaps we would have to look at *Hansard*, but I do think to recall that there were a group of people, that they were not receiving any help, either from the extended family or from the Care Agency...

1835 Given that there has been no increase, perhaps a decrease, as I would think, in the number of people receiving domiciliary care, would it not be the case, perhaps, Mr Speaker, that the Government – obviously she does not hold the financial purse strings – but if, as the hon. Lady said just a while ago, there are so many people waiting for domiciliary care, would she not, having a collegiate Government, as they have, not inform one of her colleagues who has got the purse strings, perhaps, to ask for a bit of more money in order to allow more people to have domiciliary care?

1840 Because, at the end of the day, if there is no spare capacity to attend the needs of these people, either because Mount Alvernia is full right, perhaps help could be given in the community in order to try and give some domiciliary care. So can they undertake that?

Hon. Chief Minister: Mr Speaker, if she does, she'll be pushing at an open door.

1845 **Hon. J J Netto:** I'm sorry, Mr Speaker, I missed that. Will the Hon. Chief Minister repeat that?

Hon. Chief Minister: If she does, Mr Speaker, she will be pushing at an open door.

1850 **Hon. Miss S J Sacramento:** Mr Speaker, in response to the question, first of all, I want to clarify that I am not aware when senior management informed the hon. Member as to the number of people who were receiving domiciliary care previously but, certainly, my information for the purpose of this question is that, before 9th December 2011, the number of people receiving domiciliary care was 79. That is less than the number of people receiving domiciliary care today.

1855 Obviously, Mr Speaker, I have to rely on the information that is provided to me by my senior management, but certainly that is the information that I have received.

What is significant to note, Mr Speaker, is that not only has this new Government increased the number of

people who are now receiving domiciliary care in the last 100 days, but we have also increased the number of hours that are afforded to the elderly, (**A Member:** Hear, hear.) following individual assessment of their needs.

1860 In addition Mr Speaker, elderly people already receiving domiciliary care hours in the community, of which the maximum under the previous administration was only 2 hours a day, have also had their hours reviewed and increased, if necessary, following individual assessment of their needs.

1865 Now, to put this into context, Mr Speaker, the total number of recipients of domiciliary care prior to 9th December 2011 was 79: they were receiving a total of 420.5 hours a week. From the end of February to date, there are now 88 recipients receiving domiciliary care and they are receiving a total number of 530.5 hours a week. Thus, this is an increase of 110 hours per week, a 26.2% increase to what the previous Government was affording. (*Applause*)

1870 **Hon. J J Netto:** Well, Mr Speaker, in relation to that particular point, let me tell the hon. Lady that the same senior management that is giving her the figures gave me the figures that there were 91 persons receiving domiciliary care, but that is not the issue here for debate.

Will the hon. Lady, therefore, not provide me a breakdown of the number of people who are now getting more hours than the 2 hours that was previously the case?

1875 **Hon. S J Sacramento:** Mr Speaker, I fail to see the relevance of that question. I do not have the exact figures of who is receiving more hours and who is receiving domiciliary care that they were not receiving before. I do not have that specific breakdown, Mr Speaker, therefore I am unable to provide it.

1880 **Mr Speaker:** The hon. Lady may not be in a position to provide that specific information but it does have relevance, because it is the point made by the hon. Lady... (*Interjection*) No, the answer was she has not got the information *at hand*, but I have ruled that it is relevant because she did mention the amount of hours.

Hon J J Netto: Therefore –

1885 **Hon. Miss S J Sacramento:** Can you be more specific.

1890 **Hon. J J Netto:** Therefore, I presume she has not got the information there available in front of her, inasmuch as to how many people now are getting more than two hours domiciliary care – I mean, does she have the information there available? No, you have not. Therefore, if I write to her, will she provide me with that information, Mr Speaker?

Hon. Miss S J Sacramento: Yes, absolutely, Mr Speaker. I understood the question as the hon. Member wanting to know who the people were, not the number of people. That is why I questioned the relevance.

1895 Certainly, in terms of the figures, if the hon. Member were to write to me, yes, I am happy to give him a breakdown.

1900 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, just for the sake of clarification, can the hon. Member opposite just clarify, if it has increased from 79 to 88 patients receiving domiciliary care, with an extra 120 hours per week on average, what has been done in order to enhance the service? Have more staff been employed?

Hon. Miss S J Sacramento: Mr Speaker, it is a combination of more people receiving domiciliary care and people who were previously receiving domiciliary care receiving more hours of domiciliary care.

1905 Perhaps I can inform the hon. Member opposite that domiciliary care is sub-contracted to a company in the private sector and these hours are then sub-contracted. There is a contract with a company in the private sector; these hours are sub-contracted to them.

1910 **Hon. J J Netto:** Could I ask in relation to the context of what she has just said, whether it is just the continuation of *one* contractor providing that particular service or there are more than one.

Hon. Miss S J Sacramento: At present, Mr Speaker, as I am sure the hon. Member recalls, Government

is tied into a contract with a particular provider in the private sector and it is that contract under which we are working.

1915 **Hon. J J Netto:** Does the hon. Lady knows until when the contract lapses?

Hon. Miss S J Sacramento: Yes, Mr Speaker, I do. *(Laughter)*

1920 **Hon. J J Netto:** And would the hon. Lady, perhaps, volunteer, without me having to stand up every 5 seconds, as to when?

Hon. Miss S J Sacramento: Well, Mr Speaker. the contract that the hon. Member entered into with this company expires in 2013.

1925 **Mr Speaker:** The Hon. Damon Bossino.

Hon. Mr D J Bossino: Does the increase in hours result in extra costs to the Government?

1930 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, they have to be paid for.

Hon. D J Bossino: Yes, of course they have to be paid and maybe she can confirm this point. And does she have any information available to announce what that cost amounts to?

1935 **Hon. Miss S J Sacramento:** Well, the hourly rate remains the same, so the number of hours would have to be multiplied by the cost of the service. And the price, under the contract is, I think £12.40-something – it is just over £12, I think.

1940 **Care Agency Board
Meetings since 9th December 2011**

Clerk: Question 289, the Hon. J J Netto.

1945 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state on how many occasions has the Care Agency Board met since 9th December 2011?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

1950 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, there have been no Care Agency Board meetings since 9th December. One is being arranged for 28th March 2012.

1955 **Hon. J J Netto:** Mr Speaker, is the hon. Lady aware that the Care Agency Act, clause 5.2, states the Agency shall meet at least once in every three months?

Hon. Miss S J Sacramento: Yes, Mr Speaker, and I am sure that the hon. Member was also aware of that provision when the last meeting of the Care Agency Board was on 11th April 2011, Mr Speaker. *(Laughter)* There was no meeting in September 2011, nor in December 2011, Mr Speaker.

1960 **Hon. J J Netto:** I certainly don't recall that. I do recall the fact that there was one particular meeting which I could not attend but, obviously, I designated the Chief Executive of the Care Agency to take the meeting for my purposes. I do not know whether she is referring to that particular meeting or not.

1965 **Hon. Miss S J Sacramento:** No, Mr Speaker, the meeting that the hon. Member is referring to – the one that was convened but he did not attend as Chair – was that of April 2011. So, in effect, Mr Speaker, the hon. Member did not attend *(Laughter)* a meeting of the Care Agency Board since 26th January 2011.

Hon. J J Netto: Mr Speaker, can I ask the hon. Lady whether she intends to make the meetings of the Board public, as some of her colleagues have stated?

1970

Hon. Miss S J Sacramento: Mr Speaker, that will be a matter for the Board.

Hon. D A Feetham: Does the hon. Lady not agree with me that, and I don't know what the position was in the time of 'my Government', (*Laughter*) but (*Interjections and laughter*) a little light humour in a sea of...

1975

But does she not agree with me that, to have not done something not in accordance with the Children Act when *we* were in Government does not justify the continuation of the practice now that *they* are in Government?

Hon. Miss S J Sacramento: Mr Speaker, the Children Act does not dictate the meetings of the Care Agency Board.

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Hon. D A Feetham: The relevant statute, Mr Speaker. (*Laughter*)

Mr Speaker, the Lady knows exactly what I am referring to. If she wants to give an answer, she can, if she does not want to give the answer, she does not have to.

1985

The question is a serious question. My friend, Mr Netto, has asked her whether there have been any meetings, she has said no, my friend, Mr Netto, has then said, 'Well, are you aware of the fact that the statutory obligation is three months?' She has said 'Yes, and when you were the Minister, there weren't any meetings since April!'

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I think it is a serious state of affairs if we are all going to be accepting that we are not going to be compliant with our statutory obligations because of what was past practice. Now I ask her again, does she not agree with me that it is not an excuse not to comply with your statutory obligations simply because there has been non compliance by a previous administration?

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Hon. Miss S J Sacramento: Mr Speaker, can I please remind the hon. Member of my original answer, which said that one is being arranged for 28th March 2012. That is within the first quarter of this Government, Mr Speaker, in compliance with the statute.

The fact that the previous administration did *not* comply with its obligations under statute is a matter for them, Mr Speaker, not a matter for this Government. This Government is complying with its statutory obligations and, of course, I agree with the hon. Member that it is important to comply with statutory obligations. (*Applause*)

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Hon. D A Feetham: Well, Mr Speaker, unless my maths has really gone awry – and I know that it is quite late on a Friday afternoon – if it is three months, then it should have been done by 9th March not by 28th March.

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Hon. G H Licudi: Mr Speaker, there isn't any statutory obligation to have a meeting within three months of a new Government *coming in*. Every three months usually means every quarter of the year, and that is precisely what *my Government* is doing. (*Prolonged cheering and applause*)

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Given that the hon. Member was the Minister for Justice and he refers to it as 'my Government', (*Laughter*) I am the Minister for Justice and other things and, therefore, I believe I have the privilege of calling it my Government as well. (*Laughter*) In those circumstances we are compliant with the statutory obligations.

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The hon. Member should be asking *his* colleague why it was that, in the last quarter of last year, before they retired from office – before they were *sacked from office* by Gibraltar – why *they* did not comply with the legislation. (*Applause*)

2020

Hon. D A Feetham: Well, you see, the hon. Gentleman is wrong, I'm afraid. He has intervened and he is wrong.

There is a serious point here, and we will accept, certainly, whatever justifiable criticisms are levelled our way. The statute actually provides, according to my friend, Mr Netto, that it shall be held every three months. Now, if that is the position and the last one was in April, then, of course, there was an obligation to hold one as quickly as possible into your term of Office, not on the 28th! That's not what the statute says.

2025 **Hon. G H Licudi:** Mr Speaker, that is *his* interpretation of the statute, which is wrong, because the statute does not say ‘as quickly as possible as you come into office. (*Interjection by Hon. D A Feetham*) Yes, and had we had a meeting on the 9th December, there would still have been a default of the legislation, because the Act says ‘every 3 months’, the previous meeting was in April of 2011, even if we had had one on the first day in office (**A Member:** Absolutely.) there would still have been a default.

2030 What we have done is decided that there should be – or, rather, the Care Agency has decided that there should be – a meeting every quarter, and the first quarter’s meeting is happening this month, which is within the first three months of this year. That is what is happening.

Hon. D A Feetham: Yes, well, I do not agree with that interpretation, but we’ll leave it there.

2035 **Hon. J J Netto:** Mr Speaker, can I ask just one more supplementary to the hon. Lady.

The hon. Lady, when I asked her whether she is considering the fact of making the meetings of the Board public, said that would be a matter for the Board. Will she, therefore, take that particular question to the Board, to the next meeting, in order to decide whether they will be making the meeting public or not?

2040 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, as is the policy of this Government and the policy of transparency, which we say did not hitherto exist, not before the 9th December, this is a matter I am happy to take to the Board. However, Mr Speaker, it is a decision that needs to be taken by the Board. It is not a decision that I can take.

2045 **Hon. G H Licudi:** Mr Speaker, can I add to that.

The hon. Member will be aware that, clearly, the Board will be dealing with sensitive issues, issues relating to care proceedings, issues relating to children and there will be sensitive issues that perhaps ought not to be made public. So, in the consideration of that, those matters will have to be taken into account.

2050 We do not want to make the Board unworkable, but there are sensitive issues that *this* particular Board will have to deal with, which may make the position different to other Boards, but we take on board what the hon. Member has said and, as the hon. Lady has indicated, the matter will be taken to the Board for a decision.

Hon. J J Netto: Yes, I want to –

2055 **Hon. G H Licudi:** Mr Speaker, but I want the hon. Member to understand the sensitivities with this particular Board.

Hon. J J Netto: Yes, Mr Speaker, I do take that into account, in a similar way as it happens with the Health Authority Board.

2060 **Hon. G H Licudi:** This one is generally dealing with children and more sensitivities.

Hon. D A Feetham: We certainly agree that that must be the position, and that must be right.

2065 There are possibly ways of dealing with it, by redacting names, by redacting references to circumstances but, certainly, on this side of the House, if the Government were to decide *not* to publish those minutes, we would not be criticising the Government for not doing so.

2070 **Hon. G H Licudi:** Mr Speaker, I am certainly grateful for that, let me just point out also, it’s not just a question of redacting names in published documents. If the meetings are *in public*, as has been suggested, then the issue of redactions does not apply, the information becomes public and those are sensitivities. I acknowledge that the hon. Member has agreed with those sensitivities.

TRAFFIC, HEALTH AND SAFETY AND TECHNICAL SERVICES

2075

**Overnight parking provision
Identification of additional areas**

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Clerk: Question 304, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Traffic, Health and Safety and Technical Services advise whether the Government has identified other areas to make available for free overnight parking, other than those provided at the Europort Avenue and Bayside Road car parks?

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Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

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Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, the Government is presently looking into all parking areas in Gibraltar which are presently being used during the day for a specific purpose, with a view of the possibility of allowing their use by the general public overnight, as was the case with Europa – sorry, with Europort Avenue and Bayside Road car parks: these areas in question were reserved for the specific use of school teachers.

The Government will make this information public if and when areas are found to be suitable.

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Hon. D J Bossino: So, presumably at this stage, the answer from the Minister is no.

Hon. P J Balban: Mr Speaker, the answer is that we are actually looking into other areas in Gibraltar. In fact, there are three areas that we are specifically looking into, and until we are sure that they can be used for that purpose, we prefer not to make this information public.

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Hon. D J Bossino: The reason why I asked this question, Mr Speaker, is because I have received representations in relation to a specific area in Gibraltar, and there is an interest that a certain location be made available, using a similar regime – nobody wants to consult a regime – which has been implemented in relation to the car parks which have already been freely made available, or released, to the general public during certain hours. This is why I ask the question.

2105

Hon. P J Balban: Mr Speaker, we would be, actually, very grateful if he could have that information and refer it to us so that we actually take that car park area into account as part of the public consultation exercise. That is what it is, public consultation, and if Members across the floor have any suggestions then, by all means, we are happy to take them on board.

2110

Hon. D J Bossino: Now, in relation to the public consultation exercise, once again, I think I have made this point in previous sessions of this House to the Hon. Minister. Can he confirm that it is the consultation exercise which is being carried out by the Government in relation to the major review of traffic?

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Hon. P J Balban: That is correct. That is the review of the traffic plan, yes.

Hon. D J Bossino: And given that we are now on 16th March, can the Minister give me an indication as to when he envisages that he will be able to reach a final decision in relation to the various locations?

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Hon. P J Balban: I believe there is a Question further on that actually asks about the Traffic Plan and what stage we are at at the moment.

2125

**Devil's Tower Road multi-storey car park
Car exporting businesses**

Clerk: Question 305, the Hon. D J Bossino.

2130 **Hon. D J Bossino:** Can the Minister for Traffic, Health and Safety and Technical Services provide the House with details of the arrangements the Government has entered into with car exporting businesses, in connection with the offer of car parking facilities at the Devils Tower Road multi-storey car park?

Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

2135 **Hon. Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the Government has reached an agreement with Gibraltar based motor car exporters to provide them with space in which to park their vehicles. This is in line with the policy of the new Government to generate revenue from assets which were not producing income before.

2140 Following a study carried out, it was confirmed that the car park at Devil's Tower Road was being under-utilised and it was also confirmed that there was no waiting list for residents of the area wanting to park their cars there. The decision was taken to offer space in the said car park to the Bassadone Group of companies in which to park vehicles destined for export.

2145 This should be seen in the context of both the need to generate income for the Government and also of the delay to the planned Western Beach reclamation progressed under the previous GSD administration in which the Bassadone Group were earmarked a section where their export business could be consolidated, including an area where the company could park their export vehicles. The consequences of the considerable delay in the provision of this parking base at Western Beach is an important factor that the GSLP/Liberal Administration has taken into account throughout the discussions with the company.

2150 The Bassadone Group will make a payment of £150,000 per year for the car parking arrangements. This directly releases land in other parts of Gibraltar which will now be available to the Government for development or for other purposes.

2155 At the same time, the AM Capurro Group contacted the Government in view of also looking for space to park their export vehicles. As a result of the Bassadone Group reducing the space that it occupied in Regal House car park, it was agreed that the AM Capurro Group would occupy an area of this car park in Regal House for their own export parking requirements. They would pay the Government £70,000 per annum in return for this parking facility.

2160 It is important that the Government provides assistance to the companies which are bringing in new business and employing in Gibraltar. It is also particularly important that Gibraltar Car Parks Limited, which is a huge loss-making operation set up by the previous Administration, receives some very much needed income from previously empty car parking space. The deal is, therefore, good for the taxpayer and good for Gibraltar.

2165 **Hon. D J Bossino:** Much of what the Minister has said was previously set out in a press statement, the Government press statement of 154/2012.

Now, what I was getting at, or driving at, in asking this question is more particulars of what specific arrangements have been entered into with the Bassadone Group. Is it a lease arrangement? Is it a licence arrangement? For how long is it expected that the Bassadone Group will be occupying the area at the multi-storey car park? Things of that nature.

2170 **Hon. P J Balban:** Mr Speaker, this is a licence arrangement and it is on a monthly basis.

2175 **Hon. D J Bossino:** I am not too sure how much space is now left in the Devil's Tower Road multi-storey car park, but what is the Government's intention in relation to the usage of that car park in the future? Will it still be used as a park-and-ride, which was *my* Government's intention, (*Laughter*) when it built that construction, or does the Minister envisage that it will be used for different purposes now?

Hon. P J Balban: Well, the car park in question was never used as a park-and-ride facility. It was never up and running, that was the intention but it was never used, it never came to fruition.

2180 As I said, as part of the review we are actually looking at, where we progress... One of our manifesto commitments was, actually, to look at the possibility of building park-and-ride facilities closer to the point of entry to avoid having cars actually come into Gibraltar, and absolutely avoids the problematic Sundial roundabout. It is trying to keep them closer to the frontier area.

2185 **Hon. D J Bossino:** It was the GSD party's intention to use it as a park-and-ride facility – that is why it was built, so that is the whole reason for it.

Now, in terms of progression, can the Minister – I don't think he has answered the question – can he identify whether *that* building is now going to be used as the park-and-ride, or are they going to abandon the former Government's policy in relation to that, in relation to the multi-storey car park?

2190 **Hon. P J Balban:** It is, actually, too early to know, for us to be sure what the final purpose of that car park will be as, again, we are reviewing the whole traffic parking situation in Gibraltar, especially the district parking schemes. Based on that, then we will see whether this will be used as a park-and-ride or not. We still have no concrete plans at the moment.

2195 **Hon. D J Bossino:** Again, in terms of time, does he know when he will have those concrete plans available?

2200 **Hon. P J Balban:** The consultation process and, obviously, the review will take a considerable amount of time. Again, I am not sure how long this will take, but until all that process is finished, I will not be in a position to be able to tell you ideas of timescale.

2205 **Hon. D J Bossino:** With respect, I think the Minister may not have answered accurately. The consultation, as I understand it from his replies in this House on previous occasions, is that the consultation process has, in fact, completed, and what he is now reviewing is the data. So, can he clarify the answer?

Hon. P J Balban: In fact, in my reply to your next question I will be clarifying all these points. It features in our next question.

2210 **Hon. D J Bossino:** Presumably, the reason why the Government has entered into licence arrangements, as opposed to lease arrangements, with the Bassadone Group is that the licence arrangements can be determined, on a monthly basis, at the Government's will?

2215 **Hon. P J Balban:** Yes, obviously, it gives us – and them – enough leeway to be able to continue, or discontinue, the arrangement because, if as part of the traffic plan, we find that the car park needs to be used for another purpose then, obviously, we can discontinue the arrangements and continue to use it for what we intend its use to be.

2220 **Hon. S M Figueras:** Sorry Mr Speaker, staying firmly on the subject of, in respect of the area of, thank you very much.

In respect of the areas relinquished by Bassadone Group, is the Hon. Minister able to provide us with details of those areas?

2225 **Hon. P J Balban:** Yes, the areas which have actually been, have remained vacant is the ex-MOD trailer park, and an area up by the Bufadero.

Hon. S M Figueras: An area up by the Bufadero.

Hon. P J Balban: Yes, up by the Bufadero, where the band... it's the parade area.

2230 **Hon. S M Figueras:** Yes, Mr Speaker, presumably there is an element of leeway in this arrangement obviously because it is a monthly licence but, one would also presume that if, Bassadone in particular, are relinquishing the use of the two areas specified by the Hon. Minister, in the event that the Government should decide that the multi-storey car park should be used for the purpose for which it was originally built, that Bassadone will have a new need for an area in which to store those vehicles which are now in the multi-storey car park. Has there been any discussion with Bassadone in respect of the potential for that difficulty in the future?

Hon. P J Balban: Well, our immediate plans for the car park... As I said, because of the review and the

2240 time it will take, we do not believe that we are going to have an immediate need to use that car park. So our idea was to capitalise on the fact that we have a car park that is not being used much and generate some income from it. Obviously in time, in the, hopefully, not too distant future, the area assigned for Bassadone, which is the Western Beach Reclamation, will be, hopefully, up and running, ready for them to move into. That is the plan.

2245 **Hon. S M Figueras:** Therefore, Mr Speaker, it is not a quantum leap to assume that the Government has no imminent plans for the use of the ex-MOD trailer park or, indeed, that particular area by the Bufadero?

2250 **Hon. P J Balban:** The Government, at the moment, is actually looking at the areas in question, and because land is not something we have a lot of, there are quite a few ideas for the areas in question.

Hon. S M Figueras: I am grateful.

2255 **Traffic Plan public consultation
Findings**

Clerk: Question 306, the Hon D J Bossino.

2260 **Hon. D J Bossino:** Can the Minister for Traffic, Health and Safety and Technical Services now provide details of the findings arising from the public consultation exercise the Government has carried out in relation to the Traffic Plan?

2265 **Clerk:** Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

Hon. the Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker the Government has now completed the first stage of the public consultation process, although it must be noted that any feedback received at any point during the review, even after said public consultation period, will still be considered.

2270 It is the Government's opinion that the process of consultation needs to be fluid in this respect. All the information collected to date has now been catalogued and, once the full consultation is completed, including feedback, suggestions and comments derived from a user and trip survey, the Government will be in a better position to provide details of the findings.

2275 **Hon. D J Bossino:** I do not quite follow, unless this is some sort of technical jargon, and I have completely missed it... What is the Minister referring to by a user-and-what survey?

2280 **Hon. P J Balban:** Well, as part of the consultation process we will be actually surveying users as to what trips they regularly take, so it's a consultation exercise whereby people are actually surveyed on 'where are you going?', 'for what purpose you have got your mode of transport?', that sort of question. It is a user survey, a transport user survey.

2285 **Hon. D J Bossino:** I see, so you are going to be carrying out some sort of questionnaire which is going to be made available to the public at large? Yes? Is that what the Minister is referring by the 'users'?

2290 **Hon. P J Balban:** That's right, actually see whether we can ascertain why people choose to drive their own cars to work, as opposed to getting public transport or their bicycles, or whatever. It is to see what their customs are, how many people travel in one vehicle. I mean, do they drive with kids to school, even though it is just a ten minute walk away? Really, just to see what people's behaviour is in terms of their transport.

Hon. D J Bossino: Would he describe that as the second stage of the consultation process? The first stage, presumably, was the one that was announced in the press statement issued in January, which allowed a very small window of about two weeks, I think, up to the 30th January, within which people, interested parties –

2295 the Minister will recall the rather controversial issues that arose in the first session of this House, also very late on a Friday afternoon, in fact I think it was almost a Friday night, in relation to that, in relation to the use of that wording by the Minister.

So that would be the first stage. Now the second stage is this questionnaire which is going to be issued by his Department. Would the Minister concur with me that that is a correct analysis of the consultation process?

2300 **Hon. P J Balban:** The actual public consultation exercise is broken down in different stages. Initially, it was a public consultation exercise, which we launched a press release, and obviously people, anyone, could just come in and participate, inclusive of whether they were part of tenants' associations etc. So that was just a general feedback on the public.

2305 After that now, apart from the user trip survey that we are going to be carrying out as well, we are also homing in on more specific organisations, for example we are homing in on tenants' associations, management companies, we will be talking to the Chamber of Commerce, Emergency Services, and other commercial entities that actually use, or have a need to use, our roads for their business. This survey, or this consultation exercise, will cover as many across the board as it is possible to get – a true idea as to what people's requirements are and needs are, before we finally make a decision as to where we are going.

2310 **Hon. D J Bossino:** At what stage does the Minister intend, or does he think he will be able, to consult the entities he has just listed by way of example?

2315 **Hon. P J Balban:** Well as I said at the moment we have actually, we are almost through the different tenants associations. So we have actually seen most of the different tenants associations around Gibraltar, and the management boards of the managing committees, we still have a few more to meet with. Our next stage will be talking to as I said people like the Chamber of Commerce, we have also, the Bus Company, there is obviously bus rides to be included, the Taxi Association, Emergency Services, I have mentioned Emergency Services already, and also Disability Groups because we also want to get an idea as to what other people with different requirements are in need of.

2320 **Hon. D J Bossino:** So if I took a snapshot of the consultation exercise at the moment, you would be saying that it is in train? You are in train, you are actually carrying out the consultation at this present moment in your department.

2325 **Hon. P J Balban:** That is right. The consultation process is very wide and far and, obviously, it is not specific to a certain sector of the community. We want to get as wide a picture as possible, to take most people's accounts into consideration. Obviously not everyone's opinions we will be able to take those into account but we want to get at least as much feedback as possible before we actually launch what will be our traffic and parking and transport plan.

2330 **Hon. D J Bossino:** The Minister, in the last session of the House said, and I quote – and this is really what informed the posing of the question in the terms that it was posed – said:

2335 'Mr Speaker, the data has actually been collated by members of staff',

this is the data collated as a result of, if I can, presumably, call it the first stage of the consultation process

2340 'they are actually preparing a summary spreadsheet of all the findings and once that is finished, which I hope they will be finishing shortly, that will be handed back to me and then I will be in a position to be able to give more specific details of the outcome'

Now, is the Minister at this stage able to provide those specific details – at this stage?

2345 **Hon. P J Balban:** The sheer amount of comments of people that we are receiving would make it impossible for me to actually share all that... Well, I mean I am willing to share a few things, as I said, so you can understand what the comments are because, obviously, there are an immense amount of comments, in all stages. But, in the interim, a few salient comments, as I said, have arisen from the consultation exercise so far, which I am happy to share with Members across the floor.

For example, one of the key problems faced by the general public is the lack of provision of visitor car

2350 parking space within the North District, especially for visitors who need to go and see family members or, even worse still, need to deliver food or even help elderly members of their family. So that is one of the biggest problems that we have, something which has kept on coming back to us. You know, 'I'm going to drop my Mum off at home. I can't stop the car anywhere, and if I do stop my car there, we can get a fine for it!' So that's one of the biggest issues we have seen so far.

2355 Another comment which has been very, very common – a very popular comment – has been the complaints of the lack of regard there has been to the pedestrian, especially along the west pavements in the vicinity of the Trafalgar Interchange because, in the Trafalgar Interchange, if you think about what the traffic interchange is, it might alleviate the flow of traffic but, in terms of pedestrian flow, anyone walking along the west pavement finds it is not a suitable area to cross. You will see people crossing anywhere on the road and there have been lots of complaints regarding that. There is actually no zebra crossing between Ragged Staff Gates all the way up to the Piccadilly Garden Bar.

2360 So these are just some of the comments that we have received. There is loads of feedback and, as I said, this has all been collated now, in spreadsheet format, for us to actually analyse in due course.

2365 **Hon. D J Bossino:** Will the Minister undertake to disclose the information once it is in digestible, if I can put it in those terms, format?

Hon. P J Balban: We won't undertake but we will agree to do so.

2370 **Hon. D J Bossino:** I am grateful for that.

Hon. S M Figueras: Mr Speaker, I would hazard a guess that at least 48% of the users polled, receiving the questionnaire, living outside the city limits, will be rubbing their hands with glee at the prospect of having double the number of car parking spaces at what his Government will hope will be the spectacular Commonwealth Parade Park, for which I will congratulate the Minister for the Environment if it ever comes to fruition.

2375 **A Member:** In due course.

2380 **Hon. S M Figueras:** In due course as I'm sure [*inaudible*], subject of course, Mr Speaker, to geotechnical surveys which have not yet been carried out. (*Laughter*) Unless, of course, the geotechnical surveys have: it doesn't really matter, I am not going to digress any further than that from the point. However, what I would like to ask the Minister... (**A Member:** Question.)

2385 I have been absorbing far too much of preambles in the last few sessions and I am afraid it is rubbing off on me.

Mr Speaker: I hope not! (*Laughter*)

2390 **Hon. D J Bossino:** One question I would ask of the Minister is whether, despite the observations that may be represented to the Government during the consultation process, whether the Government itself has clear views as to what measures or as to a number or examples of measures that it will be taking to alleviate the historic problem of the school run, the first thing in the morning, and all those other perennial issues that the community has faced, despite the huge investment by my Government during its time. (*Interjections and laughter*)

2395 **Hon. P J Balban:** Of course we have. We have great ideas for what we want to do and these will be announced. (*Interjection*)

Of course, and we will announce these in due course.

2400 **Hon. D J Bossino:** So the Minister is unable to provide us with any examples of the ideas that you are thinking about at this time.

Hon. P J Balban: That is correct: not at the present.

2405 **Clerk:** Question 307 –

Hon. D J Bossino: Just one final supplementary, if I may, just to confirm a point which I think he dealt with in one of his initial replies. If I, using myself as an example, have or Joe Bloggs out there, has an interest in making further representations and participates in the consultation process, which was open for that window, two weeks, in January 2012, and he wishes to make further representations, given the ‘fluidity’, using his word, of the process, can that individual still make submissions to his Department?

Hon. P J Balban: By all means, it is happening constantly. I mean, just because the consultation period, as such, ended, it does not mean that I don’t receive comments and feedback on a daily basis at the office – by e-mail or even by regular mail.

Hon. D J Bossino: Yes, but can he assure this House, in order to have finality to this process, can he assure this House that work is truly underway in relation to the production of the digestible information, like the spreadsheet information which he agreed to make available to me, which will show the results of, as I understand it, the first stage of that consultation process.

Mr Speaker: I think the Minister did say what the hon. Member is asking. He asked for assurance and ‘truly’ I think is rather pushing it more than need be.

2425 **Hon. D J Bossino:** Well, Mr Speaker –

Mr Speaker: As opposed to ‘not truly’?

2430 **Hon. D J Bossino:** Well, well no. Fine, I will withdraw that if it suggests that he was in any way being mendacious previously. I am not suggesting that.

Mr Speaker: No, no, I know, but I was suggesting that the question need not be put, as it is pushing at the same point.

2435 **Hon. D J Bossino:** I just do not understand... There has to come a point where there has to be finality in terms of receipt of representations from the general public and, in fact, the Government was very clear in its first press statement when they said that they would allow a period of, from issue of the press statement – which, from memory, I think was 15th January – to 30th January, within which representations would be welcomed and received from the public as part of what is *now* being described as the first stage of that public consultation exercise.

2440 What one would expect is that, after 30th January deadline that would be closed and his Department would be carrying out the necessary administrative work in order to produce the summaries spreadsheet which the Government is, at this stage, not able to provide this House or me with. So I am just slightly concerned that the Government is still in receipt of the *data*, if you like, which will result in the spreadsheet information, given the fluidity of which the Minister referred to earlier.

2445 So, all I want is the Minister’s assurance that there will be finality to this and that, at some stage in the not too distant future, which is what he said in the session on 15th February, he *will* be in a position to say ‘Look, my Department has finished the spreadsheet information, the collation, and therefore the production of the spreadsheet information, and it is available.’

2450 **Hon. P J Balban:** It appears as if he is making... there is actually implicit criticism of the civil servants, that they are actually taking too long in doing this. I mean, this is something –

2455 **Hon. D J Bossino:** Will the hon. Gentleman give way? No, it is neither, certainly not explicit – and neither was it intended to be implicit – criticism of anybody. I am just simply trying to address the issue that this cannot continue *ad nauseam* and there has to be finality to this. I just sensed that, given the fact that there was initially finality and now there is fluidity, and collation on the spreadsheet – (*Interjection by Hon. Chief Minister*)

2460 **Hon. P J Balban:** There will be finality on this issue, obviously. When we actually have finalised this then we will give you more information on it. But, I mean, we cannot be pushed to finalise this sooner. What we want to ensure is that this public consultation exercise is what we intend it to be, which is thorough, and takes the time that it needs before we actually take a final decision.

2465 We don't want to rush things, or have to rush things, just in order to be able to present findings.

Hon. S M Figueras: Mr Speaker, on the Hon. the Chief Minister's recommendation, which I refuse to let pass by: in an attempt to define 'soon', are you able to commit to a timeframe within which you expect the process will be finalised and you will be able to publish the findings?

2470 **Hon. Chief Minister:** Mr Speaker the word 'soon' is a word which is to be found in the English Dictionary and has a natural and ordinary meaning. I refer him to the definitions provided by the previous incumbent of the post of Chief Minister, in the past four years. He will find many exchanges in *Hansard* as to what that word means.

2475 **Hon. S M Figueras:** And for the avoidance of doubt, Mr Speaker, is the Hon. the Chief Minister saying that he intends to conduct the business of Chief Minister in the same way as our leader did in his time.

Hon. Chief Minister: No, Mr Speaker, but I intend to continue speaking the same language, which is the one that the hon. Gentleman has asked about.

2480 He has asked for the definition of the word 'soon', and the definition of the word 'soon' is in the dictionary. It is, in fact, a question he therefore cannot ask because there is a published definition and there is, in the lexicon of his party, a definition which I am sure is the one that he believes is the correct one – or is it he is saying that his party defined the word 'soon' in the wrong way?

2485 **Hon. S M Figueras:** Mr Speaker, struggling though the Hon. the Chief Minister may be at this time on a Friday afternoon to understand the context of the question that I asked, to clarify just a little bit further, Mr Speaker, all I wanted to do was to try and define, for the purposes of *this* exercise and in *this* House in *this* particular context what meaning we are going to give to the word 'soon', be it end of March, end of April, end of... If you are unable to do so, Mr Speaker, then you are unable to do so.

2490 **Hon. Chief Minister:** Well, Mr Speaker the word 'soon' has a definition, the words 'end of March' have a definition, 'end of April' have a definition etc. If it had been 'end of March' or 'end of April' then that would have been the answer. The answer is 'soon' and the hon. Gentleman can make up his mind for himself of what that will mean, in effect, in the context of what is happening here this afternoon.

2495 **Hon. S M Figueras:** Mr Speaker, I have the benefit of being one of the newest faces in this House and I am not prone to pushing the matter. I am not prone to pushing the matter any further unnecessarily.

2500 **Mr Speaker:** Thank you

Hon. S M Figueras: It is obvious that the Hon. the Chief Minister does not want to commit his Government to a specific timeframe, but it would be far more helpful for him just to say so.

2505 **Hon. G H Licudi:** Neither did your Government for sixteen years, Mr Speaker.

Hon. Chief Minister: The Hon. the Chief Minister does not want to commit his Government to a different definition of the word 'soon', other than that which is published in the Oxford English Dictionary, which is the one I am happy to adopt.

2510 **Mr Speaker:** I think that – Order! I think we are ready to move to the next Question.

Clerk: Question 307 – (*Interjections*)

Mr Speaker: Order! Order!

2515 The Hon. Damon Bossino.

Hon. D J Bossino: Point of clarification. The word used was 'finish' – or words used were 'finishing shortly'. I don't know whether that changes matters? (*Laughter*)

2520 **Mr Speaker:** Is that any sooner than soon? Next Question, please.

2525 **Traffic network faults and vandalism**
Technical Services audit systems

Clerk: Question 307, the Hon. S M Figueras.

2530 **Hon. S M Figueras:** Can the Minister for Technical Services confirm whether there are any audit systems in place at Technical Services with the purpose of identifying vandalism of, and faults developing throughout, the traffic network?

Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

2535 **Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban):** Mr Speaker, Technical Services has a highways inspection system in place that involves scheduled inspections of our entire road network for any defects and faults. This includes not only roads but also passageways, lanes, footways, as well as bridges, tunnels and any other structures that could be of concern to users of our roads. There is no system, as such, exclusively for vandalism, but any issues arising from this are also picked up as part of the safety inspections.

2540 **Hon. D J Bossino:** I am grateful to the Hon. Minister. Is he satisfied that the current system of the highways inspections system is appropriate and adequate?

2545 **Hon. P J Balban:** This system is actually what we have inherited at the time. I mean, I have actually been in consultation with the Department: we might have to tweak it slightly but, for the moment in time, I am satisfied – reasonably satisfied – that it can progress.

2550 **Hon. D J Bossino:** I am grateful.

2555 **Factories Inspectors**
Inspections during February 2012 and findings

Clerk: Question 308, the Hon. J J Netto.

2560 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety state how many inspections during February 2012 did the Factories Inspectors conduct, showing the industry group targeted, whether any possible contravention has been incurred to the Factories Act or any subsidiary legislation by any private company, a Gibraltar Government workplace or of the MOD and whether legal advice is being sought??

Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety, and Technical Services.

2565 **Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban):** Mr Speaker, two inspections on private companies were carried out during the requested period, and both were construction related. No major contraventions to the Factories Act or its subsidiary legislation were identified, and no legal advice had, or has been, sought.

2570 **Hon. J J Netto:** Thank you, Mr Speaker.

2575 **Factories Inspectors**
Investigations of accidents at work during February 2012 and results

Clerk: Question 309, the Hon. J J Netto.

2580 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety state if any investigation of accidents at work has been carried out in February 2012 by the Factory Inspector, showing the industry group involved, and whether such investigation may have lead to prosecution or to changes to the workplace involved?

Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety, and Technical Services.

2585 **Hon. the Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban):** No, Mr Speaker, no accident investigation has been carried out during the requested period.

2590 **Accidents at work**
Reports during February 2012

Clerk: Question 310, the Hon. J J Netto.

2595 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety state if there have been any reported accidents at work during February 2012, showing the industry group involved and stating which ones were reportable, major and fatal, if any?

2600 **Clerk:** Answer, the Hon. the Minister for Traffic, Health and Safety, and Technical Services.

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, it is premature to provide an answer to this question, as the collating of the notification of accident reports for the month of February has not been completed.

2605

Factories Inspectors
Site Meetings and advice given during January/February 2012

2610 **Clerk:** Question 311, the Hon. J J Netto.

2615 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety state how many site meetings and advice were given to the Factory Inspectors during the months of January and February 2012, broken down by month and by industry group?

Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

Hon. Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, the information requested by the hon. Member is contained in the schedule which I now hand over to him.

ANSWER TO QUESTION 311

Month	Site Meetings/Advice	Industry
January	1	Sea Transport and related activities
Total	1	
February	2	Retail
	1	Manufacturer
	2	Sea Transport and related activities
	1	Public Administration
Total	6	

2620

**Prohibition and Improvement Notices
Number issued and reasons during January/February 2012**

Clerk: Question 312, the Hon. J J Netto.

2625

Hon. J J Netto: Mr Speaker, can the Minister for Health and Safety state how many Prohibition and Improvement Notices were issued in the month of January and February 2012, if any, broken down by month and industry group, and specifying the reason, or reasons, for issuing the notice in the period which may have brought operations to a halt, until the Inspector was satisfied that the correct standard had been duly complied with?

2630

Clerk: Answer, the Hon. Minister for Traffic, Health and Safety and Technical Services.

Hon. P J Balban: Mr Speaker, the information requested by the hon. Member is contained in the schedule which I now hand over to him.

2635

ANSWER TO QUESTION 312

Month	Prohibition Notice	Improvement	Industry
January	1	0	Construction
Total	1	0	
February			
Total	0	0	

The Prohibition Notice in January was served for not complying with certain provisions of the Control of Asbestos at Work Regulations, the Construction (Design, Management, Health, Safety & Welfare) Regulations and the Management of Health & Safety at Work Regulations.

The operations were halted for 3 Days.

2640

Hon. J J Netto: Mr Speaker, at face value at least, what seems to be emerging here is that there is a preponderance by the Factory Inspector to inspect or to carry out most of the work, if not all their time, in terms of the construction industry.

2645

There is very little information that I have been able to gather so far whether time is made available by the Factory Inspector to look to any other industry group or, indeed, in the Government workplace – because it comes under the definition of their involvement – or, indeed, any work place under the Ministry of Defence. Therefore, could the Hon. Minister mention whether, in the nature of the work that the Factory Inspectors are conducting, there is a preponderance just to look at the construction industry or to look at every single industry, including Gibraltar Government and the Ministry of Defence?

Hon. P J Balban: The Factories Inspectorate... the problems we have with the Factories Inspectorate, with the Department, is that there are two members of staff, and because of the amount of work required every time there is an accident at work or what have you – especially what happened in the North Mole – a vast amount of their time is actually channelled towards preparing for the case.

Hence this is the problem we have with them but, yes, they do tend to be quite strong in terms of the construction but they also get involved... we have involved them in other aspects... We involved them in the GSLA swimming pool to give us a – (*Interjection*) That was also the other part. They actually went to look at whether it was as a result of an accident. There was no accident involving persons and there was a collapse of the duct system, and they were involved in that, too.

Hon. J J Netto: I accept, Mr Speaker, that, obviously, if there is an accident the Factory Inspector, by necessity, they will attend and conduct an investigation, and I am sure they will even have some advice to give to the particular authority and management in that particular place.

I also accept the fact that, by tradition, the Factory Inspector will probably use *most* of their time to the construction industry, which is one of the industries which tends to have, perhaps, more accidents, and their employers seem to cut corners more than other industries.

Having accepted all of that, and acknowledging all of that, nevertheless the picture that seems to be emanating is that there is very little time that the Factory Inspector is dedicating to all the other industry groups and very little time even to workplaces of the Government and the MOD. Is that the case?

Hon. P J Balban: Well, it is even worse than that because of what we inherited... In fact, what the Factory Inspectorate do is they are just a reactive group. They just respond to accidents and reports.

What is completely lacking is the proactive side of things and this is, unfortunately, something which we inherited and also we will be reviewing.

What is another very important part of health and safety is actually by way of education, and practically getting involved with companies, as they set up, to give them advice. That part of things is also missing: this is what we have actually come to discover when we took office.

Hon. J J Netto: Mr Speaker, I accept that, but given that in the month of February there were two inspections of the construction industry *only*, and if I remember correctly in the month of January it was a similar situation that the inspection carried was also on the construction industry. Is there not a picture emerging where the only inspection being carried out month after month, after month, after month, despite there being only two Factory Inspectors, is only the construction industry? The point I am making is do they have in their sight, in the months of March, April, May, June, July, as far as inspections are concerned, targeting other industry groups, other workplaces in the Government, other workplaces in the MOD?

In fact, in a very similar vein, in the sense that the construction industry tends to have one of the highest levels of accidents, *probably* – and I am talking from memory now – the second one that has the highest rate of accidents in the workplace is the dry docks. I cannot remember now the companies working down there – dry docks, no, Gibdock... By the very nature of the activity that goes on, it would seem to me, at face value, that they would bring their inspections into that industry group because, by necessity, that is another industry group that requires inspection, so are we going to have a situation emerging where only the construction industry will be inspected?

Hon. G H Licudi: Mr Speaker, the practical aspects of the work that is being done at the moment has not changed since 9th December.

The hon. Member has indicated that that is an aspect that is being looked at – and there may be merits in what the hon. Member opposite is saying – that is a matter that has been looked at. But it has not changed since 9th December, so it is exactly the same practice that *his* Government was implementing. It is unfortunate, perhaps, that his Government did not give the same level of importance to Health and Safety issues as we were urging when we were in Opposition and which we will provide now that *we* are in Government.

The hon. Member will recall that one of the issues I raised while I was in Opposition was the fact that a vacancy for a Health and Safety Inspector during the course of his Government had been advertised and then removed, as a result of somebody who had retired. On numerous occasions I asked in this House what was happening and, constantly, for many months, possibly even years, I was told the whole position was under

review. The fact is that the practice continues; the fact is that the department was undermanned; and the fact is that the matter is being looked at at the moment, with a view to redressing the situation.

2705 We have been in office... 100 days? 99 days? On Sunday: 100 days. We have done more in 100 days than the previous Government had done in 16 years (*Interjections*) on many matters!

2710 In fact, Mr Speaker, I am very proud to form part of this Government – this young and energetic Government – and hon. Members will have seen (*Applause*) only yesterday that we published a list of all the manifesto commitments that we have done in 100 days. (*Interjections*) Seventy one commitments already carried out! it is the result of tireless, day in, week in, week out, work by this effective and energetic Government. We will continue as we have started and the results will bear fruit. Not only will we see the fruits of these three months, Gibraltar will see the fruits of the next four years and the hon. Members will thank us for it. (*Applause*)

2715 **Hon. J J Netto:** Mr Speaker, I fear that the contribution the Hon. Minister for Justice has just made is a simple smokescreen not to answer my question. My question is a very simple question, which he has not addressed, and the question is whether it is the policy of his Government, in subsequent months to come, that inspection will only be carried out on the construction industry?

2720 That has got nothing to do about vacancies and whether they have done so much in 100 days. The question is, if he wants to address it, or the Minister himself: whether, in months to come, inspections will be just of the construction industry, yes or no?

Hon. P J Balban: No, that is not the policy of the Government.

2725 **Clerk:** That brings us to the end of answers to Oral Questions, and now Answers to Written Questions, the hon. the Chief Minister.

Questions for Written Answer

2730

Hon. Chief Minister: Mr Speaker I have the honour to table the answers to Written Questions numbers W71 to W77/2012, inclusive.

2735

Order of the Day

First and Second Readings

2740

Clerk: Bills: First and Second Readings.

A Bill for an Act to appropriate further sums of money to the service of the year ending on the 31st day of March 2011, the Hon. the Chief Minister.

2745

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to appropriate further sums of money to the service of the year ending on the 31st day of March 2011 be read a first time.

2750 **Mr Speaker:** I now put the question, which is that a Bill for an Act to appropriate further sums of money to the service of the year ending on the 31st day of March 2011 be read a first time.

Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Supplementary Appropriation (2010/2011) Act 2012... Adjourn? Yes.

Hon. Chief Minister: Mr Speaker, those listening will forgive me – this is the first time that we do this on

2755 this side of the House. I have the honour to move that the House do now adjourn to Thursday, 29th March, at 9.15 a.m.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Thursday, 29th March 2012 at 9.15 a.m.

2760 I now put the question, which is that this House do now adjourn to Thursday, 29th March 2012 at 9.15 a.m.

Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Thursday, 29th March 2012 at 9.15 a.m.

2765 *The House adjourned at 7.00 p.m.*



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.20 a.m. – 10.05 a.m.

Gibraltar, Thursday, 29th March 2012

The Gibraltar Parliament

The Parliament met at 9.20 a.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Orders of the Day

BILLS FOR FIRST AND SECOND READING

**A Bill for an Act to appropriate further sums of money to the service of the year ending on the 31st day
of March 2011
Second Reading carried**

1. The Hon. the Chief Minister to move:

The Second Reading of the Supplementary Appropriation (2010/2011) Bill 2012. (B01/12)

5 **Clerk:** The Second Reading of the Supplementary Appropriation (2010/2011) Bill 2012.
The Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the Bill now be read a second time.

10 Hon. Members will note that this Supplementary Appropriation Bill seeks to provide retrospective appropriation cover for additional expenditure incurred in the financial year 31st March... year ended, sorry, 31st March 2011. It therefore represents additional expenditure incurred by the previous administration, which was over and above the £7 million of supplementary funding that was provided for in Head 15 of the approved estimates for that year.

15 Hon. Members will already have seen the statements tabled at the last meeting of Parliament on 15th March 2012, showing how this £7 million of supplementary funding provision was applied. The Supplementary Appropriation cover now being sought, under this Bill, is for further expenditure incurred during the year amounting to £8.5 million under the Consolidated Fund and further expenditure incurred under the Improvement and Development Fund of £9.3 million.

20 Mr Speaker, in view of the fact that this Bill is for retrospective appropriation cover for additional expenditure incurred by the previous administration, and a breakdown of this is included in the explanatory memorandum to the Bill itself, I do not propose to add anything further. However, I invite the Hon. the Leader of the Opposition to provide such further information to this House as he may wish, in support of the supplementary funding, as this relates to additional expenditure incurred during his own time as Chief Minister.

25 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

The Hon. the Leader of the Opposition.

30 **Hon. P R Caruana:** Well, Mr Speaker, first of all, as I rise, may I congratulate him for the first occasion on which he substantively moves a Bill in this Parliament, as Leader of the Government side.

As he rightly says, given that this House is approving expenditure that *we* incurred and that, indeed, relates entirely to the, not to the current financial year but, indeed, the financial year before that – the previous financial year – Mr Speaker, he is right in surmising that we would be supporting the Bill, which we are.

35 Mr Speaker, the information, as to the detail of the expenditure, does not need me from the Opposition benches to support, to provide him with information. The Financial Secretary will be able to give him, obviously, as much information as he wants. He is, of course, aware that there is a fair amount of wiggle room and margin available to the Government, as to what moneys from the Supplementary Funding Vote, and from virement, are used, and therefore what elements of expenditure are brought to this House on a Supplementary Appropriation Bill.

40 So, I presume that they have made those selections, in other words which items: I am sure the Financial Secretary has invited him, as he used to invite me, to consider how the existing Supplementary Funding Vote and the virement possibilities should be deployed (*Interjection by Hon. Chief Minister*) and how Department... to what – I'll give way to him in a moment – and to what Heads departmental savings, more particularly, can be deployed. Therefore, there will have been an element of discretion on their part, which matters not because I believe it has always worked that way, as to what items precisely are shown as requiring supplementary funds. But we will be supporting the Bill, the timing of which presumably responds to the fact that there was no meeting of Parliament after the summer last year in which the Supplementary Bill could have been taken, which is when it normally would have been taken – but, anyway, we support the Bill.

50 **Mr Speaker:** Does any other hon. Member wish to speak on the general principles and merit of the Bill?
The Hon. the Chief Minister.

55 **Hon. Chief Minister:** Mr Speaker, just to make *this* comment, first to acknowledge the congratulations of the hon. Gentleman, and, second, to say that what has happened in respect of this Bill is that we have caused to be re-published the Bill that was published during the time of *his* administration, which was not held over, so any discretions were therefore exercised by the hon. Members opposite at the time that those were available to them, with the Financial Secretary's guidance. And it is, as far as I'm concerned, as far as the

60 Government is concerned, exactly the same Bill that was published, which needs to be passed for the reasons that he is fully aware of.

Mr Speaker: I now put the question, which is that a Bill for an Act to appropriate further sums of money to the service of the year ending on the 31st day of March 2011 be read a second time.

65 Those in favour (**Members:** Aye.); those against. Carried.

Clerk: The Supplementary Appropriation (2010/2011) Act 2012.

A Bill for an Act to appropriate further sums of money to the service of the year ending on the 31st day of March 2011

Committee stage and Third Reading agreed

70 **Hon. Chief Minister:** Mr Speaker, I beg to give notice that the Committee stage and the Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

75 **Mr Speaker:** Committee stage and Third Reading will be taken today.

Bill for an Act to amend the Gibraltar Savings Bank Act
First Reading carried

80

2. The Hon. the Chief Minister to move:

85 *A Bill for an Act to amend the Gibraltar Savings Bank Act. (B03/12)*

Clerk: A Bill for an Act to amend the Gibraltar Savings Bank Act.
The Hon. the Chief Minister.

90 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill for an Act to amend the Gibraltar Savings Bank Act be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Gibraltar Savings Bank Act be read a first time.

95 Those in favour (**Members:** Aye.); those against. Carried.

Clerk: The Gibraltar Savings Bank (Amendment) Act 2012.

100

Bill for an Act to amend the Gibraltar Savings Bank Act
Second Reading carried

Hon. Chief Minister: Mr Speaker, I have the honour to move that the Bill be now read a second time.

105 Mr Speaker, this Bill amends the Gibraltar Savings Bank Act in two ways. Firstly, it clarifies the position regarding the investment of deposits made in the Savings Bank, from the issue of bonds and debentures. And, secondly, it provides for the Financial Secretary to take account of the maturity profile of deposits in the Savings Bank when considering the maturity profile of corresponding investments.

Mr Speaker, as the Act currently stands, under section 7.(1), deposits in the Savings Bank may be made

110 either as ordinary deposits or as investment deposits. However, under section 7A of the Act, deposits can also
be made by investors through the purchase of bonds and debentures. As regards the corresponding investment
of these deposits, the Savings Bank Act, clearly sets out how deposits are to be invested, both in the case of
ordinary accounts, under section 11.(1) of the Act, and in the case of investment accounts, under section 11C
of the Act. However, there is no clear provision in the Act for the investment of deposits made in bonds and
debentures.

115 The new section 11D now being proposed in this Bill, corrects this anomaly by making a clear provision
for the investment of moneys from the issue of bonds and debentures.

Mr Speaker, under the existing provisions in section 13.(3) of the Act, all deposits in the Savings Bank
must be invested in cash, or near cash deposits, in terms of protection of their capital value. This restriction
has no longer – sorry, is no longer – considered to be appropriate, in the context of this Government’s
120 commitment to the expansion of the role of the Gibraltar Savings Bank. It is this Government’s view that, in
directing the investment of deposits in the Savings Bank, the Financial Secretary should take account of the
maturities of such deposits and, where considered appropriate, consider matching those against investments of
corresponding maturities, in order to take advantage of the relatively higher levels of interest that longer term
investments can attract.

125 The existing provision under section 13.(3) is, therefore, being replaced by a new section 13, which does
exactly that, Mr Speaker. It increases the scope available to the Financial Secretary, for the investment of
deposits in the Savings Bank, and provides for the matching of the maturity dates of investments against the
maturity dates of deposits.

130 Mr Speaker, hon. Members should also note that the Government intends to rebuild the reserves of the
Gibraltar Savings Bank and, in this respect, the annual surpluses will henceforth be retained within the
Savings Bank Fund, in order to increase the capital base of the Bank.

I commend the Bill to the House.

135 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles
and merits of the Bill?

The Hon. the Leader of the Opposition.

Hon. P R Caruana: Obligated, Mr Speaker.

140 Well, Mr Speaker, first of all, the hon. Member is wrong when he has just asserted that the present Act
makes no provision for the investment of moneys deriving from bonds and debentures. If he looks at the
existing Gibraltar Savings Bank Act, he will see that section 2 defines the term ‘Deposits in the Savings
Bank’, and that reads,

145 ‘means moneys placed in ordinary and investment deposits under section 7 and all moneys received by the Savings Banks from the
issues of bonds and debentures’.

150 So, moneys received from the issues of bonds and debentures are deemed to be deposits in the Savings
Bank, and therefore are covered by the existing Act, by that provision in it, which deals with how moneys it
deposits, how deposits in the Savings bank, need to be dealt with, particularly by section 13.(3), which is the
one that they are repealing today – one of the ones that they are repealing today, which provides for how those
should be invested. But, anyway Mr Speaker, the Bill purports to repeal section 13.(3) of the existing Act,
which we introduced by Act number 15 of 2008. And just for the purposes, if the House will indulge me, of
illustrating my points, I would just like to read, for the purposes of the debate, *Hansard*, what section 13.(3)
155 that we are repealing by this Bill if it was passed in this form, what that clause says. It says

‘notwithstanding any other provision of this Act the deposits in the Savings Bank, which includes, as I have just illustrated, moneys
from bonds and debentures, and any other moneys of the Savings Bank shall be employed at interest in cash deposits or in such other
manner as the Financial Secretary is satisfied is equivalent thereto in terms of protection of their capital value’.

160 We are repealing that. Therefore, if that is repealed, cash deposits no longer need to be in cash or cash
equivalent. But we are not restoring – the hon. Members are not proposing to restore – the statutory
requirement that there should be a reserve buffer. In other words, we put in section 13.(3) as a counterweight
to the fact that we were removing the section that created the need for a statutory reserve. In other words,
there was a need for a statutory reserve, I think it was 10%. We wanted that statutory reserve to fall into the

165 general reserve of the Government and not sit in the Savings Bank. That reserve was there, principally, as a first buffer against loss of money.

170 Loss of money could only really come from loss of capital value of investment, and we said, right, in order to eliminate the possibility of the event occurring for which the reserve requirement existed – which we are removing – let us eliminate the possibility of the event happening. So we said, now you cannot invest in investments that might suffer a loss in the market, now you can only invest in cash or near cash and in a way where the capital value of it is not at risk.

175 If the hon. Members want to remove that section, which is section 13.(3) that they are repealing, then at the very least they should restore the position in the Act to what it was, when that section was put in and the previous one taken out, which was that they require, that the Bank requires a reserve of 10% of the value of deposits. In effect, what they have done is that they have removed our section providing, as it does, a safeguard for the fact that we removed the need for the reserve. So they have removed the safeguard, without restoring the need for the reserve, which is what we introduced the safeguard for, that they are now removing.

180 Furthermore, Mr Speaker... and, therefore, the hon. Members may wish to consider, if they want to restore, as a matter of policy, the position of the Act as it was before we did the changes in 2008, they should go the whole hog and restore the capital reserve requirement.

185 Further, Mr Speaker, the effect of the removal of section 13.(3) is that, when read with the new section 11D and the permissive nature of new section 13A, it results in several possibilities. We cannot say whether the hon. Members will do it, or not, but certainly it is open to them, in the future, to cause the Bank to make investments that will result in capital loss and it is all very well for the hon. Member to say that there is a section there that requires the financial sector to match maturity dates with deposits, but maturity timings and maturity synchronisation and co-ordination cannot be confused with risk of loss. In other words, you can match your assets and your liabilities as to time, in other words, if you have to pay back £15 million of deposits in December 2013, you want to make sure that you have got £15 million of cash available to do it. So you buy an investment that matures at the same time, or just before, and then you have got your money.

190 But that is maturity synchronisation. Quite separate is the question of whether, in the meantime, your £15 million investment has suffered a loss in the market, because interest rates have gone up and, therefore, the capital value of bonds has gone down and when you come to sell it, it is... unless you match to the redemption date. If you match to the redemption date, that is a different matter because it is redeemed at par, but if you do not, then you might have the.... It is true that most matchings are done against redemption dates. 195 It is possible, by use of hedging and things, to try and match, other than at redemption date, but that would be an unusual transaction to perform. Most matching – conventional matching – is done to redemptions at par and therefore that is less likely to be an issue.

200 The other effect, Mr Speaker, that we think it opens the door to, as the Bill is drafted – and I have in mind the hon. Member's press release recently, which opened with the words – I think you were issuing an accumulator bond or something – and the opening words were something like: pursuant to... the Government's policy of extending the role of the Savings Bank, or words to that effect (*Interjection by Hon. Chief Minister*) – expanding the role... I have that in mind and, of course, one does not know... one does not know, on this side of the House, until the Government has made an announcement about that, what the expanded role of the Savings Bank is and how that will happen. For example, we do not know whether the 205 expanded role of the Savings Bank that they have in mind will extend, or might extend, to actually making commercial or private loans to people. But given the removal of the need to invest the moneys of the Savings Bank in cash or near cash, and in a way that does not jeopardise its capital value, given the removal of that, in juxtaposition with all the other provisions of the Bill and the existing provisions of the Act, the other existing provisions of the existing Act, it leaves it open to the Savings Bank to lend its deposits to Government or 210 Government companies or, indeed, to private-sector borrowers and we are certainly opposed to Savings Bank moneys being used in that way, without investors being very clear that that is what their money is being used for, even though we understand that, of course, the liabilities of the Savings Bank are guaranteed by the Government, because this would be a form of contingent liability.

215 We are in favour of Government participating in a private bank, or in a wider bank in Gibraltar, and we would hope that, at some point, the Government may bring forward a policy initiative of that sort, but we would wish to do it in a way that does *not* expose the Consolidated Fund to unlimited quantities of contingent financial liabilities because that is... in our view, might put at risk the fiscal stability of Gibraltar.

So, Mr Speaker, we are doubly surprised by the fact that they have repealed section 13.(2), which is the one that provides for the risk, without restoring the reserve, which was the risk that we are... not least because

they have been so heavily critical of that in the past. The hon. Member – I do not remember if he did it himself, he may well have done, but certainly his erstwhile leader used to, when *he* was Leader of the Opposition – was highly critical of the fact that we had removed the statutory reserve requirement and yet here is a Bill in which they reverse us, but without going so far as to reversing... putting back what they were so critical that we removed, which is a further reason why we think this Bill is objectionable, technically for the reasons that I have expressed, but politically also for the reason that I am now expressing.

So, Mr Speaker, in summary, we will oppose this Bill, unless, of course, the hon. Members feel that there is merit in anything that I have said, and may wish to reflect upon it prior to the Committee stage, in which case, of course, we will rethink our position, depending on what they do: it reverses the safeguards that we put in place to remove the reserve requirement, I will not repeat that, but the reversal of a safeguard point, without restoring the safeguard, it exposes the Gibraltar Savings Bank to the possibility of business which could reduce the financial stability, both of the Savings Bank and of the Government. It increases the Government's exposure and it opens the door for Savings Bank money being lent or used by other than in simple investment placing and, whilst that might not be inappropriate in certain circumstances, we do not believe that this Bill creates with sufficient clarity and transparency the architecture, the statutory architecture, for a widening of the role of the Savings Bank into any form of lender, other than in the form of simple investment, by placing money on deposit, or by purchasing with savers' money market investments.

As I say, we are not opposed to the idea of a Gibraltar Savings Bank participation in a wider role. It will not be the first state-owned bank that deals with business of that sort, but it would have to be much more transparent and I think it would require more *specific* legislative provision, before this side of the House could support the Savings Bank being used for that purpose, than is contained in this Act at present and even more so in this Act, as it would remain after amendment in accordance with the terms of this Bill, if it is passed in this form.

So we regret that we cannot support this Bill for those reasons.

Mr Speaker: Does any other hon. Member wish to speak on the general principles and merits of the Bill?
The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I am grateful to the hon. Gentleman for the views that he has expressed to the House.

The last thing I said before I sat down was that, as a matter of policy, the Government does intend to rebuild the reserves of the Gibraltar Savings Bank and, in *that* respect, the annual surpluses will henceforth be retained within the Savings Bank Fund, in order to increase the capital base of the Bank.

That, Mr Speaker, will have the effect of rebuilding what the hon. Gentleman has called a 'buffer' today, which was the buffer provided by this requirement in law, before the Amendment Act 2008, that there should be 10% of the capital of the Bank in reserve. The hon. Gentleman is right, this was one of the issues taken in the debate in 2008, when it was the Leader of the Opposition then, now the Minister for Labour, who was talking about this 10% buffer. He said at the time that there was no need for such a buffer in law, because of the other issue that he has alluded to during the course of the debate this morning, namely that the liabilities of the Bank are already guaranteed *wholly* under the provisions of the law.

Mr Speaker, we are taking the view that we do want there to be that buffer, we want it to be there as a matter of policy but, of course, if we legislate for that buffer today, we would have to transfer funds *into* the Savings Bank, so as a matter of policy there is agreement across the floor of the House, legislatively we do not think it is something that can be done today.

The amendments that are proposed, in any event, are not intended to give power to the Government. The hon. Gentleman will see that they are about giving power to the Financial Secretary and it is the Financial Secretary's discretion that will be relevant, except, of course that, under section 11D, there is a double lock. The Financial Secretary has to make a determination and there has to be approval from the Government of what determination it is that the Financial Secretary has considered to be prudent.

Mr Speaker, for those reasons, although we hear what the hon. Gentleman says, we are satisfied that there will not be *any* cause for concern in respect of these amendments, that they will assist –

Hon. P R Caruana: Will the hon. Member give way just before he sits?

Hon. Chief Minister: – in the expansion of the Savings Bank and, before I commend the Bill to the

275 House, I give way to the hon. Gentleman.

Hon. P R Caruana: I am grateful to the hon. Member.

280 So, in effect, what he is telling the House, that he is now relying on the arguments that I used to pass section 15, section 11.(3) which they were very critical of and did not then accept so, at the time, they did not accept it, they were heavily critical of it and now they rely on it to perpetuate the position which I introduced and which they were then very critical of. It is not an elegant position. I do, however, acknowledge that doing what I considered to be the right thing – if that is the view that they are of – which is restoring the position to what it was before I did what they disapproved of at the time... but they disapproved of both what I did and the reasons for doing it. So they cannot now rely on the reasons, whilst reversing what I did! I acknowledge

285 that that would require an injection of capital to restore the capital, the 10% buffer.

Of course, they have got to bear in mind that a policy is not the same as a statutory requirement. They also have to bear in mind that, in the current market conditions, particularly when most investments are held in cash, or near cash, and even if they were held in bonds, the market volatility is now so reduced, because interest rates are so statically low, that the scope for capital growth, which is what the reserve... the Gibraltar Savings Bank makes a loss on its *ordinary* activities, because, basically, it pays out a higher rate of interest than it can earn in the market. So, it cannot make enough capital gain to restore that loss, unless it is going to lower the rate of interest very significantly that it pays to bond and account holders. Therefore, the scope for there being surpluses, which, as a matter of policy, they will leave to gradually restore the buffer, is the emperor's clothes – they are not going to materialise. It will be 20 or 30 years before – in current market conditions, anyway, and possibly never, if they do not reverse the high interest rates that it pays against the low... the high interest rate that it pays to depositors, as against the low interest rate that it receives on its investments – it might never return a profit that would build up a reserve.

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Mr Speaker, I would much rather see the hon. Members... I acknowledge there are, as the hon. Member knows, the hon. Member could easily transfer from the reserves this sum of money but, in any event, if they are not willing to do that as a matter of policy, which is what I would recommend them to do, I would... this Bill is not politically contentious, unless it is for specific reason. We do believe there are specific reasons, Mr Speaker, and I believe that the hon. Members should at least write into this Bill a statutory requirement to restore the reserve to 10% within a certain period of time. In other words, I acknowledge that there may be reasons, particularly in the context of all the things that are going on on the capital projects front, and things of that sort, where the Government may now not want to return 50... I do not know what it would be. I have lost track of the figures of the Savings Bank. I do not know what the amount of the deposits are.

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We had exempted the Government deposits from reckonability from the reserves, so it is not the Government... The Government and Government company deposits are not reckonable; it is only the external deposits, the savers' deposits. Anyway, it is a sum of money which may be significant. I acknowledge that they might not want to put it in place *overnight*, but I think it would send the correct signal if the Government were to amend this Bill so that it said that the deposit... there must be... by a certain date, which I would suggest should be no more than three years forward from now, the reserves should have been restored to the effect of the old section... I do not remember the old section number. Anyway, the section... I think it was 13... I think it was, in the old Act... No, I do not have a note of the number, but it was 10%. I am almost certain it was 10% by the end of December 2015 or whatever, three years from now is allowing yourselves a margin. Otherwise, Mr Speaker, it will never happen. It will never happen. No Government will have the financial discipline to do it, no Government will feel the need to do it and, in the end, what we are doing is we are operating a Savings Bank in the way we used to before when it would make losses or profits, but in market conditions without the possibility of profit and without a buffer.

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I can justify that more easily than they can because, of course, I did it. They opposed the dismantlement of that very structure. But not even I was willing to do the position... Not even we were willing to bring about the position that this Bill brings around. (*Interjection*) Well, yes, because we were not concerned with there not being a reserve, provided the funds were not at risk and, provided the funds were not at risk was delivered by section 13.(3), which you are now repealing, so the funds *can* now be at risk, and yet you have not restored the reserve requirements. We said we were only willing to remove the reserve provided that the funds are not at risk.

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So I just leave it to the hon. Members. If they leave it as it is, then we will not be able to support the Bill and they will have to carry it with their own majority, if they are content with that. Then that is entirely a matter for them.

Hon. Chief Minister: Mr Speaker, just dealing with those points before I commend the Bill, we do not share that vision of what will happen in respect of the re-establishment of the reserves of the fund at 10%, or perhaps even more than that, on the basis of our keeping annual surpluses. The hon. Gentleman knows that we have a different vision of what the expansion of the Savings Bank should be. The effect today is that transferring 10% might amount to a figure near £30 million. For the reasons that he has alluded to, having to do that today in respect of capital projects ongoing etc would affect, of course, the net debt and gross debt ratios and that is not something that we consider to be possible, given the economy that we have inherited.

Mr Speaker, sometimes he needs to understand that a challenge from him, saying that 'this will never happen', is perhaps more binding on us than even a piece of legislation, so there is the gauntlet!

The policy will be to re-establish this reserve. It is not that we are accepting his argument at the time. It is that part of his argument was always, of course, legally right – and that was never the issue – that there was a reserve... Excuse me, there was a guarantee in respect of deposits in the Savings Bank – that is already provided for in the law. His argument was that there was no need for a buffer because of that. He did not go on to say 'and therefore, in particular, now that we are doing less risky business...' His argument was – *(Interjection by Hon. P R Caruana)* and I have got the debates and I do not see him connecting it in what I have read of the debates. *(Interjection by Hon. P R Caruana)* He was simply saying there was no need for such a buffer in a bank which is already wholly guaranteed.

So, Mr Speaker, we take the view that this is not something that has to be written into law at this time. We take the view that it is something that cannot be written into law at this time for the reasons of the amounts involved. Even writing it into law with a future date, should we be wrong about how quickly it is possible to re-establish the fund, or should the Bank grow so greatly that 10% might be an even larger figure, it is not something that, at this stage, we are able to commit to in legislation. But let it be known, Mr Speaker, that him having said it will never happen is a good reason for us making sure that it does, and I commend the Bill.

Hon. P R Caruana: Will the hon. Member give way for 30 seconds? I promise not to extend myself very much further. Thank you. I am obliged to him.

Mr Speaker, of course, the wisdom of having a reserve of 10% and the need of having a reserve as large as 10% depends very much on the nature of the activities that the Bank is going to undertake. For example, if it is going to lend money at risk, then the need for the reserve is clearly higher than if all it is going to do is buy market investments. So I am not standing on the figure of 10%. The figure of 10% was there. I think it was always excessive for the way that the Savings Bank used to deal with its money, anyway. There would have to be a catastrophic market loss really.

We reserve judgement. We think the hon. Members are politically wrong in the view that they are taking but, as for the quantum and the need for a reserve and the quantum of that need, we acknowledge that it depends a little bit on what they do with the Bank and how they change the role of the Bank and the nature of the riskiness, or how they deploy the money, either in private lending or in the speculative nature of investments that they may make with it.

Hon. Chief Minister: Mr Speaker, in fact, in his speech and reply, the hon. Gentleman said this, which shows why I think it was disconnected from the types of investments that would be made. He was answering the then Leader of the Opposition, the Hon. Mr Bossano. There must have been something said across the floor, because the hon. Gentleman says:

'Correct. That is why I told him, during the Budget speech, that actually the need for this reserve, except the fact that the law said it, the need for it I could not understand. Perhaps it was never really necessary, given that, coupled with the Consolidated Fund, it did not seem to me to be achieving very much. At least in the sort of times that we are living in now. Perhaps in the 1960s or 1970s, perhaps in those days the economy of Gibraltar and the finances of Gibraltar were such that that measure might have had a certain prudence or a certain significance. I think the Leader of the Opposition and I can at least agree, in the current socio-economic make-up of Gibraltar, that is no longer a necessity. But to the extent that the buffer, as he called it, was there not to protect the depositors, who did not need that buffer to be protected, but to protect the Consolidated Fund from perhaps having to be called upon under the guarantee.'

So that is what he was saying, Mr Speaker. We think that, today, for the reasons I have already indicated, there is no need for there to be, in legislation, that provision, for all the reasons I have already articulated, and I therefore now, hopefully, am allowed to commend the Bill to the House.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Gibraltar Savings Bank

Act be read a second time. Those in favour. (**Members:** Aye.) Those against. (**A Member:** Noe.) Carried.

390 **Clerk:** The Gibraltar Savings Bank (Amendment) Act 2012.

395 **Bill for an Act to amend the Gibraltar Savings Bank Act**
Committee Stage and Third Reading agreed

Hon. Chief Minister: Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

400 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.) The Committee Stage and the Third Reading will be taken today.

405 **Bill for an Act to amend the Civil Aviation Act 2009**
and the Aviation Security (EU Common Rules) Act 2011
First Reading carried

3. The Hon. the Deputy Chief Minister to move:

410 *A Bill for an Act to amend the Civil Aviation Act 2009 and the Aviation Security (EU Common Rules) Act 2011 and related secondary legislation. (B02/12)*

415 **Clerk:** A Bill for an Act to amend the Civil Aviation Act 2009 and the Aviation Security (EU Common Rules) Act 2011 and related secondary legislation.
The hon. the Deputy Chief Minister.

420 **Hon. Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Civil Aviation Act 2009 and the Aviation Security (EU Common Rules) Act 2011, and related secondary legislation, be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Civil Aviation Act 2009 and the Aviation Security (EU Common Rules) Act 2011, and related secondary legislation, be read a first time.
Those in favour. (**Members:** Aye); those against. Carried.

425 **Clerk:** The Aviation (Amendment) Act 2012.

430 **Bill for an Act to amend the Civil Aviation Act 2009**
and the Aviation Security (EU Common Rules) Act 2011
Second Reading carried

435 **Hon. Deputy Chief Minister:** Mr Speaker, I have the honour to move that the Bill be now read a second time.

Mr Speaker, this is a short and straightforward Bill. It simply amends the Civil Aviation Act 2009 and the Aviation Security (EU Common Rules) Act 2011, as explained in the explanatory memorandum, and related secondary legislation, following the decision of the Government to separate ministerial responsibility for civil aviation from the Transport portfolio.

440 Mr Speaker, I commend the Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

The Hon. the Leader of the Opposition.

Hon. P R Caruana: Mr Speaker, we shall be supporting the Bill.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Civil Aviation Act 2009 and the Aviation Security (EU Common Rules) Act 2011 and related secondary legislation be read a second time.

Those in favour (**Members:** Aye.); those against. Carried.

Clerk: The Aviation (Amendment) Act 2012.

**Bill for an Act to amend the Civil Aviation Act 2009
and the Aviation Security (EU Common Rules) Act 2011
Committee Stage and Third Reading agreed**

Hon. Deputy Chief Minister: Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.) The Committee Stage and Third Reading will be taken today.

COMMITTEE STAGE

Clerk: Committee Stage and Third Reading, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I have the honour to move that the House should resolve itself into committee to consider the following Bills clause by clause. First, the Supplementary Appropriation (2010/2011) Bill 2012; second, the Gibraltar Savings Bank (Amendment) Bill 2012; and, finally, the Aviation (Amendment) Bill 2012.

A Bill for an Act to appropriate further sums of money to the service of the year ending on the 31st day of March 2011

Clerk: A Bill for an Act to appropriate further sums of money to the service of the year ending on the 31st day of March 2011.

Clause 1.

Mr Speaker: Clause 1 stands part of the Bill.

Clerk: Clause 2.

Mr Speaker: Clause 2 stands part of the Bill.

Clerk: Clause 3.

Mr Speaker: Clause 3 stands part of the Bill.

Clerk: Clause 4.

500 **Mr Speaker:** Clause 4 stands part of the Bill.

Clerk: The schedule.

Mr Speaker: The schedule stands part of the Bill.

505 **Clerk:** The long title.

Mr Speaker: And the long title stands part of the Bill.

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Bill for an Act to amend the Gibraltar Savings Bank Act

Clerk: A Bill for an Act to amend the Gibraltar Savings Bank Act.
Clause 1.

515 **Mr Speaker:** Clause 1 stands part of the Bill.

Clerk: Clause 2.

520 **Mr Speaker:** Clause 2 stands part of the Bill.

Clerk: The long title.

525 **Mr Speaker:** And the long title stands part of the Bill.

**Bill for an Act to amend the Civil Aviation Act 2009
and the Aviation Security (EU Common Rules) Act 2011**

530 **Clerk:** A Bill for an Act to amend the Civil Aviation Act 2009 and the Aviation Security (EU Common Rules) Act 2011 and related secondary legislation.
Clause 1.

535 **Mr Speaker:** Clause 1 stands part of the Bill.

Clerk: Clause 2.

540 **Mr Speaker:** Clause 2 stands part of the Bill.

Clerk: Clause 3.

Mr Speaker: Clause 3 stands part of the Bill.

545 **Clerk:** Clause 4.

Mr Speaker: Clause 4 stands part of the Bill.

550 **Clerk:** The long title.

Mr Speaker: And the long title stands part of the Bill.

BILLS FOR THIRD READING

555 **Supplementary Appropriation (2010/2011) Bill 2012 passed**
 Gibraltar Savings Bank (Amendment) Bill 2012 passed
 Aviation (Amendment) Bill 2012 passed

Clerk: The Hon. the Chief Minister.

560 **Hon. Chief Minister:** Mr Speaker, I have the honour to report that the Supplementary Appropriation (2010/2011) Bill 2012, the Gibraltar Savings Bank (Amendment) Bill 2012 and the Aviation (Amendment) Bill 2012 have been considered in committee and agreed to without amendments and I now move that they be read a third time and passed.

565 **Mr Speaker:** I now put the question, which is that the Supplementary Appropriation (2010/2011) Bill 2012, the Gibraltar Savings Bank (Amendment) Bill 2012 and the Aviation (Amendment) Bill 2012 be read a third time and passed.

Those in favour of the Supplementary Appropriation (2010/2011) Bill 2012, (**Members:** Aye.); those against. Carried.

570 Those in favour of the Gibraltar Savings Bank (Amendment) Bill 2012, (**Members:** Aye.); those against. Carried. (*Interjections*) It was carried in any event! (*Interjections*)

Those in favour of the Aviation (Amendment) Bill 2012 (**Members:** Aye.); those against. Carried.

575 **Clerk:** The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I have the honour to move that this House do now adjourn *sine die*.

Mr Speaker: I now propose a question, which is that this House do now adjourn *sine die*.

580 I now put the question, which is that this House do now adjourn *sine die*. Those in favour (**Members:** Aye.); those against. Passed. This House will now adjourn *sine die*.

The House adjourned at 10.05 a.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.15 a.m. – 1.00 p.m.

Gibraltar, Thursday, 17th May 2012

The Gibraltar Parliament

The Parliament met at 9.15 a.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

PRAYER

Mr Speaker

Order of the Day

Clerk: Meeting of Parliament, Thursday, 17th May 2012.

1. Oath of Allegiance.
2. Confirmation of Minutes: the Minutes of the last meeting of Parliament held on 15th, 16th and 29th March 2012.

Mr Speaker: May I sign the minutes as correct?

It was agreed.

Mr Speaker: Thank you.

3. Communications from the Chair.

**Speaker to retire after eight years in post
Personal Statement**

Mr Speaker: Yes, if I may, with the indulgence of the hon. Members.

The leaking of a confidential report prepared by the Commissioner of Income Tax on my personal tax affairs, and its publication last week by some elements of the local media, prompts me to make this statement to the hon. Members who have placed me in this Chair.

While claiming the entitlement to confidentiality afforded by our laws, without exception, to all taxpayers, I cannot allow to remain unchallenged the serious allegation contained in the report which links my personal tax affairs with my position as Speaker. The report alleges that I have, after making a few initial payments, failed to honour an agreement entered into by me with the Commissioner for the settlement of outstanding tax liabilities and that, as a consequence, the Commissioner has seen fit to withhold my parliamentary salary.

Following the issue by the Commissioner, and acceptance by me, of revised assessments, I entered into a binding agreement with the Commissioner, in terms which I was given to understand are commonly afforded to other taxpayers in similar circumstances for the payment of the amount owed.

Contrary to the misleading impression given by media coverage of the report, I invited the Commissioner from the very outset to apply my parliamentary salary from month to month, after deduction of PAYE, towards the payment of the instalments due from me under that agreement.

The Income Tax Office duly received *direct* from the Treasury sums representing more than two instalments due from me, but the Income Tax Office, for procedural reasons of its own, which were, for the first time, revealed to me by the Commissioner when I met him yesterday, subsequently terminated that arrangement and replaced it with a direction to the Treasury under section 50 of the Income Tax Act.

I was made aware of the section 50 direction at the time, but since it reflected the very manner which I myself had indicated as my preference for the performance by me of the agreement, I attached no particular significance to it and readily acquiesced. The undeniable fact is that I did not make those initial payments myself and, therefore, there can be no question of my *ceasing* to make further payments, as alleged.

This has now been incorrectly portrayed by the Commissioner, in his report, as my failure to honour the agreement, after having made a few initial payments, thus compelling him to withhold my net parliamentary salary. What is more, it is clear from my discussion with the Commissioner on 16th April that some of the figures mentioned in his report are incorrect. These are matters I have taken up with the Commissioner and will continue to address them and other issues arising from the report, as I have in the past on all matters relating to my taxation, with the advice and assistance of my professional accountant, and by engaging directly with the Income Tax Office, and *not* by public pronouncements.

Sitting in this Chair, however, my first and overriding duty is to facilitate the work of this House, whose servant I am. When I was first appointed Speaker in September 2004 – and upon each successive reappointment – I pledged to uphold the dignity of this august body and that has been my objective throughout the years. However, I am conscious of the fact that there will be my detractors out there who are more interested in my personal tax affairs than in the manner in which I perform my duties here. And that will not do for those who have entrusted me with this Office.

When the Hon. the Chief Minister invited me to accept reappointment as Speaker following the General Election last December, I expressed the view that eight years is just about the right length of a Speaker's tenure, as providing a degree of continuity but ensuring that the Office does not become too closely identified with its incumbent.

The events of recent weeks have crystallised that belief in my mind and I have come to the conclusion that, as I approach the eighth anniversary of my appointment, I ought to prepare to relinquish this distinguished Office.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, by your leave.

Mr Speaker: The Hon. the Chief Minister.

65 **Hon. Chief Minister:** Mr Speaker, the Government can make no comment whatsoever in respect of matters related to your tax affairs, which you have referred to now, other than to agree with you the importance of confidentiality in respect of *all taxpayers'* affairs and the need to determine how confidential information relating to one such taxpayer, namely yourself, has been made available to the media.

70 Mr Speaker, you were appointed by us, as Government, for the third time, on the second occasion that you enjoyed our support, because we considered, as I told this House, that you had discharged your functions as Speaker, after your initial appointment without our support, with fairness in dealing with all parties who were before you in this place.

75 I said then, Mr Speaker, that you had, in my view and in the view of the Government, pleased and displeased Members on both sides of the House in equal measure and I could think of no better qualification for an appointee holding your Office. I said then, and I repeat, that I was always very grateful, personally, for how you had dealt with some of the cruellest moments of the last Parliament, which had included me.

80 Mr Speaker, it is in that context when I approached you for appointment, that you indicated to me, as you have now publicly, that you believe that eight years was the right period of time to hold that silent, brooding presence that is incumbent on the Office of Speaker, and that you believe that, having bedded down the new Government, eight years would be the period after which I should, on behalf of the Government, start consulting on who should take your post. In those circumstances, Mr Speaker, I am grateful for your indication today, so that the Government and Members of the House opposite are aware by when we will have to have determined who will be taking your post.

85 Thank you.

Mr Speaker: The Hon. the Leader of the Opposition.

90 **Hon. P R Caruana:** Mr Speaker, I am grateful for your indication, as are the Hon. Members on this side of the House – for Mr Speaker's indication of his intention to stand down, in the context of the eighth anniversary of his accession to the Chair.

95 I sincerely hope... Well, I should add, of course, Mr Speaker, you are not an employee of the Government, you are not accountable to the executive, except as a taxpayer. In your capacity and in respect of your functions as Speaker, you are accountable to this House and not to the Government, or to its Chief Minister, and I sincerely hope that, to the extent that Mr Speaker asserts, and until the contrary is demonstrated – if it is capable of being demonstrated – I accept what you have said, solemnly from the Chair about the facts that have entered into the public domain. In those circumstances, I sincerely hope that the Speaker of this House has not to any degree been forced to consider his position, or even the timing of his standing down, by reference to mischievously leaked confidential documents.

100 I *accept* your assurance implicit in what you have said, that that is not the case and I sincerely hope that commentators outside of this House will not, contrary to what you have said and what both sides of the House, having heard the Chief Minister, appear to accept, I hope that nobody outside of this House will mischievously make the link between the two events.

105 I have said that Mr Speaker is the servant of this House; and I believe that, regardless of Mr Speaker's tax affairs, whether they would, or would not, have raised issues about the appropriateness of him carrying on in this Chair, I think that there are issues which are thrown up by this matter which this House – not the Government – needs to look into.

110 This House needs to be absolutely satisfied that there has been no degree of political or administrative – in other words, no degree of executive in its two branches – behaviour designed to bring about a particular result with a servant of this House. And I believe that, frankly, for the Government itself to call an enquiry into the leaking of a report, a report which can only have been leaked either by a civil servant in the Income Tax Office, by a civil servant in the Office of the Chief Minister to whom the report was sent or, for the sake of equanimity, by the Chief Minister or by somebody to whom the Chief Minister gave a copy – it cannot be anybody else: one of those four must be the source of the leak! – I believe that that is a *very* serious matter which needs a degree of *independent* parliamentary enquiry and investigation and *not* an investigation by the
115 very institution that has to account and explain and justify and demonstrate that *its* fingerprints are not on this

matter.

Therefore I, on behalf of the Opposition Members of this House, call now for a parliamentary investigation of the circumstances in which, not just this document was leaked, but the circumstances and timing of its creation, and the circumstances and timing of its leaking into the public domain. (*Applause*)

Mr Speaker: I am not sure I should allow a debate on this matter.

I have made a communication from the Chair. I have given both sides the opportunity to express their thoughts.

If the Hon. the Chief Minister wishes to add anything without going into the debate of the matter, of course I will allow him to say it.

Hon. Chief Minister: Mr Speaker, the Hon. the Leader of the Opposition has strayed from dealing with the issues that you have raised in this House into making what can only be seen to be imputations, if not allegations, about manners in which reports may have been leaked to the press, which he has seen fit to personify, potentially including me as the holder of the Office of Chief Minister.

I think it is incumbent upon me to put on the record straightaway that there is absolutely no question of my, or my office, having been involved in leaking any documentation and hence why I agreed with you, in the context of the first phrase that you uttered, that the Government considers it to be as important as you consider it to be, to get to the bottom of how it was that the confidential information that related to you as a taxpayer was, or came to be, leaked to the press. And that will, of course, include *when* it was leaked to the press, which is the issue as to timing.

In those circumstances, Mr Speaker, the Government is satisfied that what it is going to do to determine how that breach of confidentiality came about will enable us to be satisfied as to the source of the leak, and the timing of the leak, and that the histrionics from the hon. Gentleman opposite are just designed to try and make a political point when none was due.

Mr Speaker: I think we have to leave the further debate on the matter to a proper motion.

Anyway, I am grateful to the Hon. the Chief Minister and to the Leader of the Opposition for the kind words expressed and for the understanding they have both shown to my position. We shall proceed with the remainder of the business.

Clerk: 4. Petitions.

5. Announcements.

Papers laid

Clerk: 6. Papers to be laid: the Hon. the Chief Minister.

Hon. the Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the table the following documents.

First, the Annual Accounts of the Government of Gibraltar for the year ended 31st March 2011; and, second, the Gibraltar Annual Policing Plan for the year 2012 to 2013.

Mr Speaker: Ordered to lie.

Clerk: The Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Transport and the Port (Hon. N F Costa): Mr Speaker, I have the honour to lay on the table the following accounts.

The reports of the Principal Auditor on the Accounts of the Gibraltar Port Authority for the financial years ended 31st March 2007, 31st March 2008, and 31st March 2009.

Mr Speaker: Ordered to lie.

Clerk: The Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, I have the honour to lie on the table the report of an audited – Sorry... (*Interjection*)

I will ignore those comments. The audited accounts on the Gibraltar Electricity Authority for the year ended 31st March 2011.

Mr Speaker: Ordered to lie.

And I have the honour to report that, in accordance with Standing Order 12(3), the report of the Principal Auditor on the Annual Accounts of the Government of Gibraltar for the year ended 31st March 2011 has been submitted to Parliament and I now rule that it has been laid on the table.

I should also take this opportunity to record that the draft Estimates required by the Constitution to be laid before the House not later than 30th April of this year were duly delivered to the Clerk before the end of April and that they are now deemed to have been properly laid before the House.

Clerk: 7. Reports of Committees.

Questions for Oral Answer

Clerk: 8. Answers to Oral Questions.

TOURISM, PUBLIC TRANSPORT AND THE PORT

Maintenance of Gibraltar's beaches Long-term policy

Clerk: Question 343 of 2012, the Hon. S M. Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for Tourism indicate to this House its policy in respect of the long-term maintenance of Gibraltar's beaches, particularly those affected by severe weather during the off season?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, the Government is considering its policy on the long-term maintenance of the beaches. I will make this public once this has been determined.

The Government's Technical Services Department is currently developing schemes to provide protection to those beaches that have historically been subjected to storm wave action. These schemes will vary depending on location and, until detailed engineering assessments are completed, it will not be possible to advise conclusively on what is planned.

However, by way of an indication, at Sandy Bay consideration is being given to the construction of an underwater breakwater, which will reduce wave action reaching the shoreline whilst, at the same time, helping to retain the sand.

At Catalan Bay a similar project is being considered, although the addition of groins is also a possibility.

No works are currently envisaged at Eastern Beach, as this has been stable for a number of years, ever since groins were constructed in 1992.

At Camp Bay, the extension of the existing groin and the provision of an additional groin are being looked into, with a view to increasing the size of the beach.

225 **Hon. S M Figueras:** Mr Speaker, I am grateful for the answer to the question.

I wonder whether, perhaps, the Minister could provide any further details in respect of Sandy Bay for the bathing season which is imminent and upon us in a few weeks' time: is there any intention – though I suspect it is late in the day – to replenish the beach at all? Is there a need? Has the Minister been able to identify whether there is a need for that?

230 **Hon. N F Costa:** Yes, there will be.

There has been a lot of loss of sand during this last year. As you know, the previous administration did replenish the beach at quite considerable cost but, because of the absence of any groin or any other facilities stopping the sand from being taken away from the beach, there has been a considerable loss but the public will certainly be able to access the beach. Works are currently being conducted, or will start, next week in order to facilitate that.

235 **Hon. S M Figueras:** Thank you, Mr Speaker.

240 In relation to the other projects – the underwater breakwaters, which we understand certainly from this side of the House will incur considerable costs – is the Minister able to give any indication in respect of the timelines that we are looking at in respect of these measures and any costs at all, any ideas that the technical officers might have given them?

245 **Hon. N F Costa:** Well, Mr Speaker, as I said in the original answer, the scheme will vary depending on the engineering assessment, but works could possibly start after, of course, the official bathing season is over, which will be October.

In terms of costs, I am still waiting for a detailed analysis on that.

250 **Hon. S M Figueras:** I am grateful.

Tourism policy New ideas being formulated

255 **Clerk:** Question 344. The Hon. D J Bossino.

260 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port provide details of the new ideas it is formulating in the context of Gibraltar's tourism policy?

Clerk: Answer, the Hon. Minister for Tourism, Public Transport and the Port.

265 **Minister for Tourism, Public Transport and the Port (Hon. N. Costa):** Yes, Mr Speaker.

The Government is engaged in considering tourism in the short and the medium-term but also, of course, having to bear in mind the long-term interests of Gibraltar.

270 The Government has, initially, two short-term priorities in the context of the tourism industry: firstly, to invest in badly needed improvements to the visitor attractions in the Upper Rock, some of which have been very sorely neglected for very many years; secondly, to improve as quickly as possible the manner in which Gibraltar is marketed as a tourism destination and the methods employed to market Gibraltar.

275 As the hon. Member is aware, my Ministry and the Gibraltar Tourist Board are currently involved in consultation and feedback with the industry at large. The hon. Member will also have read in the press that we have decided to hold monthly meetings of the Tourism Advisory Council. In addition, teams lead by my colleagues, the Hon. Dr John Cortes and the Hon. Mr Steven Linares, are assisting in formulating policies that this Government can develop, thus reflecting the importance the Government is attaching to the tourism industry.

The hon. Member is also aware of the inter-ministerial committee of the Ministries of the Environment, Heritage, Culture and Tourism, where the Government is engaged in formulating ideas that develop tourism in an environmentally friendly and heritage sensitive manner. I personally have, over the last five months, engaged in very intense one-to-one stakeholder engagements. As and when the new initiatives are finalised

280 and implementation started, the Government will be delighted to provide details to this House and to the hon. Gentleman in particular.

285 **Hon. D J Bossino:** Yes, can the Minister give an indication as to when he will be able to make such a statement?

Hon. N F Costa: Mr Speaker, my Ministry is working to be able to unveil some of our policy initiatives during the Budget session.

290 **Hon. D J Bossino:** In relation to marketing – a reference was made by the Minister to marketing – he said... he is quoted as having said in the *Gibraltar Chronicle* of 25th April that the new Government, which is really what prompted this question,

‘ the new Government is currently formulating new ideas and marketing new ideas.’

295 That suggests that the marketing of those new ideas is already in train. But is that still at the planning stage? Can he clarify what the situation is in relation specifically to marketing?

Hon. N F Costa: Yes, Mr Speaker. It gives me the opportunity to explain the position the Government is at in respect to marketing.

300 The Tourism Advisory Council will be reporting back at the next meeting – which I think is scheduled for next week – with their ideas and recommendations on how best to market Gibraltar, what methods to employ and whom to target, in other words to be able to assist Government to develop a general policy as to how we achieve that.

305 I personally have met with two companies and two entities that have provided to the Government ideas on the website platform that could be used by the Gibraltar Tourist Board in marketing Gibraltar.

310 As the hon. Member is aware now, with new technology there are very interactive websites, there is the use of podcasts and so on, and whereas I have seen two websites in particular, we are in discussions with those entities in order to decide which one would provide the best platform for the Gibraltar Tourist Board to be able to sell Gibraltar as a vibrant city etc.

Hon. D J Bossino: This is just by way of a short preamble to the question I am going to ask now: I just want to congratulate the Minister and the Government generally that it is giving tourism the priority it deserves – certainly our policy when we were in government – and I sincerely hope, for Gibraltar Plc’s sake, that you are able to harness the clear success story that Gibraltar, the running of our tourism policy when we were in government, was a result of.

315 So, in relation, by way of supplementary, can I ask the Minister, who comprises... who are the members of the... is it the Tourism Advisory Council? Who are the members? Can you advise us who they are?

Hon. N F Costa: Yes, Mr Speaker.

320 In the first place, I am afraid that I cannot accept the premise of the hon. Gentleman to say that we are simply continuing the ‘success story’ of the GSD.

325 The Tourism Advisory Council is comprised of various people, representatives of the Caleta Hotel, Bland Group International, the Taxi Association, Gibraltar Museum, the Queens Hotel, the Gibraltar Federation of Small Businesses, and the Chamber of Commerce.

And the reason why I do not accept the premise to the hon Gentleman’s question is because all but one of the members of this Tourism Advisory Council started their introductions by saying ‘not enough priority has been given to tourism in the past 15 years; none of the recommendations have ever been acted on; something actually *must* come out of these committee meetings, because they never did before; the product was undervalued; nothing seems to get done...’ – so I cannot accept his premise.

330

**Consultation on Upper Rock
Submissions and views relative to tourism**

Clerk: Question 345, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port provide details of the submissions and views received in relation to the consultation exercise recently undertaken in connection with the Upper Rock as are relevant to tourism?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker. The administrative process on the consultation exercise is being taken by the Department of the Environment.

The Department has received a total of 19 submissions as part of the Upper Rock consultation. The process is still in progress and the next step is that a paper will now be prepared by the Department of the Environment, based on the submissions received for discussion with the contributors before a strategy is actually developed.

Specific details on the submissions in relation to tourism cannot be provided at this stage, due to the commercial sensitivity of some of the submissions – in fact, an issue that has been raised by some of the contributors themselves and which the Government must accept, of course, at this stage.

But I can tell the hon. Gentleman that the views received are very varied and they relate to all of the aspects of the Upper Rock and the management of the Rock Nature Reserve, such as the management of the Barbary macaques, the conservation of wild flora and fauna, improving the main tourist sites in the Upper Rock and issues common to residents of the Upper Rock.

Hon. D J Bossino: Do the submissions cover... can the Minister, Mr Speaker, clarify this, do any of the submissions received cover the issue of the access by taxi drivers for the Upper Rock?

Hon. Dr J E Cortes: Mr Speaker, if I may, as this is something that is being dealt with by my Department, there has been a submission by the Taxi Association to the report, so obviously that is one of the aspects that is going to be considered; but they did make representations.

Hon. D J Bossino: Now, there is a point of clarification which I would like to seek from the Minister, who I am questioning at the moment, Mr Speaker, but I must admit that it was the quote in the *Chronicle* was attributed to the Hon. the Minister for the Environment, where he says, if the House would permit me:

‘It is not just the tourists that need to be looked after’

and this is in relation to the Upper Rock,

‘but locals and workers too.’

The Minister explains that:

‘We are going to be very careful to ensure that anybody who relies largely on the Upper Rock for their livelihood will be able to continue to do so. That is very important, but we have to do it in such a way that does not conflict with the amenity value for other users. It is quite a challenge.’

And then he makes another reference to the amenity value where he says:

‘Like many other nature reserves and protected areas in the world, the number of visitors to these sites can result in unwanted side effects, such as the pollution and excessive wear and tear. Many of these sites now restrict the number of visitors allowed with regards enforcing a restriction in the Upper Rock.’

390 The Minister said:

‘There must be a maximum number of potential visitors, but I do not think we are necessarily there yet. I think what we have to do is manage it in a way which does not conflict with the amenity value of the Upper Rock.’

395 And the question, by way of supplementary, Mr Speaker, is what the Minister means by the ‘amenity value’?

Hon. Dr J E Cortes: Mr Speaker, its value as an amenity. How does one define an amenity? I can probably look it up on my iPad.

400 An amenity, I would have thought, is something that people use and enjoy, so its amenity value is its value as an amenity. I do not really see what the questioner is alluding to. Perhaps he would like to clarify?

Hon. D J Bossino: What interest is he putting into the balance?

405 **Hon. Dr J E Cortes:** Sorry, could you repeat that?

Hon. D J Bossino: What interest is he putting into the balance?

410 **Hon. Dr J E Cortes:** At the moment what we are doing is looking at all the representations and the exercise is ongoing. It is a challenge and I have used the word ‘challenge’ on a number of occasions because the management of a nature reserve which is accessed by tourists is a challenge throughout the world.

415 It is a challenge, Mr Speaker, that I think that we are certainly up to, but I cannot predict what the outcome is going to be. So I do not really think I can say anything. When the report is actually published, then obviously we can discuss it then.

Hon. D J Bossino: So, clearly, the Government at this stage does not have a policy or a view or, indeed, even a preliminary view as a result of reviewing the data received in connection with the consultation exercise. Is that correct?

420 **Hon. N F Costa:** Well...

Hon. Dr J E Cortes: A consultation is a consultation in order to form a view. You cannot have the conclusion before you have given due consideration because if you have the conclusion already, then the process is not valid. So we are open to discuss and see what comes out at the end.

425 **Hon. N F Costa:** Merely to add, Mr Speaker, that the proposals that have been submitted, some of them are actually quite detailed, and the deadline for submission was the 4th of this month. So we have just recently received them. So, of course, we need some time to analyse them before we can present the policy of the Government.

430 **Hon. P R Caruana:** Mr Speaker, would the hon. Members concede, and I accept in part the point made by the Hon. Dr Cortes that there is no point holding a consultation process if you are firmly committed, or firmly entrenched, in a particular view or a particular objective.

435 Would he not agree with me that it is not correct to suggest that those who consult *others* to seek their views are required not to have a view of their own? The Government must have a view of its own. It may *rightly* and with every good governance justification have decided to test other people’s views to see to what extent other people’s views may cause the Government to modify its own, but the Government *surely* does not think that it is the only party in Gibraltar who should not have a view on an important matter affecting the public interest of Gibraltar.

440 So I think it is just as well... I mean this is something about which the Government has said things in their manifesto. The Government *clearly* have a view that they do not want to *impose* their view without seeking the views of others, to see to what extent they can be accommodated as well, or instead, may well be true, but they must have a view of their own. Otherwise, does he not agree that they would be in dereliction of the Government’s duty to *have a view*, albeit subject to the views of others?

Hon. Chief Minister: Mr Speaker, there is no duty to have a view, but I take the hon. Gentleman's point that the Government, if it is embarked on a course of consultation, is embarked on a course of consultation because clearly it is an area of policy that the Government wishes to develop its *own* thinking on; but, of course, the Government has views on issues on which it goes out to consultation.

But the hon. Gentleman alluded to the reasons why we do not want to be labouring our own views, in saying that the Government does not want to impose its views and, therefore, goes out to consultation to see what it is that either members of the public, or a particular sector or *[inaudible]* interest, views (*Interjection by Hon. P Caruana*) believe on a particular subject and then, at the end of that period, taking its initial view in the context of the replies in the consultation, will reach a *final* view.

I think, Mr Speaker, what we are saying and I think it is an issue that we have had a ding-dong across the floor of the House in relation to other matters on before is that when we were the party contesting the General Election – much as they were and then the other party – we put our views in our manifesto, or we have put our views in public statements, but when we engage in the process of consultation we think it is prudent, from that point on, to say, 'Well, look, we have said what we have said on the subject, but we are now consulting and we do not want, as Government, to belabour that view.'

Hon. P R Caruana: Alright, Mr Speaker. Fine, I can accept in greater part that answer and the previous one, but that, he has to acknowledge, is a different answer to the one that the Hon. Mr Cortes made.

Nor do I think good governance requires, would he accept, the Government to commit *not* to impose its view. There may be circumstances in which the Government is *entitled*... Indeed, I think the Government, if it has a majority in parliament, is always *entitled* to impose its view. The question is not... Consultation is not surely so that the Government does not impose its view; it is so it does not impose its view without, first, having had the benefit of other's views to see to what extent those may influence the Government's view. But the Government is always free, in a democracy, to do as its manifesto says, or as its policy suggests, if they are not persuaded by the views of consultees in the consultation process. That is the normal process of democratic government.

I am not challenging the propriety; indeed, I applaud them going out to consultation on this matter. I was just challenging the odd sounding assertion by a Minister of a Government, in *any* democracy that, notwithstanding all of that, the Government does not have a view. That struck me as not sounding right, not being right. It may be that Dr Cortes did not mean it precisely in those ways, but that is what he said and I think it has now been clarified.

Hon. Chief Minister: Mr Speaker, I am grateful.

I do not think that there is a difference between what Dr Cortes said, taken in good faith on what I said, although perhaps if you were looking at it semantically you could in cross-examination suggest that there was.

But, Mr Speaker, I think that the difference is this: a consultation is not a referendum.

If the Government goes out and puts an issue to referendum, it is saying that it will be bound by the views of the plebiscite in respect of that particular question. In the consultation, the Government is asking for those who are interested, either the general public or those who care to write in, or a particular sector, what their views are on a particular issue. There are two ways of doing that and I do not think doing it in one way or another affects the 'good government' sense in which it is done.

The Government can issue a consultation paper that says, 'The Government believes that this should be done and it should be done for this reason and in this way. What do *you* think?' Or the Government could simply say, 'The Government believes that this is an area that needs tackling. How do you believe it should be tackled?' Now, of course, in the lead-up to that consultation and since it has been done in *[inaudible]* the Government will have said in public statements, as a political party or as a Government, or as an Opposition – if there has been the reversal of roles which there has been in the past six months – what it believes on an issue. It does not mean that it has, as part of the consultation, to re-state that, in my view, and I think that we agree that those issues do not go to good government. What goes through to good government is that, in certain particular areas, one should be prepared to consult. But good government in the loose sense of the word good government and not in the constitutional sense of good Government which has completely different implications, and I think the hon. Gentleman would agree with me that what we are talking about here is how one is *disposed* to govern, rather than whether one is *engaged* in good government in the constitutional sense.

500 **Hon. P R Caruana:** Well, Mr Speaker, I do not want to labour this point too much, although I think it has interest beyond the question of the Upper Rock and its management future.

In the first place, Mr Speaker, I do not agree with what the hon. Member said in the opening of his statement just there. The Government cannot say things in its manifesto and its public statements which reflect its views, have views and then, when asked in this House what those views are, the Minister stands up and says, 'The Government has no view because that would be wrong, because we have started a consultation' – which was the essence of Dr Cortes's question, which is why I stood up. Otherwise, I was not just going to stand up about the Upper Rock. It was about the nature of the answer, if it had been applied to any other subject matter.

510 Mr Speaker, and then I do not agree, either, with what the hon. Member said latterly. Would he not accept that *most* consultations by Governments do not take the form of, for example, 'The Government thinks something needs to be done about the Upper Rock. What do you think, o citizen? How do you think, o citizen, it should be done?'

515 Most governmental consultation processes, particularly those they envisage may culminate in legislation, *set out*, for the purposes of the consultation, what the Government's thinking on the matter is, what the Government's *tentative* proposals are, and asks consultees to comment on those and on any other aspect different, in support, opposing, proposing alterations. They do not send the consultee a blank piece of paper, saying, 'What do you think should happen in the Upper Rock?'

So I do not accept and I do not want to spend all morning – unless *he* does – debating this. I mean, consultation is good. (*Interjections*) Any form of consultation is better than *no* form of consultation...

520 There is no point Dr Cortes shaking his head to people in the Gallery, which, by the way, is in serious breach of parliamentary procedure (*Interjections*) but, Mr Speaker, these are –

525 **Hon. Dr J E Cortes:** Mr Speaker, I was not shaking my head at anybody in the Gallery. I was shaking my head and then looked towards the Gallery. If he were to have noted the sequence of events –

Hon. P R Caruana: So only the word 'at' was wrong?

Hon. Dr J E Cortes: I was not shaking my head at the Gallery, Mr Speaker. I am –

530 **Mr Speaker:** I have to accept that, as long as there was no intention to communicate with anyone in the Gallery. I have to accept that. No, shaking of head must entail looking in that direction and that direction...

535 **Hon. Dr J E Cortes:** Mr Speaker, my head was heading in the direction of my colleague, Mr Linares, and therefore the angle of vision may have crossed. (*Laughter and interjections*)

Mr Speaker: I think we need not dwell on that much longer!
The Hon. the Leader of the Opposition. Has he finished?

540 **Hon. Chief Minister:** I must say I think I prefer the hon. Gentleman angry, rather than merry, because (*Laughter*) we get through it more quickly when he is angry than when he is funny.

Mr Speaker, of course there is a technical point and I do not think we do need to labour this. This is not the Government's manifesto. It is the political party's manifesto and that political party then becomes the Government and even if the incumbent Government has a manifesto, when it issues a manifesto it is *the party's* manifesto and that is what they are saying.

545 But, look, I agree with him. It is not that the Government simply turns round and says *in vacuo*, 'Oh, something needs to be done about the Upper Rock. What shall we do about it? Ask the public.' The Government is elected to run Gibraltar and to bring those views, which have put it into Government to bear on those matters on which it has expressed those views. Of course, we agree with that; but I think the point is simply this, that, in the process of the consultation although there will be discussions and in those discussions with sectorial interest groups, if you are dealing with three or four and they are meeting with the Minister and the Minister is going to be giving his views, we do not think that the right approach on *every* occasion is to put out there, 'The Government believes that *this* is what has to be done. How do you want to influence that?' Although it may be in some instances that that is the way to proceed with a consultation and we will do that in some particular instances.

555 Look, I think the interesting aspect of this – I do not even want to call it ‘debate’, because it is Question Time – but the interesting aspect of this exchange is that we agree that consultation is a good thing, that we believe that consultation in one form or another, in all its different forms, is the right approach in circumstances where the Government considers that it needs to temper the manner in which it will implement its policies, and that I recognise that, in some instances in Government, he did and in some others, he did not, 560 and in some instances in Government, if we consider it appropriate, we will, and in some instances, when we consider it is not appropriate, we will not.

Clerk: Question –

565 **Hon. P R Caruana:** The hon. Member has an uncanny knack of preventing me from staying sitting down, as I had intended to!

Mr Speaker, let me see if I can convert into a question just a simple proposition that I want to leave lying on the record.

570 Does the hon. Member, whether he agrees with it or not, at least acknowledge that the Opposition does *not* accept the repeated theme emanating from those benches, that is that, somehow, a Government can say of the manifesto that elected it into office, ‘That’s the party. Don’t quote the manifesto at me, because I am now the Government; I am not the party.’ It was a manifesto for government!

575 Nobody in the electorate, would he agree with me, is going to be attracted by the proposition that a political party gets elected to Government on the basis of a manifesto and then asserts repeatedly that it is free not to have the manifesto held against it, because it is the manifesto of the party and not the manifesto of the Government? It is not a line that I have seen used in other democracies.

580 Obviously, he will want to reply to that, and I will not rise again on the question – because all I just want to leave on record... I just did not want my acquiescence on that point to suggest to the hon. Member that we think there is merit in that sort of nuance, of the significance for political purpose. Clearly it does not bind the Government legally but, for political purposes, we do not think such a nuance is viable.

Hon. Chief Minister: Mr Speaker, I am getting worried that our relationship seems to be becoming almost symbiotic: I need to say something for him to get up... I do not want us to have that sort of relationship.

585 Mr Speaker, of course I accept that the party’s manifesto has now become the Government’s programme for government. I was simply taking the point that the manifesto during an election campaign is not ‘the Government’s’; it is the party’s, even though it is of the party in Government and it becomes the programme for government, once the Government is elected.

590 Of course, Mr Speaker, I have here – because I was taken by the candour with which the hon. Gentleman replied to a question by the now designate CEO of GBC in a radio interview in the run-up to the General Election on 5th December 2011, when he was asked about this issue of manifestos, and he very candidly said:

595 ‘All parties now publish manifestos during their campaigns, which are a programme of what they *hope* to achieve over a four-year period. Almost never is it possible to achieve all of those things, for a variety of reasons: you may run out of time, you may run out of money’

– as he almost did –

600 ‘and there may be technical reasons why things cannot be done. For example, some of the projects that you have mentioned rely on each other: until we have built the new power station, the MOD cannot build its power station, etc. Look, Gerard, I do not hide the fact that there has never been any term of office in which the GSD has managed to do everything that was in its manifesto, and I think that is true of every political party in every democracy around the world.’

605 I am looking forward to proving him wrong! (*Laughter*)

Clerk: Question –

Mr Speaker: No, the Hon. Selwyn Figueras.

610 **Hon. S M Figueras:** Mr Speaker, just bringing us back to the question itself specifically, and having

failed to get very far with the definition of ‘amenity value’... but I have had an opportunity to review it on the iPad here with me (*Laughter*) so I may have informed myself appropriately.

Perhaps he will be of more assistance to the House in respect of his views articulated in the quote which I think you accepted was attributed correctly to you, in respect of the limited number of visitors, and although we are not there yet, what the Minister considers the ‘limited number of visitors’ to be – I understand that, and I am not pressing for a number or a moment in time which that will become a reality. However, what I would press the Hon. Minister for are his views on the impact it will have on both the amenity value and the commercial value of the Upper Rock Nature Reserve in due course.

Hon. Dr J E Cortes: Mr Speaker, it is clear that there *has to be* a limited number. There is a limited number of people who can fit in this room. It is more clear – it would be easier to find – what that number is in a defined space as this, but it is different in a nature reserve, where the numbers have to be managed in a particular way, too. And the numbers of people who can access an area like this will depend on how they are circulated, on how they visit the different areas and so on.

So I think it is has not reached the limited number, it is only an opinion, but if you manage in a different way, you can actually *increase* the numbers, so it is not determined at the moment. The numbers of visitors anywhere have to have physically a limit but, in the case of the Upper Rock, I do not think we are anywhere near that, but if we are able to absorb the present and greater numbers, you have to manage the way the visitors use the area in particular ways, which are not yet determined. That is part of the exercise.

Hon. S M Figueras: Thank you, Mr Speaker, I am grateful.

The one point, however, I would like to press the Minister on is whether his view that... and whilst we may or may not agree in that respect, his view is that there is a limited number of people that certainly we can fit in this Chamber, and in the Upper Rock Nature Reserve – when we arrive at that point, whether that will mean that there will be limitations imposed upon the local community in respect of its use of the amenity?

Hon. Dr J E Cortes: No, I am convinced that we are not going to reach – convinced, subject to the study going on – we are nowhere near reaching that limit, if we manage the people properly, so I cannot say anything further.

I do not think we will have to close any gate at any particular time, because I think we are going to manage it in such a way that that is not going to happen. So we are speculating without any facts.

Hon. S M Figueras: But the Minister is not able to provide a commitment that there will be no limitations or restrictions imposed on the local community in respect of the amenity?

Hon. Dr J E Cortes: There will be no limitations imposed on the local community.

Cruise passenger arrivals Promoting growth

Clerk: Question 346, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port advise this House what plans the Government has to promote the continuation of growth in the number of cruise passenger arrivals?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker.

The Government is currently assessing a number of infrastructural options in respect of increasing the berthing capability for cruise ships in Gibraltar, as well as enabling them to be effectively and safely handled.

In the short-term, the Western Arm is in the process of being tidied up, with the demolition of the derelict Ice Box Building and the resurfacing of that area. The Western Arm, as the House will know, is the first and last impression of cruise visitors and the area has been in desperate need of a facelift for as long as anyone can

possibly remember.

As the House will be aware, I attended Miami for two and a half days, during the course of which I personally met with five executives of various cruise line operators. We engaged then in lengthy discussions, canvassing many areas relating to cruise calls, shore excursions, etc.

It has become patently clear to this Government, Mr Speaker, that the single most important failure in the past, in order to be able to attract business to Gibraltar has been the absence of structures that ensure follow-up of the items discussed at meetings; but as a result of structural changes that I have implemented in the Gibraltar Tourist Board, there is now, at an official level, continuity of communication with the people who actually make decisions in the field, to make sure that Gibraltar is always in the minds of those executives who design shore excursions, decide the itineraries of their ships. Moreover, I have arranged a series of nine meetings in the UK at the end of June, with cruise operators based in the United Kingdom.

Mr Speaker, as I have already alluded to the hon. Gentleman in a previous answer, it is the philosophy of the Government to pursue personal relationships with those persons who decide, and equally as crucial, to impress that my Ministry and the Gibraltar Tourist Board have an open door to all of them to discuss any, and all, ideas.

Moreover, Mr Speaker, in my short time in my Ministry, it is my assessment that Gibraltar has, in fact, lost some important opportunities because of this lack of follow-through which I mentioned earlier. The recent return of the French product of Pullmantur, as recently highlighted in the press, is precisely the sort of example to which I am referring. A meeting was scheduled... a technical meeting was held by the Gibraltar Tourist Board, followed by a second meeting with me, that gave rise to the return of the product.

Unfortunately, Mr Speaker, since 2009, Gibraltar has only had calls from Norwegian Cruise Lines... and there has been also a substantial reduction in cruise calls from other cruise lines so, clearly, there is a lot of work to do in order to have those products brought back to Gibraltar.

Since I drafted the answer and as if this executive had heard the question of the hon. Gentleman, I was very gratified to have received an e-mail from one of the executives that we met in Miami, and I will be making a statement in due course to say that we will be adding two additional calls to Gibraltar this year. It is the Azamara Club Cruises. Essentially, there is one ship, the 700-passenger *Azamara Journey*, scheduled to call once, with a sister ship, the *Azamara Quest*, who will be visiting The Rock four times – three of them within a week, between 29th November and 3rd December. The *Azamara Quest* returns to Gibraltar six times in 2013, and that has been a direct result of my discussions with executives in Miami.

Hon. D J Bossino: Mr Speaker, can I just take this opportunity, in relation to that last point made by the Hon. the Minister for Tourism, to congratulate him, if it is as he has... and there is no reason to doubt it, that these ships will be coming to Gibraltar.

But will he not accept for one moment, that it seems, in relation to the tourism issue, we are living almost in parallel universes? Now, in fact, it was reported in the *Gibraltar Chronicle* on 19th April that the visits... I will just quote it. It says:

‘Gibraltar received a record number of cruise passengers in the first quarter of the year, according to the latest statistics released by the Gibraltar Government.
The figures represent a slight increase over the same period in 2011, which itself marked a sharp rise over previous first-quarter cruise business.’

It goes on to say:

‘... the year in 2011, some 21,529 cruise passengers arrived in Gibraltar. This year, the figure for the same three-month period reached 22,063 passengers.
The start of the year has traditionally been slow for the cruise sector, but that has changed in the last two years.’

Then it ends – I will not read the whole article – but it says:

‘The figure is largely in line with market trends in recent years and, in any event, could rise before the end of the year.’

Will he not accept that he has inherited a bonanza?

Hon. N F Costa: Well, Mr Speaker, to answer the question of the hon. Gentleman, whereas there may be passengers coming into Gibraltar, ships have got bigger, so the fact that there are more passengers coming in

725 is as a result and by virtue of the size of the ships. But, unfortunately, there has been a significant loss of calls by ships, and I can give him some statistics: Costa Cruises called nine times in 2009 and only two in 2011; Louis Cruises called 28 times in 2009, but only once in 2011; NCL called five times in 2009, and no times at all in 2011.

So, as the hon. Gentleman can see, that it is by virtue of the size of the ships that people are coming in, but the number of calls have, as I have just shown him, dramatically reduced.

730 **Hon. D J Bossino:** Mr Speaker, as I understand it – maybe he can confirm this – the position of Director of Maritime Affairs is now vacant. Is that correct?

Hon. N F Costa: Yes, Mr Speaker.

735 **Hon. D J Bossino:** And is there any intention of filling that post?

Hon. N F Costa: No, Mr Speaker.

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**Royal Caribbean cruise liner
Commencement of calls at Gibraltar**

745 **Clerk:** Question 347, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port advise the House when Royal Caribbean confirmed that its cruise liner, the *Serenade of the Seas*, would commence calls at Gibraltar?

750 **Clerk:** Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, Royal Caribbean booked the berth for the recent call of *Serenade of the Seas*, which called at Gibraltar on 2nd May, just over a year ago, on 9th March 2011.

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**Gibraltar Bus Company Limited
Appointment of general manager**

760 **Clerk:** Question 348, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port inform this House whether a general manager has been appointed to the Gibraltar Bus Company Limited?

765 **Clerk:** Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, the job has been advertised internally. The closing date was last Friday, 11th May 2012. There were three applicants. All three applicants are Gibraltarian.

770 A board will be constituted to interview these three applicants and make their recommendations to the board of directors of the Gibraltar Bus Company.

I can add that, since drafting the answer, the board will be held next Tuesday.

775 **Hon. D J Bossino:** Does the Government have any idea as to what the terms of engagement will be at this stage?

Hon. N F Costa: In particular...?

Hon. D J Bossino: In particular, income. Does the Government have in relation to that or...?

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Hon. N F Costa: Yes, no, no, I would not like the hon. Gentleman to quote me, but I believe the salary was £40,000. I can check it, but I am quite sure it was £40,000 per annum, with a probationary period of six months.

I can get back to him on the exact amount.

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Hon. D J Bossino: Yes, presumably it would have been advertised internally on that basis?

Hon. N F Costa: Yes, of course, Mr Speaker.

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**Gibraltar Bus Company Limited
Details of independent inquiry**

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Clerk: Question 349, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port provide full details of the independent inquiry into the case surrounding the Gibraltar Bus Company and Mr Sardeña, to include who will be leading it; how it will be conducted; when it will commence; what its terms of reference will be; and when it is expected to complete?

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Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, as my press statement of 4th April made clear, any inquiry will be conducted at the end of the case, and any related appeals. At the expiry of such timeframe, consideration will be given to all the matters that the hon. Member mentions in his question.

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**Mr Albert Poggio's terms of engagement
Gibraltar Office, London**

Clerk: Question 350, the Hon. D J Bossino.

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Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port provide details of the terms of engagement of Mr Albert Poggio, including details of his role and position within the Gibraltar Office in London?

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Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, Mr Poggio was appointed as a political consultant, by virtue of an agreement dated 25th March 2011 between the Government of Gibraltar and Mr Poggio. The appointment is for a term of two years. He is directly accountable to the Chief Minister, directly and through the Chief Secretary and the Chief Minister's Private Secretaries.

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He has the use of an office in Gibraltar House in London for the provision of the service and shall also be provided with such secretarial and logistical support for the provision of the service as the Director of Gibraltar House may consider reasonable to provide for that purpose. He is to keep the Director of Gibraltar House briefed in all matters relating to the provision of the service.

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Hon. D J Bossino: Can the Minister confirm that that, therefore, is the arrangement as we left it, when we were on that side of the House?

Hon. Chief Minister: Mr Speaker, as I understand it, that is the arrangement that we inherited.

835 **Hon. D J Bossino:** I am grateful for that confirmation, Mr Speaker, and the reason why I ask it is because the press is quoting Mr Poggio as saying something quite different.

In fact – you cannot believe what all the papers say all of the time, but certainly the – (*Interjection and laughter*)

840 Well, Mr Speaker, the Leader of the Opposition will be surprised to learn that I am actually about to quote the *Panorama*, in its edition of (*Interjection*) 28th February of this year quotes Mr Poggio, saying that – and this is the title of the article:

‘Poggio says he is “back in full control” at the London Office’.

845 The first paragraph says:

‘Albert Poggio told *Panorama* yesterday’

850 – i.e. 27th February –

‘that he is now “back in full control” at the Gibraltar Government Office in London. He said he was very pleased to work for the new Government.’

855 Now that, Mr Speaker, clearly suggests that there has been a change of circumstances in Mr Poggio’s employment and that is why I asked the question.

It goes on, in its penultimate paragraph, where it says:

860 ‘In recent weeks it was being said in unofficial sources in Gibraltar that Mr Poggio had reverted to being the Government’s representative in London –

– *reverted* –

‘and this was reinforced by his use of the title “United Kingdom Representative, HM Government of Gibraltar.’

865 Maybe if I can just add a bit of humour to the supplementary, Mr Speaker, the *Panorama* – another edition, and I must say I do not have the exact date – apparently, Mr Poggio was described as the ‘High Commissioner’ of Gibraltar by the *Herald Express* in the Devon area, and it adds:

870 ‘His Excellency Albert Poggio will be taken on a tour of the recently re-opened Torre Abbey, before speaking at Brixham Yacht Club’s annual St George’s Day dinner.’

There is an editor’s note which interestingly says:

875 ‘Of course, Mr Poggio is not Gibraltar’s High Commissioner and it is to be wondered why he should be so addressed. Why did they think in Devon that such is his status?

More so, how come he was addressed as “His Excellency”, a title not accorded even to the Chief Minister of Gibraltar, and reserved for the Governor?

Does it mean that someone somewhere thinks “His Excellency Albert Poggio” is above the Chief Minister?’

880 **Mr Speaker:** I am not even sure that is an appropriate question! (*Laughter*) But if the Chief Minister wants to answer it –

Hon. D J Bossino: That was still part of the *Panorama* quote! (*Laughter and interjections*)

885 **Mr Speaker:** Well, I know, I mean I think – (*Laughter and interjections*)

Hon. Chief Minister: Mr Speaker, it was such an opportunity that I had to rise –

890 **Mr Speaker:** I will just point out that, no matter where it appeared first, it is *not* an appropriate question, but –

Hon. D J Bossino: Mr Speaker, just to clarify, I was quoting the *Panorama* –

Mr Speaker: It doesn't matter!

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Hon. D J Bossino: It was not a question, but maybe I can quote a question –

Mr Speaker: No, no, the question was put on the terms, and then the Hon. Minister for Tourism explained at length the terms; then the supplementary was about what appeared in the *Panorama*, which is not an appropriate question.

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However, I will not deprive the Chief Minister of (*Laughter*) the pleasure – I think he would want to say something on that. (*Laughter*)

Hon. Chief Minister: Well, Mr Speaker, only because the hon. Gentleman, I think, did the House the kindness of explaining why he felt it was appropriate to put the question in that context, and read the quote to show us what it was that had caused him to draft it.

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Mr Speaker, put it this way: Gibraltarians have always been known for punching above their weight internationally, so it must be, I think, a good thing that there are Gibraltarians around the world being referred to as 'His Excellency' – nomenclature which has been traditionally, in respect of Gibraltar been reserved for people who were sent over from London to reign over us.

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So I think that he is injecting an element of humour to reflect this, because there are people who believe that those who are in offices of other nations, in London or in other capitals, are all ambassadors, and all ambassadors are referred to as 'Your Excellency', in the way that they are referred to.

So I suppose we should thank whoever thought that one of our representatives in London is an ambassador and should be referred to as 'His Excellency', for affording us, as a people, that pleasure. I do not think Mr Poggio himself has ever tried to accord for himself (*Laughter*) the epitaph of 'His Excellency' or of 'High Commissioner'.

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But, Mr Speaker, it is true that, in terms of how to present himself, the Government has agreed that he should represent himself as 'UK representative', for political purposes and for the purposes of doing the political work that he does, without that affecting his job description or the terms of engagement – if I may call them that, although it is a consultancy agreement which we inherited from the previous administration.

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The hon. Gentleman has made a reference to things said in the *Panorama* from unofficial sources, which I am not going to deign with a reply, but I will say that, in respect of the quote of the 'full control', which is a quote attributed to Mr Poggio, the only thing I can say is that maybe Mr Poggio was referring to – it does not go on to say what he is in full control of – full control of the political lobbying aspect which is what his contract provides for.

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I think, across the floor of the House, if there is any measure of agreement, it is that Mr Poggio does an excellent job of the political representation of Gibraltar in London.

Hon. D J Bossino: Just to clarify the points, Mr Poggio does say that he is 'in full control' at the Gibraltar Office in London – that is what he is attributed as saying. The Chief Minister has clarified the position, and I am satisfied.

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In fact, in other past reports in the *Gibraltar Chronicle*, he is described also as the Head of the Gibraltar Office in London. As I understand – maybe I can ask this by way of supplementary – is that so? Mr Canessa is the Director of the London Office?

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Hon. Chief Minister: Yes, indeed it is Mr Canessa who is the Head of the London Office – the administrative Head of the London Office, and who enjoys the full confidence of this Government, as he enjoyed the full confidence of our predecessors.

I think 'full control', as I am reading it, and as I read it – despite what I might call the rather unfortunate photograph on the front page of the *Panorama* which I think included that article – is full control of the *political* aspects of Gibraltar's representation in the United Kingdom, and not of the office, which continues under the full administrative control of Mr Canessa who, as I say, enjoys our full support and our full confidence – as Mr Poggio does in respect of *his* role.

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Hon. D J Bossino: Mr Speaker, the answer has cleared the issue for me. I do not have the benefit of the

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photograph on the front page of the *Panorama*, because I have an internet version of the article.

Hon. N F Costa: I can pass a copy to you! (*Interjections and laughter*)

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Mr Speaker: Was the request for a photograph a supplementary? (*Interjections and laughter*)

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**GibiBikes scheme
Rental details for past three months**

Clerk: Question 351, the Hon. D J Bossino.

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Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port provide this House with details of usage of the GibiBikes for the last three months, broken down by number of rentals, location of rentals, length of rentals and fault reports?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

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Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, I will answer this question together with Question 352 of 2012.

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**GibiBikes scheme
Rollout to rest of Gibraltar**

Clerk: Question 352.

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Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port advise whether the Government is committed to completing the roll-out of the GibiBikes scheme to the rest of Gibraltar?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

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Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, the information requested by the hon. Member is set out in the schedule which I now hand to him.

ANSWER TO QUESTION NO 352

ANSWER TO QUESTION NO 351

Month	Number of rentals	Total time (hrs)
January 2012	1785	398
February 2012	2305	333
March 2012	3176	583

Average length of rentals: **11 minutes**

Present members in the scheme: **419 members**

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In respect of the fault reporting, although there is an option on the touch screen of each individual bike station for a client to report a particular problem, this function of the service has not come online. Therefore, we do not have any statistics available.

The majority of clients communicate with GibiBikes through e-mail.

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Given the current situation, with five stations down, damaged locks, sparsity of bikes at peak hours, the fault reports and complaints tend to merge into the same correspondence. Stations out of action and other

problems are as follows:

Stations out of action are City Hall; Orange Bastion; Europort has to be restarted manually several times during the day; Frontier 1 and Frontier 2 stations.

995 At the Frontier, from a potential 45 locks available to our clients at present, there are only 12.

Bike availability: from a maximum of 130, 18 are locked, 31 have their anti-tilt tags broken and there are no spares to repair them; 12 require spares to make them roadworthy; 22 are held in reserve, but these may have problems with their anti-tilt mechanisms, which leaves a total of 47 bikes available to our client-base of 419.

1000 Mr Speaker, given that my Ministry, in conjunction with the Gibraltar Bus Company Limited, is in detailed discussion with this private operator in respect of the detailed breakdown that I have just mentioned on the stations and the other problems relating to the stations, it is not appropriate, at this stage, to comment any further, save that – I can say this, because I have communicated this to the director of my bike station – I am nothing short of appalled that these stations, having started operation, I believe on 27th November of last year, should be experiencing such widespread problems already.

1005 The Government is, therefore, closely examining all the available options in relation to GibiBikes. This includes the roll-out of the scheme to the rest of Gibraltar. No policy decision has yet been taken as a result of these commercial discussions.

1010 The Government is further concerned that, as the capital cost of the project to date comes to just over £324,000, there are also serious issues relating to the reliability of the equipment, which the Government has already taken up with the supplier. The recurring operating expenses are also a matter for concern.

Hon. S M Figueras: Mr Speaker, thank you.

I am grateful to the Hon. Minister for Transport for his answer to the question.

1015 You mentioned that there is a discussion of all the available options at the moment, including the roll-out of the system to the other stations, which certainly, on GibiBikes website, are listed as stations that are available and have not been because they were subject to that roll-out phase.

Is it not correct, perhaps... and I do understand, I will declare that I am a user, and perhaps that is why they are in such a terrible state! (*Laughter*)

1020 **A Member:** Exactly!

Hon. S M Figueras: Yes, before someone else makes the link! (*Laughter*) I am a user, and I am aware that there are many faults, of which I have reported a number and I am quite surprised to hear that the system for reporting is not actually online and that the time I spent reporting them is actually time wasted!

1025 But conscious as I am of the difficulties that are being experienced in respect of the reliability or otherwise of the equipment in place, would the Minister not agree that, despite those difficulties and subject to the contractual arrangements with the supplier, details of which I am not aware, it would no doubt be of benefit to the community to continue with the roll-out of this system?

1030 Is it not the case, also – and I apologise for the length of the preamble – would the Minister agree that continuing to roll out the system, as had been the previous administration's policy, would be of more benefit to the community... rather, would help to develop the use of the system more, by making it more widely available and as user-friendly as it had originally been intended to be?

1035 **Hon. N F Costa:** Mr Speaker, I very much respect that, when Mr Holliday was photographed riding the bike, he did intend the system to be user-friendly.

1040 However, unfortunately, as I have just explained to this House, the system has widespread problems. I have listed some of the most important ones. The fact that installations which were rolled out on 27th November of only last year should be experiencing such widespread problems of bikes deteriorating, oxidation, clamps having to be replaced, locks not being able to be released, software crashdowns, at a cost of already £328,000, the Government, before expending any *additional* taxpayers' money, has to carefully consider whether or not it must do so, given the cost incurred and the widespread problems that are being experienced.

1045 Look, in a way, it is my view that the previous Minister may have put the cart before the horse, given that there are also safety concerns, of there being no safety lanes for bike users. I for one think that the more that people use the bus, or bikes the better, and that people should change their minds and walk to work is indeed

preferable. That, I am sure the hon. Member will agree with me, has to be juxtaposed with the costs to the taxpayer and the problems being incurred. If we can do it at a reasonable cost and being sure that we will not have another systematic failure of the system by rolling out the programme, we will take it into account, but at this point, given the problems experienced, we will have to take the problems strictly under advisement.

Hon. S M Figueras: Mr Speaker, just a couple more questions on the issue.

I am just going to bring the issue down to its fundamentals. Is the Government of the view that the concept of a GibiBikes urban bike rental scheme is positive for the community and it is therefore committed to rolling out as a matter of priority a comprehensive system, subject to the difficulties that they are having and those difficulties being dealt with or changed, however the Government choose to deal with it? Is it committed to a useful, reliable urban bike rental scheme for Gibraltar?

Hon. N F Costa: Mr Speaker, I believe I have already answered the question.

Hon. S M Figueras: Mr Speaker, the hon. Member has said that, in his view, it is a good idea. I have asked him whether it is the Government's policy to pursue an urban bike rental scheme as a matter of priority.

Hon. N F Costa: And before I sat down, I said we will have to take a policy decision, given the problems being experienced.

Hon. S M Figueras: Yes, indeed, Mr Speaker, but taking a policy decision on the basis of the problems being experienced is a different matter altogether to saying, in a vacuum, 'We consider an urban bike rental scheme to be of benefit for the community and therefore, if we can find a *suitable system*, then we are certainly going to pursue it because we consider it as a matter of priority.'

Hon. N F Costa: Yes, Mr Speaker, in a fairy-tale land, with no problems, no cost considerations or Health and Safety concerns, yes – in the vacuum.

Hon. S M Figueras: I am grateful for that, because I think it is actually very important and certainly it was the previous administration's policy to roll out this urban bike rental scheme, because there is no doubt that usage, despite all the difficulties, according to the figures that the Minister has provided to us, is actually on the up. Certainly it is not hard – it does not take long, walking around – to see that they are actually being used, so whatever limited bikes are available, they are certainly in use. That is a very good marker, certainly, for the importance of it, because of course, the present Government is all about costs. The present Government is all about consultation and ensuring that the cost of the initiative is worth it in the long-run.

I ask the Minister how important, or how highly does he rank the beneficial impact of such an urban bike schemes on the alleviation of a certain amount of traffic on our roads; the fact that it is promoting cycling in the community; the fact that it is promoting a healthy activity; and that, in due course – even bearing in mind the realities of cycling in Gibraltar – it may cause a paradigm shift to come about and the bicycle *may* eventually become a genuine alternative means of transport in Gibraltar?

Hon. N F Costa: Mr Speaker, it would appear that the hon. Gentleman either has not heard my reply or refuses to accept the reality of the current problems being experienced by the GibiBikes stations.

Look, we have paid to these gentlemen in the UK £324,000 – right? That money could have been used in doctors, teachers, nurses, care workers and other people who are desperately needed by this society.

Now, is a bikes urban scheme a good idea? I have already answered: the answer is yes. In an ideal world, in Walt Disney, where there are no cost implications, where there are no safety concerns, yes, it is a good idea. I have said that in my original answer, in my second supplementary answer and in my third supplementary answer.

Hon. S M Figueras: Mr Speaker, unfortunately, the Minister seems to be expressing the view which is worryingly becoming the trend and that is the short-termist approach of this Government. There seems to be no long-term vision – certainly in respect of this matter – because he refers to £324,000 and he refers to the fact that with that £324,000 you can hire more doctors, more nurses, more teachers, and fund other projects in the community which are just as valuable.

But what is concerning, Mr Speaker, is that there seems to be no long-term vision about the long-term beneficial impact, which I suspect the Minister for the Environment would agree with me – certainly at least in part – is the positive impact of such a scheme and such a paradigm shift towards using the bicycle in respect of the environment, in respect of traffic, and in respect of a number of other issues.

So Mr Speaker, I ask him again: how highly... and perhaps I will wait until he is paying attention, because I would like to afford him the opportunity of answering the question.

It is okay, I am waiting.

Mr Speaker: I think the question has been asked.

Hon. S M Figueras: I just need to repeat the question, because I suspect, Mr Speaker – with your indulgence – that he has not quite grasped the concept of the question itself, and it is really very simple.

How highly does he rank the importance of bringing about a paradigm shift in respect of cycling as an alternative means of transport, in the list of priorities which he is now considering in respect of the bike scheme?

Hon. N F Costa: Mr Speaker, a paradigm shift, in changing the psychological minds of the people to walk or use the bus or cycle to work is extremely important to this Government because, as the hon. Member will know, we have already issued a tender to be able to be advised on how we achieve exactly that.

The hon. Member cannot tell me that as a result of this bike scheme, that in itself would transform into this paradigm shift that he is talking about. He cannot tell me that and he cannot also accuse this Government of short-termism because we are consulting with the industry or with the general public at large. That one thing does not follow from the other, and we are not obsessed with costs. However, costs are an important consideration and must be factored into any policy decision that the Government makes.

I have already told him that I do think that the bike urban scheme is a good idea, but that is speaking in a vacuum. Government has to consider not just whether something is a good idea or not, but the costs. It also considers other implications as well: the system, etc.

So he does not need to repeat the question or accuse me of not being able to grasp the question. I have already told him that, whereas it may have been a good idea for Minister Holliday at the time to be photographed using a bike for electoral purposes – because let us remember that this was rolled out on 27th November 2011, with an election on 8th December 2011 – in other words a few weeks before, and I am not sure whether Minister Holliday at the time used bikes to come to work or he walked to work or not – but the point I am trying to make is that he *did* put the cart before the horse, because he cannot tell me that it is not dangerous, in some areas of Gibraltar, to use bikes.

But, of course, this programme was rushed through for electoral purpose, without consideration for anything – cost, safety or anything else. If *that* is not short-termism, if *that* is not political opportunity, nothing else is!

Hon. S M Figueras: Mr Speaker, I commend the Hon. Minister for taking all of 10 minutes of resistance to referring to the rolling out of the GibiBikes scheme as *only* an electoral gimmick.

However, it continues to concern me that this approach to come out in this House and say that cycling in Gibraltar is dangerous, and as simple as that, without referring to –

Hon. N F Costa: On a point of order, I never said dangerous; I said it raises safety issues – *quite different*.

Hon. S M Figueras: I think, Mr Speaker, *Hansard* will show that he did, in fact, say that cycling in Gibraltar is dangerous – on that point of order.

Hon. N F Costa: *Potentially*.

Hon. S M Figueras: Well, so, when I talk about the paradigm shift, Mr Speaker, I am *not* saying – and I have never said, certainly not in this House – that the introduction of an urban bike rental scheme would bring about this shift. The shift will only be brought about through consistent campaigns of awareness, implication and facilitating and incentivising the use of the bicycle as an alternative means of transport. That is the point I was making.

I am grateful to the Minister for his *[inaudible]*.

Hon. N F Costa: Mr Speaker, I do not know if there was a question there.

1160 However, let me tell him this: that if they were so concerned, if they were so obsessed, if it was so important to have this paradigm shift in the psychological maturity of Gibraltar, for people not to get in their cars, perhaps the Trafalgar Interchange may have made use and ability for people to be able to cross and have not created a system whereby it only caters for cars.

1165 **Hon. P R Caruana:** Mr Speaker, regardless of the terms in which he alluded to it, the Hon. Minister alluded to the issue of safety – let us put it in those terms.

Can he say whether he is aware... since it was launched as a ‘pre-Election gimmick’ in November, can he say whether there have been any reported traffic accidents involving users of GibiBikes?

1170 **Hon. N F Costa:** Mr Speaker, I have not asked.

1175 **Hon. P R Caruana:** Well, if he has not asked whether there have been any traffic accidents involving the users of GibiBikes in nearly six months, then either it is not as dangerous as he thinks, *or* he cannot be so concerned about the safety implications of the GibiBikes scheme. Does he accept from me that were he to genuinely consider safety to be a consideration in the...?

By the way, I should have prefixed my question by saying that I entirely support him in his view to get the contractor to comply with whatever contractual standard is required and it is certainly unacceptable to this side of the House, as I hope and I am gratified to see it is unacceptable on that side of the House, that a contractor should think that they can sell us a product which is then not operating to the promised or contracted standard specification.

1180 But, that aside, I am questioning him only on his allusion to safety, that if he is not aware whether there has been any accidents – and I certainly have not read of any in the newspaper, but that does not mean that there have not been any – if he *were* concerned about safety as an issue in formulation of the Government’s thinking – should he not by now have interested himself about what the record on safety is in relation to users of GibiBikes?

1185

Hon. Chief Minister: Mr Speaker –

1190 **Hon. P R Caruana:** The question was addressed to the Hon. Minister – but the Hon. Chief Minister can answer if he thinks the Hon. Minister will not be able to.

1195 **Hon. Chief Minister:** Well, Mr Speaker, assuming that the hon. Gentleman has asked the question because he thinks his Shadow Minister (*Interjection by Hon. P R Caruana*) for the Environment and Transport (*Interjection by Hon. P R Caruana*) was not able to appreciate that nuance either and he felt that he had to get up and ask that question –

Mr Speaker: Order.

We had an issue before. The Government is entitled to choose who answers which questions – (*Interjection by Hon. P R Caruana*)

1200 **Hon. Chief Minister:** He did it for 16 years!

1205 **Hon. P R Caruana:** Mr Speaker, with respect to you, I have not questioned their entitlement; I have made a political comment about what might be a proper interpretation of the fact that he chooses to answer it. It does not raise issues of entitlement.

Hon. Chief Minister: In which case, the political comment is thrown straight back at him, because of his decision to ask the question in relation to a (*Interjection by Hon. P R Caruana*) member of his Shadow Cabinet and, of course, Mr Speaker, the point is live as to what used to happen here for 16 years!

1210 **Several Members:** Hear, hear! (*Applause*)

Hon. Chief Minister: Well, anyway.

Hon. P R Caruana: Of course, of course it is Mr. Speaker but he used to criticize it! (*Laughter*)

1215 **Hon. Chief Minister:** Mr. Speaker, I have got up to answer this question because I think it is important... I think it is important to link what the hon. Gentleman has now addressed to the hon. – my colleague, Mr. Costa, who I am perfectly happy to allow to answer the part of his question which he may wish to answer.

1220 I am comfortable that he will be able to discharge his function in answering very well indeed to the premise of the Hon. Mr. Figueras's statement about the paradigm shift, but Mr. Speaker; what evidence did the hon. Members opposite, when they made the investment in these schemes, the GibiBike scheme, have, that it would lead to a paradigm shift in the way that people move around (*Interjection*) Gibraltar? What evidence Mr. Speaker is there even today, in the premise of the Hon. Mr. Figueras's question that it's actually working in a way that affects the way that people transport themselves around Gibraltar, because the figures that we have provided them show the number of trips there are on these bikes, but that does not tell you whether these are people who might have been walking to work before and the bikes are actually creating more traffic. This doesn't tell you whether those people were on the buses before, because if these people are the sort of people who are genuinely and rightly concerned about the way that they transport themselves around Gibraltar and they don't want to use their cars, it is also possible to assume, Mr. Speaker, that these people would have been the ones previously already walking to work or catching the bus.

1230 What statistic did they seek at the time that they were in Government before making this investment? Because, Mr. Speaker, if we are not genuinely concerned with safety because we have not asked for the statistic from the police about the number of accidents involving bikes, then what concern did they have for the paradigm shift if they did not have the mechanisms in place before they made the investment to assess how many people, not would use the bikes; how many people would go from the *car to the bike*? How many people would go from the motorbike to the bike?

1235 And so, Mr. Speaker, the hon. Gentleman's point about not having sought the statistic, when seen in the context of the other hon. Gentleman's earlier points, I think evidences the fact that either we are both as concerned about safety and the paradigm shift or neither of us are concerned about either safety or the paradigm shift; although I do recognize, Mr. Speaker, that the hon. Gentleman, when he started his supplementaries on this was deprecatory of himself in a way that he need not be because, having seen the photograph in the *Gibraltar Chronicle* when this was launched, I am sure that was more responsible for the (*Laughter*) damage done to the bike than he could ever do to it by simply riding it!

1245 **Hon. N F Costa:** Mr. Speaker, to answer the (*Interjection*) question –

Mr Speaker: The question has been answered by the Hon. the Chief Minister –

Hon. N F Costa: Well, not the part about safety –

1250 **Hon. P R Caruana:** Mr. Speaker, I do not think that what the Hon. the Chief Minister has just said is even a persuasive attempt to conflate two completely unrelated issues – presumably, for the purposes of trying to muddy the waters.

1255 The debate about the alleged paradigm shift – has it happened or not and what was the evidence, in advance, for the fact that it would or would not happen? – upon which I might express a view, but will not, so as not to further muddy the waters, is wholly irrelevant to the question that I have asked, which is: given that the hon. Member has gratuitously alluded to the question of safety, I asked him what evidence he had, and what steps he had taken to establish, whether there was any justifiable basis for his raising, in this House, concerns about safety.

1260 Would he now please answer that?

Hon. N F Costa: Yes, Mr. Speaker, as I was about to say before, at the *very first* meeting of the Gibraltar Bus Company Limited, where we discussed the GibiBike scheme, the very first thing I did ask for was for the technicians and the responsible people to come back to me as to where we could have safety bike lanes all over Gibraltar.

1265 So you can see, Mr. Speaker, it is not that we have asked for the statistics of accidents, my very first

instruction, in relation to GibiBikes, was to see whether, in Gibraltar's narrow roads, we could have safety lanes.

1270 **Hon. P R Caruana:** So he raises it in this House on the basis that he asked a question to which he has not had an answer, Mr. Speaker. That is all that I was trying to establish.

Can I, therefore, say to the hon. Member; if he is concerned about the safety of grown workers using bikes on Gibraltar's – according to him – inappropriate streets for cycling, what is the Government's policy to prevent our *own children* from riding their bicycles on the same narrow, inappropriate, and presumably even more dangerous, streets?

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Hon. Chief Minister: Mr Speaker, I think the policy of successive Governments, at least since 1982, has been that the Royal Gibraltar Police carry out something called the cycling proficiency test – which I am very pleased to say I passed at the first attempt (*Laughter*) at Sacred Heart Middle School and I am sure that many of us also here will have done so – and I hope, and we all hope, that that, and whatever other tuition young children are given in how careful they need to be when interfacing with the traffic, when they are riding the bikes, has not resulted, to date, in any serious accidents.

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I am sure that we all agree that it never will but, Mr. Speaker, that is not to say, *that is not to say* that Gibraltar's roads were *safe enough* for the introduction, not of another young Gibraltarian enjoying his youth and teens on his bicycle, but 300 or 400 – I don't know how many – bikes, all to be taken at once in the morning across our streets and back in the evening, when people were going back to work. That was our concern.

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Now, Mr. Speaker, I do hope that it's not just *our* concern. I do hope – now, look, we call it an electoral gimmick; they say it is the beginning of a paradigm shift in the way that people transport themselves across Gibraltar – but I do hope that we agree on that and, in the longer term, if schemes like this are going to prosper what we should be doing is making this one *part* of the project and not *all* of it, and that we should be looking at making cycling on our roads more attractive and safer, etc, etc.

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Hon. P R Caruana: Mr. Speaker, does the hon. Member accept that, just as I have accepted, getting the contractor to comply and all of that are perfectly legitimate things for the hon. Members to require; that it is completely... to say that one of the things that is in the melting pot about the future of this scheme, amongst others, are considerations of safety.

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Mr. Speaker, the hon. Member – I don't want to get into a debate with him about whether the paradigms have been shifted or not: I think it's far too esoteric a subject for so early in the morning. But, look, paradigms or not, shifts or not, there are 419, presumably adult, members of this community who, in the full knowledge of the length and width of our roads (*Interjection*) and their appropriateness or inappropriateness for cycling, have become members of the scheme and who presumably use it.

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That, coupled to the fact that there is no evidence of accident – I think the Hon. Chief Minister has just acknowledged – should lead the hon. Members to the conclusion that, whatever might be the other criteria by which they might want to make a decision about the future of this scheme, and it is entirely a matter for them and policy, safety would be a bogus one, because the idea that you stop 419 members using a scheme on safety grounds, whilst not replicating the same prohibition – or rather, protective attitude – to all the other citizens of the community who are using our roads would lack a degree of logical application of concern for safety.

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The final point I would ask you to acknowledge would be relevant, Mr. Speaker, is the fact that all uses of the road are dangerous, whether you are in a car, whether you are a pedestrian. Look, perhaps that one of the most dangerous things people do on our roads is ride motorcycles. It is part of the risks of living. Nobody said, 'Well, we're going to ban motorcycles, or the Government is going to form a view on an activity on the basis of the safety issues about it.'

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Would the hon. Member acknowledge that, except in some capital cities in which on *some streets*, not all of their streets even, on some of their streets they may have cycle lanes and even cycle pavements, lanes on cycle pavements, in almost every city, capital and non-capital, where this scheme exists, they are used on roads without cycle lanes, on many occasions in many circumstances, and that that is not regarded as being a valid reason for discontinuing a scheme that is thought, *if it is thought*, by the Government to be valuable in other respects and for other reasons.

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Hon. Chief Minister: Mr. Speaker, I fear this is the sort of debate where we concentrate on *disagreement* because we are in Parliament whilst, if we were sitting around the table having a coffee, we'd be mates agreeing on much of what we're saying.

1325 The hon. Gentleman prefaces his question by saying 'Doesn't he agree that it is bogus for them to say that safety is a consideration?' Of course, I cannot agree that what we have been talking about is bogus (Interjection) but, Mr. Speaker, look, a Prime Minister – not a Chief Minister – a Prime Minister has said on this subject – which the hon. Gentleman will know, he is quite enamoured of that: 'one takes one's life in one's hands when one gets on one's bike', in particular in London, to go from where he used to live down to Downing Street, or wherever his offices happened to be, probably at Portcullis House at the time, when Security allowed him to go to work on his bike. So we are not saying... this is not a nanny-state approach to the whole thing, where we are saying you can only have GibiBikes if we can put a third wheel on them and you're in cotton wool.

1330 But that is not to say that safety is a bogus concern. Safety is, of course, a concern if you are going to further roll out the scheme and if you are going to try and encourage more people to use this mechanism. If you are going to use it for that paradigm shift and, Mr. Speaker, of course he is right, and we agree, one of the concerns that needs to be put in the mix – it is not the only concern, it's *one* of the concerns that needs to be put in the mix.

1335 The hon. Gentleman said that one of the most dangerous things that people do on our roads is drive mopeds and we are not looking to 'illegalize' that. I will agree with him to this extent; I think one of the most dangerous things that people do on our roads now is walk because of the way that people ride their mopeds and how that can affect people who are perfectly legitimately walking about their business.

1340 This is not a nanny-state approach to the GibiBikes, which we are not prepared to take in relation to other matters. It is that this is a factor, as the hon. Gentleman has said in answer to the first question, in respect of further roll-out, because Gibraltar is not London, and Gibraltar is not Oxford, but in London and in Oxford there are many accidents involving cyclists, not necessarily involving the public bike scheme: sometimes – in fact, I think even more often – I venture to say, because the schemes have not been around for very long, involving peoples' private cycle bikes that they have been using for many generations. Would that we never see the sort of accidents that have been seen in cities like that.

1345 But Gibraltar is *small* and injecting 419 bikes, or perhaps going even further and injecting another 400 bikes, *could* create a number of issues. *One* of those issues is the safety concern that we, as a Government, believe, as a matter of policy, has to be one of the things in the mix, in the equation, when determining further roll out.

1350 But I want to acknowledge, before I sit down, the hon. Gentleman's positive attitude in respect of the failings of the scheme, and how the Government, whether it is contracted by one political colour and then followed up by a Government of another political colour, is entitled to have got the product that the taxpayer has paid for. I acknowledge his support in that and, whilst I am here – I know there is another question on the Order Paper – it is opposite now, his support also, in respect of the other matter which has been ventilated in public, which is the tunnel under the runway and the claim in that respect, where he has publicly already made the same sort of statement as is made in respect of the contract in respect of these bikes.

1360

SPORTS, CULTURE, HERITAGE AND YOUTH

1365

City Fire Brigade Installation of smoke extractor system

Clerk: Question 353, the Hon. Mrs I M Ellul-Hammond.

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Hon. Mrs I M Ellul-Hammond: Mr. Speaker, can the Minister with the responsibility for the Fire Brigade tell us if the new smoke extractor system has been installed at the City Fire Brigade?

Clerk: Answer the Hon. Minister for Sports, Culture, Heritage and Youth.

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Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr. Speaker, the Chief Fire

Officer has already identified the most suitable exhaust system and is in the process of purchasing it, with a view to installing it as soon as possible.

1380 **Hon. Mrs I M Ellul-Hammond:** Mr. Speaker, can the Minister elaborate on what ‘as soon as possible’ means; within the next few days, few weeks, few months?

Hon. S E Linares: I am hoping that it will be in the next few weeks, but it cannot be guaranteed. But, yes, in the next few weeks.

1385

**City Fire Brigade
Start of audit and site of new fire station**

1390 **Clerk:** Question 354, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr. Speaker, can the Minister with the responsibility for the Fire Brigade tell us if the City Fire Brigade’s audit has started and where the new fire station will be sited?

1395 **Clerk:** Answer, the Hon. Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr. Speaker, the Government has already decided who will conduct the City Fire Brigade’s audit.

1400 Sir Ken Knight, who is the UK Government’s Chief Fire and Rescue Adviser for England since 2007, has been appointed to conduct the audit, and will begin sometime after the Olympic Games in London, since he forms part of the COBRA Committee.

As to the second part of her question, Government is not in a position to state where the new fire station will be located.

1405 **Hon. Mrs I M Ellul-Hammond:** Mr. Speaker, does the Minister have a cost for the audit yet?

Hon. S E Linares: Not exactly, because it depends on how long the audit will take and, therefore... It is on a cost basis. It is whatever it costs to fly people over and the time they take – that is the cost. So we won’t know until they actually do the audit.

1410 **Hon. S M Figueras:** Mr. Speaker, has the Minister not obtained a quote for this-

Hon. S E Linares: Sorry?

1415 **Hon. S M Figueras:** – has the relevant Department not obtained a quote of the expected cost for the audit?

Hon. S E Linares: No, because I think what the offer was from the very beginning is a very, very, very good offer.

1420 That means that Sir Ken Knight will not be charging normal charges for his duties. He will just come over on a cost basis, not as a professional, but on what it costs to do the audit, so therefore there is no implication of... as if he was doing it for the UK. So I think it is a very good deal. He is a very professional man and, therefore, we should be grateful at the fact that he is doing the audit in the way he has actually agreed with us.

1425 **Hon. Mrs I M Ellul-Hammond:** Mr. Speaker, will the audit be tabled in Parliament?

1430 **Hon. Chief Minister:** Mr. Speaker, I do not think that sort of audit is the sort of document that we would table in Parliament but I think it’s not something that we would pretend not to share with Members opposite. Rather, even if we don’t go through formal tabling, I think it is the sort of document that they should have access to, whether or not we decide it should be published.

My inclination, as the Hon. Leader of the Opposition will know, is that reports of that sort should be published. Unless there is a good reason why it should not be published, it will be, but even if it should not be published, it should certainly, in my view, be shared with Members opposite.

1435 **Hon. Mrs I M Ellul-Hammond:** Mr. Speaker, can the Minister confirm if, once the audit has been conducted, then he will be in a position to tell us where the new fire station will be sited?

Hon. S E Linares: Well, they do go hand in hand because, depending on the outcome of the audit...
1440 The thing is that the audit should identify our needs – our future needs – and therefore that will help out for us to formulate and to prepare for the new fire station: so, yes.

1445 **Civil Contingencies and Departmental Press Officer**
Current status of post

Clerk: Question 355, the Hon. Mrs I M Ellul-Hammond.

1450 **Hon. Mrs I M Ellul-Hammond:** Mr. Speaker, can the Minister for Civil Contingencies tell us if the post for Civil Contingencies and Departmental Press Officer has been filled, how many people applied, and if this is a newly created post?

Clerk: Answer the Hon. the Minister for Sports, Culture, Heritage and Youth.

1455 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr. Speaker, the post for Civil Contingencies and Departmental Press Officer has *not* been filled.

A total of six applications were received and interviews were carried out on 10th May 2012. The post *is* newly created.

1460 **Hon. Mrs I M Ellul-Hammond:** Mr. Speaker, is this newly created post part of the restructure of the Civil Contingencies administrative structure, and if so, how has it been restructured?

Hon. Chief Minister: Mr. Speaker, this post comes about as a result of, I believe, a long-standing request, or a long-standing proposal, by the previous Government's, and the current Government's, consultant on this
1465 issue, Mr. Edmonds, who I understand has long been suggesting that there was a need to have in place the ability, as part of the civil contingency issues, to communicate nationally and internationally in the event of a civil contingency. The new Government's own view is that this was an area that needed bolstering – so it is a combination of both of those factors.

1470 **Hon. Mrs I M Ellul-Hammond:** Mr. Speaker, was this job advertised with the ETB?

Hon. S E Linares: The job must be advertised through the ETB. It is a legal requirement.

1475 **Hon. Mrs I M Ellul-Hammond:** Mr. Speaker, is this the position where retired Lt. Colonel Stuart Green is being considered for and he is, or was, the MoD's Press Officer?

Hon. S E Linares: Mr. Speaker, I am not in a position to say exactly the names of the six applicants. I don't think it is right, in Parliament, to say who the six applicants were at this stage.

1480 The answer has been that it has not been filled, so I think it should not be the Minister who states who is the person who is going to get it...

Hon. P R Caruana: Mr. Speaker, the hon. Member is aware that the *Gibraltar Chronicle* has commented publicly on one candidate but not the others so it is a rather peculiar state of affairs, I am sure he would agree.

1485 Mr. Speaker I just, if the hon. Member will allow me, just like to take up the Hon. the Chief Minister on something that he has said. As he knows, the Civil Contingency Committee is a creation of my administration

and, indeed, he may also be aware that it is one of those issues that we needed, to struggle with the United Kingdom and its representatives in Gibraltar, to obtain *local* governmental control over. It was one of the activities – emergency response – that they, in our view mistakenly, held the view belonged to the Convent, even though they did nothing about it, of course.

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Mr. Speaker, our experience, will the hon. Member agree to give some consideration to? It was done . . . the media aspect of civil contingencies was done by the Government's Media Officer, just as other aspects of the Civil Contingency Committee was done by people who had another full-time job, so the Government's Technical Department personnel, the Government's Health Department's personnel, the Government's Environmental Department's personnel – these guys all have full-time jobs, *and*, in the context of the civil contingency, adopt that expertise and deliver it through the Civil Contingency Committee in the context of its work.

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Would he consider two things; first of all, that there would not appear to be any particularly logical basis for ring-fencing the *media* function of the various civil contingency functions for needing *exclusive* resource; and, secondly, would he consider that if it is true that the successful candidate here is going to dedicate himself to civil contingency media work, and this is not a side door or even a back door to be moved, then, to a more meaningful media job in the Government, that there really is *insufficient media work* for such a person to do as a civil contingency media –

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I don't say this in any way other than just to share with the hon. Member my experience of this – with the best will in the world – that I am delighted they remain committed to the Civil Contingency Committee and I am delighted that it is their policy to increase its resources and to further develop its expertise and resources. But, frankly, Mr. Speaker, I would urge you to consider whether employing a dedicated media officer who, necessarily, will have practically nothing to do for much of the time, is not the first place to start in increasing its resources. Will he put my mind at rest that this will not result in some... order of time that he will, no doubt, ensure were decent, if it happens at all, for this successful candidate, whoever it might be, to move to other media pastures? In other words, this is not a side or back door to a Government media job or to a post for a Civil Contingency media job. Will he also consider that the successful applicant – if they do decide to proceed with this appointment – should be somebody who, as we always used to do when we employed non-Gibraltarians, were completely committed to working on this issue exclusively for the Government of Gibraltar and represent nobody else.

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Hon. Chief Minister: Mr. Speaker, I understand that not all the six applicants are foreign. (*Interjection by Hon. P R Caruana*)

There are some local applicants –

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Hon. P R Caruana: It depends whether you treat British people as 'foreign'.

Hon. Chief Minister: Indeed, but there may be some there who are not British.

Mr. Speaker, the hon. Gentleman will know that, in the time that he created the Civil Contingencies Committee, he was never criticized by the Opposition for having done so. The idea that in a *civil* – and that very word gives part of the game away – in a *civil* contingency, *automatically* issues of internal security should be engaged is one which makes absolutely no sense and, unless there are *clear* internal security issues engaged, then all matters in Gibraltar are managed by the Gibraltar Government, which is what the General Election results in. People choose a government in a General Election to run everything that is given to us under the constitution and that includes every civil contingency. If there are aspects of the civil contingency which have internal security connotations, in the same way that there are aspects of daily life which involve the Royal Gibraltar Police which do not come under the control of the elected Government, of course I accept that and I support the fact that a Committee was created for that purpose under the Gibraltar Government, under the new Constitution. So, Mr. Speaker, that he can take from me.

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Mr Speaker, the hon. Gentleman will see from the *title* of the post that it is a 'Civil Contingencies *and* Departmental Press Officer' because I hope he agrees with me that we all wish that the person charged with civil contingencies' issues should not have a lot of work to do, other than training when that is necessary.

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So, Mr. Speaker, I believe that if there is to be an increase in the civil contingencies compliment, then it needs to be in respect of being ready to deal with a contingency when it occurs, which will not be often. Therefore, we take the view, as well, that whoever is employed needs to be doing a meaningful job in respect of the rest of their time. Mr. Speaker, as a result of that, the job has a dual sense; I think he may know that,

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since 9th December, there has been a restructuring of the office – what was called the Office of the Chief Minister. We take the view that the Office of the Chief Minister is the incumbent and that it is the Civil Service that provides the service to the Chief Minister... There has been an element of restructuring of the Media Office – of the back of the Media Office – in other words behind Clive Golt, and there may be a need to bolster that service on a day to day basis, not necessarily at No. 6 Convent Place but elsewhere in the wider Government.

So, those issues, which the hon. Gentleman has brought to my attention, I do consider and I am grateful for him having highlighted them.

Hon. P R Caruana: Mr Speaker, in the past, hon. Members, when they were in Opposition, were critical of the Government when we appointed retired persons in receipt of a pension to publicly funded posts, which they took the view should be available to persons in a different stage of their economic life-cycle. It is not a view that, by the way, I entirely share. I think it is 'horses for courses'. It depends on the expertise involved, it depends on the availability of the expertise.

I never shared the then Opposition – now Government's – view that it was *intrinsically* wrong to engage retired people, or people who were retiring from a post and to claw their expertise back, but certainly we used to take the view that it was subject to the over-riding principle that there was something that prevented somebody from being appointed who wanted a job and who was still engaged in that stage of the working life.

Can I just ask the hon. Member to clarify for me – I am grateful to him for pointing out the reference to the Departmental Press Officer – could he point out whether this is a *sequitur* or a *non sequitur*: in other words, 'vacancy for Civil Contingencies and Departmental Press Officer', does that mean Press Officer for the Department in which Civil Contingencies lives, so that he is the Press Officer for the Department in its Civil Contingency and non-Civil Contingency functions, or is this 'departmental' in the plural sense, vacancy for Civil Contingencies *and* Press officer for all the Government Departments?

Hon. Chief Minister: Mr. Speaker, I think there are two questions there and I'll take them in turn.

The first, Mr. Speaker, is that he is right. We do not believe that people who are retired and who have a pension and who are therefore economically self-sufficient at that stage should be taking jobs away from people who are unemployed or who are looking to, in a younger stage in life, improve their lot. I agree with that position now, as much as I am in Government as I did when we were in Opposition making the point, but there are some instances where, and I think it is a question of degree between us, where if you are looking for *specific* sorts of expertise, there may not exist in younger people that expertise,

But, Mr. Speaker, if you do, therefore, find yourself having to take somebody on who is retired, I do not think one should fall into one of two traps that the hon. Gentleman fell into, which I hope I and my Government will avoid. The first is appointing and the hon. Gentleman knows, and it is an issue of dispute between us that, in some instances, we believe people were appointed like *this*: they were told that they had the job because, politically, the hon. Gentleman took the decision that they should have it. We do not believe that should be the case and, certainly, what we do not, and will not do, is say that people cannot *apply* for a job to a board that then makes a recommendation.

Mr. Speaker, if somebody were to be appointed who is a retired person, because that person has the necessary expertise and that expertise may not be available from others then, in *my* view, what must also be done is that we must find somebody who can be appointed with them, alongside them, to distil that expertise so that, at the end of what I hope would be a relatively short period of contracting – that example – there is a younger, hopefully always in our lexicon, Gibraltarian, person or Gibraltar-resident person who will have distilled that expertise and that can then take the job for the longer period. That is the first point and, Mr. Speaker, I told him, in relation to the second point, that there had been a restructuring of what is behind Clive Golt as the Chief Press Officer.

Mr. Golt is the Press Officer to the *Government*, not just to the Office of the Chief Minister. But it is clear, and I think he will agree with me that it is clearly the case that the Office of the Chief Minister is the one that produces the *most* interaction with the press when there is not just a civil contingency but, for example, a Royal visit cancelled as a result of something happening on the ground –

Hon. P R Caruana: ... [*Inaudible*] the case before Dr Cortes was elected into Government. I don't think that is the case any more! (*Laughter*)

Hon. Chief Minister: – but there are, in the Departments, also things going on which need to be communicated to the electorate, to the public and to the wider world.

1600 Therefore, what we are looking at doing here is to keeping some of the Press Office expertise, functions and resource available to the Chief Minister and No. 6 Convent Place, where the Deputy Chief Minister also happens now to be, and making available to the other Departments a co-ordinator for *their* PR purposes and their – I should not say PR – their communications purposes. So that is how we think that this could work.

Clerk: Question 356 –

1605 **Mr. Speaker:** Before we move to another topic, would this be a convenient moment for a short comfort break?

The House will recess, say, for 10 minutes maximum.

1610 *The House adjourned at 11.20 a.m. and resumed its sitting at 11.35 a.m.*

**Gibraltar Sports Authority Board
Details of meetings since Question 246 of 2012**

1615

Clerk: Answers to Questions continue.
Question 356, the Hon. E J Reyes.

1620 **Hon. E J Reyes:** Mr. Speaker, can the Minister for Sports and Leisure provide details of dates when the Gibraltar Sports and Leisure Authority Board have met since his answer to Question No. 246 of 2012?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1625 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr. Speaker, the Gibraltar Sports Authority Board met on 4th April 2012. The next meeting is scheduled for 23rd May 2012.

1630 **Hon. E J Reyes:** Yes, Mr. Speaker, and at that meeting did the Hon. Minister, as Chairman of the Board, have occasion to raise and discuss with them what he said in the March meeting that he had no problem with, and that was to consider whether these meetings might perhaps be held in public, or publish the minutes of said Board meetings?

1635 **Hon. S E Linares:** Yes, we did have a discussion on that issue and the Board was of the view that it should not be a public meeting, but that there could be elements of the deliberations of the Board that could become public. It could well become public because, through the website – the new website that the Sports and Leisure Authority are currently constructing...

1640 The website will have lots of information to do with the Board: they will have an independent website. It is nothing to do, really, with the question but I thought that, because all the other questions that the Shadow Minister is posing to me – which I am happy to answer – will be answered through the website. So this is one of the issues that will be highlighted in the website. Will be in the website.

Hon. E J Reyes: Thank you, Mr. Speaker, and any inclination of dates by when this website might be operational?

1645 **Hon. S E Linares:** Unfortunately, I have not got dates but I can say that the Chief Executive has already identified somebody who is working with the staff there in order to build up the website, so should I say ‘imminent’, ‘soon’, ‘a couple of weeks’, ‘months’, hopefully? So it is coming soon.

1650 **Hon. E J Reyes:** Okay. I think, perhaps, that one might know the answer but, just for the sake of the record, will the Sports Authority then make it public once the website is fully operational and guide people as to how to tap in and access and so on?

Hon. S E Linares: Yes, I hope so.

1655 Websites usually have a lot of links and lots of information on them and I am hoping that by the Sports and Leisure Authority themselves controlling the website, that all the information appertaining to sports and leisure and what is to do with the Bayside Complex will be in the website, so that *they* will decide what is in the website.

As a Minister, I will not have any input as to the information. I could have input by putting a foreword or some press releases but the control will be from the Sports and Leisure Authority.

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**Gibraltar Sports Advisory Council
Details of meetings since Question 243 of 2012**

1665 **Clerk:** Question 357, the Hon. E J Reyes.

Hon. E J Reyes: Mr. Speaker, can the Minister for Sports and Leisure provide details of dates when the Gibraltar Sports Advisory Council and / or any of its sub-committees has met since his answer to Question No. 243 of 2012?

1670

Clerk: Answer the Hon. the Minister for Sports, Culture, Heritage and Youth.

1675 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Yes, Mr. Speaker, the Gibraltar Sports Advisory Council has met on the following dates: Sub-committee meeting on 15th February 2012, carried on 16th February 2012; full Council meeting on 24th February 2012; Sub-committee again meeting on 28th March 2012; and the full Council meeting was on 9th May 2012.

1680 **Hon. E J Reyes:** And, likewise, Mr. Speaker, last time the Hon. Minister did say that he would even dare to propose himself, the public attendance at meetings and publication of minutes, and so on. Do we have any further updates on that issue?

Hon. S E Linares: Yes, and I did actually propose it .

1685 The Council thought that we should not have public meetings, as such, for the simple reason that these are people that are selected by the sporting fraternities associations onto the Board, and that they were quite satisfied that information was filtering down. But as I have just answered to the previous Question, I asked them whether it would be feasible – because *I* wanted it to be more open and transparent – whether information can be put through the Sports and Leisure Authorities website. They acceded to that: they said that they had no problem with that, and that probably even minutes will be published on the Sports and Leisure Authority website.

1690 So I am quite happy that they feel comfortable at how we can have all these meetings more open, more transparent, so that the public can know exactly what has happened during these meetings – at least what in the general terms, rather than in the specifics of what everybody said in the meeting.

Hon. E J Reyes: Thank you, Mr. Speaker.

1695 I would record my gratitude to the Hon. Minister for having followed that one up and, likewise, I think I can accept his word that as soon as possible this will be up and running, and I concur with him; I don't think we have ever questioned, on either side of the House, the transparency of the meetings, but rather that people get the correct information because some information is disseminated in an after-meeting coffee or drink and then it becomes second- or third-hand information and sometimes people get a bit upset because they have not quite heard the full deliberations that have been carried out at the Advisory Council level.

1700 So, yes, he can count on my full support just to ensure that all sporting associations, whether they, for that particular year, hold a seat on the Advisory Council or not, so that they are as acquainted with deliberations and recommendations as much as possible.

Thank you.

1705 **Hon. S E Linares:** Yes, Mr. Speaker; just to add that I thank the Shadow Minister for acknowledging that.

When I said about open and transparency I did not intend to mean open and transparency in a political sense, in any way. I think it is meant for the fraternity of sports, and I concur with him that there are, sometimes, many issues that come up and there is a lot of quarrels, fights, controversies with things that people said or not said.

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By doing this, I think it will avoid all these sometimes misrepresentations of what people say, or did not say, in meetings and all that.

So thank you.

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**GFA application to join UEFA
Details of improvements required to existing football facilities**

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Clerk: Question 358, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sports and Leisure provide details of improvements which may be required to the existing football facilities in order to ensure that the Gibraltar Football Association meets its requirements in respect of the pending application for membership of the European Governing Body of the sport?

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Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

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Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr. Speaker, there are a number of options which are currently being examined by the Government and the Gibraltar Football Association, in conjunction with the requirements of UEFA, and in accordance with the advice that UEFA is providing. A reply to this Question will be provided once a decision on these options is taken.

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Hon. E J Reyes: Yes Mr. Speaker, I ask this Question because I know that we have quite good, high level of sporting facilities but yet membership of a particular governing body – and I can think of a sport other than football – sometimes have peculiar circumstances that require them to throw in additional things. And there is a fair amount of talk already happening amongst other sporting associations, feeling that the new sort of impetus and a more realistic pending application from the Football Association might mean that other sports would end up, perhaps, losing out on current existing facilities.

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It may be too early a stage for the Minister to be able to commit himself but can I at least get from him some acknowledgement that other sports would not lose out despite whatever additional facilities we may have to provide for the football fraternity.

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Hon. S E Linares: Yes, Mr. Speaker, he can get that assurance and I can assure the sporting fraternity that that will be the case, that they will not lose out in any of their facilities.

We are looking at *additional* facilities and therefore the operative word is ‘additional’; that means that it will not affect what is there currently, and we are hoping that it would be even *better* for other sports, so it is a question of a balancing act, as to how far we go with one without affecting others and, for sure, this Government will try its best not to affect any other sporting facilities in whatever way that the hon. Member might think that we are taking away from one sport and giving to the other. That will not be the case.

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Hon. E J Reyes: Thank you for that, Mr. Speaker.

I look forward to the hon. Member, even sometimes without waiting, perhaps, to even have to be prompted by me at a particular Question Time, if he does become aware of some developments that would be mutually beneficial to the whole sporting fraternity in Gibraltar, perhaps he can keep me posted through simple correspondence or e-mail so that we may both, together, work as partners in achieving this rightful application that I believe should carry unanimous support from this House in respect of the Football Association’s application?

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Hon. S E Linares: Sure, I will do.

Heritage Action Committee
Number of meetings met since Question 240 of 2012

1765 **Clerk:** Question 359, the Hon. E J Reyes.

Hon. E J Reyes: Mr. Speaker, can the Minister for Heritage say how many times the Heritage Action Committee has met since his answer to Question No. 240 of 2012.

1770 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr. Speaker, as stated in supplementary answer to Question No. 240 of 2012 the Government agreed to meet the Committee once every three months. Therefore, fulfilling this commitment, the next meeting is scheduled for 31st May 2012.

1775 **Hon. E J Reyes:** Sorry, Mr. Speaker, my copy of *Hansard* of what was answered in Supplementary to Question No. 240 was that the Minister said that the Heritage Action Committee were now given the opportunity of meeting bi-monthly. Is that the option, bi-monthly or quarterly?

1780 **Hon. S E Linares:** No, Mr. Speaker, what happened was that, in the Heritage Action Committee itself, I put that I wanted it to be bi-monthly. They actually said that it was not necessary and a three month period was enough. I actually offered to say, 'Well, if after two or three meetings we need to have bi-monthly meetings, we will have it.'

1785 Basically, we will have it as many times as the Heritage Action Committee wants to have the meetings. I am not the one to state... They are the ones to say, we, usually, when the meeting is finished, we say 'Well, can we now identify another date?' Sometimes, people say 'Can we meet within two months?' So be it. As long as my diary is available, I will be there to meet them as often as they want.

Hon. E J Reyes: Thank you for that, Mr. Speaker.

1790 So, in a nutshell, what we are saying is there should be a quarterly meeting but, depending on personal diaries and, in fact, depending perhaps on pending matters that sometimes need to be followed up, the frequency could even be greater than that. So we are establishing that, if anything, there's going to be an increase in meetings over a 12 month period rather than a decrease.

1795 **Hon. S E Linares:** Yes, sir.

HEALTH AND ENVIRONMENT

1800 **Tree plantings since 1st January 2012**
Details of costs, suppliers and tender processes

Clerk: Question 381, the Hon. S M Figueras.

1805 **Hon. S M Figueras:** Mr. Speaker, can the Minister for the Environment provide this House with details of trees planted in Gibraltar since 1st January 2012, including details of costs, suppliers and tender processes relevant to their procurement?

1810 **Mr. Speaker:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and Environment (Hon. Dr J E Cortes): Mr Speaker, the number of additional trees planted since 1st January 2012 is 103. This does not include any trees that may have been replaced by service providers if they have perished.

1815 I am handing over a list of trees that have been planted.

Answer to Question 381 of 2012

TREES PLANTED SINCE JANUARY 2012

2 ceiba insignis - Waterport flower bed
4 metrosideros - opposite Gasa between palms
1 tamarisk gallica – Entrance to Commonwealth Parade car park
1 metrosideros – planter outside Victoria Stadium, opposite Sundial
4 metrosideros - flower bed adjacent to public toilets opposite sundial
1 ficus benamina - small flower bed adjacent Ocean Village
6 metrosideros - Corral Road
18 cupressus sempervirens stricta - Centre reservation Waterport
4 quercus robur - lower Red Sands Estate
4 ficus nitida - Varyl Begg Estate
10 quercus ilex - gun embrasures Waterport
4 lagunaria trees - Laguna Estate
2 salix babylonica - Edinburgh Estate
3 robinia pseudoacacia - Edinburgh Estate
1 crataegus monogyna – triangular island opposite evacuation roundabout
11 tipuanas – Rosia Road opposite Jumpers
4 cupressus macrocarpa - Planters below steps outside St Bernard's Hospital
1 populus simonii – Saluting Battery
22 cupressus leylandi – Glacis Estate

Total 103 trees

The cost of supplying and planting the trees was £12888.20, Gibrat-Flora and Greenarc were the suppliers and carried out the planting. Quotes were sought for specific trees in specific areas.

1820 **Mr Speaker:** Whilst awaiting a Supplementary may I compliment whoever was responsible for the improved plants in the lobby of this building. Is it the Minister's Department?

Hon. Dr J E Cortes: I would assume it is so but I can assure you I have not been personally involved.

1825 **Mr Speaker:** Well, you can accept Departmental responsibility and therefore I compliment you.

Hon. Dr J E Cortes: Thank you.

1830

**Proposed Commonwealth Park
Geotechnical surveys**

1835 **Clerk:** Question 382, the Hon. S M Figueras.

Hon. S M Figueras: Mr. Speaker, can the Minister for the Environment confirm whether any geotechnical surveys have been conducted in the area of the proposed Commonwealth Park?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

1840 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr. Speaker, to date no geotechnical surveys have been conducted in the area of Commonwealth Parade car park. The design of the Commonwealth Park project is underway and any necessary geotechnical investigations will be undertaken at the appropriate time, as the design progresses.

1845 **Hon. S M Figueras:** Mr. Speaker, perhaps the Minister can just clarify for me, whether these geotechnical surveys are required before the design process to establish whether or not the project itself is viable, as planned or at all? Or whether they just form part of the project when it commences and there is absolute certainty that it will, indeed, commence.

1850 **Hon. Dr J E Cortes:** Mr. Speaker, the design is now being tightened up and, depending on where the different items that are going to go in the park are located, the project will have to...

The technical survey will depend: if you are going to put a lake in one area, you need to take on a different kind of survey than if you have to put it in another – so this is part of the process and as and when a necessity for any particular type of survey is identified now that the design is going actually to be laid out, then the necessary investigations will be carried out.

1855 **Hon. S M Figueras:** Mr. Speaker, my line of enquiries is actually focused more on the provision of the two floors, or rather on the provision of approximately 700 or so parking spaces, which is also approximately double the current number of car parking spaces in the Commonwealth car park, and I am intrigued whether the Minister can shed any light on whether the Government has a better idea, in respect of its ability to provide these 700 or so parkings underneath the Commonwealth Park, as they did in the manifesto?

1860 **Hon. Dr J E Cortes:** Mr. Speaker, we are considering alternative locations to that car park (*Laughter*) and, once the decision on that is taken, then we will be able to see whether, in fact, it is going to go under there and what surveys will then be required.

1865 **Hon. S M Figueras:** Mr. Speaker, it seems rather defeatist – in the absence of any suggestion to the contrary – that the Government has proceeded to consider alternative locations, without actually establishing whether it is appropriate, possible, feasible, for economic or other reasons, to locate the car park underneath the Commonwealth Park, as illustrated so very clearly in their colourful manifesto, and I would ask the Minister whether he has actually given any thought, or sought advice, in respect of locating the parking spaces beneath the Commonwealth Park?

1870 **Hon. Chief Minister:** Mr. Speaker, it is not just the Minister but also the Chief Minister have sought advice, both technical and financial, about where to put these car parking spaces, both before the Election and after, and I know that the hon. Gentleman likes to refer to our manifesto as ‘colourful’, which I will interpret as *brilliant*, but the manifesto is very clear about what happens in respect of those car parking spaces; in other words, they will be underground or, if that cannot be the case, they will be provided elsewhere.

1875 **Hon. Chief Minister:** Mr. Speaker, it is not just the Minister but also the Chief Minister have sought advice, both technical and financial, about where to put these car parking spaces, both before the Election and after, and I know that the hon. Gentleman likes to refer to our manifesto as ‘colourful’, which I will interpret as *brilliant*, but the manifesto is very clear about what happens in respect of those car parking spaces; in other words, they will be underground or, if that cannot be the case, they will be provided elsewhere.

1880 So, Mr. Speaker, if ‘cannot’ can mean that it is also economically more viable to provide that *number* of parking spaces – I am not trying to wriggle out of the number of parking spaces – then I am sure they will want to agree with us that that is a much better use of taxpayers’ money. So, as I have had cause to say to him in previous sessions of the House, Mr. Speaker, and as my hon. colleague, the Minister for the Environment, has had cause to say to him in previous sessions of the House, he need not fear, he will soon be able to walk along the highways and byways of a lush garden in the centre of our city to be known as Commonwealth Park

1885 *and* he will be able to park his seven hundred cars as a resident of Gibraltar for nothing in the parking provided either underground, or elsewhere, at the same time as the park is provided.

Hon. S M Figueras: Mr. Speaker, I refer only to the colourful manifesto – and my interpretation is certainly different to that of the Hon. the Chief Minister – because it is very clear in what it says. It says that it will provide the Commonwealth car park... they will create an underground car parking facility, subject to a geotechnical survey.

1890 My question is, therefore: the original question, indeed, sought to elicit from the Government whether that

1895 geotechnical survey was, indeed, carried out and whether it was as a result of that survey that the Government had taken the decision to look at alternatives. Have any geotechnical surveys been conducted to assess the feasibility of locating the underground parking where it was originally intended to be so?

1900 **Hon. Chief Minister:** It is just that assessing the feasibility – in other words, working out what it will cost – does not just depend on a geotechnical survey and, for that reason, it may not be necessary to get to the stage where a geotechnical survey is undertaken, if the Government is presented with a financially more viable – i.e. cheaper – option which is just, if not more attractive, for the parking, free of charge for residents, of 700 vehicles.

1905 I am sure what the hon. Gentleman is *not* saying is that we *have* to do the geotechnical survey at a cost to the taxpayer, if the Government has been presented with a *better* option to produce the 700 car parking spaces, on the terms provided for in the paragraph of the manifesto.

1910 **Hon. S M Figueras:** No, Mr. Speaker, I am not saying that they *have* to carry out the geotechnical survey. I am merely alluding to the fact that the manifesto set out, really rather quite clearly, that the location of the underground car parking was a decision that they would make, subject to a geotechnical survey. That things have changed since, and that I accept entirely.

1910 However, these financially cheaper or more attractive options that the Hon. the Chief Minister refers to as having been suggested – or I am interpreting as having been suggested or proposed to Government – is the Hon. the Chief Minister in a position to articulate, perhaps, some of the details of any of the proposals?

1915 **Hon. Chief Minister:** Yes, Mr. Speaker, I am, but I will not, because we will make a statement when we have got to the end of that negotiating process that we are undertaking with those who have made the proposal to us. It will become very clear, if we can go down that road, why that is a more viable option, and it will become very clear, if we cannot go down that road, because we will be telling him that we are undertaking a geotechnical survey in order to provide the car parking underground.

1920 So I think, in the fullness of time, all of this detail will emerge but, at the moment, we are not in a position to say, other than a proposal has been made – that is what we are going with. But, rest assured, he will be able to park his 700 cars and he will be able to walk along Commonwealth Park before the Election!

1925 **Hon. P R Caruana:** Mr. Speaker, I wonder if I could just help the hon. Member a little bit further away from a commitment to his own manifesto commitment. I know that there are qualifications in it but the qualifications were much less highlighted than the colour photographs, of which there were many!

1930 Mr. Speaker, I think we can all agree that the introduction of urban green areas and urban parks is not just an amenity – without getting bogged down in what that word exactly means – but both, not just as an amenity but also for urban environmental reasons, it is something that is very worthwhile and very welcome. We had projects to do it in several places, too.

1930 I just wonder whether, if the hon. Members are reconsidering, or considering, in the light of what they claim now to know and not to have known before, despite my telling them in the Election campaign – and being not fooled by them – that they would find precisely this... but, if they are reconsidering their location of the car park, I wonder whether they would be willing to reconsider the location?

1935 I know they are keen to sort of re-brand everything and make sure that everything looks made by the GSLP and not made by the GSD – but I wonder whether they would reconsider even relocating the *park*, on the grounds that, whilst the natural environmental issues would be the same in the proposed location or in the one that *we* had proposed, in terms of the urban aesthetic environment, in terms of its contribution to the number of places that it can be seen from and the frequency with which pedestrians traverse that area, would not the hon. Members be willing to consider that where *we* were going to put it is actually a location for a green park that would add considerably to the aesthetic value, in terms of it being visible from Line Wall Road, from a wide opening, the whole of the Boulevard, the whole of the Palm Tree Boulevard. People – it is a transit area – walk through that area to get from town to all the main new housing estates in the development, there, as opposed to putting it in the Commonwealth Car Park where, really, you can only see it if you are standing immediately above it over the wall and looking down or, if you are driving along Queensway, or if you *go* to it, all of which have some merit...

1945 I am not saying they have no merit but, in terms of ticking as many boxes as possible, of all the *doubtless* benefits that an urban park would bring, if the hon. Members are reconsidering the location of the car parking

aspects of that project, would they, with an open mind, be willing to reconsider the location of the park element, too, I dare ask.

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Hon. Chief Minister: What a strange session of Parliament, Mr. Speaker (*Laughter*)

Hon. P R Caruana: Sorry?

1955

Hon. Chief Minister: What a strange session of Parliament, where we are working together to make the urban environment (*Interjection by Hon. P R Caruana*) better!

Mr. Speaker, the hon. Gentleman will know – from his much more considerable than my experience as Chief Minister of Gibraltar – that Gibraltar is a bit of a jigsaw puzzle, and that moving one thing from one place to another involves other changes to contractual obligations that Government or others may have already acquired so, in preparing the manifesto when Opposition is not privy to all the contracts that the Government may or may not have entered into – some of them may have been publicly announced, but all the details of them may not have been publicly announced – so we knew that, in Commonwealth Park, there was no commitment from the Government to any developer for any building to be done...

1960

1965

Okay, so the jigsaw puzzle that is Gibraltar, when one produces a manifesto from Opposition, is seen in a different light to the jigsaw puzzle that is Gibraltar when one produces a Government manifesto from Government – and we won't get into all the other issues that that might have alluded to. Now, it is not that we did not know something then which we should have known, it is that from Opposition we believed that was the best place for a park, for other reasons. They dove-tailed to something that he had announced, and which is also in our manifesto, which is that there should be an element of a park in the mid-town project, as it had been announced by the hon. Gentleman before there was a display of what their vision for that was in their manifesto: I mean, people will know that parties are running manifestos, preparation of manifestos, at the same time.

1970

Our manifesto says also –

1975

'Naval Ground Park: we will also consider the best ways to increase the green areas to be provided in the city centre in the area of the intended mid-town project. Our preference will also be for a green area to be maintained in the area nearest to the leisure centre with an underground car park to be free for local residents.'

1980

So, Mr. Speaker, I agree with him that having a green area in front of that Boulevard actually would be a very positive thing, and there is also manifesto view for the GSLP now, and the Liberals now, in Government, that that should be part of what is developed for our city in the wider mid-town project.

1985

If he will just agree with me that if we deliver the mid-town project park part of it, and we deliver the Commonwealth Park part of it, then the leisure centre becomes the connecting part of two green urban parts of our city, almost which you could see through to from one side to another. I think, actually, you can, because of the configuration of the leisure centre, and that will make it seem an *even larger* green area and we would have even more urban value. So I agree with him that the area of what was Naval Ground Number One, as part of the mid-town project – however that may evolve – should be maintained for green because it is central and it is more visible, both from Queensway and from Line Wall Road.

1990

I hope that he agrees with me that there is great value, nonetheless, in also pursuing a different *sort* of green area park, not just green area, but park, at Commonwealth Park and that if, in the context of Gibraltar's continued social and economic development, which we cannot give up simply because we should have more parks, it is possible to ensure that we do have these two very attractive green areas, then our city will be a much better place as a result.

1995

Hon. P R Caruana: Yes, Mr. Speaker, in large measure that is correct. Certainly, having two parks is better than having one.

2000

I think, notwithstanding the apparent influence the Minister for the Environment has in his Government, nevertheless we need to keep Gibraltar's wide range of public interest and needs in mind, and it is not just a question of *gorging* ourselves on parks and satisfying, in great measure, our instinct as citizens to have as much green area as possible. One virtue of having a park in Commonwealth Parade is that it will discourage for all time any future Government from viewing that as a potential site for a building in proximity to the City wall. That is one virtue of building a park there.

On the other hand, Mr. Speaker, in terms of balancing, we do need to be careful that we do not allocate all

2005 of Gibraltar's open spaces to the same laudable green park agenda. For example, that site is used for the fair and it is one of the few sites that would be available to the Government in the context of a civil contingency. It would be one of the few sites available to the Government as a large open space for doing whatever needs doing. I don't profess now to have anything specifically in mind, but one could imagine that it is better for a community to have usable large open spaces near towns than not have large usable open spaces because we have given them all up to some other use.

2010 The only other large open space in Gibraltar that I think would fit this characteristic is the coach parks. It is not that we are eliminating the only one: there would still be the coach park. Whether the coach park is an appropriate venue for the fair is something for him to negotiate with the nearby residents – but, anyway, that is a matter for him. So that would be a virtue in *not* giving that particular site over to a park or perhaps not giving it *all* over to a site. One option may be to replicate a park the size of the one in the mid-town side, symmetrically the same size on the south of the leisure centre, leaving the rest of it available for something else or a playground.

2015 I am trying to address this in as non-partisan fashion as possible to ensure that the best urban use and the best balance of urban uses is decided, in accordance with a rational consideration of all factors, and does not become victim simply to a partisan manifesto... dominance battle.

2020 **Hon. Chief Minister:** Mr. Speaker, I am grateful for that.

I am not going to assume that he is slowly and artfully luring me into a situation – that, we will provide as fabulous a park as we have proposed for Commonwealth Park somewhere else, only to see him or his successor in the estates just before the next General Election, saying that we failed. I am not going to assume *that*. I am going to assume that this is a *genuine* urban planning discussion that we're having about these issues and, let me just say to him that we are alive to that and that it is not a question of simply putting the parks first, it is a question of trying to get the right balance here.

2025 The MoD agreements that were done before 2011, when we were elected, also give rise to certain potential areas coming back around Naval Ground, in particular Rooke. He knows that our approach to GBC is not that GBC should go in there and, without prejudging this, I think he will agree with me that the current footprint of the buildings at Rooke is probably not the best modern use of that space, so that creates another potential issue there. And there are entities being moved just close to Rooke – I'm thinking of the Scouts and the Royal Gibraltar Yacht Club – which will make available an area which is large in that zone, although there may, or may not, be already certain developments earmarked which may or may not go ahead, as he has heard me suggest before, in that area.

2030 I believe that Gibraltar's economic well-being is what is going to allow us to continue as we have always, I think, agreed across the floor of the House, to talk about our self-determination etc . . . That is fundamentally important to our existence as a people, much more so than whether, after 300 years of urban development, we can also have a park in the centre of our city. So we are alive to all of these issues, in particular where do you put a fair? Where do you put coaches etc? That is the jigsaw puzzle that we are now ourselves dealing with.

2040 He should rest assured that the plan for Commonwealth Park and the plan to continue to use part of mid-town for a park does not, in our view, compromise any of those very legitimate issues which he has raised for reasons, that, as we make the announcements, if those proposals which have been put to us do prosper, will become evident.

2045

Achieving a carbon neutral Gibraltar Measures and timescale proposed

2050

Clerk: Question 383, the Hon. S M Figueras.

2055 **Hon. S M Figueras:** Mr. Speaker, in the light of the Government's stated ambition, as set out in its 2011 Election manifesto, to deliver a carbon neutral Gibraltar, and despite its acknowledgement that it may not be able to deliver that in four years, can the Minister for the Environment provide details to the House of Gibraltar's current carbon footprint, the measures it considers necessary, and how long it considers it would take to achieve this objective?

2060 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr. Speaker, it is the aim of this Government to achieve carbon neutrality although we are fully aware of the difficulties in doing so due to our current dependence on fossil fuels, both for our energy and transport needs, and also the current state of the renewable technology market. Nevertheless, the Government will remain fully committed to this ideal.

2065 At present, Gibraltar does not have the necessary reliable data to determine its carbon footprint. Work will be undertaken to try and obtain this data and establish this figure. Once that has been determined, Government will work to reduce that footprint, implementing the necessary measures which would include, but are not necessarily limited to; the introduction of clean renewable energy sources, the reduction of energy in transport by the creation of a sustainable traffic and management plan, a reduction in energy demand via the use of low-energy lighting, energy efficient building design, and the creation of greater awareness among the general public as to the need to reduce their own energy consumption via more informative feedback.

2070 Government is already actively working on these initiatives, such as by setting example in Government buildings and has engaged with both the Chamber of Commerce and the Federation of Small Businesses to take these principles forward. However, as very little work has been done on this in the past it is too soon to determine how long it will take to achieve carbon neutrality. Clearly, it is a long-term ambition. The actual timescales involved will depend upon a number of factors, including how successfully we are able to integrate a mix of renewable energy technologies, in number into our grid and how quickly the international market for renewable technologies and low emission vehicles develop. As these technologies become more advanced, Gibraltar will be better able to meet its goal. We would re-iterate, however, that this is not a pipe-dream but a very real ambition which is at the heart of this Government's environmental policy and ethos.

2075 **Hon. S M Figueras:** Mr. Speaker, I am grateful to the Hon. the Minister for referring to it being a 'pipe-dream' and I would ask him-

2085 **Hon. Dr. J E Cortes:** *Not* being a pipe-dream.

Hon. S M Figueras: – Yes, yes, indeed – but making reference to the fact of the 'pipe-dream' because of the exchange – yes indeed.

2090 Will the Minister agree that, along with the future jokes strategy, climate change is one of the signature additions to the manifesto of the GSLP at the last election and that it should certainly be prioritised, and (*Interjection*) does he consider that creating 700 parking spaces, where once there were 350, is consistent with that approach and its central environmental objective?

2095 **Hon. Dr. J E Cortes:** Mr. Speaker, the hon. Gentleman is assuming many things: firstly, that providing 700 parking spaces . . . necessarily means a net increase but, in any case, those 700 parking spaces *could*, in the fullness of time, be dedicated to hybrid or electric cars so it is something that one thing does not negate the other.

2100 **Hon. S M Figueras:** The manifesto refers to – sorry, Mr. Speaker – this ambition of carbon neutrality as a central environmental objective.

2105 On that basis, it is a matter of the utmost priority, surely, for the Government to identify that carbon footprint. I understand and take note of the comments that the Hon. Minister has made in that regard, in that it is a complex and complicated exercise, but I would press the Minister for an indication of how long, because I understand that the policy is not that you can achieve neutrality within four years – and I fully understand it, and certainly concur with that view – but establishing the carbon footprint is, and must be, the central priority if the objective is one of the central objectives of the Government.

2110 When is the Minister expecting we will see any development, or us getting anywhere nearer identifying the carbon footprint for Gibraltar?

Hon. Dr. J E Cortes: No, Mr. Speaker, he is incorrect.

Establishing the carbon footprint is *not* the priority. The priority is reducing the carbon footprint *no matter what it is*, and therefore Governments' policy will aim at the reduction while we try to establish it. We will be

- 2115 able to measure the reduction, and *that* is a priority regardless of the carbon footprint.
- Hon. S M Figueras:** But, certainly Mr. Speaker, in order to measure the reduction in that footprint you must surely establish a starting point; unless, of course, I am mistaken, in which case I am happy to bow to his expertise on the matter.
- 2120 **Hon. Dr. J E Cortes:** When you replace a bulb which is highly demanding in energy with one that is less, you can measure the difference and hence measure *that* reduction without knowing how much the whole building is using. That is what I mean by that.
- 2125 **Hon. S M Figueras:** Yes, granted then, I accept that.
However, there are other situations in which carbon footprint may be increasing which you have thus far been unable to measure and that is simply the point I am making.
I would also ask that the Hon. Minister referred to the fact that the Government is already setting an example in respect of its own activities, and I would ask the Minister for some details on what those examples may be?
- 2130 **Hon. Dr. J E Cortes:** Yes, indeed. In fact a question later on refers to, I think, solar lighting so I will leave that till that.
Government Departments are being encouraged to take all sorts of measures, including double sided printing and photocopying, in fact the Health Authority is doing that and is already showing savings. By making electronic equipment go on standby after half an hour instead of two hours, by automatically shutting down computers overnight, there is a whole list of items. If he were to have given me notice I would have produced the information but we are already taking firm steps and, as I said before, engaging with the private sector with very good response, encouraging them to follow suit.
- 2135
- 2140 **Hon. S M Figueras:** Mr. Speaker, just one further point to raise. The Hon. Minister referred in his answer to the original question to the fact that certain technologies are not advanced enough yet.
However, Mr. Speaker, there are many cities around the world who are leveraging this technology to great effect, particularly, you know, the use of hybrid vehicles and other alternative energy vehicles on Government fleets and encouraging and incentivizing the use by the general public of those vehicles. How advanced does this technology have to be before steps are taken to adopt or incentivize it?
- 2145
- Hon. Dr. J E Cortes:** Mr. Speaker, three words; watch this space.
- 2150 **A Member:** Oh!
- Hon. S M Figueras:** Three words, Mr. Speaker – not helpful at all! (*Laughter*)
- A Member:** That's four!

2155

**Renewable energy strategies
EU funding sought since 9th December 2011**

- 2160 **Clerk:** Question 384, the Hon. S M Figueras.
- Hon. S M Figueras:** Yes, Mr. Speaker, can the Minister for the Environment provide details to this House of any EU funding sought since 9th December 2011 in respect of renewable energy strategies, as referred to in its manifesto.
- 2165 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.
- Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr. Speaker, during my recent visit

2170 to the UK I discussed the subject with officials at the Department of Energy and Climate Change (DECC). We are awaiting further information from them, but the matter is being looked into.

Hon. S M Figueras: So it is safe to say there are no complete answers to such requests?

2175 **Hon. Dr. J E Cortes:** At the moment we are awaiting advice and information from this Department. We have not actually progressed on this, other than seek the necessary information so that we can do, hopefully, in the future.

2180 **Solar powered lighting**
Opportunities identified by the Government

Clerk: Question 385, the Hon. S M Figueras.

2185 **Hon. S M Figueras:** Have any opportunities for the use of solar powered lighting been identified by the Government and, if so, can the Minister for the Environment provide details of same?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

2190 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr. Speaker, a pilot project has been identified which will involve installation of solar powered street lighting in the area of the Frontier loop.

Work is ongoing to identify the most appropriate type of solar fitting, bearing in mind both performance and aesthetic considerations. If successful, Government will then consider employing this technology elsewhere in Gibraltar.

2195

Hon. S M Figueras: I'm sorry. I'm not sure whether you mentioned it, but is there a timeline for the application of this pilot project?

2200 **Hon. Dr. J E Cortes:** Very soon. It is actually happening virtually as we speak so, hopefully... the items have to be acquired and installed, but it is very soon.

Hon. S M Figueras: Is the Minister able to provide the House with any information in respect of the saving it is expected to make?

2205 **Hon. Dr. J E Cortes:** Right, I would have needed notice...

I would need to know what is the consumption on the lighting on the Frontier loop, and as the solar lamps will consume zero, then that would be the saving. That information can be made available, if he requests it privately.

2210

Alameda Botanical Gardens
Details of Government management arrangements with Wildlife (Gibraltar) Limited

2215 **Clerk:** Question 386, the Hon. S M Figueras.

2220 **Hon. S M Figueras:** Mr. Speaker, can the Minister for the Environment provide details of the arrangements currently in place between the Government and Wildlife (Gibraltar) Limited in respect of the maintenance and management of the Alameda Botanical Gardens, specifically in relation to costs, term of agreement, and whether the Government plans to make any changes to this arrangement and, if so, what changes and when?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

2225 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr. Speaker, Wildlife (Gibraltar) Limited holds an agreement since August 1991 for the running and maintenance of the Alameda Gardens.

2230 This agreement was re-negotiated with effect from 1st April 2006 and will expire on 30th March 2016. It consists of costs relating to personal emoluments, which are at scales agreed by the Government at the time, and increase each year in line with the pay review agreement of various other Government contractors, plus a budget set by Government relating to administration, the carrying out of maintenance and refurbishment, beautification and improvement works, as well as developing the Alameda as a botanic garden of value to the community and of International standing.

2235 These additional costs were set in the new contract at £64,500, £50,000 for water, and £50,000 for minor works. Additionally, specific projects agreed by Government had been funded from time to time under the Improvement and Development Fund.

The total costs last financial year, 2011-12, were £760,950. The Government is not considering any changes in the short-term to the arrangement.

2240 **Barbary Macaque Management Plan
Past and future costs**

Clerk: Question 387, the Hon. S M Figueras.

2245 **Hon. S M Figueras:** Can the Minister for the Environment confirm the cost to Government of the management of the macaques over the last three years, whether the re-costing of the Barbary Macaque Management Plan has been carried out and, if so, how much the Plan is due to cost over and above the current expenditure?

2250 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr. Speaker, the cost for the last three years has been as follows: 2009-10, total expenditure £207,170; 2010-11, total expenditure £195,949; 2011-12, total expenditure £208,135.

2255 The Management Plan is being reviewed and a re-costing exercise will be carried out shortly.

Hon. S M Figueras: Mr. Speaker, I asked the question because the last time this matter was raised in this House, the Plan was being reviewed, re-costed and updated. Some time has now passed since then and I was wondering whether, perhaps, the Minister could provide details of why the delay?

2260 **Hon. Dr. J E Cortes:** Certainly, I am happy to do so.

Mr. Speaker, during my trip to the UK I held meetings with the Born Free Foundation and the International Primate Protection League. who are supporting our work and have agreed to become involved in developing the Management Plan.

2265 As I did mention as well, last time I think it was, Prof. Agustin Fuentes, who is a worldwide expert on macaques and their management will be coming. We now have a date: this is the end of next week. He is already looking at the proposals that were on the table and has given preliminary advice so I hope that, after next weeks' meeting, we will be able to formulate the Barbary Macaque Management Plan, cost it, and then we will be able to answer that question at a future meeting.

2270

**Complaints about ape behaviour
Streamlining the process**

2275

Clerk: Question 388, the Hon. S M Figueras.

Hon. S M Figueras: Mr. Speaker, can the Minister for the Environment confirm whether it has been able

2280 to streamline the process by which the public can file complaints and/or lodge their concern about ape behaviour including, but not limited to; threatening behaviour, ape loitering, defecation on motor vehicles and other personal property, as well as the general nervousness the presence of large numbers of wild apes in residential areas around Gibraltar are causing?

2285 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr. Speaker, not yet.

2290 Calls continue to be received variously via the Police, the Department of the Environment and directly by the contractors. However, we are working on preparing a designated telephone line and e-mail address at which any environmentally related matter, including problems with the Barbary macaques, can be reported.

2295 **Hon. S M Figueras:** Mr. Speaker, this is a matter of growing concern for the community and it is only for that reason that I press the Minister to provide us with some more concrete information in respect of when this will happen, and an assurance from him that the reports that are being made today – of which I am certainly being made aware of personally, too – are being followed up and are being dealt with.

But I think what is perhaps the most important issue that I would seek to elicit from the Minister in this Question is at what point is the community going to have the one point of contact so that they know that all relevant authorities will be receiving the information and, importantly, acting upon it?

2300 **Hon. Dr. J E Cortes:** Mr. Speaker, we have already improved the way in which action is taken on other environmental matters, such as litter accumulation and so on. We are in the process of setting up the litter committee and we have identified one particular officer who will be dealing with this in the future.

I think that the single contact point for environmentally related matters, including the Barbary macaques, will probably be available within *weeks*, and certainly not more than a *couple of months* maximum.

2305 **Hon. S M Figueras:** Mr. Speaker, I understand the predicament, and I understand that this is, again, another issue that perhaps cannot be resolved overnight. I understand that. But how difficult can it possibly be for the Minister and his Department to issue a statement saying: in respect of any incidents, the number to call is *this* or the e-mail to get in touch is *this one*? I mean, I really don't see the complexity.

2310 **Hon. Dr. J E Cortes:** Mr. Speaker, I don't know what complexities may have been encountered by my predecessors over the last 16 years –

2315 **Hon. S M Figueras:** No, they are being influenced by you with the Barbary Management Plan, which is taking forever... (*Interjection*)

Hon. Dr. J E Cortes: I thought you were talking about the telephone lines, (*Interjection*) not the Management Plan. That was the last question, Mr. Speaker – (*Interjection*)

2320 **Mr. Speaker:** Order. The Minister is answering the question.

Hon. Dr. J E Cortes: The telephone line is imminent. It require people to be available to do it. It does not take a long time. It's going to happen very soon.

2325

**St. Bernard's Hospital
Ape bite incidents recorded over the last five months**

2330 **Clerk:** Question 389, the Hon. S M Figueras.

Hon. S M Figueras: Can the Minister for the Environment confirm the number of ape bite incidents recorded over the last five months at St. Bernard's Hospital?

2335 **Clerk:** Twelve months?

Hon. Dr. J E Cortes: Mr. Speaker, was that 12 months. That is what my question says I can-

Hon. S M Figueras: I've got five months in –

2340 **Hon. Dr. J E Cortes:** I can provide a breakdown.

Hon. S M Figueras: The original question was 12, actually, yes. I've just read the question-

2345 **Mr. Speaker:** Well, the original question was twelve-

Hon. S M Figueras: Yes.

2350 **Mr. Speaker:** – and I took the view that the ministerial responsibility dates back only five months, so suggested to-

Hon. Dr. J E Cortes: I have the data from May 2011 to April 2012. Let me just answer what I've got.

Mr. Speaker: Yes.

2355 **Hon. Dr. J E Cortes:** Mr. Speaker, the number of ape bites recorded over the last 12 months at St. Bernard's Hospital was 105, and I can break it down starting in May 2011 and taking each month in sequence; and the number of bites in May 2011 was ten, then in sequence, six, seventeen, twenty five, twenty, twelve, four, zero, and then January this year one, February one, March five and April this year four – making a total of 105.

2360 **Hon. P R Caruana:** Mr. Speaker can I rise on a point of order to which we attach considerable importance.

2365 I think – I beg the House's pardon, I was reading a document and not fully paying attention – but I thought I heard an exchange involving the Chair which suggested that the hon. Members of the House who now sit on the Government benches have ministerial responsibility *only* back to the date of their election into office.

I do not think that that can be right and I just do not want my silence... we can address it in a different matter, we do not have to address it today –

2370 **Mr. Speaker:** No, I appreciate that.

Hon. P R Caruana: – but I do not think that that can be right and I would not want my silence to be seen as somehow acquiescence in it. The hon. Members are not in this House exclusively with their political colours. They are the political face of a continuous, *uninterrupted* entity called the Government of Gibraltar, regardless of the political colour of the Government that occupies those posts.

2375 If what I thought I heard... if I have misheard, please correct me but –

Mr. Speaker: No, the hon. Member heard correctly.

2380 **Hon. P R Caruana:** If what I thought I'd heard were correct, then an Opposition could never ask in Parliament for information about the public affairs of Gibraltar that preceded their date in office, and there are Standing Orders saying that Members are accountable in this House for the 'public affairs of Gibraltar', not for the public affairs of Gibraltar for which they have political responsibility. So, certainly, I may ask them... I might ask them: 'Will the hon. Members tell me how much the Government collected in Income Tax in the year 2006'. They cannot say 'No' and not give you that information 'because I was not in office at that time'.

2385 They may not have *political* responsibility for the answer – in other words, they may not be politically criticisable for the answer – but they are still accountable in this House for the public affairs of Gibraltar, regardless of the dates that those public affairs relate to. That had always been my view of the matter.

2390 **Mr. Speaker:** Yes, I think the point is well taken; perhaps I took too narrow a view and just looked at 12 months – no, five months. I think the point is well taken: where there is information of a factual question, seeking information of a factual nature, as is this case, then there is no reason why the Minister cannot obtain and provide that information. If the question is aimed at policy issues, then... the point is well taken. *(Interjection)*

2395 **Mr. Speaker:** I'm probably going to be told otherwise now.

There was a brief conference with the Clerk.

2400 **Mr. Speaker:** Yes, I am informed that the discussion was held between the Clerk and the Hon. Mr. Figueras on this point and Mr. Figueras did put correctly the point made by the Leader of the Opposition, so the point is well taken now. It was well taken by the hon. Member and I regret my lapse on that.

2405 **Moroccan Red Crescent
What medical equipment donated**

Clerk: Question 390, the Hon. Mrs I M. Ellul-Hammond.

2410 **Hon. Mrs I M. Ellul-Hammond:** Mr. Speaker, can the Minister for Health explain which equipment worth £75,000 was donated to the Red Crescent for use in Morocco?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

2415 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr. Speaker, the information requested is contained in the attached schedule, so I must correct the hon. Member. It may have been a typographical error, in that the equipment was worth £750,000 and not £75,000.

Answer to Question No. 390 of 2012**Donation Equipment List:**

Qt	Description	Manufacturer	Model	Serial No.
1	ECG Machine	Hewlett Packard	Pagewriter 300i	CNC 4944350
1	ECG Machine	Hewlett Packard	Pagewriter 100	CNC 1514008
1	ECG Machine	Hewlett Packard	Pagewriter 100	CNC 4219724
1	ECG Machine	Hewlett Packard	Pagewriter 100	CNC 4215833
1	ECG Machine	Hewlett Packard	Pagewriter 200i	CNC 4221150
1	ECG Machine	Hewlett Packard	Pagewriter 200i	CNC 1512449
1	ECG Machine	Hewlett Packard	Pagewriter 200i	CNC 4213070
1	Neonatal Incubator	Air Shields Vickers	141 MK2	140-3637
1	Foot & Hand Puva	Dixwell	Tecimex	9201001P
1	Oxygen Concentrators	Drager	Permox	SRSF-0130
1	Oxygen Concentrators	Drager	Permox	SRSF-0392
1	Oxygen Concentrators	Drager	Permox	SRSA-0204
1	Ultrasound Machine	Siemens	Sonoline Elegra	GEE 2554
1	Ultrasound Machine	Siemens	Sonoline Versa Pro	ANE 1100
1	Benchtop Sterilizer	Eschmann	Little Sister 3	LSK-4E 1278
1	Benchtop Sterilizer	Eschmann	Little Sister 3	LSH-1090-08
1	Benchtop Sterilizer	Eschmann	Vac 200	LSVC-9D-1011
1	External Cardiac Pacemaker	Medical Production	446	3720489
1	External Cardiac Pacemaker	Biotronik	EDP 30	14100514
1	Analyzer	Lifetech	Urolab Janus	000160001
1	Patient Monitors	S&W	Athena Diascope	11007365
1	Patient Monitors	S&W	Athena Diascope	12064021
1	Patient Monitors	S&W	Athena Diascope	10987532
1	Patient Monitors	S&W	Athena Diascope	10987549
1	Patient Monitors	S&W	Athena Diascope	10998663
1	Central Monitor	S&W	Athena 9050/PDU/CDU	10986288
1	Recorder	S&W	Athena 9741	1098256
1	Wax Bath	Enraf Nonius	3448	02031
1	ENT Workstation	Downs		08-02-010
1	Cassette Reader (Old Mammo)	Agfa	CR250	5156-100-2417
1	ID Tablet	Agfa		4265
1	Monitor	Barco		1889010258
1	PC	Dell		6596
1	Vital Signs Monitor	Critikon	8100	8101-145342
1	Vital Signs Monitor	Critikon	1846 SX	8272-H-1780
1	Syringe Pump	Graseby	MS2000	71/119/001
1	Electrosurgical Unit	Eschmann	TD311	3528
1	24 Hr ECG Ambulatory Recorder	Reynolds Medical		169536

Cont'd/.....

Continued Answer to Question No. 390 of 2012

1	ECG Event Recorder	Reynolds Medical	Tracker 2	19538D
1	Defibrillator	Hewlett Packard	Codemaster XL	3601A44376
1	Electrosurgical Unit	Downs	Diadon 450 PZ	085
1	Light Source	Downs	Light Source 150	086
1	Fetal Monitor	Oxford	Sonicaid Meridian 800	1768D
1	Ophthalmology Equipment	Surgical Design	Ocusystem	2835
1	Ophthalmology Equipment	Surgical Design	Ocutine	452
1	Mobile Lead Screen			
1	Mammography Suite	Philips	Mammo Diagnost	6883
2	Old St. Bernard's X-Ray Suite	Philips	Diagnost 76	
1	Telemetric Programmer	Teletronics	Optima-MP	0006411
1	Telemetric Programmer	Teletronics	5603	A0125583
1	Analyzer	Lifetech	Urolab Janus	000160001
1	Ophthalmology Equipment	Surgical Design	Ocusystem	2835
1	Ophthalmology Equipment	Surgical Design	Ocutine	452
1	X-Ray Processor	Agfa	Curix 60	9462/106/2816
1	Vacuum Pump	Eschmann	V12-S	2636
12	Patient Beds (Hydraulic)	Huntleigh Nesbit Evans	20050	
2	Labour Beds (Hydraulic)	Nesbit Evans	Birthright	
1	Egerton Patient Bed (Electric)	Egerton	Tilt Torn	E17131
3	Patient Transfer Trolley	N/A	N/A	N/A
2	Patient Stretchers	N/A	N/A	N/A
2	Transport Incubator Transporter	N/A	35-IT	N/A
8	X-Ray Viewers (Single)	Rad Tec	Single Film Viewer	
3	X-Ray Viewers (Double)	Rad Tec	Two Film Viewer	
2	X-Ray Viewers (Triple)	Rad Tec	Three Film Viewer	
2	X-Ray Viewers (Quads)	Rad Tec	Four Film Viewer	
1	Image Intensifier HRC 0857	Siemens	Siremobil 2000	1294
2	PCR Card Readers	Philips	AC 500	3665411/3665413

2420

Hon. Mrs I M. Ellul-Hammond: Mr. Speaker, the Minister is, of course, aware that the whole process of identifying the equipment, making administrative arrangements for it to be donated to Morocco and the Customs clearances was conducted by his predecessor, Mrs Del Agua.

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The only requirement remaining was for the Director of the Red Crescent to arrange the transportation of this equipment. An acknowledgement that this was a GSD initiative would have been welcomed. However Mr. Speaker, can the Minister advise if the equipment is fit for purpose and how many years of usage it has left in it.

2430

Hon. Dr. J E Cortes: Mr. Speaker, as I recall I acknowledged the fact that the process had been started by the previous administration during the course of an interview. Whether that was edited out by the media I do not know, but I am happy to acknowledge the fact that the process had started before. It needed a little bit of tweaking, in the sense that I had to sign the authority which I think may have been signed already by my predecessor, that is not an issue at all.

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As to the expected life, I am informed that it is a good number of years, particularly in the less delicate equipment, there were beds and so on that were donated, and I can say that the Moroccan communities have expressed to us gratitude for our contribution and there may be further contributions in the future.

Public access defibrillators
Position, cost and how they will work

2440 **Clerk:** Question 391, the Hon. Mrs I M. Ellul-Hammond.

Hon. Mrs I M. Ellul-Hammond: Mr. Speaker, can the Minister for Health explain where the nine public access defibrillators will be placed in Gibraltar, how they will work, and how much they will cost?

2445 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr. Speaker, yes.

2450 On average there are, by way of background, there are 20 cases of sudden cardiac arrest per year in Gibraltar. Over 90% of these can result in death. The chances of such arrest survival go up to 70% of surviving such a cardiac arrest – rather, go up to 70% if an automated external defibrillator is used within five minutes.

2455 Public access defibrillators are safe, effective and anyone can use them. The PADS, as they are called, programme aims to strategically place nine of these in nine public locations in Gibraltar in order to reduce the risk of death from sudden cardiac arrest in public places: these are the Air Terminal; the Coach Terminal; the Cruise Terminal; the Piazza; the ICC; the Tercentenary Sports Hall; Europa Point; St Michael's Cave; and Catalan Bay.

2460 These locations were chosen after extensive analysis of previous cardiac arrest records and take into account pedestrian footfall and distance from medical services. Defibrillator programmes have been well established and successful in both the UK and the United States and is backed by the British Heart Foundation. The model of defibrillator – Zoll – has been chosen for its extensive extended shelf life. Each PAD has a seven year warranty and the minimal maintenance – that is, battery checks and replacements – which will be carried out by the GHA Ambulance Service.

2465 The latest in defibrillation technology means that training is no longer a requirement for the lay person. Once switched on, the PAD will guide the user in simple and clear audio commands, and even coach the user on how to give cardio-pulmonary resuscitation without any prior experience. For information, the cost per unit is £1,295.

Hon. Mrs I M. Ellul-Hammond: I am grateful for that, Mr. Speaker.
Can the Minister explain how the defibrillators will be protected against vandalism?

2470 **Hon. Dr. J E Cortes:** Mr. Speaker, they come in their own enclosed area, which you can obviously open. Vandalism is something that we can never guarantee will not happen but, clearly, if we don't have a defibrillator, it might not be vandalised, but we don't have it, whether it is vandalised or not. Therefore, this is a problem.

2475 Sadly, there is vandalism in Gibraltar. We hope that even at least a percentage of the vandals will realise that vandalising this could have terrible effects but, clearly, we have to hope that this does not happen. It is a possibility. I would like to think that it will not happen that much but, nevertheless, we think that it is worth having them, even though there might be a threat of vandalism.

2480 **Hon. Mrs I M. Ellul-Hammond:** Mr. Speaker, so what you are saying is perhaps public awareness on the importance of these units could, potentially, reduce vandalism.

Could the Minister outline the GHA's community awareness campaign for the safe use of the defibrillators and obviously to impress on the public: please do not vandalise these very vital pieces of equipment.

2485 **Hon. Dr. J.E. Cortes:** Of course, absolutely, thank you.

It is intended to have a public awareness campaign once these arrive and once these are set up. Obviously, that's the time to do it, and that will clearly happen.

2490

**UK advice services and training
Details of exploratory talks**

2495 **Clerk:** Question 392, the Hon. Mrs I M. Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr. Speaker, can the Minister for Health explain, as per the Government's press release 158 of 7th March, after the Minister's visit to the UK, which advice services and what training the GHA is exploring for the UK to provide?

2500 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

2505 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr. Speaker, during my visit to the South-West London Health Trust, to Salisbury NHS Foundation Trust and a number of other locations, advice was obtained on administrative issues, such as the organisation of open board meetings and the development of community-based medicine.

2510 Areas where training is a possibility include stroke care and health care administration, including the running of appointment systems. Possible services include several areas of specialist care, including spinal treatment, where there is a centre of excellence in Salisbury District Hospital, where the Duke of Cornwall Spinal Treatment Centre is located.

Hon. Mrs I M. Ellul-Hammond: Mr. Speaker, is the Minister now turning to UK experts to advise on how GHA services are to be run?

2515 **Hon. Dr. J E Cortes:** Mr. Speaker, the Minister will turn to whichever experts the Minister feels will contribute to developing the healthcare that Gibraltar needs and deserves.

2520 **Medical vacancy adverts
Reason for ten month appointments**

Clerk: Question 393, the Hon. Mrs I M Ellul-Hammond.

2525 **Hon. Mrs I M. Ellul-Hammond:** Mr. Speaker, can the Minister for Health explain why the vacancy adverts for that of a nurse practitioner, a health visitor level one nurse, a junior occupational health therapist, and that of physiotherapists senior II, state the contracts are only for a ten month period?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

2530 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr. Speaker, the contracts were for a ten month period because that was the period for which the employees are required.

2535 **School of Health Studies
Student Nurse bursary concerns**

Clerk: Question 394, the Hon. Mrs I M. Ellul-Hammond.

2540 **Hon. Mrs I M. Ellul-Hammond:** Mr. Speaker, can the Minister for Health tell us if he has met with the student nurses from the School of Health Studies and if their bursary concerns have been addressed?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

2545 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Yes, Mr. Speaker, I have met with

the student nurses and, yes, the bursaries have been increased to match the similar student bursaries in the UK. It has now been increased from £450 to £650.

2550 **Hon. Mrs I M. Ellul-Hammond:** Thank you.

Mr. Speaker, will this new £650 a month salary be backdated to 1st February of this year, in line with the start of the new payment scale for all trainee workers under the Future Jobs Strategy?

Hon. Dr. J E Cortes: Yes, Mr. Speaker.

2555

**Emergency ambulances and patient transfer vehicles
Number arrived or on order**

2560 **Clerk:** Question 395, the Hon. Mrs I M. Ellul-Hammond.

2565 **Hon. Mrs I M. Ellul-Hammond:** Mr. Speaker, can the Minister for Health tell us how many new emergency ambulances have arrived for use by the GHA, and whether any patients transfer vehicles have been ordered?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

2570 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr. Speaker, first on the new emergency ambulances, the three ambulance vehicles were ordered in October and were delivered to the coachbuilders for conversion to ambulances in January 2012. We have been informed by the coachbuilder that the first vehicle should be ready in the week commencing 21st May – which I think is next week – and the other two by the end of May. We should expect all three in Gibraltar by mid June this year.

2575 Regarding the patient transfer vehicles, apart from the three emergency ambulances, there are, in fact, a further five vehicles in their ambulance fleet; two long distance emergency ambulances and three transport ambulance vehicles. The Government is replacing all these vehicles and has already started the process of tendering and selection of ambulances.

2580 We need to abide by EU timeframes and, because of our very specific requirements, our ambulances cannot be purchased ‘off the shelf’, even to the extent of having a dual system of emergency lights from blue to amber when ambulances have to cross the frontier. The specifications for the patient transport ambulances have been produced by a team from the ambulance service who, clearly, are the individuals that know best. These have been passed on to Procurement, in order that they can advertise the tender and I believe, Mr. Speaker, they have been advertised over the last few days or will be very, very imminently.

We are hopeful that these vehicles will be in service near the end of the year. (*Applause*)

2585 **Hon. Mrs I M. Ellul-Hammond:** Yes, we welcome the purchase of new patient transfer vehicles, Mr. Speaker. I believe the tender process is in today’s *Chronicle*, in fact, and it refers to five ‘economic operators’. Could the Minister please explain further what or who these five economic operators are?

2590 **Hon. Dr. J E Cortes:** No, Mr. Speaker, I have not seen the advert. This was prepared by the Procurement Department and it is an expertise that they have.

I believe the wording... because this has to be an EU tender which will be advertised in the appropriate journal, the wording must, I assume, be set.

2595 I would need notice of that because it is not my area. I would be happy to supply that information privately but it is not an area that I would have expertise on.

IVF treatment

2600

Health clinics and health service providers expressing interest

Clerk: Question 396, the Hon. Mrs I M Ellul-Hammond.

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Hon. Mrs I M Ellul-Hammond: Mr. Speaker, can the Minister for Health tell us how many health clinics or health service providers expressed interest and who will be providing the GHA with a full range of IVF treatments?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

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Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr. Speaker, six health clinics have expressed an interest in the service.

A selection panel has been appointed to assess the submissions. It is the intention of the panel to shortlist providers and schedule presentations for the relevant clinicians. A recommendation report will be provided for approval before the contract is awarded.

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Once the tender process is complete, the successful tenderer will be announced in the media.

Hon. Mrs I M Ellul-Hammond: Mr. Speaker, can the Minister say if these proposals are all from the United Kingdom, or from Spain or from other places within Europe?

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Hon. Dr. J E Cortes: Mr. Speaker, I as Minister am not directly involved in the selection process.

I am not a clinician and, therefore, it would not be appropriate but I believe there are... *I believe*, and this is just what I think I have gathered, that there are expressions of interest from Spain and from the United Kingdom. There are no facilities in Gibraltar that can provide this service, but I do not have the specific details: I have not been involved in the actual process.

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Hon. Mrs I M Ellul-Hammond: Mr. Speaker, are there conditions a couple needs to fulfil in order to qualify for GHA-funded IVF treatment and, if so, what are these conditions?

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Hon. Dr. J E Cortes: Again, Mr. Speaker, this is... I would need notice. There are conditions: I think I mentioned them in another question previously.

There is a protocol that has been developed, based largely on the NHS protocol but, as that was not specifically asked, but again, once... It is just being tweaked at the moment, and that will be public knowledge because, obviously, couples will need to know what the protocols are.

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**Sexual health advisory service
Precursor to offering IVF treatment**

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Clerk: Question 397, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr. Speaker, can the Minister for Health tell us if the GHA will be providing a sexual health advisory service as a precursor to offering IVF treatment for GHA patients, or at least in tandem with the IVF service?

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Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): No, Mr. Speaker, sexual health services are separate.

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All potential IVF patients will be assessed by GHA gynaecologists following referral from their GPs.

Hon. Mrs I M Ellul-Hammond: Mr. Speaker, is the Minister not aware that unprotected sex can lead to the contracting of sexually transmitted diseases that cause infertility later in a person's sexual life – thus

2655 requiring, potentially, IVF treatment to enable a pregnancy – for example, chlamydia, which remains silent in the body and causes infertility.

Does not the Minister agree that it makes sense to establish a sexual health advisory clinic alongside an IVF treatment programme?

2660 **Hon. Dr. J E Cortes:** Mr. Speaker, what I said was that they are separate, not that they are not justified or, indeed, desirable.

It is a separate exercise that we have to look at because a sexual health advisory service would not just be for couples considering IVF. Therefore, what I said was that it is separate, it is something that we *are* looking at as a separate exercise.

2665 Obviously, any advice that the gynaecologists provide to couples considering this treatment would involve reference to sexual health but that is not what the hon. Member is referring to, which is a separate sexual health advisory service which will have to follow a procedure and a process of its own, which we will be looking at.

2670 **Hon. Mrs I M Ellul-Hammond:** Thank you for that.

So, Mr. Speaker, can the Minister confirm that you will be seriously considering the introduction of a *separate* sexual health advisory service for 16-year olds and older?

2675 **Hon. Dr. J E Cortes:** Mr. Speaker, I cannot allow the hon. Member, regardless of my long friendship with her, to dictate Government policy in this way.

I cannot go into specifics about age of 16 and so on. What I can say is that we *will* be looking at the possibility of providing a sexual health advisory service because it is something which I think is important for members of the community, regardless of their age, but I cannot hold myself to specific details in this exchange: you will forgive me for that.

2680

Primary Care Centre One month advance appointments and group system

2685 **Clerk:** Question 398, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr. Speaker, can the Minister for Health explain the new one month advance appointment system and the group system at the Primary Care Centre which will both be in place by 1st August 2012.

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Clerk: Answer, the Hon. the Minister for Health and the Environment.

2695 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr. Speaker, the new appointment system is simple and straightforward, although by the time I have finished reading this, it might not appear so! That is my addition, I'm afraid. However the implications and benefits may take a little longer to appreciate.

2700 The new appointment system changes from releasing clinics for advanced and pre-booked appointments for the entire next three months, as we currently do, to opening advanced appointments for the entirety of one month only. For example, every first working day of the month, the Primary Care Centre will release appointments for the following month. The on-the-day appointment slots available every day remain the same, therefore patients can still come in the morning or, preferably, ring the appointment telephone line and have the same chance of getting an on-the-day appointment for the doctor of their choice, as at present. However, the advance appointments are opened a month at a time and can only be booked from one month to the next.

2705 The advantages of this change are; first, patients can try to make an appointment for the month to see their GP and if none are available for that month they will only have to wait until the following month is released to see their own GP, as opposed to waiting three months if all the appointments were full.

Secondly, it should be an end to patients complaining that they cannot book an appointment to see their own GP until three months' time or that their GP is fully booked for three months – a common complaint –

2710 also an end to pre-booked appointments saturation towards the end of the quarter, which currently occurs with GPs with a larger number of regular patients. People book now for the end of three months' time and then, in three months, there are no appointments. Then, also, to patients pre-booking appointments 'just in case they need it', to ensure seeing their own GP... This often results in unnecessary consultations or no-shows and, finally, the 'did not attend' figures are expected to reduce as patients are more likely to remember an appointment if it is the following month, rather than three months later.

2715 On the GP group system, the procedure for patients requesting an appointment in respect of the GP group system is as follows: firstly, every patient is to be given an appointment with a GP that the patient is registered with; then, if there is no availability with this GP, the patient will be given an appointment with another GP in the same group. If a patient wishes to change to another GP group then, following the consultation, they would be requested to complete a 'Change of group' slip, obtained from the main counter and submit this to the clerk in the area of their choice. If there are no appointments available with that particular group, the patient will be offered an appointment with one of the other groups, dependant on availability.

2725 **Hon. Mrs I M Ellul-Hammond:** Mr. Speaker, again, the Minister has only had to 'launch' a GSD initiative with already everything in place for the new GP Group Practice Scheme...

Can the Minister explain, though, if it would be possible for an individual to change doctors or groups after 1st August, or is this before 1st August, when the initiative starts?

2730 **Hon. Dr. J E Cortes:** Mr. Speaker, they can change groups whenever: this is current.

I would like to say that this initiative – in line with Government policy – was actually... this particular initiative was actually developed by the clinicians and the administrators within the Primary Care Centre and supported by the Government, but it was prepared by the professionals.

2735 **Hon. Mrs I M Ellul-Hammond:** Mr. Speaker, how will the GHA ensure that the number of patients entitled in Gibraltar are equally distributed among the three GP groups, in order for one group not to be overloaded with patients?

Hon. Dr. J E Cortes: Mr. Speaker, with some difficulty because we are giving the patients choice.

2740 We are aware that there may be certain doctors who may, for whatever reason, be more popular than others and that could skew the distribution. We have to monitor how this goes and maybe we have to perhaps increase the size of one group or the other, but we certainly, at this stage, believe in giving the patient the freedom to select what GP they see, which I think is quite an important personal choice that people make.

2745 **Hon. Mrs I M Ellul-Hammond:** Mr. Speaker, with reference to the advanced appointments, any policy that successfully reduces the number of missed appointments is most welcome but can you confirm, as from 1st August, all the appointment slots for September will be made available and could, potentially, be filled up in that day if enough people make the appointments, or will the telephone lines again open on 2nd August and again on the 3rd and so fill up for the 2nd and 3rd September of the next month, if you understand what I am

2750 –

2755 **Hon. Dr. J E Cortes:** Mr. Speaker, as I said before, the daily appointment slots which are currently reserved for daily appointments will be protected. I believe – and I am using recollection on whether we published this – that, transitionally, we may be reserving some advanced appointments in two week chunks until people get used to the system. The problem is that whereas, before, you could get the three months clogged up, now you could only get one month clogged up and there is always a chance, in a months' time, to get another appointment.

2760 I must say that the whole question of the appointments and the demand on the Primary Care Centre is currently being studied with a view to, perhaps, making some adjustments – but that is something for the future.

Hon. Mrs I M Ellul-Hammond: Mr. Speaker, can the Minister explain that if someone needs a repeat prescription and is unable to secure an appointment within a month and that individual has run out of the medication and has no appointment slip; what would that patient do?

2765 **Hon. Dr. J E Cortes:** Mr. Speaker, that can be addressed by the Prescriptions Advisory Service where Mr. Guillem and his team work and he will deal with facilitating that if there is any person in that predicament.

2770 **Hon. Mrs I M Ellul-Hammond:** Mr. Speaker, so the patient will not need an appointment in order to get a repeat prescription if he or she has run out of medication?

2775 **Hon. Dr. J E Cortes:** Mr. Speaker, it depends. We are reviewing the process for repeat prescriptions: it does depend on whether it is an emergency, if the repeat prescription is necessary in a weeks' time and there is an appointment tomorrow... But anybody who has absolutely got his or her back against a wall will have an avenue for that repeat prescription to be filled.

Hon. Mrs I M Ellul-Hammond: Mr. Speaker, will the Minister be considering setting up a separate repeat prescription service which does not require taking up an appointment with a GP, as is the case in the United Kingdom?

2780 **Hon. Dr. J E Cortes:** Mr. Speaker, I probably do not have to... Well, I won't say I do not have to answer it, but this not an obvious corollary of the original question. We are looking at the repeat prescription service very seriously in order to make it more streamlined and more patient friendly, but I think that would have had to be the subject of a separate question to the one strictly on appointments.

2785 **Clerk:** Question 399 –

Hon. Deputy Chief Minister: Mr. Speaker we would like to adjourn.
I have the honour to move that the House do now adjourn until three o'clock.

2790 **Mr. Speaker:** Is that convenient to all the hon. Members? Adjournment until three o'clock this afternoon?

It was agreed.

Mr. Speaker: This House will adjourn until 3.00 p.m. this afternoon.

2795 *The House adjourned at 1.00 p.m. and resumed its sitting at 3.00 p.m.*



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 7.20 p.m.

Gibraltar, Thursday, 17th May 2012

The Gibraltar Parliament

The Parliament met at 3.00 p.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Questions for Oral Answer

CHIEF MINISTER

**Security and immigration post
Number of responses to Borders and Coastguard Agency advert**

Clerk: Answers to Questions continue.
Question 372 of 2012, the Hon. D A Feetham.

ANSWER TO QUESTION 461 OF 2012

<u>Applicant</u>	<u>Date of Application</u>
APPLICANT 1	15/05/2006
APPLICANT 2	02/06/2006
APPLICANT 3	05/06/2006
APPLICANT 4	22/08/2006
APPLICANT 5	18/09/2006
APPLICANT 6	01/03/2007
APPLICANT 7	14/03/2007
APPLICANT 8	24/05/2007
APPLICANT 9	11/06/2007
APPLICANT 10	28/06/2007
APPLICANT 11	02/08/2007
APPLICANT 12	03/09/2007
APPLICANT 13	13/09/2007
APPLICANT 14	20/11/2007
APPLICANT 15	30/11/2007
APPLICANT 16	23/06/2008
APPLICANT 17	26/06/2008
APPLICANT 18	18/11/2008
APPLICANT 19	18/03/2009
APPLICANT 20	01/05/2009
APPLICANT 21	01/07/2009
APPLICANT 22	27/01/2010
APPLICANT 23	02/02/2010
APPLICANT 24	04/03/2010
APPLICANT 25	24/01/2011
APPLICANT 26	09/02/2011
APPLICANT 27	01/03/2011
APPLICANT 28	22/03/2011
APPLICANT 29	20/08/2011
APPLICANT 30	10/10/2011
APPLICANT 31	12/10/2011

<u>Applicant</u>	<u>Date of Application</u>
APPLICANT 32	13/10/2011
APPLICANT 33	13/10/2011
APPLICANT 34	20/10/2011
APPLICANT 35	24/10/2011
APPLICANT 36	26/10/2011
APPLICANT 37	26/10/2011
APPLICANT 38	26/10/2011
APPLICANT 39	27/10/2011
APPLICANT 40	02/11/2011
APPLICANT 41	07/11/2011
APPLICANT 42	11/11/2011
APPLICANT 43	15/11/2011
APPLICANT 44	15/11/2011
APPLICANT 45	16/11/2011
APPLICANT 46	22/11/2011
APPLICANT 47	24/11/2011
APPLICANT 48	08/12/2011
APPLICANT 49	12/12/2011
APPLICANT 50	12/12/2011
APPLICANT 51	12/12/2011
APPLICANT 52	14/12/2011
APPLICANT 53	14/12/2011
APPLICANT 54	20/12/2011
APPLICANT 55	03/01/2012
APPLICANT 56	06/01/2012
APPLICANT 57	07/01/2012
APPLICANT 58	09/01/2012
APPLICANT 59	11/01/2012
APPLICANT 60	12/01/2012
APPLICANT 61	16/01/2012
APPLICANT 62	18/01/2012
APPLICANT 63	19/01/2012
APPLICANT 64	24/01/2012
APPLICANT 65	26/01/2012

Applicant	Date of Application
APPLICANT 66	26/01/2012
APPLICANT 67	26/01/2012
APPLICANT 68	30/01/2012
APPLICANT 69	31/01/2012
APPLICANT 70	01/02/2012
APPLICANT 71	07/02/2012
APPLICANT 72	10/02/2012
APPLICANT 73	20/02/2012
APPLICANT 74	20/02/2012
APPLICANT 75	22/02/2012
APPLICANT 76	22/02/2012
APPLICANT 77	22/02/2012
APPLICANT 78	29/02/2012
APPLICANT 79	10/03/2012
APPLICANT 80	15/03/2012
APPLICANT 81	20/03/2012
APPLICANT 82	22/03/2012
APPLICANT 83	22/03/2012
APPLICANT 84	25/03/2012
APPLICANT 85	28/03/2012
APPLICANT 86	29/03/2012
APPLICANT 87	05/04/2012
APPLICANT 88	10/04/2012
APPLICANT 89	13/04/2012
APPLICANT 90	17/04/2012
APPLICANT 91	24/04/2012

<u>Applicant</u>	<u>Date of Application</u>
APPLICANT 92	28.11.2011
APPLICANT 93	03.09.2011
APPLICANT 94	17.12.2011
APPLICANT 95	24.10.2011
APPLICANT 96	13.01.2012
APPLICANT 97	12.01.2012
APPLICANT 98	18.06.2008
APPLICANT 99	08.09.2004
APPLICANT 100	30.09.2005
APPLICANT 101	03.07.2008
APPLICANT 102	22.03.2011
APPLICANT 103	09.12.2011
APPLICANT 104	20.01.2012
APPLICANT 105	30.01.2012
APPLICANT 106	31.01.2012
APPLICANT 107	23.11.2011
APPLICANT 108	18.06.2008
APPLICANT 109	04.07.2006
APPLICANT 110	07.12.2011
APPLICANT 111	07.02.2012
APPLICANT 112	08.02.2012
APPLICANT 113	20.01.2012
APPLICANT 114	17.02.2012
APPLICANT 115	16.02.2012
APPLICANT 116	20.02.2012
APPLICANT 117	21.11.2011
APPLICANT 118	05.12.2011
APPLICANT 119	26.11.2011
APPLICANT 120	02.02.2012

<u>Applicant</u>	<u>Date of Application</u>
APPLICANT 121	02.12.2011
APPLICANT 122	13.03.2012
APPLICANT 123	06.12.2011
APPLICANT 124	12.01.2012
APPLICANT 125	07.03.2012
APPLICANT 126	16.03.2012
APPLICANT 127	15.03.2012
APPLICANT 128	21.03.2012
APPLICANT 129	07.03.2012
APPLICANT 130	26.03.2012
APPLICANT 131	20.03.2012
APPLICANT 132	26.03.2012
APPLICANT 133	28.03.2012
APPLICANT 134	24.03.2012
APPLICANT 135	28.03.2012
APPLICANT 136	13.04.2012
APPLICANT 137	16.03.2012
APPLICANT 138	24.02.2012
APPLICANT 139	30.03.2012
APPLICANT 140	10.04.2012
APPLICANT 141	13.04.2012
APPLICANT 142	10.04.2012
APPLICANT 143	19.04.2012
APPLICANT 144	05.10.2011
APPLICANT 145	24.04.2012

<u>Applicant</u>	<u>Date of Application</u>
(DEFERRED CASE NO.1)	25.05.2006
(DEFERRED CASE NO.2)	15.08.2006
(DEFERRED CASE NO.3)	14.02.2008
(DEFERRED CASE NO.4)	01.08.2008
(DEFERRED CASE NO.5)	02.12.2009
(DEFERRED CASE NO.6)	26.07.2008

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Hon. J J Netto: Mr Speaker, I wonder whether the Chief Minister is in a position, perhaps, to say when is the likely date that, maybe in the foreseeable future, when some of these applications may come to fruition and, if so, could he speculate as to the number of successful applications.

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Hon. Chief Minister: Well, Mr Speaker, as was the case, I assume, when the hon. Members were in Government, there is a steady stream of applications, about 10 a week – I assume that steady stream will stop at some time. I can tell him that there are 145 persons on the list, as he now knows, and that, since 1st January... nothing had happened between 9th December and 1st January.

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Since 1st January we have naturalised a total of 106 Moroccans who had applied and 29 other nationals – that is a total of 135 – by applying the same policy criteria that had been used to naturalise before.

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The hon. Gentleman will not be able to discern from the list I have given him, how many of the people on that list – of the 145 – actually would be entitled to be naturalised based on the criteria used before 9th December – which has been the same one maintained after 9th December – because there are some people there who may have been here for more than 5 years but less than 10, and some people who have been here for more than 10 years but less than 20. Therefore, there may be an issue with different people qualifying for the exercise, or rather for the right, to be naturalised, in that sense. So I do not think it is possible to give any indication in respect of each of the individuals on the list, because each case is different and there may be...

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What I can tell him is that I meet – I think it's fair to say, on a monthly basis, because Immigration and Civil Status is one of my responsibilities – I meet on a monthly basis with the Principal Immigration Officer and with the Chief Secretary, so that we go through all of the pending applications. If there is a policy decision which affects an applicant coming within the policy which enables them to have the naturalisation, then that is happening on a monthly review basis.

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Hon. J J Netto: Thank you, Mr Speaker.

GSLP economic growth forecast Government position

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Clerk: Question 462, the Hon. D A Feetham.

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Hon. D A Feetham: Does the Chief Minister still believe that the Government is on course to meet his party's prediction at the last Election, of 50% economic growth over the next four years?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo):: Well, Mr Speaker, before starting the answer which is written, which I am going to read out I should say, but of course it is not just my party, it's my party and the Liberal Party that fought the Election together and our manifesto was a joint manifesto.

Mr Speaker, this question seeks an opinion which, under the provisions of Standing Order 17(1)(vii), should not be the subject of a Question in this House. In any event, Mr Speaker, I am going to reply and I am going to say that I am happy to disappoint the hon. Gentleman, by reaffirming to him that we, on this side of the House, all remain confident of meeting our manifesto commitments.

**European investors
Progress made since answer to Question 81/2012**

Clerk: Question 463, the Hon. D A Feetham.

Hon. D A Feetham: Is the Chief Minister in a position to update this House on any progress he may have made with the European investors he said he had up his sleeve, since he answered Question No. 81 of 2012?

Clerk: Answer, the Hon. the Chief Minister

Hon. Chief Minister (Hon. F R Picardo):: Mr Speaker, not in any substantive sense.

Hon. D A Feetham: Well, in what sense has he made progress?

Hon. Chief Minister: In a sense that I cannot announce.

Hon. D A Feetham: Why cannot he announce it?

Hon. Chief Minister: For the reasons I gave in answer to Question 81 of 2012.

**Defence Transfer Adviser
Selection of postholder**

Clerk: Question 464, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister confirm whether someone has been selected to the post of Defence Transfer Adviser?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo):: Mr Speaker, the recruitment process is currently ongoing. My understanding is that interviews are scheduled to take place on Friday 18th May 2012, and one interview was held earlier this week at the request of one of the applicants because he would have been unable to attend on Friday due to a medical appointment.

Hon. D A Feetham: How many people have applied for this particular post?

Hon. Chief Minister: Seven.

Hon. D A Feetham: Is he aware of the rumours rife in town that a particular candidate has already been selected for this particular post – somebody who was, in fact, working in the MoD and is going to retire on a considerable pension – and that he has already been promised this particular post by the Chief Minister himself. Is he aware of this?

Hon. Chief Minister: Mr Speaker, yes, I am aware of the baseless rumour that the hon. Gentleman decides to elevate to the floor of this House.

140 **Hon. D A Feetham:** Will he deny it?

145 **Hon. Chief Minister:** Indeed, Mr Speaker, given that the board that is going to be considering these applications is made up of the Financial Secretary, the Head of the Human Resources Department, and an SEO in his Department, I would have thought that is a fairly strong board to suggest is going to be in any way subject to *somebody else* determining who the successful applicant is going to be.

150 **Aggregate public debt**
Breakdown by Government debenture issues

Clerk: Question 465, the Hon. P R Caruana.

155 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister give a breakdown by debenture issues as at the 31st March 2012, of that part of the aggregate public debt which comprises Government debentures?

Clerk: Answer, the Hon. the Chief Minister.

160 **Hon. Chief Minister (Hon. F R Picardo)::** Mr Speaker, I will answer this Question together with questions 466, 467 and 469.

165 **Aggregate public debt**
Unrelated to Government

Clerk: Question 466

170 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister say whether, as at 31st March 2012, *any* of the aggregate public debt comprises debt due other than to banks or holders of Government debentures that are unrelated to the Government?

175 **Gibraltar Savings Bank**
Breakdown of debentures and other debt security

Clerk: Question 467.

180 **Hon. P R Caruana:** Will the Chief Minister give a breakdown, by nominal value and issue, of the debentures or other debt security that had been issued by the Gibraltar Savings Bank and remain outstanding as at the 31st March 2012?

185 **Tax receipts for the year ending 31st March 2012**
Breakdown and inclusion in Consolidated Fund Revenue

190 **Clerk:** Question 469.

Hon. P R Caruana: Will the Chief Minister say how much has been collected in respect of (i)

195 Corporation Tax and (ii) Personal Income Tax, during the financial year ended of 31st March 2012, (a) in respect of the current tax year, and (b) in total; and will the Chief Minister confirm that all monies collected during the financial year just ended are included in the forecast outturn of Consolidated Fund revenue for the year ended 31st March 2012?

Clerk: Answer, the Hon. the Chief Minister.

200 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, in relation to questions 465 and 467, I now hand the hon. Gentleman a statement giving the information requested.

ANSWER TO QUESTION 469

Answer to Question 465

Summary of the Public Debt as at 31st March 2012

Government of Gibraltar Debentures

	<u>Maturity Date:</u>	
Pensioners' Monthly Income Debentures		£49,609,100
Monthly Income Debentures		£8,579,800
Special Issue of Monthly Income Debentures 2008		£49,879,200
Limited Issue of 3-Year Fixed Monthly Income Debentures	30/06/2012	£22,375,700
Limited Issue of 3-Year Fixed Monthly Income Debentures	31/12/2012	£33,443,400
Limited Issue of Fixed Monthly Income Debentures	31/12/2013	£15,188,000
Limited Issue of Fixed Monthly Income Debentures	31/12/2015	£70,294,300
Limited Issue of Fixed Monthly Income Debentures	28/02/2017	£68,305,800
Total Public Debt that is comprised of Government Debentures :		<u>£317,675,300</u>

CONTD ANSWER TO QUESTION 469

Answer to Question 467

Summary of Debentures and other Debt Security issued by the Gibraltar Savings Bank as at 31st March 2012:

Gibraltar Savings Bank Debentures

3 Year Fixed Term Monthly Income Debentures (Maturing 1/2/15)	£1,764,300	
5 Year Fixed Term Monthly Income Debentures (Maturing 1/2/17)	£19,648,800	
Monthly Income Debentures (Issued 17/1/12)	£440,800	
Monthly Income Debentures	£10,253,000	
Pensioners Monthly Income Debentures	£7,305,700	
Other special Debenture Issues @ 2%	<u>£2,275,492</u>	
		£41,688,092

Gibraltar Savings Bank Bonds

10-Year Accumulator Bond (Issue date 01/02/12)	£791,800	
Guaranteed Superannuation Fund Bond	£904,045	
8% Provident Trust Fund No. 2 Pension Scheme EX Bond 1	£562,766	
8% Provident Trust Fund (Bond 1)	£2,576,301	
8% Pension Rights and Gratuity Transfers (Bond 2)	£4,676,159	
8% Provident Trust Fund No. 2 Pension Scheme - EX JMH	£87,033	
Gibraltar Provident Trust (J.M.H.) Pension Scheme	£251,723	
GSL 11% Bond	<u>£21,152</u>	
		£9,870,979
Total Gibraltar Savings Bank Debentures and Bonds as at 31st March 2012		<u>£51,559,071</u>

In relation to 466, the aggregate public debt is comprised solely of debt that is due by the Government to banks and to holders of Government debentures. (*Interjection*) Yes, of course.

Mr Speaker, on 466, the aggregate public debt is comprised solely of debt that is due by the Government to banks and to holders of Government debentures.

Mr Speaker, in relation to 469 –

Hon. P R Caruana: That are unrelated to the Government [*inaudible*]?

Hon. Chief Minister: That are not related to the Government.

Is that not what the Question asked for? That is the answer I have been given by the Treasury.

So, Mr Speaker, I can confirm, in relation to Question 469, that all monies collected during the financial year ended 31st March 2012 are included in the forecast outturn of the Consolidated Fund revenue for the said year.

The specific figures that the hon. Gentleman has asked about, as he is aware, are already in his possession and are reflected on page 6 of the Confidential Draft Estimates of Revenue and Expenditure for 2012-13, at Head 1 of Consolidated Fund Recurrent Revenue, sub-heads (1) and (2).

The figure, Mr Speaker, remains confidential to Members of this House and of the Treasury – and, I guess, the printers who prepared it – until such time as we have the debate on the Appropriation Bill.

Hon. P R Caruana: Mr Speaker, well, if I can just deal with the last point first: that was not the question.

I *know* that the forecast outturn of Government revenue is to be found in the book: that is not the question that I have asked him. The question that I have asked him is whether *all* of the income tax collected before the end of the financial year, regardless of whether it is attributable to one tax year or to another, are accounted for in the forecast outturn of the book that, in other words, are accounted for in the number to which he has referred in his answer. In other words that there is no... that the hon. Members have not adopted any practice of saying, “If we have collected money for next year’s tax in advance, we are holding it on account or in suspense, and we will bring it into account next year”. No... that is the question.

The answer is ‘no’, then.

Hon. Chief Minister: No, and I think there is agreement across the floor of the House that it is a cash account and, therefore, we do not do that.

Hon. P R Caruana: Exactly.

Well, Mr Speaker, if I could just have a moment to... If I could just press him to clarify his answer to Question 467, because he quoted back the whole of my question in his answer, except the bit that I am concerned with, which is, ‘unrelated to the Government’, in other words, the banks to which public debt is owed are, for example, Barclays Bank and NatWest, and not, for example, the Savings Bank, so there is no... the Savings Bank is not buying Government debentures. That is the question, really.

Hon. Chief Minister: Actually, that is not an issue that need concern the hon. Gentleman.

Hon. P R Caruana: So the answer is ‘no’, that is not happening

Hon. Chief Minister: No, that is not happening.

Gibraltar Savings Bank Management of expanded facilities

Clerk: Question 468, the Hon. P R Caruana.

Hon. P R Caruana: Yes, Mr Speaker, can the Chief Minister say, what is the Government’s intention as to who will manage the expanded Gibraltar Savings Bank for which they have purchased the ex Marrache & Co office building in Main Street? And who will make decision on such things as the making of loans to businesses, or the issuing of credit guarantees to businesses?

Clerk: Answer, the Hon. the Chief Minister.

260 **Hon. Chief Minister (Hon. F R Picardo)::** Well, Mr Speaker, the Gibraltar Savings Bank, which will be housed at the ex-Banque Indosuez building alongside the Treasury Department which will also move there, will continue to be managed by the Treasury Department, under the direction of the Director of the Gibraltar Savings Bank, who is a Public Officer, designated by the Government from time to time for this purpose under the Gibraltar Savings Bank Act.

265 At present, as I think was the case when he was holder of this Office, the Director of the Gibraltar Savings Bank is the Accountant General. The provision of loan facilities for small business to help them expand and see them through periods of difficulty and the operation of a loan guarantee scheme for such small businesses are also stated aims of the expansion and the criteria and management of that will be subject of a public statement when it commences.

270 **Hon. P R Caruana:** So, Mr Speaker, is the hon. Member saying that those facilities will be managed by the Accountant General, too – in other words, the decisions to make small loans and small loan guarantees? And / or, because you could guarantee a loan made by another bank, or you could make the loan yourself, or you could issue the guarantee, so by any permutation, regardless of the permutation, whether it is direct or indirect... The point I am getting to, Mr Speaker – and I will get to it directly, rather than in layers – is, does the hon. Member accept that the questioner is, in principle, in favour of an expanded role of the Savings Bank and is *in principle* in favour of Government promoting and even taking a minority shareholding in a Bank for Gibraltar because, for any number of reasons, we think that one is necessary. So that is where I am coming from.

280 But does the hon. Member accept that, even if there is consensus on the desirability of such a thing, there are many ways of doing it and there are some ways upon which we might disagree. For example, if you look at the experience of the Spanish local savings banks, the regional, the so-called *Cajas*, and even the German *Länders*, wherever, *wherever* in Europe historically there has been *politically* controlled financial or banking institutions, it has *always* resulted in lending decisions or risk taking decisions driven by political considerations and not strict economic, prudent risk management operations, with the taxpayer ultimately exposed to the consequences of it. Does the Hon. the Chief Minister share our view that that is a concern, and a risk that needs to be guarded against?

285 Would he, therefore, not prefer what would have been our approach – because we would have pressed forward with something like this if we had won the Election – along the lines of a more privately managed bank, with professional management and professional private sector risk taker, with private sector capital, with the Government at best in some sort of minority but non-controlling decisions, so that the Government does not feel under pressure – under political pressure – for the decisions that the bank makes, or declines to make, in terms of supporting or not supporting particular potential applicants for small business loans and others?

290 **Hon. Chief Minister:** Mr Speaker, he need not concern himself with the idea of political involvement in loaning etc. I don't know that I can accept the premise that he has made. He has drawn it pretty widely, that *every* bank which has involved... I mean it may be that he is right: certainly, those that have hit the news seem to have had that problem and most of them that hit the news that are of the sort that he describes have involved politicians somehow being in the mix in some sense.

295 That is not what we are envisaging here. We think that there is a *different* way of doing this. We do not envisage any of the concerns that the hon. Gentleman has articulated being relevant, in the way that this may become a reality. He will, no doubt, agree with me that it is not *only* the way that the hon. Gentleman has described the potential alternative that could materialise, there are different permutations that could materialise here. You could, for example, have third party lending institutions involved in assessing the risk and granting the loan and the Government – not the Government, the Gibraltar Savings Bank – agreeing, under certain agreed parameters, perhaps involving the Chamber of Commerce and the Federation of Small Businesses ticking off what those criteria should be, involved in some guarantee scheme.

300 There are very many different permutations. Many of those are the ones we are looking at at the moment. None of them would give rise to the sort of concerns that *he* has articulated this afternoon.

**Commercial use of airfield
Current status of agreement with MoD**

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Clerk: Question 470, the Hon. P R Caruana.

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Hon. P R Caruana: Mr Speaker, will the Chief Minister say what is the current status of the agreement between the Government and the United Kingdom Ministry of Defence relating to the commercial use of the airfield?

Clerk: Answer, the Hon. the Chief Minister.

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Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the agreement between the Government and the MoD on the commercial use of the airfield expired on 31st December 2011. The parties have agreed to hold over on the same terms, pending discussions and further negotiations until the end of September 2012.

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Hon. P R Caruana: Mr Speaker, can the hon. Member confirm that the Government has continued... the agreement has been held over, so it has expired but it continues in operation: in other words, the Government is paying and it continues to operate as if it was still in force?

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Hon. Chief Minister: We have agreed to extend the period of validity of the agreement, with both parties continuing to talk about how it should be renewed, or not renewed, for nine months, so therefore we have continued, or we will continue, until the end of September 2012, to have an obligation to pay the amounts which are relevant in respect of that agreement, as if it had been continued or expired at the end of September.

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Hon. P R Caruana: Mr Speaker, does the hon. Member consider that the criteria that the predecessor Government – that is us – applied in entering into the agreement in the first place continue to prevail – assuming that he accepts that they ever prevailed! – but that they continue to hold good, namely that if Gibraltar is to be able to... if his colleague the Minister for Tourism and Aviation – I can't remember which of the two he has given this particular function to – if they are to go abroad with confidence to try and promote the route, to try and develop routes, to try and encourage airlines to come to Gibraltar, it is *essential* that the decisions as to tariffs and things of that sort that airlines are charged *must* be in the control of the Gibraltar Government because airlines are increasingly cost sensitive. What is not acceptable is for the Ministry of Defence to do with tariffs what they please, regardless of the implications of those *[inaudible]* to airlines' willingness to either continue on the route, if they are already here, or to be attracted to the route if they are not. In other words, we cannot go around promoting a resource, an amenity – that is going to become the word that *[inaudible]* (*Laughter*).

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We cannot go around promoting an amenity, the attractiveness of which, and therefore other people's ability to enjoy, is in the hands of somebody *other than* the Gibraltar Government. *That* is what caused the Gibraltar Government to consider it desirable to obtain the degree of management control that we now have over commercial use of the airfield, including setting of tariffs, keeping of tariff revenues, in exchange for contributing half of the operating costs of the runway. Even though I do not know in what circumstances it has arisen, but even if the hon. Members want and attempt to renegotiate some of it, that the underlying premise remains that the hon. Members are not contemplating handing control of it back to the Ministry of Defence who will make decisions by a quite different set of criteria.

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Hon. Chief Minister: Well, Mr Speaker, the hon. Gentleman would have known – which we found out – that the agreement that he refers to expired exactly three weeks after we were elected, and part of that period involved the Christmas celebrations and holidays. So, Mr Speaker, we are in the process of discussing with the MoD a lot of the issues that arise. I am sure that even if he had been returned to office he may not simply have asked that it be renewed in exactly the same terms. I accept why it is he said *he* was concerned to enter in to such an agreement. I think that there are valid concerns that he raises which continue to be valid.

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I think the operation of the agreement has thrown up some issues that we need to look at quite carefully in order to protect Gibraltar's interests in respect of such an agreement. But I do not believe, Mr Speaker, that the analysis that the hon. Gentleman does is exactly right. In other words, it is not that the RAF takes *control* again of the issue, it is that the RAF *has control* of what they charge at the moment: it is simply subject to the

agreement with the Government that that charge is raised as a fee to the Government and the Government then charges... (*Interjection*)

Yes, I think, Mr Speaker, it is the case for this reason – I will allow the hon. Gentleman to question me from a sedentary position to this extent – there is an agreement now, there is a flat fee paid and the Government fixes landing fees. That agreement was calculated, as I understand it, based on an estimated number of landings and that is how the calculation was arrived at. That is, at least, the impression that we were given, but if the hon. Gentleman wants to say something about it in a minute, I will accept, if he does have something to say, he should tell us.

So, Mr Speaker, that criteria that the hon. Gentleman has referred to is a very important part of what it is that we are looking at. Of course, it is. But there are other issues which are relevant also. I have no difficulty, Mr Speaker, in having a word with him afterwards about what those may be but, although the MoD is not a third party commercial concern, it is on the other side of the negotiating table on this issue. Therefore, I am happy to listen to what he has to say, but perhaps we could have a chat later about some of the nuances of what we are thinking of.

Hon. P R Caruana: Well, Mr Speaker, I can tell him that, I don't know who has given him *that* explanation of how the agreement is structured, but it is certainly not correct.

There is no question here of the MoD establishing tariffs and being a flat fee. It is the fact that the Gibraltar Government sets whatever tariffs it wants, is *entitled* to the revenue from the commercial use of the airfield, whatever it might be: that is in our hands, so the MoD no longer get a share of... they no longer benefit from... except that there are either some revenue profit-sharing... From memory, there may be some sharing beyond a certain level, but all of that in exchange for the Government's payment of half the opex of the operating costs of the airfield which, regardless of whether that results in a profit or loss for the Government – and it might or might not result in a profit or loss – depending on the *success* of attracting services to the airfield, especially as the Government also gets other sources of revenue from increased services that *can* be attracted by cheaper tariffs than the RAF may have established. We get passenger taxes and other things... rather, Gibraltar does. And that is the nature of the agreement,

Mr Speaker, this is not an issue that I have. I mean, I believe that it is hugely in Gibraltar's interests for the Gibraltar Government to be in that sort of operational control of the commercial operations of the airfield so that it is the Gibraltar Government who, in the macro-economic interests of Gibraltar, decides at what level to pitch the tariff. It might want to subsidise them as a means of attracting airlines that would otherwise stop coming to Gibraltar: that decision to do that, or not to do that, has to be a decision taken by the Gibraltar Government and the pricing policy cannot be left to the MoD, that will make it for budgetary reasons, regardless of the macro-economic impact on Gibraltar.

Now that is the objective. For the rest of it, if the hon. Members can negotiate a better deal than we were able to negotiate, good for the hon. Members opposite. I am not concerned with a photocopy extension of the new agreement. Simply, the thrust of my questioning is just to seek from the hon. Member some sort of commitment to the underlying principle of the importance of Gibraltar being in control of what is, ultimately, an important macro-economic factor.

If there is to be a renegotiation, that is a bilateral matter between the Government, in the first place, between the Government and the MoD, but I will say to him this: if he has the slightest doubt or if, in that renegotiation with the MoD, the conversations of the agreement that was first, and what was said and what it meant – if any of that – is not available to him, on our side, I am perfectly happy to provide the Gibraltar Government with such continuity of input, of the history of the original deal, if he thinks that there is the slightest doubt that the original scheme might be being misrepresented to him and that that might, somehow, impair his ability to seek a successful renegotiation.

Hon. Chief Minister: Mr Speaker, I am grateful.

You see, I am not suggesting that he could have done a better deal two years ago, or four years ago or six years ago – I do not know what the length of the current agreement had been.

What I am saying is that, having lived out the period of its validity, it is now possible to go back and analyse what were the things that were envisaged, how those have materialised, how they have not materialised, and how it may be possible, for that reason, to seek a more advantageous determination of any agreement that there may be, or a different way of doing what the hon. Gentleman is saying, which we, on this side of the House, agree with, namely that, in terms of the commercial operations of the airport, the

Government must be the ones that can go around telling commercial operators what it will cost them to land at Gibraltar. Now there are many different ways of achieving that, and the hon. Gentleman did one of them, which was to do an agreement with the RAF, or the MoD, in effect, to say, right, I will pay half of what you call your opex here, and I will then bear any losses, or pocket any profits, in respect of commercial landing fees that we are able (*Interjection by Hon. P R Caruana*) to recover from the airlines in that respect. I accept that that was *achieved* by the first agreement: he will agree with me, not very profitably.

Now, I think that that is an issue that we are looking at in a way that he, I hope, if we are able to deliver a more profitable equation, will agree it is not just good for us, as he said, but good for all of us. I am not pretending that there might have been any negotiating failure on his part. It is only after the agreement had lived out its *initial* life that it would be possible to analyse backwards whether the cost benefit analysis was based on the equations that he had on the table when he did that negotiation. Those are the issues we are looking at.

Hon. P R Caruana: Well, Mr Speaker, I do not want to risk straying into the public airing of issues that might benefit one side – the other side – more than our side in the negotiation, but as to whether it was profitable or not, that depends on how you measure profitability.

In the first place, it depends on what revenue he is putting on the other side of the column, against the 50% share of operating expenditure. If he is just putting against the revenue, against the operating expenditure contribution, if he is only putting the landing charges or the parking fees – which is what that buys us control of – (*Interjection by Hon. Chief Minister*) well, obviously, that does not produce a profit. But if he puts in the passenger taxes, the economic benefit of business done through the terminal by passengers and then factors, into both of those, passenger taxes and all of that, the traffic that might *not* have been generated if the MoD had priced the cheaper airlines out of the market, and then not only would we have lost the revenue but, more importantly – because, at the end of the day, Gibraltar needs to have an airport, like all these other places, even if it is subsidised by the Government: obviously we would like the subsidy to be as little as possible, but I do not think anybody is suggesting, and I hope *they* are not suggesting, that we do not want an airport unless it is cost neutral – if you measure profitability as a book-keeper would measure it, in our view that would not be the right way to do it.

You have got to value the macro-economic and societal benefits of having multiple services, by multiple airlines, who might not come unless the Government is in a position to give them discounts and deals on landing charges, and have a tariff structure with which they are content to come. *He* knows just how price conscious international airlines now are, and he knows very well that in most regional airports in Europe – not all – but in most regional airports in Europe, the airport authority actually pays the airline to come to the airport. One famous low cost airline came to us, demanding that, and we said ‘No, thank you’, so the economics of an airport are not as simple as the hon. Member says, and I would ask him to acknowledge that profitability depends on how you measure it.

Hon. Chief Minister: Absolutely, Mr Speaker.

He is absolutely right about that and you can put on the column of profitability just the landing fees, just the parking fees or you can add the passenger tax etc. At some stage, you have also got to say ‘Well, if I take this into the column in the analysis of *this* agreement’ – and I am going to ask him that we please not carry on, and continue this conversation outside – ‘all of those streams of revenue, then you have got to take it again out of your subsidy to the maintenance cost of the airport.’

In other words, either these things go towards the running of the airport, or they go *here* towards mitigating what this agreement costs us. But, look, that is the book-keepers’ approach, which I am not taking to the [*inaudible*]. I am keeping the book-keeper well at bay on this issue (*Interjection and laughter*). I understand that there are opportunity costs here, I understand that there are wider issues than just pounds, shillings and pence, based on tourism, availability of the sort of flights that we want to have, not just in terms of low cost airlines but also the airlines that provide the sorts of services, as a finance centre, we want to have available.

So it is not *just* an economic analysis, but there are economics here as part of the analysis, I hope you will agree. Therefore, looking at that equation and the formulae, that is where we are in terms of analysing where this agreement should go in its next incarnation.

**Positions filled without advertising or formal selection
Details of all Government or related posts**

Clerk: Question 471, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, will the Chief Minister give details of all persons, if any, employed by, or promoted to, a more senior position within the Government, the GDC or any Government Company, Agency or Authority without a public advertisement of vacancy followed by a selection board?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Well, Mr Speaker, in respect, first, of civil servants, a Senior Executive Officer has been upgraded to Assistant Human Resources Manager with effect from 26th January 2012 – and please note that, for pay purposes, her salary is a fixed point between the maxima of the Senior Executive Officer and the maxima of the Senior Officer – having been Acting Human Resources Manager from September 2010.

A Senior Executive Officer has been upgraded to Senior Officer with effect from 3rd January 2012 in the Parliament, upon the post of the Clerk to the Parliament having been upgraded in like manner. Both cases were referred to the Public Service Commission, for their recommendation to the Governor.

In the Gibraltar Sports and Leisure Authority, two Clerical Assistants who are GSLA Grade 9s... (*Interjection by Hon. P R Caruana, followed by laughter*) – I maintain that the hon. Gentleman is more fun to deal with when he is being angry than when he is making fun of me! (*Laughter*). So two Clerical Assistants in the GSLA have been employed as from the 1st May 2012. The vacancy was advertised but no selection process carried out because both were long-term trainees through the ETB who had applied for the posts in question. A Sports and Leisure Assistant, who was a GSLA Grade 13, has been employed to commence work on 1st June 2012 – this vacancy was not advertised nor a selection board carried out because, in this case, the person is a long-term trainee on a sheltered employment basis; and an Assistant Pool Manager, GSLA Grade 11, three Pool Operatives/Lifeguards at GSLA Grade 13 and a cleaner have been employed to commence work on 1st June 2012. These vacancies were not advertised: these persons were all ex-GASA employees who have been retained by the GSLA, as the Authority who will be taking over all responsibilities for the running of the swimming pool complex as from that date – from 1st June 2012. However, they were all interviewed to assess their suitability.

Hon. P R Caruana: Mr Speaker, dealing with the civil servants first, I actually was a very strong believer that people should be, in appropriate cases, upgraded in post. The Civil Service Union would come in on behalf of a particular officer and say we think this Officer is doing a job which appertains to a more senior grade, therefore we claim on his or her behalf that he or she be upgraded, and, of course, on occasions the Government agreed and, on occasions, the Government disagreed. That is called upgrading in post, in other words the person gets upgraded with the post because the person is doing a job that appertains to a higher grade or post. But when the Government wanted to do that – I do not know whether he is aware – as a matter of management judgement, rather than as a matter of union claim, this was a bellicose act. So upgradings in post were okay when the *Union* claimed it, but absolutely *verboden* when the Government wishes to do it. The question, therefore, is this: has the GGCA or Unite objected to the cases that he has announced, in terms of the Civil Service, of people upgraded in post, have they complained about that? And is he satisfied that it is consistent with his manifesto for the Civil Service which, as I recall, suggested that in future promotions would be on a different basis.

Hon. Chief Minister: Well, Mr Speaker, in respect of the first, which is the Human Resources aspect, we are talking about the person – without naming them because I do not think it is appropriate to do so – who had been the Acting Human Resources Manager for two years, that was put in this position, (*Interjection by Hon. P R Caruana*) Mr Speaker, with close consultation with the GGCA. Mr Speaker, I say that because one of the key things that the hon. Gentleman will have seen in our manifesto was this question of the Civil Service Review and the effect of the Civil Service Review and the filling of vacancies etc etc required that the Human Resources Department should be able to operate, and he will know that in the last 2 years of his Administration there had been no Human Resources Manager, and for that reason Mr Speaker a Human

Resources Manager has now been appointed and this individual has been upgraded to Assistant Human Resources Manager with the Union so that was not an issue.

Mr Speaker, in respect of the other post, the issue has been for us that this Parliament is changing. The hon. Gentleman knows that that is the case and we are bringing much more work to the Parliament, we are meeting on a monthly basis and therefore we believed it was appropriate that the post should be upgraded to the post of Senior Officer. I don't see that that conflicts in any way with the approach that we have agreed to take and had set out in our manifesto, would be the way to deal with things in the Civil Service if we were elected. So I don't think that's an issue at all.

Hon. P R Caruana: Mr Speaker, the merits or lack of merits of the particular Civil Service examples that he has given is not what concerns me.

I am concerned with process. *Either* the Government believes that promotions within the Civil Service and, indeed, recruitment *into* the Civil Service should be by public advertisement and Public Service Commission or departmental – depending on the grade – selection board, followed by PSC approval, endorsement – and therefore it must do so in all cases – or it does not believe in that, and like us – *like us*, like my Government when we were on that side of the House – it believes that the Government, as a management device, *should* have available to it the power to upgrade people in post in appropriate circumstances.

Now, Mr Speaker, the practice that *he* has described, which we did *too*, is not a practice that the Civil Service union approved of – yes, Mr Speaker – and obtained from us an assurance that we would not carry it out.

Mr Speaker, if I can move on, if I could ask him a supplementary. Yes, upgradings in post... in other words, the Clerk of the House is under-graded for... the Clerk or whoever of the House, for example, is under-graded, for the nature of the work or the nature of the responsibility, or the volume, or a combination of all of them *and*, therefore, should be re-graded up to a higher post, and then the question arises, whether the incumbent in the original post should either be moved up with the upgraded post, or whether the upgraded post should be opened, with the risk that the incumbent may not win it – which I always thought was a *complete and utter nonsense* when the reason for the post, amongst other reasons, was that the incumbent was doing, successfully, the work that justified the post being upgraded in the first place.

All I am saying to the hon. Member is that that was hugely objectionable to the Civil Service unions at the time and I resisted them for as long... and one of the issues which did for the Civil Service reform was the widespread criticism of that very practice by the Government. This is the only reason why I am asking him.

Now, if I could ask him a question about the non Civil Service, particularly the GASA ones: these, presumably, Mr Speaker, I think I have correctly understood him to say, that there were two employees of GASA – which is not a Government organisation: I don't know if it is a company or a club or something, that currently runs the swimming pool, the original covered swimming pool which, apparently, the Government is now taking over, which I applaud, because that is something that I would have wanted to do as well, if I had been there. I think it is the logical thing, that that gets incorporated into the Sports and Leisure Authority – what the hon. Member appears to have told me, if I have correctly understood him, is that GASA's employees have been absorbed as part of the takeover, so to speak, into the taking-over organisation.

Mr Speaker, that may be fine and I do not criticise that, either, but when the Government, when *my* Government did that in respect of the employees of Knightsfield Holdings when *its* activities were going to be absorbed into the Culture and Heritage Agency, the hon. Member went off to the Principal Auditor and got him to write a report to suggest that there was some irregularity or impropriety about that arrangement, when all we had done was exactly the same thing. Government was going to take over the activities of Knightsfield Holdings, the activities of Knightsfield Holdings were going to be taken over by the Culture and Heritage Agency and the Government simply, therefore, said 'We'll take over the activities *and* the employees'.

Does the hon. Member accept that it is exactly the same transaction. If the Government takes over an activity, it cannot just leave, high and dry, the employees that used to be doing that activity with the previous organisation: you take over the undertaking, the employees, the activity and the facilities. That is exactly the same thing. (*Interjection*) Yes, paid employees.

Hon. Chief Minister: Mr Speaker, no I don't accept that premise, for this reason. Mr Speaker it is one thing to on an effective transfer of undertaking to take on 3 or 4 people at the swimming pool to continue to do what they were doing even though the organisation that runs it becomes a different one at the same pay and on the same terms and conditions that they were involved in. It is *quite another*, Mr Speaker, to take over an

organisation not by buying its shares, doesn't have to require, doesn't have to be the position – (*Interjection by Hon. P R Caruana*) – doesn't have to be the position in respect of a transfer, but taking over its activity and changing the terms and conditions of everybody who is coming over and bringing some new people into that equation as we had the debate in this House some time ago, *a dedo*, Mr Speaker, and creating a whole new different organisation.

Mr Speaker, that was the equation upon the creation of the Gibraltar Culture and Heritage Agency, that is what we disagreed with, that is what we believe the report from the Principal Auditor also highlights and that is why we think there is absolutely no possible comparison between the two. Mr Speaker, in terms of upgradings – and I know that the hon. Gentleman did a lot of it whilst he was in Government, I have just got what he did in the last year Mr Speaker – (*Interjection by Hon. P R Caruana*) – I'm going to, I mean again Mr Speaker I would rather he got angry, he is easier to deal with than when he is trying to be funny.

So Mr Speaker, I do not recognise any equilibrium between the two examples that he has provided.

Hon. P R Caruana: Mr Speaker, he may not see any equilibrium. I have read the Principal Auditor's report: he was good enough to send it to me privately and confidentially, in a manner that I cannot now allude to, as he does. He alludes to its contents, but I who have now read it –

Hon. Chief Minister: Point of Order, Mr Speaker.

I am quite willing to assist the hon. Gentleman. What I said to him at the time – I said to him across the floor of the House and in the letter that I sent him with the report – was that it was being sent to him on the basis that he would not refer to the names of the individuals who were referred to in it.

Other than that, I have no difficulty with him constructing such defence as he wishes, based on what he has seen of the Principal Auditor's statement. That is what *Hansard* will show I have said, and what I think my letter reflected.

Hon. P R Caruana: Mr Speaker, I am very grateful for his clarification. I intend to do precisely that.

The point, Mr Speaker, is that what the Principal Auditor was commenting on was on the very practice that he has now done with GASA: he was simply commenting that there had been *no* recruitment process, and I do not understand why the hon. Member is saying that there were people 'roped in'.

The Government was mopping up from within other Government Departments and from Knightsfield Holdings, a Government contractor. The Government was putting all the activities together under the umbrella of a new organisation called the Culture and Heritage Agency and was pooling the premises, the people and their functions and responsibility, and bringing them all under one roof.

Some of those people were coming from the Knightsfield Holdings Limited, others were already in the Government. We selected a CEO from No. 6 Convent Place. That has now been reversed and, of course you cannot bring people in to the public sector and have them all working at different rates of pay, so you have got to harmonise their pay and conditions to what a Chief Executive of an Authority earns, and to what the people who are coming from the Civil Service earn and are going to be working side by side. But the *basic activity* of getting individuals from the private sector – in your case GASA, and in our case Knightsfield Holdings Limited – and inducting them as part of a takeover of the undertaking, straight in to the public sector, whether it is as an employee of the GDC or the employee of whatever, without advert, it is exactly the same activity.

That we then said, 'Right, you have not had a pay review as employees of Government contractors for quite some time because the contract had expired and the price had not been renewed', well, Mr Speaker, there is no difference between that and renegotiating the price of the contract and paying more to the company for *them* to pay their staff more, which is how it is normally done and how it would have been done if the Government had not decided to take over the activity, rather than renew the contract.

The idea that the Government could take into the public service employees from a private company that had not been able to keep their income up because the Government had not uplifted their revenue – the company's revenue – and not review the salaries as part of the same activity, Mr Speaker, there are people in this House who know that that is not realistic. For the hon. Member to try and dress that up as some desire to somehow do something for the benefit of those individuals for extraneous purposes is simply indefensible.

The fact of the matter is that *he* – and I do not criticise it because I do not say it is wrong. It was, in my view, right when we did it, and it is no less right now that they do it. If they take over activities they have to take over the employees that do those activities as well, and I would ask him to agree with me that takeover practice has to include harmonising the pay to the pay that those functions attract elsewhere comparable in the

public service. That is what I admit to doing and I am certainly not apologetic or defensive about it.

645 **Hon. Chief Minister:** Mr Speaker, I do not accept that that is what the hon. Gentleman did, but never let
it be said that I have accused the hon. Gentleman of trying to be more or less generous to any individual for
any reasons which are anything other than him trying to win the last General Election at any price possible,
650 because, Mr Speaker, to say that all of this talk of pay rises, and keeping people at the right level, only
crystallised in his mind when he came back from holiday – I don't think that he went on quite such a long
holiday in August – and on 1st September started his pay-rise tour of the Rock, when he went around different
workshops and they gave 12% here and 17% there, and then absorbed things which had been done outside of
Government for the past 15½ years, but which he felt were *essential* to be done within Government – *and*
with a pay rise – just in time for a General Election, is not to suggest that he is singling anybody out for
655 benefit other than himself, in the attempt to use public money to secure votes!

But Mr Speaker, we do *not* accept that taking in four or five people at GASA because the GSLA is going
to take over the running of the pool, something which he thinks also is a good idea, is the same as creating an
Agency to do something that was being done in a company, bring in new people to the Agency from different
parts of Government and the Private Sector and creating a new pay regime for that entity, Mr Speaker, it just
is *not the same*.

660 I know that the hon. Gentleman is desperate to cling on to the slightest cover that may *somehow* obfuscate
what he got up to that last quarter, in that attempt to win the General Election. Look, Mr Speaker I don't think
I will ever succumb to that. But look, I salute him for giving it a go, but he should not try and suggest
(*Interjection by Hon. P R Caruana*) that our taking on these people who were at GASA into the GSLA, to
665 continue running the pool on the same pay that they were earning before, on the basis of what is, in effect, a
TUPE transfer, has anything to do with what he did in the Culture and Heritage Agency. They are as different
as night and day.

Hon. P R Caruana: Yes, Mr Speaker, as much the difference between night is day, as getting 400
670 trainees and doubling their pay just before the Election in order for them to carry on doing exactly the same
work (**Several Members:** Hear, hear.) as they were doing before –

Hon. Chief Minister: Mr Speaker, on a point of order!

675 **Hon. P R Caruana:** The only political party –

Hon. Chief Minister: Point of order, Mr Speaker!

Hon. P R Caruana: *The only political party –*

680 **Hon. Chief Minister:** Point of order, Mr Speaker!

Hon. P R Caruana: *What the hon. Member is accusing me of...–*

685 **Mr Speaker:** Order! There is a point of order

Hon. P R Caruana: Well, you don't know yet, whether there is a point of order!

Hon. Chief Minister: Yes, Mr Speaker, there is a point of order.

690 **Mr Speaker:** The Hon. the Chief Minister has said he wishes to raise a point of order.

Hon. P R Caruana: Yes, and are you going to let him do it, whether or not – ?

695 **Mr Speaker:** Until I hear it, I cannot say anything about it.

Hon. Chief Minister: Mr Speaker, it is an *obvious* point of order and I am sure the hon. Gentleman will
accept it.

700 We were not able, however much we would have tried to, to raise the salaries of 400 trainees before the Election, because before the Election, it was only he who had the power to do it, and we who had the power, as any political party to *propose* it, but we could not raise their salaries.

Hon. P R Caruana: Mr Speaker, that is not a point of order; it is just a reply to an argument!

705 **Mr Speaker:** No, exactly, it is a reply.

Hon. P R Caruana: Which is what he always does (*Interjection by the Hon. Chief Minister*) and it is you, Mr Speaker, who always permits it! (*Laughter*)
You *always* fall... The Chair *always* falls for the same trick from the Hon. Mr Picardo!

710 **Mr Speaker:** Well, I –

Hon. P R Caruana: I *know* that (*Interjection by Hon. Chief Minister*) he was not Chief Minister before 9th December and I know, therefore, that he did not have the power; but does he really think that that distinction is relevant, forensic, to the political point that we are debating?

715 The fact of the matter is that it was *he* who went around Gibraltar saying to people, ‘If you vote for me, I will double your income for exactly the same as you were doing before for half the income.’ And then he comes to this House and says that *I* was doing it, which I did not, and then he says that roping in, without advertisement, into the public sector, employees of GASA, because the Government was going to take over the pool, somehow that is different from the Government saying to the employees of Knightsfield, ‘Come in, because the Government is going to take over.’

720 And this business about the pay rise, the Government had two alternatives, Mr Speaker! The Government had two alternatives: it could either *renew* the Knightsfield contract –

725 **Hon. Chief Minister:** Where is the question?

Hon P R Caruana: There will be a question. (*Laughter*) This is as much a question as *his* point of order was a point of order! (*Laughter*)

730 Mr Speaker, the hon. Member has to understand that there is a choice. The Government could either renew the Knightsfield contract – and by the way, Mr Speaker, the Culture and Heritage Agency was not set up for the purposes of taking Knightsfield; Knightsfield was one of many activities, many already within the public sector, that were going to be roofed in common under the Culture and Heritage Agency. But the Government had about Knightsfield two choices: include them in this new project or leave them out, renegotiate the annual fee payable to Knightsfield, so that they could increase the pay of their staff, because that is what they had to do.

735 That is why, Mr Speaker, if the Government says, ‘Well, alright, I am not doing that. I am going to bring you in to the Government, that the takeover includes, in part, doing...’ Of course, this applies to the operatives: it does not apply to the senior management, who were, in effect, being placed... I do not know, at either Assistant CEO, or CEO level, the Director of the Company. We are talking about the main body of people.

740 So, Mr Speaker, and I am not... Does the hon. Member acknowledge, that my questions are not designed to disapprove of the things that he is saying to me; simply to compare what he has done with what we were doing and with what the unions used to feel before was unacceptable?

745 **Hon. Chief Minister:** Well, Mr Speaker, look, I am not going to accept or not accept what it is that he has designed the question for. It is up to him to tell us what he has designed the question for and those who wish to accept it at face value will.

But I am getting increasingly concerned, Mr Speaker, that I see the hon. Gentleman almost demob happy. It is not his usual self. He is being far too friendly in the House today and I am just wondering what it is that is around the corner! (*Laughter*)

750 Mr Speaker, on the substance of this, look, I know that the hon. Gentleman is *embarrassed* to have gone around town, just before the Election, with the cheque book, offering always more than 10% –12% here; 16% there; ‘GSD keep trusting, here is your pay rise’, because he had the cheque book before the Election.

Hon P R Caruana: Well, Mr Speaker –

755 **Hon. Chief Minister:** But I am *not embarrassed*, Mr Speaker –

Hon P R Caruana: I have a point of order now.

760 **Hon. Chief Minister:** Here we go!

Mr Speaker: I must listen to the point of order.

Hon. P R Caruana: He must listen to the point. (*Laughter*)

765 This is the *second time*, Mr Speaker, that the hon. Member has said that I went round town with a cheque book, offering, between the summer and the Election, pay rises to people above that to which they might have been entitled. I think the hon. Member at least has got to illustrate that, by giving examples of it. He cannot continue to assert something, which I am telling him is not true, and simply assert... He has to take responsibility for the accuracy of the facts that he asserts in this House.

770 **Hon. Chief Minister:** Mr Speaker, that was definitely *not* a point of order, (*Interjection by Hon. P R Caruana*) but a substantive reply to the remarks being made by me, which I am going to continue to deal with, Mr Speaker, by way of what he calls justifications.

775 It is *known to all* that in those last few months, the hon. Gentleman was offering pay rises. Mr Speaker, he would say, wouldn't he, to people who deserved those pay rises? I make absolutely no qualms about whether people deserved pay rises or did not, but the hon. Gentleman will know that there are a lot of people who he did not get around to in that magical mystery tour with the cheque book, who also feel that they deserved the 15%, the 16% and the 12%. (*Interjection by Hon. P R Caruana*)

780 But, Mr Speaker, for him to try to obtain some element of cover by, first of all, equating what he did with what we have done with GASA and the GSLA and, in particular, the what he calls 'doubling' of salaries of trainees is political desperation of the worst sort. (*Laughter by Hon. P R Caruana*)

Mr Speaker, these trainees were excluded by him and his Government, and in particular by one ex-trade union official who used to be in his Government, who had responsibility at the time when it happened for Employment – although I do not suggest for one moment it was his idea – from the minimum wage.

785 So it is not that we *doubled people's salary* – although I always respect the hon. Member's ability to articulate things in such a pejorative way that they seem to suggest that we have done something nefarious. It is not that we went around saying 'Boys, vote for us for double the salary!' It is that, in a modern European democracy, we went around saying 'Boys, it's a scandal that you have been excluded from the minimum wage in 21st century Europe, and if we are elected, you will be given the protection of the Employment Act,' which does not just deal with salary. It deals with all the other protections that are afforded to those individuals who come within the protection of the Employment Act (**Several Members:** Hear, hear!) – the rights to claim unfair dismissal, etc, etc.

790 To equate that with the attempt – which, as a politician, *chapeau!* He tried it! – to win a fifth General Election with the pay rise mechanism – I put it no higher and no lower than that – is really, Mr Speaker, comparing apples and pears. The two could not be more different.

795 But if I may say so to the hon. Gentleman, Question Time should not be a pretext for debate. He has asked for information. We have provided him with the information. If he feels aggrieved in this respect and he wants to raise the issue in this House, let him put a motion and let us have a debate – but this is Question Time.

800 **Hon. P R Caruana:** So it seems, Mr Speaker, I am not going to get the examples of the things he keeps on accusing me of doing and I take note of the fact that he has declined the opportunity to do so. I have a new supplementary for him.

805 Mr Speaker, he has just said that a Minister of my Government, whose idea he does not think it was, has excluded from the minimum wage, youth trainees etc. Can the hon. Member tell this House, when members of the Youth Training Scheme, the Scheme that was set up by the previous GSLP Government, were ever covered by the minimum wage, which was also established by the previous GSLP Government? When was it ever so? Only if it was ever so could anything that *we* had done have amounted to excluding them from it.

The suggestion that he has made, clearly in ignorance of the history of this matter, is that it was once like

this and we changed it and the effect of changing it was to exclude them. I now ask him to say when it was ever so, for us to have changed?

Hon. Chief Minister: Mr Speaker, I will provide that information to the hon. Gentleman. I cannot provide it on my feet but I will provide it.

Hon. P R Caruana: It is *not the case*!

Hon. Chief Minister: It *is* the case, Mr Speaker; he knows it is the case and I will provide it to the hon. Gentleman.

Hon. P R Caruana: No, Mr Speaker.

Mr Speaker: Order! Order! Order!

Hon. Chief Minister: And, Mr Speaker, if he wants to take the debate further –

Hon. P R Caruana: No, Mr Speaker.

Hon. Chief Minister: If he wants to take the debate further, let him *put a motion*. We have provided the information we were asked for in this question. We have had a debate –

Hon. P R Caruana: No, we haven't had a debate!

Hon. Chief Minister: – quite far from the issues that the question raised, and now, Mr Speaker, he has asked me to provide information, which I cannot provide him on my feet, but which I will provide him.

If he thinks that I am going to try and hide by not providing it to him now, I am quite happy to provide it to him by way of press release rather than by way of letter.

Hon. P R Caruana: Well, Mr Speaker, that may be true, but his colleague in Government that he previously referred to as the book-keeper, who was the architect of both the Youth Training Scheme and the minimum wage can tell him right now that his statement is not accurate.

Hon. Chief Minister: Well, Mr Speaker, the hon. Gentleman will forgive me for now moving that the House do now adjourn for 10 minutes.

I will explain to him – (*Interjection by Hon. P R Caruana*) I will explain to him why – (*Interjection by Hon. P R Caruana*) and it is completely unrelated to the remarks that he was making a moment ago.

Mr Speaker: Yes, I was aware that the Hon. the Chief Minister would want a short recess. The House will adjourn for 10 minutes, thereabouts.

The House adjourned at 4.10 p.m. and resumed its sitting at 4.25 p.m.

Procedural

Clerk: Mr Speaker.

Mr Speaker: If the hon. the Leader of the Opposition intends to pose further supplementaries on the last question we were working on, I think I should express the view that we seem to have drifted far away from the original question, and I would ask him to articulate the next question more in keeping with the original question.

**May Day and Workers Memorial events
Expenditure by Government and Unite**

865 **Clerk:** Question 472, the Hon. P R Caruana.

Hon. P R Caruana: Will the Chief Minister say what has been the total cost to Government from the May Day and Workers Memorial events, and how much of that represents expenditure, the cost of which has been shared with Unite; and, in respect of the latter, what proportion of those costs did the Government bear?

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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo):: Mr Speaker, the total cost of the May Day event was £19,293, of which £14,293 was borne by the Government and £5,000 by the Gibraltar Trades Council, being half the fee of tax.

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The total cost borne by the Government in connection with Workers Memorial Day, amounted to £1,482.

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**Consultancy with former Chief Secretary
Length of arrangement**

Clerk: Question 473, the Hon. P R Caruana.

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Hon. P R Caruana: Mr Speaker, can the Chief Minister say how long he envisages that the consultancy arrangement with former Chief Secretary, Mr E Montado, will endure?

Clerk: Answer, the Hon. the Chief Minister.

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Hon. Chief Minister (Hon. F R Picardo):: Mr Speaker, the consultancy arrangement with former Chief Secretary, Mr E Montado CBE, is not for a fixed period and we have the benefit of it continuing, until such time as the Government and Mr Montado consider it beneficial for Gibraltar.

Hon. P R Caruana: Oh, I see, Mr Speaker, so what he told the House the last time, that it was for transitional arrangements purposes, is no longer the case?

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Hon. Chief Minister: No, Mr Speaker, it is still the case, but those transitional arrangements may take a little bit longer than the hon. Gentleman seems to think transitional arrangements take; or is it that there is a period in which transition occurs? If he can refer me to it, then I will look at the definition that he seems to think is the appropriate one.

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Hon. P R Caruana: Yes, Mr Speaker, the concept of transitioning arrangements is that you transition between one thing and another. Those are not normally open-ended arrangements.

If the hon. Member is saying that what, in effect, is happening is that Mr Montado has returned to No. 6 Convent Place more or less on an indefinite basis, because an arrangement that continues until one or other side no longer wants to continue it, and whilst both remain happy with it, that is true of *every* employment arrangement, to consult, that is not a transitional arrangement. So, is it a transition arrangement or is it an *indefinite* arrangement of a return to No. 6 Convent Place?

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Hon. Chief Minister: Well, Mr Speaker, it would be a fairly ungenerous contract of employment, if it were a contract of employment, which is how the hon. Gentleman has just characterised it, given that it is for no remuneration, as I did clarify at the last opportunity.

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Mr Speaker, actually I should not have taken the hon. Gentleman at his word. What I said, in answer to Question 322 of 2012, was that we had approached Mr Montado last month and asked him to provide advice and support, particularly in relation to the transitional period, but not exclusively.

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So, Mr Speaker, I do not think that the analogy that the hon. Gentleman has drawn is valid in any sense,

and I am delighted to confirm to the House that Mr Montado will be available to the Government as long as the Government wishes him to be available and he wishes to be available to the Government.

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Hon. P R Caruana: So therefore on an indefinite basis?

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Hon. Chief Minister: Yes, Mr Speaker, because that is what 'indefinite' means, (*Interjection by Hon. P R Caruana*) but *not*, Mr Speaker, on the basis of an employment agreement, as the hon. Gentleman sought to characterise a moment ago.

Hon. P R Caruana: Mr Speaker, can the hon. Member say, just by way of indication, since he was appointed, how many hours a week on a typical week has he devoted to these altruistic arrangements?

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Hon. Chief Minister: Well, Mr Speaker, I cannot. I would need to have notice of that question because I am not involved in seeing Mr Montado, when he is at No. 6. He is usually dealing with the current Chief Secretary, Mr Gomez, and other administrative officers, in assisting *them*.

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But, if the hon. Gentleman wants me to seek that information and write to him to inform him or otherwise inform the general public of how many hours we, as a community, need to be grateful to Mr Montado, for him agreeing to provide, free of charge, to the benefit of the Government and the people of Gibraltar, I am delighted to do so.

Hon. P R Caruana: Well, Mr Speaker, there is quite a lot in that statement which is not universally a shared view.

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The hon. Member appears to think that people who are paid for by one party working free for another... that that is an entirely satisfactory arrangement, regardless of whether gratitude to Mr Montado is called for or not. It is not universally believed that such arrangements are either conventional or appropriate.

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It is not *just* a question of a bilateral relationship between the... Clearly, Mr Montado is a greatly experienced, ex-most senior civil servant in Gibraltar, with a huge amount of experience, both in domestic and external matters, and if the Gibraltar Government wants to avail itself of those services, there is nothing wrong with doing so, just as *we* did so in respect of some other civil servants that have retired at a different level from the public administration. But the Government does it directly, and either pays for it, but does not use people's time which is being paid for by somebody else...

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Now, the last time I made similar remarks, all manner of people made public statements to the effect that there was some insinuation of impropriety. There is no insinuation of impropriety to the person who is paying Mr Montado, whilst he is advising the hon. Member; but it is not the *conventional* way of doing these things. The conventional way of doing these things is that the Government engages the consultant directly for a fee, usually, but for nothing, if the consultant wants to do it for nothing; but it is not normal for a private sector entity to deliver the time at their financial expense – which is not to suggest impropriety. There were all sorts of statements about whether I was imputing that this or that was going to happen. I said nothing of the sort, and when the allegations were made publicly, I did not think it necessary to defend myself or to clarify statements that I had not made.

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But it is *not* the normal way that things are done; the normal way that things are done would be slightly different. But the Government... the Opposition does not see anything untoward *at all*, in the Government availing themselves, on a consultancy basis, of whatever advantage the Government may think accrues from clawing back some of the accumulated experience and skill of Mr Montado or any other retired civil servant – except that when *we* did it, the hon. Members disapproved of it, so the disapproval must have been based on the fact that the Government was paying for it, as opposed to somebody else paying for it.

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Hon. Chief Minister: I think I discerned a question there, Mr Speaker.

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It is not all manner of people, Mr Speaker, that raised issues publicly, after the comments made by the hon. Gentleman the last time that this was debated, in March, or was the subject of questions in March; it was the partners of Hassans and Mr Montado himself – not 'all manner of people'.

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So you see, Mr Speaker, the hon. Gentleman said that there are those who believe that this is not a usual arrangement. Well, Mr Speaker, those who believe that, we think are in a very small number. He happens to be sitting opposite and they are not in Government, so we do not think that that is at all an issue to be concerned about, (*Interjection by Hon. P R Caruana*) because, Mr Speaker, unless the hon. Gentleman has got

up this afternoon to be an advocate for a fee to be paid to Mr Montado, then I do not discern *anything* in what he is saying that could possibly change our mind in accepting Mr Montado's generous approach to this, which is to say, 'Look, I am there to help Gibraltar. I am there to give you the time that you need, to provide the expertise that I have, in order to assist your Government', and to assist not just the political Government but the administrative Government, which is where Ernest Montado's expertise has always been.

So, Mr Speaker, the people who think that this is not normal are not the people sitting here, and they are not the people in 6 Convent Place, who are not politicians, who have welcomed Mr Montado, who, apart from being eminently capable and very experienced, is very well liked, and always has been very well liked by just about everybody who has ever been at No. 6 – although there are some apparently notable exceptions.

So, Mr Speaker, frankly, for the Leader of the Opposition to be making such an issue of the fact that the Government has no –

Hon. P R Caruana: Mr Speaker, would the hon. Member care to clarify, the 'notable exceptions' was intended to mean me? Is that what he meant?

Hon. Chief Minister: Well, Mr Speaker, I might be able to think of a few others.

Hon. P R Caruana: But including me? What *basis* does he have for saying that?

Mr Speaker: Order! Order!

Hon. Chief Minister: Mr Speaker, the basis that I have for saying that is that a man who is retired gives his time to the Government – the political Government and the administrative arm of Government – in order to assist by providing his expertise, his understanding and his depth of knowledge, and it is the subject of questions in this House!

Well, Mr Speaker, he is right, the issue that we used to take, when he used to do the same sort of thing, involving highly paid consultants was the 'highly paid' bit because, on many occasions, we believed they were *overpaid* for the work that they were doing, and in some instances, as he will know, because I expressed it from that side of the House, I believe that the arrangements had been entered into in breach of European procurement rules.

But Mr Speaker, having expertise available for the benefit of the people of Gibraltar and its Government, we think is a great thing. Therefore, I do not know what it is that is making the hon. Gentleman make me stand up to defend these eminently proper and eminently justifiable and eminently advantageous arrangements for the Government and the people of Gibraltar.

Hon. P R Caruana: Mr Speaker, he is not the sole judge of whether things are 'eminently proper'. And, Mr Speaker, the hon. Member who so professes to believe in the importance of transparent parliamentary democracy cannot reduce to a personal attack on the subject the Leader of the Opposition's entirely *proper* probing of arrangements that the Government enters into for the conduct of the public affairs of Gibraltar.

And it is *wholly improper* for him to suggest that, because I am asking him, because I want in the public domain and I want to question, query and get to the bottom of the arrangements relating to the use by the Government of an external consultant, that that somehow means, as he has felt free to say, that I am part of the 'notable exceptions' who did not like Mr Montado at No. 6 Convent Place, despite the fact that everybody else did! He has no *right* to come to that conclusion.

The only conclusion that he has a right to come to is that, notwithstanding that he served my Government for many years, without once opening his mouth to suggest that he was unhappy about *anything*, he, despite having been a professional secret... civil servant – (**A Member:** Secret!) civil servant, then made very serious – and may I hasten to add, completely incorrect – allegations against me, in the newspapers, in the context of accepting the arrangements that the hon. Member thinks is conventional. *That* is the only thing that should surprise him about Mr Montado and Mr Montado's statement.

I have never said anything, either when I was his Chief Minister, or since I have been Chief Minister, or the last time I raised this matter in the House, or today – I have never said anything that entitles the hon. Member or anybody else to conclude that I had anything other than respect for Mr Montado. Indeed, today I have acknowledged all of his skills and experience and expertise.

The hon. Member, as always, in his inimitable spin style, simply blusters and distorts simply to hear

himself say the things that he wants to hear himself say. But he must not delude himself. It does not make them true – otherwise, let him point to any remark that I have made about Mr Montado that suggest that I did not like Mr Montado, which is, in effect, what he has said in this House, today.

Hon. Chief Minister: Well, Mr Speaker, I am not the sole judge of what is proper, the hon. Gentleman starts by saying. But then he gets up and carries on by saying that something that I have done is improper because, of course, in the world of Peter Caruana, in the world of the hon. Gentleman, he can be the judge of what is improper when I do it, but I am not able to be the judge of what is proper or what is not improper. Mr Speaker, *Hansard* will be a laugh a minute for those that come behind us, to look at what the hon. Gentleman used to say, when he opened his mouth in this place.

Mr Speaker, the hon. Gentleman said of those interventions that had been made in the local press by all manner of people – actually, the partners of Hassans and Mr Montado, one in the press statement and one in a letter – that there was nothing that he felt he needed to defend himself from, in respect of those correspondences and press statements. That he said, of course, in his earlier intervention. In this intervention, he has said that Mr Montado made very serious allegations against him, in the letter that he sent to the press.

Well, look, Mr Speaker, he needs to make up his mind. Was there nothing to defend himself against or was there something which was so serious which merits comment? Mr Speaker, clearly we are not going to agree on this issue.

The position of the Government of Gibraltar –

Hon. P R Caruana: Mr Speaker, I am going to make a point of order.

I am sorry, Mr Speaker, the hon. Member is *again* manifestly confusing and then distorting what I have said. I have said that I did not feel the need to defend myself from any of the allegations that were made, following our last discussion of this matter in Parliament, namely things that were said.

I have not addressed the question of what Mr Montado said about what he thought, what he had said before that, Mr Speaker – nothing to do, one thing with the other.

What I have said to this House –

Hon. Chief Minister: Point of order.

Hon. P R Caruana: No, Mr Speaker, he has to accept what I said. (*Interjection by the Hon. Chief Minister*) Yes, Mr Speaker, he may then be as critical with what I said as he wants; but he cannot reinvent what I said, for the purposes of then being critical about his reinvention.

I have said that when I last spoke in this House, I said certain things. I asked him certain questions both primarily and then in supplementary –

Mr Speaker: Well, I think I –

Hon. P R Caruana: – and then in supplementary, and that provoked a pretty furious response in the media from, amongst others, a letter that purported to be signed... well, it was not signed by anybody; it said at the bottom, ‘The partners of Hassans’, so I suppose it was written on their behalf.

The things that were said in that letter, in my view, simply did not reflect what I had said in Parliament and, therefore, I did not feel it necessary to engage with them in defence of those allegations, but I will not be intimidated from probing, in this Parliament, legitimate issues of the conduct of public affairs, either –

Mr Speaker: I think the point of order is that the Hon. the Chief Minister is distorting your line of argument. Is that correct?

My understanding is that we are now in the throes of an argument where we have gone beyond the question. Statements are being made by both sides, which *invariably* portray what one side or the other intends to convey. I do not see that as a distortion.

Hon. Chief Minister: I am obliged to you, Mr Speaker, so I will continue with my answer to the supplementary.

But, Mr Speaker, moments like this must make you think... I bet you are glad you are going – even if it is in September!

Look, Mr Speaker, our position is very simple. We think that these arrangements are *excellent*. Not only are they proper, they are absolutely beneficial to the people of Government and administration of Gibraltar, and we think the longer that they can continue and Mr Montado can be persuaded to provide us with his expertise at no fee, we think that is actually a genuinely good thing.

It can only *not* be a good thing, if the hon. Gentleman is again going where he went, which is to say, in the last exchanges, the last time in the House, ‘Because he is paid by somebody else is he that organisation’s insider?’ Mr Speaker, we do not believe that that is the issue here at all. The hon. Gentleman, in my view, in his first supplementary, has once again raised that spectre by not using those words.

It may be, Mr Speaker, that this is a case of ‘you say *tomayto* and I say tomato’, and we are never going to agree, because the position of the Government of Gibraltar would be simply to record gratitude to Ernest Montado CBE for giving us of his time, both at a political and an administrative level, for the good of the people of this fair city.

Hon. P R Caruana: Well, since there appears to be no point of order capable of prospering against the hon. Member, can I just limit myself to say two things: first of all, that whether the Speaker is exasperated, to the point where he may be glad that he is going – let us put it no stronger than that – is a matter of complete indifference to the Opposition’s right to ask the Government questions about Mr Montado or *any other* aspect of public affairs. He can glibly reduce this House to that sort of pantomime, by aside remarks of that sort, if he wants to; but it will have absolutely no impact whatsoever, whether the Speaker wishes he was sitting on the Chair or not, on the way that the Opposition conducts its business.

Secondly, Mr Speaker, will the hon. Member accept and not therefore repeat, that I have not said – as he has just *again* wrongly imputed to me, with impunity... that I did not say that the arrangements were improper; I have said that they were *unconventional*? Even *he* must be aware of the difference between the two things.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman will allow me to welcome back the character that I have known for the past eight years and I thought, for a few hours this afternoon, we might have lost! One now knows one’s adversary again.

Mr Speaker, look, it is not a question of glibly reducing anything in this House. It is that simply sometimes one needs to keep one’s feet on the ground and not build an edifice of every argument that we are having, in an occasion when we should not be having arguments, because this is not argument time; it is Question Time – but it turns *always* into argument time or into debate time.

Mr Speaker, frankly, there is a big difference between ‘unconventional’ and ‘improper’, but I am not going to accept that what the hon. Gentleman was meaning was unconventional, when everything that he was saying was pointing towards improper (*Interjection by Hon. P R Caruana*) and when he was Chief Minister –

Hon. P R Caruana: I have a point of order!

Mr Speaker: No, no, no!

Hon. P R Caruana: I have a point of order!

The hon. Member cannot impute to me improper motives different to the words that I have chosen to choose! He is *not allowed* to do that!

Hon. Chief Minister: No, Mr Speaker, the rule is that I cannot impute improper motive. It is not that I cannot interpret what the hon. Gentleman is saying, otherwise, Mr Speaker, he needs to go back to *Hansard* for the past 16 years with a blue pencil and put it through most of what he has said in response to Members of the Opposition most of the time, which was to take what we had said, either in the Budget debates or in answers to a question, turn it into what he said we had said and answer that. That is *paraphrasing*, Mr Speaker – not imputing a motive.

Mr Speaker: On the point of order, the Hon. the Leader of the Opposition asked the Chief Minister to agree something, and the Chief Minister replied he does not agree because what the implication of the question was something which was not on the face of the question. That is his means and his manner of answering the question. Surely he is entitled to answer the question. He does not have to answer the question

in a manner which is designed to elicit a particular answer (**Hon. P R Caruana:** No.) and therefore by answering the way he does, he is not out of order.

1140 **Hon. P R Caruana:** No, but what he is *not* entitled to do is to say in his answer that I have said that it was improper, when I have not said that it was improper.

Mr Speaker: No, he said that was his interpretation.

1145 **Hon. P R Caruana:** I am sorry, he is not allowed to mis-... he is not allowed to restate my words, put in inverted commas by attributing to me words that I have not used, simply because he has so interpreted the different words that I used.

And Mr Speaker, if *that* point of order will not prosper with you, I am not going to bother to make any more points of order in this House.

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Several Members: Ooh!

Hon. Chief Minister: Well, Mr Speaker, I do not know whether that is a point of order, but it sounded to me like an appeal against your decision on a point of order.

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But Mr Speaker, look, the hon. Gentleman needs just to go back. Do not go back 16 years; go back eight, in the time that I have been here as a Member of the Opposition! That was the hon. Gentleman's routine attitude, without accepting that that is what he was doing.

I *at least* have said that I acknowledged that he said 'unconventional' and that he did not say 'improper', but that everything that he said around the word 'unconventional' was designed, in my view, to suggest impropriety.

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Mr Speaker, there is nothing wrong with suggesting impropriety, because that is what he is paid for. If he believes that there are arrangements which are improper, he comes to this House, he gets up and he says either, 'Those arrangements are improper', or he couches his language, not using the word 'improper' in a way that suggests it, for those who might care to listen, at this time in the afternoon, to his meanderings.

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Well, Mr Speaker, frankly, the position on this question is not going to change. We continue to be exclusively of the view, on this side of the House, that these arrangements are proper and I dare say they are conventional in many respects and unconventional in others, and that has nothing to do with the value of what Gibraltar gets from Ernest Montado, with the propriety of what Gibraltar gets from Ernest Montado and from the fact that we are going to continue to take it.

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And if the hon. Gentleman believes that he can bully you, Mr Speaker, into making decisions on points of order the way he wants you to make them, by making threats like the one he is making, I am sure, Mr Speaker, (a) that he cannot, because you are made of sterner stuff than that; and (b) frankly, the Government would be delighted to see him just debate points or ask questions, rather than get up with points of order, just for the sake of hearing the bluster that comes out of that mouth.

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Hon. P R Caruana: Mr Speaker, if the hon. Member does not mind, I will continue to conduct the affairs of the Opposition in whichever way I think appropriate. And I am certainly not going to take lessons from him in the conduct of any of my public duties – why should I? I think our respective records speak for themselves and I think those distinctions will speak for themselves even more loudly, as people see how he is discharging his current responsibility.

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But certainly, Mr Speaker, the hon. Member feels that it is proper – and apparently, Mr Speaker, thinks it is okay, too, which therefore I suppose makes it okay – for the hon. Member to constantly be making denigrating, derogatory, aside remarks about the nature of how I go about my business. We can reduce this Parliament to that, if that he wants to do, but it is *he* who is doing that, not me. If he wants me to constantly punctuate my contributions in this House with colourful descriptions of how *he* goes about the business in this House, he knows very well that I can do that very easily, but I am not going to be dragged down into the gutter with him, by him.

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Hon. Chief Minister: Mr Speaker, I do not know where the hon. Gentleman has *been* for the past 16 years! I think he may have – (*Interjection by the Hon. P R Caruana*) he may be suffering from political amnesia, because he is doing what he is accusing us of doing – the very things that he used to do – which we

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believe we are not falling into the trap of doing.

1195 But, Mr Speaker, let us put it this way: in both the occasions, one of them happy, one of them less happy, when I have had occasion to address the issue of the Chair, on both of them I have thanked you for the way that you have dealt with issues that affected me and what I had described advisedly as some of the cruellest moments that this Parliament may have seen – *cruel*, Mr Speaker, because the hon. Gentleman, when he was the incumbent of *this* Chair, felt that it was up to him to decide the fitness and propriety of people to hold office in this House, to make comment on that publicly here and outside. So, Mr Speaker, for him to now say that he does not do that is really, Mr Speaker, for the hon. Gentleman to have characterised for all of us the Election loss as the biggest car crash in history, in political history, which has given him such political amnesia that he cannot remember how *he* used to behave when he was the incumbent of 6 Convent Place and of this Chair.

1205 **Mr Speaker:** Okay, order.

There has been no question. Each side has made a statement of its position. We must move to the next question.

1210 **New power station
Plans for building**

Clerk: Question 474, the Hon. P R Caruana.

1215 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister say whether the Government envisages that it will build a new power station at Lathbury Barracks or elsewhere?

Clerk: Answer, the Hon. the Chief Minister.

1220 **Hon. Chief Minister (Hon. F R Picardo)::** Mr Speaker, the Government remains committed to the establishment of a new power station for Gibraltar, using best available technology principles. The process of analysing *all* the options available in respect of which technology is the most appropriate to secure Gibraltar's electricity needs for the coming generations and how best to integrate the use of renewable sources of energy continues and will impact on whether to retain Lathbury Barracks as the preferred site.

1225 **Hon. P R Caruana:** Mr Speaker, can the Hon. the Chief Minister say whether the Gibraltar Electricity Authority advised him against the building of the intended power station, with that technology?

1230 **Hon. Chief Minister:** Mr Speaker, I have met with representatives of the Gibraltar Electricity Authority, with the Government's Chief Technical Officer and with others who were involved in the decision-making process, and I can confirm to him that the decision of the Government – as a result of everything that we were told by *all* relevant parties, *including* the Gibraltar Electricity Authority representatives that we have spoken to – the decision of the Government has been not to proceed at *this stage*, with the proposal for a power station at Lathbury.

1235 I think it is clear in my answer that the possibility of a power station at Lathbury is still very much on the cards, as much as are other potential opportunities, not all of which were envisaged at the time that the hon. Gentlemen was involved in the commissioning of a report that looked at different sites because, of course, technology has changed in the interim.

1240 **Hon. P R Caruana:** Mr Speaker, my question is somewhat different to that.

I understand that the hon. Member can take advice from a number of different officials, from a number of different places, as the ones he has listed, and then the Government, taking into consideration everything that it has said, makes its decision, which does not take us very much further into discovering whether a particular official gave particular advice.

1245 The question that I am not even asking for, in relation to a particular official... I am just asking the hon. Member whether, regardless of whether they accepted it or not, it was the position of the Gibraltar Electricity

Authority – that is to say, the *advice* of the Electricity Authority – that the Government should not proceed, for whatever reason, be it for changing technology or cost or whatever, with *diesel powered* engines.

1250 **Hon. Chief Minister:** Mr Speaker, the advice was not taken on that basis, namely –

Hon. P R Caruana: No, I am asking whether it was *given*, not whether it was taken.

1255 **Hon. Chief Minister:** Well, it could not have been given, because it was not asked for on that basis – in other words, we did not go around the table saying, ‘You, the Electricity Authority or representatives thereof: do you say yea to diesel power at Lathbury?’

1260 That was neither put in respect of diesel power or Lathbury in that way, but I can tell the hon. Gentleman that the advice in respect... without disclosing what advice was given by each individual, because I am not going to be drawn across the floor of the House into disclosing what the Chief Technical Officer told me, what the Financial Secretary told me, and what the Gibraltar Electricity Authority told me, when we were having this discussion, because that would, in effect, be to give the hon. Gentleman the transcript of those discussions; but I am prepared to give him the upshot of them. The Gibraltar Electricity Authority neither advised the Government not to proceed, nor did they advise the Government to proceed with *that* technology in *that* place.

1265 **Hon. J J Netto:** Mr Speaker, perhaps if I could ask a supplementary question.

1270 Can the Chief Minister say whether the Government in any form, whether in the form of the Chief Minister, the Ministers or officials, has been in discussion or negotiations with the owners of OESCO for the purpose of them actually providing a new power station?

Hon. Chief Minister: No, Mr Speaker, we have not been in discussion with the owners of OESCO for them to provide the new power station.

1275 **Hon. P R Caruana:** Mr Speaker, can the hon. Member, then, say to me whether... I do not mind saying to him that I am probing, in relation to the content of his press release – of the Government’s press release of 21st March, if he has it in front of him.

Will the hon. Member say whether the Government would *consider* a technology for generation of electricity that involves gas?

1280 **Hon. Chief Minister:** Mr Speaker, there is a possibility that that is one of the issues that could be brought for serious discussion, but it has not yet been presented to us in a way that merits any serious discussion, not least because there would be the issue of where the gas comes from.

1285 The discussion that we have had has gone far enough for us to be able to ascertain that gas you either bring in liquid form – and in order to turn that gas from liquid form to gaseous form, again, you need to have very small plants of re-gasification, because larger plants need to be very far away from populated areas – or you need to bring the gas from the north – put it that way, which is the only viable way in which you can bring it from the north – in effect, from Spain. Then you would have the issue which we have always had, and all of us will always have, about whether we would want to rely on supply for something as essential as the generation of electricity from Spain.

1290 In that mix, Mr Speaker, you can put the fact that today Gibraltar gets, I would say, all of its diesel from across the frontier; but we could at any time if we needed to bring it in by ship. And so, Mr Speaker, before it is possible to consider carefully whether gas is something that can be considered as an alternative source of fuel for the engines that might make up a new power station, one needs to deal with all of those issues very carefully, and you cannot have a serious discussion until you know what all of those permutations are.

1295 **Hon. P R Caruana:** Mr Speaker, the reason why I ask the hon. Member this is because the sense that I got when I read this statement is that the hon. Members must have thought that we woke up one morning, when we were on that side of the House, and we said, ‘Ah, let’s build a diesel powered generating station at Lathbury Barracks’ – assuming that all of these things that they now offer as reasons for stopping and pausing...

Of course, they are entitled to stop and pause, if they were on time to do so, to stop and pause and decide

on whether they want to proceed or not proceed. He knows that I believe that a new power station is necessary; but he could take a different view. But on reading the statement, it suggests an assumption that all of these issues were not properly considered a part of the decision that led to the one that he subsequently put a hold on for these and other reasons.

Now, Mr Speaker, will he agree with me – which is one of the reasons that we had on our list, for discounting gas, as well as some of the ones that he has mentioned – the fact that Gibraltar is a small place, without many open spaces that are not close to residential areas, and even if that were not so, by our configuration, transportation would have to be through such areas, and that the transportation of gas, even in its liquid form and then its re-gasification, are not the most risk-free of scientific processes, and that there are, in addition to the factors that he has mentioned, *safety* considerations to take into account as to whether gas is a medium of energy that can safely be handled in a small place like Gibraltar, not just with confined space, but with very little zoning and de-conflicting of possible conflicting activities?

Hon. Chief Minister: Mr Speaker, I can agree with him that that is an issue that needs to be determined before you can be serious about gas – absolutely right – and it is one of the issues that, if you were going to go for gas, might make Lathbury Barracks the wrong place for gas, because to get to Lathbury Barracks, you have got to go through the town, unless you were to somehow have a mechanism for ships to be able to disgorge their liquid gas nearer to Lathbury Barracks, which I do not think is viable. So Mr Speaker, that *is* very much an issue.

But there are other permutations. The hon. Gentleman will know what energy prices are like in other places, because of the price of the fossil fuels used predominantly for that purpose. He started, Mr Speaker, by talking about diesel power, and the advice that he will have got, I am sure, which is the advice that we have got and have seen – because I think the PB Power Report, as it is referred to is the one that he had available and I think contains this remark – is that diesel, still even today, is the fuel of choice for generating sets for island economies – Gibraltar is not an island, but it is an island economy in many respects. So there are many permutations, therefore, that need to be taken into consideration, if you are going to take Gibraltar out of that equation.

But, Mr Speaker, at the end of the day, I am not saying that, with the information available to him two years ago, the hon. Gentleman got it wrong, because the decision was taken about two years ago and there was much of the financing discussion going on thereafter. But there is a lot that has happened in the two years, affecting technology that might be able to affect the decision-making process.

There are, for example, Mr Speaker, issues relating to the type of engines that you might acquire. So, say, for example, that we were to acquire, or we were to build a power station at Lathbury with eight sets, potentially going to 12 – which was the plan that he had envisaged. In the plan that we found was the subject of the agreements when we were elected, the eight sets and the potential expansion was for four more sets of those caterpillar engines that burnt diesel. Now, the hon. Gentleman will know that there are dual fire engines and that technology has come on a very long way in the past two years, and that those can go from burning diesel to burning gas in a... literally in a flash – in a micro-second – so the fuel that is injected into the set can one moment be diesel and the next moment be gas. The difference in price between a set that only burns gas or only burns diesel and one that burns both of them on a dual fire basis is not so great, and there are other sets that burn gas and burn diesel, but they have to be adapted to go from one to another. The process of adapting them can take months – in other words, it is not, you change the fuel; it is actually you have to almost re-engineer the engine, but it is provided for in the design.

Those things are also relevant because the price of diesel is only going in one direction; the price of gas, although it is going up, is more stable than the price of diesel, and those things are also in the mix.

I do not know, Mr Speaker, if that is an issue that *he* considered, and he may say to me, ‘We may have looked at it, but getting gas up there anyway would be so complicated that it was not worth doing.’ There may be an argument that getting gas up there in 20 years’ time may be easier and may be economically more viable and not involve such risk, and that therefore why commit yourself to the eight engines only burning diesel or requiring retrofits in order to burn gas?

Issues like that are also necessarily on the table. I am concentrating on gas because the hon. Gentleman has raised that particular point.

There are many other issues on the table, and I will agree with him, if he wants to put the points to me, that one could spend the next four years making this determination. It is like buying a TV set or a video – when do you buy them? Technology is going to be better next week, and if you read up on what it is you are

buying, you are going to find out that the Japanese are about to bring something out that may be new.

1360 So a decision has to be taken. We are fully alive to the need to reach the determination that we have to reach as soon as possible, in order to go ahead with ensuring the continuity and the security of supply, looking at both the fuel and the generating style.

1365 **Hon. P R Caruana:** Mr Speaker, I am not 100% certain, but is the hon. Member aware – I think the answer is yes – that the PB Power Report, indeed, considers and considered, and I think we did consider, the question of dual switchable fuel burning engines? I cannot remember what the reason was, but I think there is some reason given in the report, why it is not recommended. I cannot remember what it was, nor am I particularly sure, in respect of this part of the debate, so I will not press it.

1370 The next issue, Mr Speaker, is this: is the hon. Member aware – I do not say it for any reason other than to make him aware, if he is not – that the previous administration was, indeed, contrary to what it says in one of the paragraphs of this press release, was indeed planning by way of complying with the European Union Directive, which so requires, to establish renewable source energy production in Gibraltar, in addition to the power station, and that there are reports in existence to that effect, which if he has not seen, I think he ought to ask for and see, lest he should start again in respect of some of the considerations.

1375 But we have been through... I have seen reports – I cannot remember if they were internal Government reports or whether they were prepared for the Government by some external agency – consideration of wind power, wind turbines, tidal, wave, underwater current, and all these things, as a result of which we have concluded that wind turbines, given the state of technology at the moment, and its ability to be put to commercial use, given its degree of development, the only effective technology available, suitable for Gibraltar, was wind turbines, which raised lots of considerations about the location. The optimum locations were objectionable, not least to the previous chairman of GONHS, on the basis that it could interfere with bird migration.

1380 I am not raising that, simply to ask the hon. Member whether he is aware that a lot of this work has been done and must sit somewhere in the bowels, and he may be interested in asking for it.

1385 My final supplementary, Mr Speaker, is this: I note that the hon. Members have said publicly – which we welcome – that the distribution network is going on, the re-cabling. I do not know whether he meant by that the laying of fibre-optic main ring around Gibraltar – but he then goes on to say that this is not going to be done by an external contractor as part of this contract, but rather internally –

Hon. Chief Minister: Will the hon. Member give way?

1390 **Hon. P R Caruana:** Yes.

Hon. Chief Minister: He said fibre-optic.

1395 **Hon. P R Caruana:** No, not fibre-optic; what is the word? Oh there is a word like that... Some new form of cabling, some new – I am just forgetting now the jargon that describes it.

Hon. Chief Minister: Whatever was planned.

1400 **Hon. P R Caruana:** Yes, whatever was planned, which was a significant project.

Now, if the work can be done locally, fine. But I never received the advice that he says that he has received, that it could be done locally. If it can, nevertheless – notwithstanding that I never got that advice – if it is nevertheless so, is he satisfied that it can be done with the resources that the GEA have currently internally, without significantly disrupting their ability to do what they normally do, for which they always said to me they were already short-handed?

1405 That is the question.

Hon. Chief Minister: Let me try and take those in turn.

1410 I do not recall any part of the PB Power Report that reached a conclusion about the dual fire engines, which put me on notice of anything that I should be cautious about, but I will check it again to make sure that that is not the case. It may be that we do not go for fuel dual fire engines, because there may be a reason not to do that –

Hon. P R Caruana: Dual, not fuel – dual.

1415 **Hon. Chief Minister:** Dual fire, that is what I am saying.

Hon. P R Caruana: *Dual fuel.*

1420 **Hon. Chief Minister:** Well, I think they are called dual fire, because they fire one fuel, then the other, but whatever it is, it just seemed to us, when we were looking at this – and we do not seem to have come across the hurdle that he suggests is there – that dual fire at least left certain options open, even if those options might be on the second-hand resale market if we ever came to sell sets, if our economics changed.

Whatever it is, it seemed to us that the difference in price might make that an issue worth investigating in some way.

1425 Mr Speaker, I will tell him that in terms of renewable sources of energy production, we have not come across anything, we have not been provided with any reports that suggests that the hon. Members were doing anything that would put us on the doorstep of starting to produce renewable energy in Gibraltar. I recognise from what he has said, the presentation that was made by the Institute of Engineers at the Mackintosh Hall, some time I think in the beginning of 2011 or earlier, that suggested that their view was that wind was the only possible source of renewable energy based on the technology as it was and that, even then, the best location for it would be slightly offshore on the south of Gibraltar.

1430 But Mr Speaker, we believe that there is now potential for that to have changed, but I am happy to say that I do not think that Government needs to be an *investor* in renewable energy. I do not think that is the way that our considerations are going. I do not think it is where they were going. In other words, not the Government *owning* an emerging technology because, apart from wind, they all appear to be emerging to an extent, or solar in terms of heating water for boilers.

1435 Everything else seems to be ‘emerging’. We are not looking at investing in those sorts of generating sets, but it may be that there is some way, nonetheless, to bring in renewable sources of energy, depending on how the advice that we are seeking goes.

1440 Mr Speaker, finally, in respect of the distribution network, the advice that we have got is that it is possible to do all or most of the work locally. That is not to say that the GEA itself will be doing the work *itself* on all occasions – it may have to go out to tender for other entities in Gibraltar to do parts of the works which, frankly to us, makes more sense than doing it as part of the wider contract now that we are not proceeding with the creation of the generating capacity up at Lathbury under that agreement. Because, of course, we could have said to the proposed joint venturer, ‘Don’t build us the power station, but build us the distribution grid.’ Under the European procurement process, as we understand it, that would have been a substantial change to the contract and would have required a new European procurement process; whilst if we do it in-house, and the GEA feel that they can, by doing parts themselves, and locally tendering for parts of the work where they need additional assistance, then the work will be at least progressing, whilst the other important aspect – and I think we will agree that they are both equally important – which is the generating capacity, is finalised.

1450 **Hon. P R Caruana:** Mr Speaker, can the hon. Member say whether they are giving any degree of consideration to the importation of electricity?

1455 **Hon. Chief Minister:** Mr Speaker, I do not recognise anything in the discussions that we have had in seriousness which suggests that we might be prepared to hock Gibraltar’s need for electricity to our neighbours to the north, who could not be relied on (*Interjection by Hon. P R Caruana*) to give us oxygen when we needed it, in the 1960s and 1970s.

1460 Is there a possibility of bringing in from the south? Well, Mr Speaker, all I will say is this: in relation to telephones, we do have a lot of resilience; in relation to electricity, we have never had resilience. But my view is that we must *not ever* import electricity and that we must create our own electricity – even if we have renewable sources which plug into the grid, etc. We must be self-sustaining, in terms of the production of electricity and that must always be the case.

1465 Should we, as we develop as a financial services centre, as we develop as an e-gaming hub, etc, have the capacity, in a doomsday, *Perfect Storm*-style scenario, to have resilience into our grid? Well, that is an issue that perhaps we do need to look at, but not at the expense of not having, and operating, a free-standing

independent generation of electricity capacity that is the main and daily source of our electricity.

1470 **Hon. P R Caruana:** The reason why I ask, Mr Speaker, is that I am constantly receiving reports which I just put to the hon. Member to confirm or to reject that there are parties, that if these are no more than rumours, the rumour has got to the point of putting a name to the particular parties, who are out to 'the south', as he likes to call it – I would rather call them 'Spain' and 'Morocco'; there is nothing wrong with mentioning the name of the country!

1475 There are people... there are particular corporate interests in Gibraltar, who are *actively*, supposedly as your agents, as the agents of the Gibraltar Government, exploring these possibilities in Morocco currently. I am not saying today; I am saying currently, these days, these weeks, at this general point in time.

My first supplementary on the subject was just designed to establish whether *that* is true – whether it is by way of resilience or... Certainly, I would agree with him that it would be folly to do it by way of *only* or even *principal* supply.

1480 But regardless of whether it is by [*inaudible*], therefore without necessarily suggesting that there is anything wrong with it – certainly if it is only by way of resilience, subject to cost, it may be a very good thing – but is it happening?

1485 **Hon. Chief Minister:** Mr Speaker, it is true that the Government has been approached by some who have suggested, 'What about this, would you be interested?' The Government's attitude has been, 'Look, if you brought to the Government, without any capital expenditure on the part of the Government, the possibility of buying electricity for resilience purposes – if you were in, literally, Coaling Island, for example, to suggest a landing point – with a cable, and you were ready there to connect into the Government's grid, into the Gibraltar Electricity Authority grid – for resilience purposes that is something that we would consider and look at.

1490 Unfortunately, it appears to me that the economics of doing that, for the purposes of resilience, really do not work and therefore it is something which, like everything else, is worth it. If there are people who are prepared to consider this and to put to the Government a proposal, the Government will consider it and consider it carefully because, for the Government, the resilience value of that sort of operation may be worth exploring very carefully – but only in a resilience capacity.

1495 **Hon. P R Caruana:** Well, Mr Speaker, the hon. Member has, I think, almost entirely answered the question, and that is that, throwing a cable for the importation of electricity into Gibraltar from Morocco is itself an expensive capital investment. No-one is going to make it, except against a guaranteed income stream, which means that it would not be resilience; you would have to commit to purchase a proportion – at least a proportion; how much would depend on the size of the investment – of our current electricity demand, from them. That would not be for resilience; that would be instead of the present domestic production of it.

1500 Mr Speaker, I do not say that subject to proper safeguards, that cannot be done, but it would be something pretty controversial, that would have to be very carefully considered.

1505

Tunnel under the runway Decision whether to proceed

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Clerk: Question 475, the Hon. P R Caruana.

1515 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister say *when* the Government envisages that it will be in a position to decide whether it will proceed with the tunnel under the runway?

Clerk: Answer, the Hon. the Chief Minister.

1520 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, as I indicated would be the case in my answer to Question 223 of 2012, the Government has now instructed that tender documents be prepared for the undertaking of the outstanding works for the road and tunnel project.

This new EU tender will be on the basis of an employer design, as opposed to the previous design and

build contract. We have taken advice on why that should be the case.

The tender process will comprise various stages, with the programme date for the completion of the tender evaluation being March 2013. Works would commence thereafter.

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Hon. P R Caruana: Mr Speaker, if I have understood his answer, he is suggesting that works definitely will *not* commence until March 2013, and I do not think the answer means necessarily that it will commence in March 2013. There are mobilisation periods, and all that sort of thing. As I recall, it is a two-year job. I do not know whether the works that have already been done shorten that period, by the works that have already

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been done but, by that reckoning, we will not have a tunnel under the runway until sometime in or after 2015. Is the hon. Member satisfied that that is quickly enough? He knows that we think it is not. He knows that we believe that we should proceed by the quickest means now to resume works, and therefore my supplementary is this: is he satisfied that that is the quickest lawful means of getting this project underway or does it reflect a form of procurement, a timetable, which may reflect the Government's lack of priority for a project, or may reflect the Government's funding priorities for other projects, or may reflect something other than it being the quickest that can be lawfully achieved?

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Hon. Chief Minister: Mr Speaker, the hon. Gentleman knows that there is litigation in respect of this, and I acknowledge this morning his offer of assistance. I had actually, before I heard that he was making public that offer, written to him, providing with him with a copy of the pleading, so that he could, if he observed anything in there which he felt it was worth commenting on –

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Hon. P R Caruana: The letter came afterwards –

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Hon. Chief Minister: There you are, you see!

I was working although I was away on paternity leave, so maybe there was some delay, but in any event, I acknowledge that he has offered his assistance. I have sent him, at the same time or just before or just after, the relevant papers, so that he can see from the pleading what the issues alleged against the Government are.

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He will know that there are many files in his office which I have had to review also, dealing with the issue here, and he will know that design was one of the issues that might be relevant in any litigation.

So if he will take it from me that this actually reflects what we are being advised is the adequate way to proceed, both in terms of completion of the civil engineering works and the litigation, then I am quite happy to talk to him, behind the Speaker's Chair, in more detail, as to what we think the issues are.

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Look, it may be that we have had disputes as to how, when *he* was in Government, this issue was being handled, etc, of course, and we may have those issues in the future in respect of the way that my Government is handling this issue going forward. But he should rest assured that, subject to cost, etc, we have always said, one can but agree that a longer route that goes under a runway is better than a shorter route, given the traffic problems that go over a runway. So on that there is unanimity.

1560

Mr Speaker, would they be able to deliver this tunnel more quickly if they had been re-elected on 9th December? It may be that they would not have been able to, for reasons that perhaps he was not made aware of at the time and which have come out subsequently in the correspondence and in the analysis that has been done.

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The site is not an active site at the moment. Some works are being required and some works will be required, but they will not be works which are involving the digging of the tunnel – again, for reasons that we can discuss outside of this public place.

1570

Purchase of boats for RGP Proceeding with previous Government plan

Clerk: Question 476, the Hon. P R Caruana.

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Hon. P R Caruana: Mr Speaker, can the Chief Minister say whether the Government intends to proceed with the previous Government's plan to purchase bigger boats for the RGP?

Clerk: Answer, the Hon. the Chief Minister.

1580 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, since our election, we have agreed the purchase by the RGP of two new and additional vessels at a cost of \$789,000 or just over £½ million. These vessels should be available in Gibraltar in the next 40 days or so.

These are two fast interceptor launches – and I say that because the hon. Gentleman may recognise that description from something that was put to him just before the date of the last Election.

1585 The hon. Gentleman will know that, in his Budget reply of 2009, he said that his Government, as it then was, was:

‘certainly intending to upgrade our investment to make much more senior our assets’

1590 – as he described them – to uphold jurisdiction over our waters.

Mr Speaker, for *Hansard* geeks, that is at page 159 of the Budget *Hansard* for 2009.

But, Mr Speaker, that position did not materialise in the remaining two and a half years of the hon. Gentleman’s last Government.

1595 **Hon. P R Caruana:** Given that they were very critical of the fact that they did not materialise quickly enough for their liking, now that they are in position to *accelerate* its materialisation, do they intend to do so?

1600 **Hon. Chief Minister:** Mr Speaker, since our election, we have agreed the purchase by the RGP (*Laughter*) of two new and additional vessels at a total cost of (*Laughter and interjections*) \$789,000 or just over £½ million. (*Laughter*)

Hon. P R Caruana: The hon. Member knows full well that *those*, which are the boats that *we* agreed that the RGP *could* buy before the Election, are *not* the bigger boats to which...

No, Mr Speaker, he knows very well that when they were asking...

1605 When he quotes that passage from *Hansard*, from the Budget debate in 2009, (*Laughter*) and the subsequent two years worth of taunting that the Hon. now Deputy Chief Minister put it to, for the next two years – in the context of incidents at sea – by the way, I am not saying I recommend this course of action. But the hon. Members used the matter in the context of ‘our poor policemen are being humiliated by the Spanish Guardia Civil because they haven’t got bigger boats. You promised to buy them bigger boats, you have dragged your heels, you have not bought them and therefore our RGP policemen continue to be humiliated at sea!’

1610 Now, I never agreed with that analysis, because I was certainly not buying bigger boats so that the RGP could conduct naval warfare against Spain. If naval warfare needs to be conducted against Spain, it is the task of the Royal Navy and Her Majesty’s Government and the United Kingdom, whose duty it is to uphold the sovereignty of those waters, not the RGP’s. The RGP’s responsibility is to uphold the law within those waters, and I do not want to pre-empt a debate we may have arising from a question about the fishing agreement in that respect.

1615 But the hon. Members nevertheless thought differently. I used to think in that way then and I continue to think in the same way now from these Opposition benches.

1620 But the hon. Members taunted the previous Government with the link between the lack of bigger boats and the RGP’s ability to stand up to the *turbo* and all these other large boats, and now that they are in Government, either they have to acknowledge that they were just being mischievous in an Opposition sense, or that they are going to be true to their analysis and public statements and arm the RGP with bigger boats, thus avoiding their humiliation by the Guardia Civil, which appears to me to continue.

1625 **Hon. Chief Minister:** Well, Mr Speaker, in fact, I can tell him that the ‘taunting’ in Opposition press releases, as he puts it, only ever used his words. We never used any words other than his own. (*Interjection by Hon. P R Caruana*)

His words were in the Budget of 2009, very much what he is saying now:

1630 ‘The upholding and defence of the sovereignty of Gibraltar’s waters is the constitutional responsibility which they insisted on preserving for themselves in the new Constitution, of the United Kingdom Government. *I* do not have a Navy and *I* do not have a diplomatic service’ –

– l'État est moi –

1635 'However, the Government of Gibraltar certainly has jurisdictional competences for official acts in Gibraltar waters, and that we are certainly intending to upgrade our investments to make such more senior our assets to uphold them.'

1640 So he used that context (*Interjection by Hon. P R Caruana*) so his analysis, his statement of the bigger boats, the 'senior assets' (**Hon. P R Caruana:** Yes.) was in that context (**Hon. P R Caruana:** Yes.) and it is (*Interjection by Hon. P R Caruana*) in that context that all of the Opposition (*Interjection by Hon. P R Caruana*) press releases raised the issue.

I accept, of course, Mr Speaker –

1645 **Hon. P R Caruana:** I concede all of that.

Hon. Chief Minister: – that in a press release of 3rd May 2011, the hon. Gentleman, on behalf of the Government then, said... well, a Convent Place spokesperson; I assume it was the hon. Gentleman:

1650 'The incident also vindicates the Gibraltar Government's position that, since upholding British sovereignty is a UK/MoD responsibility, it is completely inappropriate to call for GOG to itself obtain bigger boats to place our police officers, Customs officers and port department officers in the front line of physical confrontation with armed Spanish Navy and Guardia Civil Boats.'

1655 So, Mr Speaker, in 2009, when he talked about obtaining more 'senior assets' for the RGP, he must have meant obtaining more senior assets for the police to confront those who are committing offences in our waters or confronting (*Interjection by Hon. P R Caruana*) other law enforcement agencies, but not the Spanish Navy. Right.

1660 Therefore, Mr Speaker, since our election, we have agreed the purchase by the RGP of two new and additional vessels at a total cost of \$789,000 or just over £½ million because those, Mr Speaker, we believe, from the information we have been provided by the RGP, are bigger boats of the sort necessary for the RGP to do the work that they need to do, which is exactly what, from Opposition, the Deputy Chief Minister, who I am happy to disclose publicly was always the author and architect of these statements, having been the person who elicited this statement from the hon. Gentleman in 2009 in the Budget, quoted in our press statements, and therefore we believe we are in the process already of delivering.

1665 **Hon. P R Caruana:** No, Mr. Speaker, he is *not* in the process of delivering. What *we* would have done by way of investment in larger boats, for the purposes set out in...

1670 He knows, because he has found the brochures on my desk, when it became *his* desk (*Interjection*) Well, he knows, somebody... There has been an allusion in a Government statement – I do not know if it was by the Deputy – *somebody* has made an allusion to seeing the brochures for the boats.

Mr Speaker – yes, Mr Speaker, yes, I will point it out to him on that later.

1675 Mr Speaker, the Government's... My view of the share-out of responsibilities and therefore of functions between the RGP on the one hand and the United Kingdom Government on the other are exactly as I set out in that Budget, in that *Hansard* that he has read, has remained so since, and continues to be the case now. It was in the context of my explaining the difference between sovereignty responsibilities and policing responsibilities that the hon. Members continued to press me to buy the bigger boats for the RGP's constitutional responsibility, not for the ones that I will say was *not* their responsibility, but the Navy's, and, frankly, simply to buy them – ribs, which are newer and faster and a few feet longer – is not what we were planning to do. We were planning to buy genuine coastguard-type vessels, in which policemen could assert their presence and, through their presence, deter much of the sort of petty interference with our jurisdiction that the absence of a more senior boat prevents them from doing safely.

1680 Certainly, we allowed them, we authorised them, to buy the speedboats, particularly after one of them was rammed and was damaged, shortly before the Elections, but that was not the investment in bigger boats that we had been alluding to and to which this question alludes. That was *in addition to* the two boats that they have, in fact, bought now.

1685 **Hon. Chief Minister:** Mr Speaker, I think we have been thrown, then, in the question, by the reference to the RGP, because I certainly do not recognise this business of brochures for boats in respect of the RGP. I recognise the request from the RGP for these fast launches, received with him, I think, verbally agreed with

1690 him in a meeting, subsequently also agreed with me and the written procurement process undertaken after we were elected.

But he now steers us in the way of 'coastguard' and that may be referring us to something else, and there is a question on the order paper about the Borders and Coastguard Agency. He has told us about buying a coastguard-style vessel for police officers to do some of their roles. I never got any indication that there was that potential acquisition on the horizon for police officers.

1695 I know that he had put it there for, potentially, the new agency to be doing that job and we will come to that in a minute, Mr Speaker. But he is not going to find us wanting, in terms of investing to ensure the safety of our RGP officers, especially if they have to face operations at sea which are increasingly (*Interjection by Hon. P R Caruana*) dangerous, either from the point of view of those who might use our waters for nefarious, illegal drug trafficking or other trafficking activities or because our RGP officers find themselves having to confront officers of another state, not necessarily state actors i.e. navy people, but paramilitaries because, unfortunately, other states do not organise themselves in exactly parallel terms to ours, and if they need more senior assets in that respect, then they will certainly be knocking on an open door, if they seek those.

1700 But in respect of the RGP's policing obligations, we have agreed to this; they are coming soon, and I think it is not just replacing the one that was damaged, because actually there is another one and they are bigger than the ones that were already here and they are faster than the ones that – (*Interjection by Hon. P R Caruana*) Those two –

1705 **Hon. P R Caruana:** We had authorised two.

1710 **Hon. Chief Minister:** – had been authorised, but the process had not progressed. We were therefore asked, when we were elected, whether we would authorise them. We authorised them. We quickly undertook the process of the procurement and I think they are not yet here because of some problem with freighting; no other reason.

1715

New Air Terminal Operating revenue and expenditure

1720 **Clerk:** Question 477, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, will the Chief Minister provide a breakdown of the annualised operating revenue and expenditure that it envisages for the new Air Terminal once it is open for both arrivals and departures, and the existing Air Terminal closed?

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Clerk: Answer, the Hon. the Chief Minister.

1730 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, due to commercial sensitivities and ongoing negotiations with airlines and equipment maintenance providers, a detailed breakdown of the operating revenue and expenditure of the new Air Terminal is not available.

However, Head 44 of the Draft Government of Gibraltar Estimates for 2012-13, which hon. Members will have seen, but which remain confidential until the debate on the Second Reading of the Appropriation Bill, set out the contribution of the Government of Gibraltar to the Gibraltar Air Terminal Ltd, as it is envisaged it will be in this current financial year.

1735 Can I simply point out to the hon. Gentleman, he has asked *me* specifically about this, but it is the Hon. Deputy Chief Minister's responsibility. The airport is the Hon. Deputy Chief Minister's responsibility, but I am happy –

1740 **Hon. P R Caruana:** I was doing my part as questioning the Chief Minister, being the Leader of the Opposition.

Hon. Chief Minister: Well, I am flattered, Mr Speaker.

I am grateful, but (*Interjection by Hon. P R Caruana*) ministerial responsibility is with my –

1745 **Hon P R Caruana:** You were surprisingly elected to the office and I must respect that. (*Laughter*)

Hon. Chief Minister: Well, Mr Speaker, you were remarkably elected for 16 years and we all accepted that, so...

1750 But I make the point that it is the Deputy Chief Minister who carries ministerial responsibility for the Air Terminal.

1755 **Hon. P R Caruana:** Nevertheless, would the Chief Minister say whether his answer means that there is not yet in existence a financial business case model for the operation of the new Air Terminal? So all these statements that are put out about the cost, the operating costs being excessive, are not the result of their comparison against the revenues, because if you have got the revenues and you have got the expenses, then you must necessarily have a business model, simply by putting them together in one document.

1760 **Hon. Chief Minister:** Well, Mr Speaker, if you decide to build it, you must have the business case, I assume, *before* you start building it; but the one that he appears to have had – unless he did not have one, when he made the decision to build this €80 million – I am not going to call it ‘monstrosity’, because we are getting on again, so I do not want to go there – this €80 million airport is not available to me or to the Hon. the Deputy Chief Minister, and the situation we find ourselves in at the moment is that there are a *lot of issues indeed* about the costs that will be involved in the running of the new Terminal. We have seen quite astronomical figures and we are working very hard to deal with those, in order to bring them down to some sort of manageable level.

1765 In terms of the revenue – and the hon. Gentleman will know what those streams are – they do not appear to us, on the fairest day, to come anywhere near meeting the cost of operating the Terminal. I am only saying that, because he said that you have to have the income and expenditure in front of you in any meaningful business plan. At the moment, Mr Speaker, what we are looking at is how to keep the expenditure down, and it may be, Mr Speaker, that in post-Election mode, even if he had been returned to office, he might have been doing the same thing.

1770 **Hon. P R Caruana:** Well, Mr Speaker, the hon. Member must not think that I am agreeing with him to the extent that expenditure has got to balance revenue. Anybody who thinks, including the new Deputy Chief Minister, that a community of 30,000 people with four or five flights a day at this stage can operate *any* air terminal, even the old one, at a profit or even revenue-neutral, is living in cloud-cuckoo-land. There is always going to be an element of governmental subsidy for the operation of *any* airport in this community.

1775 And I have to say, Mr Speaker, I do not want to go in a line by line question, supplementaries on the hon. Member’s press release of 25th April, but I want him to understand that the steps that the Government is now attributing to itself by way of cost reduction is exactly the process that we set up – in other words, getting the contractors that had installed the lift, the escalators, that had installed all the plant and equipment, that had installed the handling, that had installed the computer systems, to get *them* to manage, to operate and maintain – certainly to operate the maintenance of them – during a period – I think the discussions taking place envisage 12 to 18 months – not just because they were best equipped, but because there had to be a learning curve period for local people. So this is not something that the hon. Members intelligently decide to do to rescue the situation from what it was before; that is precisely what all their contracts already required them to do and was already the case.

1780 Of course, the operating cost of the new Air Terminal was always envisaged to be higher than the cost of the new Terminal. That is an investment. The hon. Members may say that they would not have made it. We say it is a perfectly affordable *increased* investment in having a higher quality Air Terminal in Gibraltar, which could be used by those of his Ministers whose business it is to generate increased economic activity, whether it be in financial services, online gaming or tourism, it is a resource that will allow them better to attract to Gibraltar the sort of enhanced quality and quantity of economic activity that Gibraltar’s future prosperity requires. It is a matter of regret to me that, even in disagreeing with the project, the hon. Members cannot acknowledge that, even though it is more expensive to operate than the old one, *obviously*, this is an investment in this community’s future, perhaps one that they would have chosen not to make, or perhaps one that they think was unnecessary to make, or in that quantum to make, or made in reduced amounts but, nevertheless, it is simply to consider the cost of operating a new facility. Without factoring the revenue that that new facility will enjoy, including its capacity for *enhanced* revenue as a result to being able to attract

1800 more services, more business and more passengers is not a meaningful way of evaluating the financial work of the operating costs – I am leaving the capital costs to one side; of the *operating* costs.

I say that, Mr Speaker, and I ask him if he would agree with me that we are just discussing the length of a piece of string, how much the subsidy is going to be, because the Government subsidises the *existing* Air Terminal. So if we subsidise – sorry.

1805 **Hon. Chief Minister:** Mr Speaker, I do not want the hon. Gentleman to think that I said anything before which suggested that I thought that the books should balance. Of course I accept, and I think I accepted earlier when this issue came up in respect of a supplementary which was not a question on the airport that, when we were talking about the commercial agreement with the MoD, I accept that there is going to be an element of
1810 subsidy in respect of the operation of the airport – of course, I accept that – but we are an island economy for more than just the generation of electricity and we need to have an airport because of our geopolitical needs. That involves a cost, part of which we defray with the Ministry of Defence in the United Kingdom but, in terms of commercial operations is a matter for our community. The question is, Mr Speaker, where does he pitch it and where do we pitch it? By looking at what revenues there would be and how much thereafter we might be prepared to invest in that.

1815 We have found ourselves with this Airport Terminal. This is the one that we now have to operate. So there is no question of us doing anything to ensure that this airport is not a success.

If this Air Terminal is made a great success by this Government, well, look, that is politics, but we just actually did not... It is not that we would not have built this Terminal and the debate between us has always been size and priority of investment. Was it right to build this Terminal – and here we are talking about the
1820 Capex – now, with this size, involving this amount of money or should we have done KGV first etc? Those were the decisions that *he* made when he was Chief Minister and, Mr Speaker, before the Election, this was almost in fruition. We now inherit that and have to run it.

I think, therefore, if the hon. Gentleman is saying to us, after the Election – or rather, after completion; the Election just happened to be there – I envisaged a period of maintenance [*inaudible*] by those who had installed them and, thereafter, the takeover of that maintenance by locally employed individuals, a local agent or part... (*Interjection by Hon. P R Caruana*) Well, exactly, or part of GATL or whatever it was, well so be it, Mr Speaker. That is very much where we are going.

I will tell him, Mr Speaker, because he is saying that this was not their idea; it was already envisaged. I will tell him, Mr Speaker, there has perhaps been the biggest try-on in history by those who have the contracts for the period that the hon. Gentleman suggested they had it, by suggesting that they wanted, obviously, to stay on and that there had been no discussion of training locals etc, etc. So we, Mr Speaker, (*Interjection*) have taken the initiative, in particular through the office of the Deputy Chief Minister, who is comfortably sitting there, whilst I field these questions, (*Laughter*) that these things should be done in the way that we have set out in our press release they should be done – which it appears to me, Mr Speaker, whether we might
1835 never ever be able to agree on *everything*, but it really is just a question of degree. We all seem to have been going in the right direction.

Hon. P R Caruana: If the hon. Member has been told that the Government was not engaged at that time with the installers of the equipment for them to do the management for a period of time of these, then he has
1840 been misinformed.

The scheme that was in place and, indeed, I think the contracts, the original procurement contracts were written *requiring* them to offer that facility if the Government required it and the scheme was – which seems to me precisely the one that they are operating – is use that for a period of... I do not remember if we are talking 12 or 18 months, as it was being done by our agent, to be followed and use that period to set up a
1845 Government-owned facilities-management agency, where the Government would bring in all the resources to do the training and, Mr Speaker, the fact that we were talking to individuals about leading the agency and about personnel, that is *exactly* the... Yes, Mr Speaker.

Hon. Chief Minister: Mr Speaker, apart from the fact that the contracts were for a period, that is for sure – a 12-month or 18-month period – but most contracts are for a period and therefore the fact that the contract is for a period does not necessarily disclose what is behind it, because somebody may want to do a contract for a year and simply keep renewing it every year and most, for example, lift maintenance contracts are all, wherever they are, for a year.

1855 I can tell him – and I have just had confirmed that my thoughts were correct by the Deputy Chief Minister – that nobody has told *us* that that was what was being envisaged by the previous administration, the creation of the agency, the people who you were talking to, and we would be delighted to receive the information, because if wheels have already been set up, reinventing them is not necessary.

1860 If I may allow myself this point of discord, Mr Speaker, perhaps it is because this was not being dealt with by the usual officials for the Government, that this information has not flowed back to us, because we are now working with chief technical officers, etc, in developing this thinking and you would have thought that, in everything else where they have thought that there are things we should have known, they have told us, which is the normal way.

1865 **Hon. P R Caruana:** Mr Speaker, but precisely the officials that he has mentioned were well aware of the discussions that the Government was having for the establishment of a facilities-management agency. We were in discussion with a particular ‘seniorish’ senior technical official – I think he is currently in the GHA – who was contemplating leading that. That actually failed in the end.

1870 That failed in the end, but this was the subject of discussions with the unions about whether we would include the garage or not the garage, whether other people would go... No, no, not the garage agency. How many people would be included in the facilities-management agency?

1875 I am not saying that the project came to fruition. It did not come to fruition because it was work in progress when the Election was called. All I am saying is that there are lots of people accessible to him today, whether on the union side or within the Government, who are aware that the scheme was to establish a local, Government-owned, facilities-management agency and that people were being spoken to... Yes.

Hon. Chief Minister: Mr Speaker, may I just ask him for a personal clarification?
For the management of the airport or more generally?

1880 **Hon. P R Caruana:** No, for the *facilities* management of the airport and other facilities that the Government has invested in.

Mr Speaker, the policy position that the Government took in those days was that, in the olden days, you used to build a building and forget about it and if you did not maintain them, well, they just dilapidated and they would eventually give them a lick of paint.

1885 A lot of new buildings now have large amounts of plant, equipment and building assistance that require maintenance. The Leisure Centre, the new Court Precincts, the new Air Terminal and the new Prison: all of these are modern buildings with a huge amount of plant, machinery and operating systems that you cannot treat like you used to treat the old buildings that Government historically...

1890 So the Government said, our policy was – and I had *assumed* that he might have been exposed to this thinking by now by officials and others – that the way to deal with this was to establish a *central* Government agency that would deal with the facilities management of all of these, which the GHA has for itself already in a particular Department, but which all these others... oh, the new Hospital has already, but which all these other new facilities that we have built did not.

1895 So the Air Terminal in respect of the *facilities* management – not the running of the Airport as a terminal, but the *facilities* management – would have been a customer of the central Government agency in common with all these other facilities. That was the project in hand, otherwise you have got to... If you just do it for the Air Terminal, you have got to say, ‘Well who is going to do it for the Leisure Centre? Who is going to do it for the Prison?’ and you cannot replicate seven or eight, as there are just not enough skills to go around for that in Gibraltar. That was the scheme and I am just surprised...

1900 I had assumed, from reading the press release, that there had been some degree of familiarisation and that the hon. Members were just chalking it up to themselves. I am astonished that no-one has pointed this out to you.

1905 **Hon. Chief Minister:** That is interesting that sometimes we are... interesting and worrying that we might actually think alike (*Laughter*) in some respects.

Hon. P R Caruana: More worrying than interesting! (*Laughter*)

Hon. Chief Minister: More worrying than interesting – absolutely!

1910 Mr Speaker, there is common thinking in that respect and perhaps, to a wider extent, because there are other things that the Government also does, not just manage buildings, which may involve the same expertise as those who manage buildings. So, Mr Speaker, that is an issue that we are looking at, but not because we were trying in this press release to suggest that we had come up with these ideas ourselves, knowing that the hon. Members opposite had done so.

1915 I am surprised, Mr Speaker, because the conventions apply but, in terms of things which are in motion, officers are allowed, and do, and have given advice of where the previous thinking was and why things are at the stage at which they are. It did not, take it from us, happen on this occasion in respect of this. (*Interjection*)

1920 **Hon. P R Caruana:** By way of information to the hon. Member, the official of the GHA in question – I am not sure if he is GHA or seconded G... I think it is GHA – actually wrote a report. There is a written report around this matter and it is true that that particular official eventually decided not to transfer to this initiative and to stay where he was, but he actually wrote a very helpful and informative report about how this central... I recommend to the hon. Member that he picks it up because it is certainly something that needs doing. We cannot just leave...

1925 We cannot just invest tens of millions of pounds in buildings without putting in place a resource for their proper maintenance and management. Not the activities within the buildings, but buildings and the systems in the buildings themselves.

1930

**New Air Terminal
Opening date**

Clerk: Question 478, the Hon. P R Caruana.

1935 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister say on what date the new Air Terminal will open for departures?

Clerk: Answer, the Hon. the Chief Minister.

1940 **Hon. Chief Minister (Hon. F R Picardo)::** Mr Speaker, notwithstanding that based on information provided to the Minister for Transport by the Employer's Agent and Dragados, the Minister informed the House in the last session that it was hoped to open the new Air Terminal during this month. It has not yet been possible to set a date for the opening of the new Air Terminal for departures.

1945 A number of issues remain to be resolved at the new Air Terminal before it is possible to give an exact date for the opening of the new Air Terminal for departures.

The Government is, however, moving as soon as possible to open the new Air Terminal for departures in order to reduce the cost of operating two terminals at once.

1950 **Hon. P R Caruana:** So should I deduce from that answer, Mr Speaker, that it would be wholly unfair to level at the hon. Members opposite even the suggestion, or the suggestion of the accusation, that they are sitting on their hands and not proceeding as expeditiously as possible with the opening of the Air Terminal for political effect?

1955 **Hon. Chief Minister:** Mr Speaker, quite the opposite. We sincerely believe that the folly was to start operating one without the other and that you are not going to move back now to the old one. You need to move as quickly as possible to the new one and there is absolutely no question of any political actor involved in this side of the House doing anything other than trying to ensure that the new Airport is available and open for departure business as soon as possible. I think that is in the interests of our community. It is the interests of the administration and – he knows that he and I disagree on this issue – I think that the sooner that members of our community start to go down there, they realise how unnecessary this Airport was!

1960 So believe me, no political approach to try and prevent this from opening.

Hon. P R Caruana: Mr Speaker, as to the 'folly' part, would the hon. Member accept from me – a

1965 rhetorical question – that if a Government had emerged victorious from the polls on 8th December that was more enthusiastic about the Terminal, it would have been ready and open by now, and that the hon. Members have not gone very far out of their way to bring about a situation where it would be ready for opening? Because, certainly, the contractor had with us a commitment for a date which has long since passed, and, of course, if contractors are not pushed they take as long as they like because it minimises their costs.

1970 I am telling the hon. Member that if this party, if the Opposition, had been elected into Government, that Terminal would have already been open for at least one month.

The hon. Member suggests a different view and it remains to be seen whether the difference between our two positions on that reflects *absolutely necessary delay* caused by genuine non-completion factors, or whether it reflects the fact that the contractor has simply been allowed to finish at his leisure. The contractors, including the subcontractors for computer installations and all of that have been allowed to finish at their leisure. Our view is the latter. Obviously, I do not expect the hon. Member to agree with me, but our view is that if the Government had more enthusiastically pressed for this Terminal to have been finished, we think it would have been open by now.

1980 Can I just add a supplementary for that? I do not want to get into more trouble today. If it is not going to be ready in May, will the hon. Members then consider inviting the Earl of Wessex to inaugurate the new Terminal and perhaps even naming it the Gibraltar International Jubilee Terminal or something to that effect?

Hon. Chief Minister: I will start at the end, Mr Speaker.

1985 The programme for the visit for the Earl and Countess of Wessex has already been settled and, subject to security issues, given that the hon. Gentleman has raised the issue, that is already on their programme and a name which is relevant in some way to what they will be doing here in Gibraltar is being proposed, both in respect of the terminal and the VIP suite. I will tell the hon. Gentleman that I have given specific instructions that, of course, the order of precedence should be followed in every event to which the Earl and Countess are invited but, in particular, that in relation to the Airport, he should be... I am sure that he is one of the invitees because that Airport was not the vision of this Government; it was his vision and he should be there, Mr Speaker. So that much we can agree on.

1990 Now, Mr Speaker, would it have been ready and open for completion if the hon. Members had been returned to Government? Well, look Mr Speaker, I do not know that it would have been, because whatever level of enthusiasm the hon. Gentleman could have brought to the process of completion, by which I will translate, if you will allow me to paraphrase without the excitement that we had earlier when we were paraphrasing, namely whatever level of whipping of the contractor to finish sooner might have been the case or continued to be the case after the 9th of December, if he had been returned to office, which might not have been the case when we were returned to office, there are issues in the building. He may not be aware of some of those issues. There are issues on the roof, there are *serious* snagging issues which have been truly concerning to those of us who are receiving these reports, and there are changes proposed in respect of some of the areas of the building which may be relevant, but I do not think will delay opening for business. Those things have to be dealt with, Mr Speaker.

2000 Look, the hon. Gentleman knows that I thought that he was *excessively* enthusiastic about the way that he drove the project. The original suggestion in the placard was that this would be 'landing for business' in 2011, and unfortunately so many projects go overdue, even ones driven as enthusiastically as he drove –
2005 *(Interjection by Hon. P R Caruana)* Just for arrivals business –

Hon. P R Caruana: Well, for landing – arrivals is landing. *(Laughter)*

2010 **Hon. Chief Minister:** *Arriving* for business this year, *(Interjection by Hon. P R Caruana)* or *landing* in 2011!

Hon. P R Caruana: Departures is take-off! *(Laughter)*

2015 **Hon. Chief Minister:** Mr Speaker, I am not going to be going down to the Airport, as the hon. Gentleman was wont to do, twice a week, to push the contractor –

Hon. P R Caruana: Three times before the end – *three* times...!

2020 **Hon. Chief Minister:** Three times, absolutely – ensuring that the tiling was done in the way that he liked and that the staircase was changed in the way that he liked etc, etc – whatever it was that he did, Mr Speaker. It was his prerogative. (*Interjection by Hon. P R Caruana*) He held the Chair and, given his penchant for internal decoration, (*Interjection by Hon. P R Caruana*) he was entitled at the time to do it and he did it. We are not that sort of Government. I do not think that that has delayed the completion. I think that there are technical issues that have delayed the completion, but the completion is necessary because operating two terminals puts a lot of pressure on the people who are on the ground and this needs to be done as soon as possible, and that is the message that everybody is getting from the Government. So there is no question of us not pushing for this to be finished as soon as possible.

2025 But Mr Speaker, I will tell him, snagging *is* an issue, and better that snagging be an issue and before the Government take the building, these issues are dealt with, than simply for the sake of taking it, we accept a building that, in some respects, the snagging is not satisfactory on and that we wait to ensure that the contractor deals with those points.

2030 **Hon. P R Caruana:** Mr Speaker, the hon. Members have already accepted delivery of the building. Practical completion has taken place. ‘Snaggings’ as he calls them, rightly, take place *after* the building comes into the hands of the user and after it has been put into use. When people move into a house and the snaggings can go... unless, of course, the snagging is of a sort that is not compatible with the building being occupied and in use.

2035 Mr Speaker, leaving to one side the question on which we clearly disagree, about whether the Government have been enthusiastic about getting this project, or whether they have extended it, simply to make it easier for him to reveal the ‘folly’ argument, about having opened it for arrivals only – leaving that to one side, Mr Speaker – I have to tell him that, in favour of its opening by a member of the British royal family is the *only* option that I will forgive him for sacking me as the opener and inaugurator of the Terminal – or has he forgotten (*Laughter*) that he brought out a public statement telling me not to worry, that he would ensure that I did the opening of the Terminal because it was my project?

2040 I can tell him that I am delighted – even though I have been *pushed* to one side, (*Laughter*) I would have stood to one side with pleasure – and therefore I welcome having been pushed to one side by him, without furthermore, in favour of the inauguration of this Terminal by the Earl of Wessex and if he will accept the Government’s suggestion that the word ‘Jubilee’ should somehow feature in the name of the new Airport, then he will get double forgiveness from the Leader of the Opposition for my unceremonial sacking as the inaugurator of choice.

2045 *A bell rang.*

2050 **Hon. Chief Minister:** Round six!
Mr Speaker, I have not sacked him; it is that I made the offer to him in the days when I was Leader of the Opposition and he was Chief Minister and, in those days, offers were made and no replies were to be had, just like the letters I used to send him, to which I used to not get a reply – (*Interjection by Hon. P R Caruana*) so, absent an acceptance, Mr Speaker, I had to fumble around to find somebody else suitable! (*Laughter*)

2055 **Hon. P R Caruana:** Your electoral promises are not to be believed!

2060 **Hon. Chief Minister:** Even the ones made to you!
I had to fumble around to try and find somebody to open it and very, very, graciously, we found people who I think we can both agree are the best people –

2065 **Hon. P R Caruana:** Of course, I am not going to suggest for one moment that the delay in opening is to await the Prince’s arrival: he *could* inaugurate, even if it had already –

2070 **Hon. Chief Minister:** Absolutely, he will inaugurate it whatever the position is then, even if it is just open, as it is today, for arrivals.

So, Mr Speaker, I am delighted, actually, that it will be possible to have the royal couple here and to do something as important to Gibraltar as the opening of this and other venues and the laying of foundation stones, etc... I did not want to say much more about it, but because the hon. Gentleman has raised it and –

2075 **Hon. P R Caruana:** I suggested it, not raised it.

Hon. Chief Minister: – and it is important that it be on the record that that is the case. (*Interjection by Hon. P R Caruana*)

2080 Mr Speaker, there are names in the mix. (*Interjection by Hon. P R Caruana*) There are names in the mix, which he will be privy to, once they are more public. I am quite happy to tell him – (*Interjection by Hon. P R Caruana*) I am quite happy to tell him afterwards.

But, Mr Speaker, I will say this – (*Interjection by Hon. P R Caruana and laughter*) When the...

2085 Can he go back to nasty, because I need to be able to at least get through the answer? At least when he is nasty, he listens, Mr Speaker!

I will, when we are there, Mr Speaker, make sure that the Earl and Countess of Wessex know that this is his idea of an airport and not ours, because that is the historic position, Mr Speaker.

2090 **Hon. P R Caruana:** Yes, and he's not tempted by the name 'Peter Caruana International Airport'? (*Laughter*)

Hon. Chief Minister: Mr Speaker, I think that he needs to think carefully about what the initials of that, which is what appear on the baggage tags, may look like. (*Interjection*) His middle name is Richard, isn't it? (*Laughter*)

2095 **Hon. P R Caruana:** Well, I have got... The hon. Member clearly thinks about an order – (*Laughter*) What would the order of the initials add to it? (*Laughter*) So I take it that is a no?

2100 **Hon. Chief Minister:** It is in all of our interests that it should not be!

Fishing Agreement 1999 Contravention of Gibraltar laws

2105 **Clerk:** Question 479, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, will the Chief Minister say in what respect he believes that the content of the 1999 Fishing Agreement contravened the laws of Gibraltar?

2110 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, this question seeks an opinion and, in our view, is therefore contrary to Standing Order 17(1)(vii).

2115 The fact is that this question is also a pretext for a debate, contrary to Standing Order 16(6), although if the hon. Gentleman wants to debate this issue, I will be delighted to do so on a motion.

Nevertheless, Mr Speaker, I will answer this question by simply saying: *in every respect*, as, in our view, it was an agreement to allow Gibraltar law to be broken by certain individuals and not others.

2120 **Hon. P R Caruana:** Mr Speaker, does the hon. Member acknowledge that, far from *authorising* the breaches of the laws of Gibraltar, the Agreement specifically says that those laws for Gibraltar are valid and effective at which the fishermen acknowledged; that it is specifically said that no breach of those laws is being authorised by this Agreement; and that the essence of the Agreement is to restore the enforcement practices of those laws to what it had been since the day it was introduced by the previous GSLP Government in 1991 to the outbreak of hostilities, if I could call it that, in 1997?

2125 Therefore, to the extent that he thinks – *wrongly* in my view – that this Agreement authorises by virtue of agreeing a return to the enforcement *status quo ante*, that it cannot authorise breaches of the laws of Gibraltar any more than the previous GSLP Government had, in effect, tolerated, between 1991 and 1997, after they

2130 had *foolishly* been allowed to be persuaded by the environmental lobby in Gibraltar to introduce these laws, without regard to the implications that would come in their wake, so that when they realised what the implications were, they themselves, the introducers – that is to say, the GSLP Government in office in 1991 – took no steps whatsoever to secure, or to concern itself about the non-implementation of these laws, and that the *sole effect* of the 1999 Agreement was simply to say, ‘We will ask the Governor to ask the RGP whether they will go back to enforcing this law, as they have always enforced it from 1991 to 1996’, and that, in it, it says that there is no authorisation of the breach of the law – I will read it to him, if he shakes his head – and that... Yes, Mr Speaker:

2140 ‘The circumstances here described do not mean that any transgression of the Nature Protection Ordinance (law of Gibraltar) is permitted, and the fishermen undertake to respect the instructions of the police authorities in every case.’

which was *our* assessment, in fact, of what the situation had been before: that Gibraltar believed the laws to be valid and left enforcement to the RGP in whatever way they chose. That is what had happened between 1991 and 1997 and the Agreement merely says that ‘We will revert to whatever it was that was happening before the outbreak of war’ – in other words, we would revert to what the enforcement mechanisms had been.

2145 But, in any case, Mr Speaker, my supplementary question was not what the hon. Member interpreted – presumably the hon. Member does not assert that something is unlawful simply on the basis of *his* interpretation of the effect, unless he also thinks that there was unlawfulness going on before. The hon. Member has said repeatedly that he thinks that this Agreement *authorises* breaches of the law. I would ask him to point out what words in this Agreement he believes authorises breaches of *any* Gibraltar law.

2150 **Hon. Chief Minister:** Mr Speaker, this debate has been had in this House before. It was had at the time that the hon. Gentleman, as Chief Minister, entered into the Agreement in question and, with questioning, I think he will remember and perhaps fondly recall from Mr Gabay, who is now passed away.

2155 Mr Speaker, the Agreement is, in my view, very clear. The fact of the Agreement in itself says a lot. You see, Mr Speaker, the position, as any first year lawyer would understand it, is that there is a law in Gibraltar which proscribes certain acts in our waters, and elsewhere in Gibraltar, as it does not just deal with fish. We have many laws that proscribe many things in many areas of our community. This is perhaps the *only* Agreement that there exists about how laws are going to be enforced – certainly the only agreement that I have seen which is subscribed to by the Government of Gibraltar as to what rigour will be applied to the application and enforcement of the law.

2160 My Government has not, in the past six months, (*Interjection by Hon. P R Caruana*) subscribed to *any* agreement as to how *any* law should be enforced, neither does it purport to say to the RGP, for example, in relation to drink-driving or the purchase of drink by people under age, at any time, ‘You, RGP, are required to enforce the law today, in the same way that you have enforced it between 1996 and 2011’, because if the RGP wanted to have a crack-down on drink-driving at Christmas and people who want to drink and drive block the entrance to my office, I am certainly not going to sit down with them to agree a protocol, where I am going to ask the Governor of today, the Police Authority, to tell the Commissioner of Police that he should not police the law on drink driving with any more vigour than he does at any time during the year.

2170 This Agreement *specifically* provides that the level that the law will be applied with will be the same level of tolerance as during the period between 1991 and 1997. Well, Mr. Speaker this is an agreement, therefore, to restrict how the police enforce Gibraltar law. Between 1991 and 1997 the police, as they do in relation to every other law, decide for themselves how they enforce legislation which creates criminal offences. We, as citizens, may see somebody riding a bike without a helmet and we may think ‘what the bloody hell are the police up to, don’t they see that there is a guy riding without a helmet?’ Now, that does not mean that we are entitled to say to the Police Commissioner, ‘if they stop our son driving a moped without a helmet, how can you stop him and fine him when I saw a fellow driving without a helmet last week? I require you to enforce the law against my son with the same level of tolerance as was obviously being applied to the fellow who I saw driving across the runway without a helmet.’

2180 It is *inconceivable* Mr. Speaker – and I recognise what the hon. Gentleman is trying to do politically but, legally, it is inconceivable – *legally* that a Government should defend, as he does now, for the Government that he led, an agreement to tolerate the breaching of the law in Gibraltar, with this added danger: in the annexes there are provisions as to what happens more than 225 metres from the coast and what happens *less* than 225 metres from the coast and what level of tolerance, which is to accept, without challenging, the RGP

2185 are going to be asked by the Governor to show in respect of the enforcement of our law in those areas under the constitutional arrangements that were current in 1999.

2190 Mr. Speaker, I thought it was common ground between us in this House that Gibraltar has the territorial sea of three miles all around it except where the median lines are shorter and, therefore, the Nature Protection Act, love it or loathe it, is the law of Gibraltar to the three mile limit on the east side and to the centre of the Bay of Gibraltar on the western side and up to the international strait to the south. Now, *this* Agreement specifically sought to tell the Commissioner of Police, through the office of His Excellency, the then Governor, as a messenger, what level of application of the law there should be by the instrument of tolerance (*Interjection by Hon. P R Caruana*) in respect of the Nature Protection Act. Therefore, Mr. Speaker, I believe that this is an illegal Agreement, contrary to the rule of law, because why should we agree, *why should we agree* that certain people should be able to do certain things in certain parts of our territory which this Parliament has proscribed.

2195 If we come to the view, Mr. Speaker, as the hon. Gentleman appears to have done, given the way that he has described the Nature Protection Ordinance – then Act now – and the pejorative terms in which he described those who might have had an influence in lobbying for it, if we were to take the view that the law should be changed, as the hon. Gentleman *appears* to have done, then we have to have what it takes to come to this Parliament and change it. So be it, the person who has the majority on this side of the House can change the law because if you want to put practices in compliance of the law what you do is you change the law, you do not put police officers or others responsible for enforcement in the situation where they are told *not* to enforce the law in a particular area or in particular circumstances – and this Agreement does just that.

2200 I think it is abundantly clear that the hon. Gentleman, when he was Chief Minister, was saying, ‘Well, look chaps, you had no problems with Spanish fishermen between 1991 and 1997 so if everything goes back to what it was like -’

Hon. P R Caruana: That is not true...

2210 **Hon. Chief Minister:** ‘It is not true’ No problem.

– which they complained of, at least which gave rise (*Interjection by Hon. P R Caruana*) to the dispute between 1991 and 1997, if we go back to that, you will be alright, will you?’ He appears to have got a measure of agreement for that. He does not appear to have been able to persuade them that that could be achieved by any means *other* than seeking to tie the hands of the police through the office of the then Governor through this instruction.

2215 Mr. Speaker, I think it is important that everybody who is listening to this debate should have access to the Fishing Agreement. They should see what it is and I am quite happy if the hon. Gentleman wants to publish it again, if he has not got a copy easily accessible... But I think, at the time, it was published in the press and it has been put on certain social media sites so that people can see it; it is absolutely clear, the Government of Gibraltar states that it is not its objective to apply the law. But the Government of Gibraltar does not apply the law, Mr. Speaker, it is the police that enforces the law and applies the law with greater rigour than before. Therefore, as in the period 1991 to 1997, there will be fishing through tolerance in the application of that law and not as of rights and not due to the invalidity of that law.

2220 There will be ‘fishing’, Mr. Speaker. Change the word ‘fishing’ for ‘drug-use’: there will be ‘drug-use’ through tolerance in the application of that law and not as of right and not due the invalidity of that law. Change the word ‘drug-use’ to ‘robbery’: there will be ‘robbery’ through tolerance in the application of that law and not as of right and not due to the invalidity of that law.

2225 *How* Mr. Speaker can somebody defend an agreement to tolerate *breaches* of the law? Very simple, Mr. Speaker, because the hon. Gentleman has told us, in his analysis, that he believed that the law was wrong and it should not have been done and that it would cause problems. Therefore, he did this Agreement to allow breaches of the law of Gibraltar, contrary to every principle of the rule of law.

Hon. P R Caruana: Mr. Speaker, none of what the hon. Member has just said is true.

2230 This Agreement does not authorise the breach of any law of Gibraltar. What this Agreement says is ‘Look, here is a law that has been in place in Gibraltar since 1991 and which the Royal Gibraltar Police, who are independent law enforcers constitutionally have chosen to enforce in a certain way. I did not know what that way was.

It is not true that they could fish wherever they liked. It meant that they respected the validity of the law,

2240 that they respected the authority of the RGP between 1991 and 1997 and, on all the occasions the RGP considered it between 1991 and 1997 – to spring traps to catch Spanish fishermen, and they were caught and thrown out and/or prosecuted – whatever was enforcement practice, freely without duress, without unlawful instructions through messengers that live in the Convent to the Commissioner of Police; whatever it was that they had decided as an enforcement approach to take between 1991 and 1997 we were going to *ask* the RGP – not order – *ask* the RGP, through the Governor, whether they would agree to revert to that, which is what they had chosen, and it was not that they could fish whenever they liked. It was that they were bound by the law and that if the RGP chose to enforce it against them, they could and would and did on occasions.

2245 Mr. Speaker, the hon. Member can if he wishes place the protection of fish in the same category as robbery and drugs but a more appropriate analogy, given the serious consequences of the hon. Member ventilating his first year law student interpretation of this highly complex situation, Gibraltar is about to discover, but a more proper analogy would be not murder and robbery but driving offences. There is a law that says that you won't drive down *Line Wall Road*, I don't know what it is, forty, fifty kilometres an hour? Well, Mr. Speaker, the RGP does not police that on a zero tolerance basis and therefore turns an element of blind-eyeness, because everybody knows that people speed along *Line Wall Road* every day, a zero-tolerance policing practice would mean that they would be there every day, all hours of the day catching all the infractors that they know for certain is taking place every day. But they don't enforce because this community's wider interests do not depend on a zero-tolerance enforcement of laws – and all laws have the same status – but some laws protect society to a greater extent than others and therefore the RGP rightly devote their policing resources to those laws upon compliance and policing of which the safety and security and conviviality within this society depends, and that does not include catching every speeder, and it does not include protecting fish above everything else, important as protecting fish might be.

2255 Everything in life has a relative order of importance and for him to choose to categorise the public interest in protecting fish with the public interest in preventing murder and drugs is a monument to his exaggeration of the bad reason why he has chosen to interfere with this Agreement at the cost to Gibraltar which I fear, even though they have got no right to do it and it is a sign of everything that is unacceptable, everything that the Gibraltarians find unacceptable about the Spanish Government, this has nothing to do with accepting that their reaction is justified, but there will be a reaction and, in our view, it was unnecessary, completely and utterly unnecessary.

2260 Will the hon. Member acknowledge, just as he has done a balance sheet in terms of law and order and respect for the rule of law about what he thinks, how he has chosen to interpret the legalistic effect of what the Government did in 1999 with this Agreement; will he accept the following balance sheet of some things which are also important to Gibraltar; that here was the first and only agreement in which Spanish citizens have by agreement acknowledged, genuflected to, acknowledged and accepted (*Interjection 'hear hear'*) and recognised British sovereignty of these waters manifested through the validity of our laws, the right of our Parliament to make laws in them, the right of our police force to enforce those laws which they agree to recognise and acknowledge and that by tearing this Agreement up he has forfeited that and that he will never be able to recover that.

2270 Mr. Speaker I think that this is one of the unfortunate consequences. I don't agree. I don't agree with his analysis of the reasons why he thinks that this Agreement is either bad or illegal or a violation, so he is describing the *effect* of the Agreement not the Agreement itself. The Agreement itself does not purport to authorise or permit a single act of violation against any of the laws of Gibraltar. What it *does* do. I make absolutely no apology for it and would do it again today and encourage him still to do it today, is to simply ask the RGP, not order the RGP, ask the RGP whether they would exercise their discretion to enforce the law as *they* had – not as I had told them to – as they had chosen to enforce it with the same degree of priority, the same degree of rigour, the same degree of consistency, the same degree of laxity, the same degree of strictness, whatever it was, as they had chosen to do it before the crisis arose.

2285 So it is not *my* decision as to the degree of enforcement that I was imposing. I was simply inviting them to agree to restore *their* assessment before the armada invaded – and the Guardia Civil – and everybody ratchets up, so will he accept that what this Agreement did, first of all, was not to order, but secondly whether it was to order or to ask or, indeed, whether he is willing to acknowledge there is a difference? He may say, 'Well, Chief Minister – then Chief Minister, now Leader of the Opposition – that's all very well but that's a distinction with [*inaudible*] difference.' Will he acknowledge, nevertheless, that what the RGP were being asked to do was not to adopt a *particular* enforcement method chosen by the Government of the day but simply to revert to what had been there, for *seven years*, chosen method of enforcement.

2295 **Hon. Chief Minister:** No Mr. Speaker. No, because the letter of the Agreement says something different-

Hon. P R Caruana: It does not...

2300 **The Chief Minister:** Mr Speaker, it says here:

‘Both sides have discussed in depth what a return to the *status quo* means in practical terms, in terms of the nature and level of firmness of the enforcement of that particular Gibraltar law. The Gibraltar Government will ask His Excellency, the Governor, to ask the Royal Gibraltar Police to enforce the law on the basis of this understanding -’

2305 and then sets out what it is, Mr Speaker, that that understanding is:

‘ANNEX

2310 After having discussed in detail what a return to the status quo and therefore to the 1991-97 situation is, both sides understand that the law will be applied strictly in the following circumstances:

AREA – WEST OF THE BAY

Distance from the coast 225 metres.

Number of fishing boats: no more than four. (In this respect the luceros are not considered boats actually fishing).

At no time can any entrance of the port be obstructed.

2315 EAST SIDE

In less than 225 metres from the beach or coast.

The circumstances here described do not mean that any transgression of the Nature Protection Ordinance is permitted, and the fishermen undertake to respect the instructions of the Gibraltar police in every case.’

2320 Well, Mr Speaker, is it not obvious? I have too much respect for him intellectually to think that he does not understand this – of course, he does – (*Interjections*) but let him just get up and say, ‘It’s an agreement to breach the law and I did it, because politically it was expedient.’

Mr Speaker, what happens outside those strict areas of enforcement? It is an agreement for not strict enforcement outside those areas, for tolerance – in other words, allow without challenge, outside those areas.

2325 He might say, ‘Yes, but only to the extent that that was the case between 1991 and 1997.’ I would accept that argument: if we were saying zero tolerance in these areas of this law, but normal policing thereafter outside it, I would accept that principle, because you see, Mr Speaker, I do not purport to tell the police zero tolerance on one, no zero tolerance on the other. It is a matter entirely for the Police, but this Agreement went further! (**A Member:** It didn’t.) Through the office of the Governor, it purported to tell/ask... well, what it should be that the police should be doing, in respect of the enforcement of a particular law.

2330 Now, the hon. Gentleman may not like it, when I compare it to the law of murder or the law of robbery or the laws against the abuse of drugs. He may prefer to compare it to driving offences; but as he has acknowledged, because he wants to diminish the importance of this, all laws are the same and he takes us to the law on driving, (*Interjection by Hon. P R Caruana*) because it is, of course, easier for him to make the point in respect of the laws of driving.

2335 But, Mr Speaker, that is exactly the point to take. In a state governed by the rule of law, what is the Government doing, asking, telling or otherwise influencing the police in respect of how it should enforce the laws? The Government is more powerful than the police. It can come to the Parliament and change the law and say that the offence is no longer on the statute book and then the police have nothing to enforce. That is why we are the executive and the police are the enforcers.

2340 This Agreement transgresses that line and, Mr Speaker, that is why it was an issue that we considered important enough to put in our manifesto and the people knew that this was one of the things they would be choosing, if we became the Government.

2345 Now, Mr Speaker, I want to take some of the other points that the hon. Gentleman has made, in turn. One of them he made outside of this House, during the course of an interview with Gibraltar Broadcasting Corporation. He said, Mr Speaker, that, although he believed that the Agreement was an important thing, he would not side with Spain, of course, on these issues; but the fact is, that the only two people, aside from the mayors and the fishermen who have come to my office, I have heard in the media saying, ‘Stick to the 1999 Agreement’ are Sr Garcia-Margallo and Sr Peter Caruana. So there is an element of confluence between the two of them, that the 1999 Agreement should be kept to.

2350 Now, I will tell the hon. Gentleman that I do not believe he achieved anything with this Agreement by getting Spanish citizens to genuflect to our jurisdiction. I will come to why in a minute. But he will know that

one of the sticking points at the time was that the Spanish central government and the Ministerio de Asuntos Exteriores would not recognise this Agreement, and he will know that they would not, because of their intellectual approach to the Gibraltar issue, in particular of the waters. Their position has historically been, under the Treaty of Utrecht, Gibraltar was not ceded with waters, and therefore Gibraltar's position under the United Nations Convention of the law of the Sea does not give it anything other than the port waters and not the three miles of sea around it.

His Agreement in 1999 did not change that position and the Ministerio de Asuntos Exteriores has never recognised this Agreement – until, Mr Speaker, we have been very clear in saying that we believe this is an illegal Agreement.

At least, Mr Speaker, he will recognise that we have achieved one thing: that Sr Garcia-Margallo, in a moment where I think his officials, once again, lost control of him, went on TV and recognised the Agreement, and said that we should have it. That is not a good reason for having it, but at least our attitude to it has got the Ministerio de Asuntos Exteriores to recognise the existence of this Agreement.

But, Mr Speaker, why do I say that nothing was achieved, in terms of the Spanish fishermen's subscription of their signatures – although I have not seen a signed copy – acceptance of this agreement, as the hon. Gentleman says was the case? Why do I say that there is no genuflection to the jurisdiction of Gibraltar at all to be proud of? Because, Mr Speaker, the only recognition that they give, in the first sentence of the Agreement, is:

'The fishing sector of the Campo de Gibraltar'

– which is not a unincorporate person, it is not a legal body, it is disparate, it has no legal personality –

'respects as fact that the Gibraltarian authorities have the right to legislate in relation to fishing as they see fit...'

Right? Well, Mr Speaker, acceptance as fact of the jurisdiction of Gibraltar, of the existence of this Parliament and of our Supreme Court by Spain is around us every day, because the tanks have not rolled. They have accepted our *de facto* right to occupy this land. They have accepted our *de facto* right to legislate. They have accepted our *de facto* right in so many other respects. There is no *de jure* recognition, which is what he knows, Mr Speaker, would have been of value, so to get a few Spanish fishermen to accept what the Ministerio de Asuntos Exteriores has recognised, even when Franco was there, is no genuflection. The genuflection here, Mr Speaker, was that a few hotheads blocked the frontier on that side and, no sooner had they done so, than our then Chief Minister was ready to do an agreement that our laws should be breached.

Mr Speaker, taking the example of the policing of driving at 30km an hour along Line Wall Road: whether you were booked at 31km an hour, at 50km an hour, or not booked at all at 100km an hour, is not a matter for the Government of Gibraltar – not a matter for the executive; it is a matter for the Commissioner of Police and his officers and now the highways enforcement officers, if they have powers in relation to speeding. If we believe that you should be allowed to drive at 50km an hour, it is not appropriate for me to call Eddie Yome or to call the Chairman of the Police Authority and, in those days, to call the Governor and say, 'Go on, Guv, let us speed up to 50 and don't fine us!'

The appropriate thing for the Chief Minister of Gibraltar to do *in those circumstances* is to come to this House and say, 'You should be allowed to drive at 50km an hour in Line Wall Road.' That is *not* what the hon. Gentleman did.

Mr Speaker, I want to address a number of other issues that arise.

The hon. Gentleman has talked about the storm that may be unleashed. The hon. Gentleman did this Agreement. He entered into an agreement, under the Tripartite process, for the payment of very large amounts of money by the United Kingdom, not us, of pensions to Spanish pensioners who have worked in Gibraltar before 1969. He entered into an agreement, very early on in his tenure for the changing of the Gibraltar identity carnet as a result of pressure being put by Spain. He agreed that the stamp of the Hague Convention, used by Gibraltar notaries, should in some way change, as a result of pressure that was sometimes put by Spain; and, Mr Speaker, in the past 16 years, the hon. Gentleman will at least recognise that he faced as many challenges as any Chief Minister of Gibraltar is likely to face, from our northern neighbours.

He faced queues of five or six hours on some occasions. He faced cruise liners being told that they could not come to Gibraltar, if they wanted to touch at a Spanish port. He faced challenges to our Gibraltar ID cards even then and, on all of those occasions, he faced those challenges, including royal visits by Spanish princes,

cancelled for reasons related to Gibraltar, even though he had done this Agreement.

2410 Mr Speaker, I think every Gibraltarian knows that, with Spain as our neighbour, the storm will inevitably come. I, actually, Mr Speaker, want to give Spain the benefit of the doubt – when I say Spain, I do not mean *el ciudadano de a pie*; I mean the Spanish Foreign Office and the Spanish Government – that they are actually going to wake up soon to what behaviour is expected in 21st century diplomacy and in a 21st century world, which they expect should be accorded to them around the world and which they accord to most issues that they deal with, given the nation that they are, except, of course, when they turn to this blind spot, which is Gibraltar.

2415 I do not believe, Mr Speaker, that the Government of Spain will be foolish enough to turn this into an issue of the sort that we have seen before, where, if you do not allow our people to fish, the Guardia Civil will confront the RGP, the queues will be five hours, etc because – perhaps you might not expect to hear me say this – I have a lot of respect for the people who make up the Ministerio de Asuntos Exteriores, and I believe that they will not fall back on those ways, which are the ways of the tyrant and the ways of the dictator.

2420 But if they do, Mr Speaker, in the same way that he had to face them down, *even though* he had done the Agreement that is so clearly contrary to the rule of law, *even though* he had helped them with a deal to put millions of pounds into the pockets of Spanish pensioners as a result of the Córdoba Agreement, *even though* he had agreed the change to the ID card and he had agreed the change to the Hague Convention seal, *even though* he had created, with the Spanish foreign ministry at the time and the British foreign ministry, the Tripartite process, all of those challenges came: the four-hour queue; the five-hour queue; the problem at the border; the problem with the cruise ships.

2425 So, Mr Speaker, is it that I am being told that, simply because I seek that all our laws should be respected, if I do, I am going to confront something novel, something new, a new type of storm? Well, Mr Speaker, I just do not believe that – anybody who has lived in this place, as I have, for 40 years, as he has for 55 or 56 – anybody who has lived here for any period of time can believe that the road to respect for our laws, our city, our Parliament, our people and our rights is down to genuflecting to what we are required by our Spanish neighbours to do, namely, in this case, an agreement that our laws should not be observed.

2430 I remain available to continue discussions with representatives of the Spanish fishermen and representatives of the Ayuntamientos in this area and always available to meet with the Spanish foreign minister, Mr Margallo, should he so wish, as the maximum representative of his country's diplomacy, should they wish to engage us on this or any subject. We do not seek confrontation, and a government that seeks the observance of a law that has been there for 20 years cannot seriously be told that it is seeking confrontation.

2440 **Hon. P R Caruana:** Mr Speaker, I hope the hon. Member learns as soon as possible the science of *realpolitik* because, if he does not, then he had better advise his fellow citizens to get ready to man the barricades, as once they already had to do, when the GSLP was last in office.

Mr Speaker, look, the hon. Member says that he does not expect to face any new type of new storm, and that he does not seek confrontation. Well, Mr Speaker, I like to think that I demonstrated –

2445 **Hon. Chief Minister:** Mr Speaker, I hope that those who are in the Spanish foreign office today do not behave in a way –

Hon. P R Caruana: Alright, I acknowledge that that was insensitive.

2450 Mr Speaker, I like to think that I did not run away from any fight, regardless of the consequences for Gibraltar, when there was something genuinely at stake, which was more important to Gibraltar than the consequences of standing up.

2455 But Mr Speaker, the responsible way to do those right things is to do them whether there is a basic and fundamental political or legal or economic or social interest of Gibraltar; not unnecessarily, to provoke those consequences by unnecessarily undermining an arrangement that was in place and of which there was no *fundamental* interest of Gibraltar at stake. I do not accept, therefore, that he has not sought or has sought to avoid confrontation. I think, as I have said publicly, that, in unnecessarily, for the almost sixth-form moot reasons that he has given today by way of explanation for having done so, (*Interjection by Hon. Chief Minister*) that he should have chosen – Yes he said ‘first-year law student’ and I said ‘sixth-form moot’: it is not too much difference –

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Hon. Chief Minister: It is decidedly time for [*inaudible*].

Hon. P R Caruana: Mr Speaker, I believe that to have done what he has done for the reasons that he has given that he has done them is to *unnecessarily* bring about for Gibraltar whatever the consequences are, however unjustified – and in this I agree with him – the other side may be in reacting in that way.

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The fact that they are unjustified in reacting in that way and that it amounts to ‘un-21st-century’ European bullying does not alter the fact that, if it happens, it is self-inflicted to the extent that it is the result –

Hon. Chief Minister: No, it is not.

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Hon. P R Caruana: – it is the result of an unnecessary – for unnecessary reason – undermining of an arrangement that was working and that was not more important to Gibraltar. Whatever the reasons he may have had for doing so were not more important to Gibraltar than avoiding the wholly bullying and unjustified reaction of a newly elected right-wing government in Spain.

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I say that to him genuinely and sincerely. That is my view, and he is wrong in asserting that the Spanish fishermen have not... have only recognised this Agreement *de facto* and not *de jure*. The use of the word ‘fact’ in this Agreement is not ‘fact’ as in *de facto* as opposed to *de jure*; it is:

‘The fishing sector of the Campo de Gibraltar respects as fact’

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– namely, *as fact*, (*Interjection by Hon. Chief Minister*) that it exists –

‘that the Gibraltar authorities have the right to legislate in relation to fishing as they see fit and therefore, as such, respect the validity of the Nature Protection [Act]’.

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Mr Speaker, if you respect something *de facto*, you do not respect the validity in law of the laws that the *de facto* occupier promulgates. You respect the facts but not the laws, Mr Speaker, and he is wrong – (*Interjection by Hon. Chief Minister*) and he is wrong, Mr Speaker, in saying that he cannot agree that this Agreement was just a return to the *status quo ante* enforcement because in the annexes, it purports to describe what those *status quo ante* was and that therefore we were going more than just the *status quo ante*; we were actually setting out what the method and the degree of enforcement and tolerance would be. *That*, which he so mischaracterizes – namely the content of the annexes – *was* the *status quo ante*. It was simply a description of the *status quo ante*: ‘this is how they used to enforce it’, and just to demonstrate that point, Mr Speaker, the 225 metres was the *status quo ante* because that was the limit of Admiralty waters and the only police that used to rush out, if they came closer than –

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Hon. Chief Minister: That is not true – not on the east side. I am sorry that is not true.

Hon. P R Caruana: Mr Speaker –

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Hon. Chief Minister: That is not true on the east side.

Hon. P R Caruana: Mr Speaker, it is on the *west* side.

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Hon. Chief Minister: There is no Admiralty water on the east side and there is a reference –

Hon. P R Caruana: Mr Speaker, on the east side was the – (*Interjection by Hon. Chief Minister*) Let me finish, Mr Speaker! (*Interjection by Hon. Chief Minister*) On one side, it was the MoD, with their concerns for Admiralty waters and on the other side, it was proximity to the beach. The RGP *did* used to go out and enforce incursions, when there was danger to swimmers and things of that sort.

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This was not a new agreement of degree of toleration; this was a description of the *status quo ante* and therefore it was not more proscriptive or more ordered or new, in terms of defining what the degree of...

Well, Mr Speaker, the hon. Member may profess to know more about it than I, on the matter, but he is wrong!

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Mr Speaker, I know that the UK Parliament encouraged the Gibraltar Government to change the law, for the reasons they set out in the report, *after* they had applauded the Gibraltar Government for entering into the Agreement. The Governor applauded the Government for entering into the Agreement. The RGP were entirely appreciative of the entering into the Agreement. The UK Government were entirely supportive and

2520 appreciative of the Gibraltar Government in entering the Agreement. (*Interjection by Hon. Chief Minister*) Does he really think that all of those institutions – the Parliament, the Government of the United Kingdom, the Queen’s Representative in Gibraltar then responsible for law and order and the judicial system, the RGP then *still* the constitutional independent enforcement authority – all of those people welcomed and applauded and congratulated the Gibraltar Government for entering into an agreement, which *he* says is an illegal agreement in violation of the law and improper?

2525 Mr Speaker, the hon. Member will forgive me if we do not accept that, of all the people that have opined on this matter, he should be the only one that is right and that all these other institutions, not just in Gibraltar but in the United Kingdom, were actually endorsing an act of illegality!

Mr Speaker, this is simply just not... It is just not a credible use of the circumstantial evidence at his disposal.

2530 **Hon. Chief Minister:** Where is the question?

Mr Speaker: I was allowing him to finish. I have got to –

2535 **Hon P R Caruana:** Does the hon. Member finally accept, Mr Speaker...?

I agree with one thing that he has said: that Sr Margallo must have been rapped on the knuckles by his officials for coming out, calling for the restoration of the Agreement – which is, by the way, what I *still* urge the hon. Member to do.

2540 Mr Speaker, the hon. Member will recall that there was a PP Government in Spain, at the time that we did this Agreement, and that his predecessor, as PP Foreign Secretary, Sr Matutes, said of the Agreement, that ‘it was not worth toilet paper’ or words to that effect – that he would not put it up in his bathroom or... He made some allusion to the sort of paper that one uses in bathrooms to describe this Agreement, such was their state of unhappiness about it! Well, he knows very well that if the Spanish foreign ministry is so unhappy about something, there must be something good in it for us.

2545 **Hon. Chief Minister:** The question.

2550 **Hon. P R Caruana:** The question is does he accept the possibility, Mr Speaker, that what he... (*Interjection*) Well, Mr Speaker, it is all very well to... It is clear we are now having a debate, as we were when he was giving his 25-minute exposition, and that when I start to continue to take part in the debate, (*Interjections*) it is all of a sudden glances at the Speaker –

Mr Speaker: I have not heard the question yet!

2555 **Hon. P R Caruana:** Yes, Mr Speaker, does he acknowledge that the fact that Sr Margallo and I both urge him to restore this Agreement might actually be because we both agree, whatever else we might think about the Agreement, that it enables an equilibrium with which all sides can, and have, lived, and that it is the way of avoiding unnecessary conflict between us?

2560 I just want to say one more thing and then I will sit down. Mr Speaker, I do not accept the underlying premise of his statements today and his statements publicly, recently, that the GSLP Government is not the sort of government that instructs the police as to the degree of tolerance or the degree of enforcement of laws – or does he not recall the GSLP Government in those days instructing the RGP not to enforce strictly our tobacco laws?

2565 **Several Members:** Hear, hear. (*Applause*)

Mr Speaker: Order! Order!

Before the Hon. the Chief Minister rises to reply, I have allowed, as both sides will appreciate –

2570 **Hon. P R Caruana:** I have appreciated.

Mr Speaker: – a lot of latitude in the discussion of... (*Interjections*) It was really a question of –

Hon. Chief Minister: I have not answered a question until fairly late on...

2575 **Mr Speaker:** Well, anyway, I have allowed latitude, even though the Hon. the Chief Minister invited the Hon. Leader of the Opposition to bring this debate in a motion. Having regard to the subject matter and its importance, I have allowed the parties to conduct this as a debate (*Interjection*) under Standing Order 24A, so I have allowed a lot of latitude on that.

2580 It has been a very interesting discussion. It has been conducted in a very constructive manner, without sounding patronising, but I would invite the Hon. the Chief Minister now to reply, as if he were replying to wind up a debate, so that could be the end of this discussion.

Hon. Chief Minister: I am very much obliged, Mr Speaker.

2585 I am afraid that, starting at the end, I may be about to change the tenor (**Mr Speaker:** Oh dear!) (*Laughter*) of the way that the debate has been held, because I have read all –

Hon. P R Caruana: You can change the tenor, but not the facts!

2590 **Hon. Chief Minister:** I have read *all* of the debates in this House since 1999 – in fact, they were all question-and-answer exchanges which read like debates – and the hon. Gentleman raised that point about the GSLP tolerating breaches of the law and asking police officers to turn blind eyes. I will tell you, Mr Speaker, what the then Leader of the Opposition, Joe Bossano, said to him at the time, that he did not accept his premise, Mr Speaker.

2595 His reply to that was to say, ‘Well, everybody in Gibraltar could see what was happening and they could make up their minds for themselves.’

2600 Because I am not answerable for what the GSLP did between 1988 and 1996, I am going to leave it at that, but I am going to say to him – (*Interjection by Hon. P R Caruana*) I am going to say to him, Mr Speaker, that actually everybody could see what was happening after 1999, when he did his Agreement, which he says was not an agreement for the laws of Gibraltar to be broken: namely, that there were Spanish fishing vessels in our waters, under the supervision or within the sight of Gibraltar Police vessels, breaking Gibraltar laws, as a result of the effect of the Agreement he says is not an Agreement to break Gibraltar laws.

2605 So, you know, we can take different attitudes as to which party (*Interjection by Hon. P R Caruana*) in Government has said what to the RGP. This Government is saying nothing to the RGP, other than asking them to do their jobs and they can come back to us if they have any resources issues –

Hon. P R Caruana: Well, then, change the law.

Hon. Chief Minister: – as is normal in any democracy.

2610 Well, Mr Speaker, *realpolitik* involves many things, not just the realities that are coming towards you. It is an understanding of the nuances of what government is about and what politics is about.

2615 But, Mr Speaker, underlying all that must be one cardinal rule, that everyone is equal before the law and that the executive does not promote that citizens of one nation or another should be able to disregard the law. It is, in my view, Mr Speaker, (*Interjection by Hon. P R Caruana*) and it will be, Mr Speaker, forever in *Hansard*, to his eternal discredit, to have got up in this House today, because he has nowhere left to run on this Agreement, to help – as he has done – to *help* Spain, Ministry of Foreign Affairs, to justify the actions which he says they will now unleash. (**Hon. P R Caruana:** You!)

In other words, he is saying, ‘Picardo, you have brought it upon us – (*Interjection by Hon. P R Caruana*) if it comes, you have brought it upon us.’

2620 **Hon. P R Caruana:** Absolutely right.

Hon. Chief Minister: ‘If the queues are there, it is your fault’ –

2625 **Hon. P R Caruana:** Absolutely right.

Hon. Chief Minister: So, Mr Speaker: Landaluce, Margallo and Caruana – all on the same side of this issue! (**Several Members:** *Hear, hear!*) (*Applause*) All of them calling –

Hon. P R Caruana: Absolutely right.

2630 **Hon. Chief Minister:** – all of them calling for the same thing –

Hon. P R Caruana: Absolutely right.

2635 **Hon. Chief Minister:** – all of them justifying it on the same basis –

Hon. P R Caruana: Absolutely right.

2640 **Hon. Chief Minister:** As a Member of this House, for him, Mr Speaker, to have got up today, simply for the purposes of protecting such political legacy as people may still want to ascribe to him, to have said, as he has said and now emphasised, that because the Government of Gibraltar of a new political colour and a new political complexion is not prepared to subscribe its name to an Agreement that some and not others, and in some places and in not others, and in some circumstances and in not others, our laws should be broken, well, Mr Speaker, (*Interjection by Hon. P R Caruana*) that, I think in the *realpolitik* of this, in the history of this, when his career in politics is analysed, that will be the point of the final full stop. When he got up in this House to side with the Mayor of Algeciras, with the most aggressive Minister of Foreign Affairs (*Interjection by Hon. P R Caruana*) that Spain has had in the past 30 years, against the Chief Minister of Gibraltar – against the Chief Minister of Gibraltar, Mr Speaker, on this issue, which as he said, is not an important thing! This is *fish*! With a bigger, important issue, economically or legally, I would have been there fighting like a lion, as I have on other issues.

2650 Well, Mr Speaker, that is such a misnomer. That is such an attempt to pull the wool over the eyes of our citizenry that it must be answered, because this is *the* most important issue, (**A Member:** Hear, hear.) – whether it is the Nature Protection Act or whether it is (*Interjections*) any other piece of our law, how can there be *seriously* an Agreement that *some* be allowed to break our law in some circumstances, but not others, and how can that not be important and how can that not go to the root of the Rule of Law.

2655 I say this, Mr Speaker, confident that whether they liked it in Parliament, they liked it in the Foreign Office, they liked it anywhere else, and they liked it anywhere except in Madrid, I know, Mr Speaker, as *he* knows, my analysis is the correct one, and the analysis of my Government is the correct one. (*Interjection by Hon. P R Caruana*)

2660 Mr Speaker, it is not that Mr Matutes was so unhappy with the Agreement that he felt it was toilet paper and that therefore if the Spaniards are unhappy with it, it must be good for us. No, Mr Speaker, he – I have too much intellectual respect for him – knows that they were not unhappy with it; it is that it does not fit in, in the lexicon of the analysis that they have consistently done, based on Utrecht: ‘You have no waters, you cannot do an agreement. Whether one of my citizens *de facto* recognises it or not, I as the party responsible in international law for the state do not recognise it and therefore I consider it toilet paper.’ It is not that they were unhappy! How could they be unhappy? Their citizens, above ours, were going to be allowed to break the law of Gibraltar, so that is a ridiculous suggestion to pray in aid.

2665 Mr Speaker, he does not agree that I have tried to avoid confrontation. Mr Speaker, that is another agreement between him and those of our detractors (*Laughter by Hon. P R Caruana*) in Spain. Is he, Mr Speaker, going to end his political career by surprising me in New York in June, when I thought he did not want to go to the Committee of 24, but actually to deliver the speech for the Kingdom of Spain, rather than the speech of the Leader of the Opposition of Gibraltar? (*Laughter*) Is it going to come to that? Because to have stood here...

2670 He has said *nothing* which Sr Margallo has not said and which Sr Landaluce has not said (**A Member:** Hear, hear.) What he has unleashed today, Mr Speaker, in this House, in this debate, if I may call it that, is actually quite unprecedented.

2675 Mr Speaker, the analysis that he has made of what *de facto* means is – again, I am very sorry to say, because I know that he knows this, Mr Speaker, but he is just saying it because he has to – absolutely and completely incorrect in law. Moreover, the analysis that he does now, knowing the truth as I know he knows it, about the 225 metres, is equally ridiculous. He knows, Mr Speaker, because he said it on one of the question-and-answer-session-cum-debates, that the limit for this type of activity in Spain is 220 metres! He said, ‘and I added another five so it wasn’t identical to Spanish law’!

2680 So Mr Speaker, *everything* we have heard today from the hon. Gentleman is designed only for one

2685 purpose: a final grapple, a final attempt – ‘It doesn’t matter, Gibraltar, that I did an Agreement contrary to the rule of law to ignore the laws of Gibraltar. Keep listening to me saying the opposite. You’ve always believed me, when I have said one thing and done another. Give me, please, one more chance, one more breath – can I survive a moment longer?’

The fact, Mr Speaker, is that he has done his ego a great service and Gibraltar a great disservice.

2690

**Environmental zones in Overseas Territories
UK intention to designation**

2695 **Clerk:** Question 480, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, you do not need to have the last word to win an argument. This is the mistake that he makes. You do not have to speak last.

2700 **Hon. Chief Minister:** He used to have the last word before and that is why he thought he used to win the argument.

Hon. P R Caruana: Can the Chief Minister – ?

Mr Speaker the last word on this subject, regrettably for Gibraltar, has not been uttered. (*Interjections*)

2705 **Mr Speaker:** Order! Question 480.

Hon. P R Caruana: Can the Chief Minister say whether the United Kingdom government has raised with him its intention to designate environmental zones in Overseas Territories?

2710 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the issue has not been raised with us. In fact, we have raised it with the United Kingdom, based on the *Sunday Times* article that alerted us to the issue – I do not know whether he has had an opportunity to review it.

2715 I would say, Mr Speaker, that this raises a lot of constitutional issues.

2720 **Hon. P R Caruana:** Mr Speaker, I agree that it raises a lot of constitutional issues. There was a time that the United Kingdom government tried to add ‘environment’ to the list of things that it thought belonged to *it*, so external affairs, defence, emergency management and the environment. It was clear as daylight to everybody that the Overseas Territories Consultative Council had, in effect, become a vehicle for doing that, which is one of the reasons – not the only reason – why the Gibraltar Government declined to carry on going to that forum. It was not a forum, as we were concerned, in which the Government of the United Kingdom could, by creep, help itself to subject matter jurisdiction.

2725 Mr Speaker, our Constitution says... and remember, as I am sure he will, that our Constitution is not law of Gibraltar; it is law of the United Kingdom. It is a legislative Act of and in the United Kingdom legislative process and, therefore, it *binds* the United Kingdom Government as much as it binds the citizens and institutions of Gibraltar; and that, in that, it reserves, not to the United Kingdom, certain... to the Governor who represents the Crown, the Queen.

2730 **Hon. Chief Minister:** The Queen in Gibraltar.

Hon. P R Caruana: Absolutely, Mr Speaker.

2735 And does he further accept that what is not reserved to the United Kingdom in that Constitution is not available to them by way of...? In other words, our Constitution does not say that matters are the preserve of Gibraltar Ministers unless UK Ministers decide that they want to exercise them instead.

They had no legal *vires* under United Kingdom law to do this, Mr Speaker, and therefore, will he agree with me – as I think he will – my interpretation of what of he has just said: that it would not be admissible for

2740 the United Kingdom Government to usurp *any* aspect of the statutory...? The United Kingdom Parliament may be in a slightly different legalistic position, but the United Kingdom executive, and certainly UK Ministers, may not usurp environmental competence in Gibraltar, unless it be by means of a legal instrument that overrides the Gibraltar Constitution Order.

Hon. Chief Minister: Absolutely, Mr Speaker.

2745 Now, I think it is fair to say that this article does not talk about Gibraltar; it talks about other islands. But it must be clear, Mr Speaker, to Ministers that, when they are talking about Overseas Territories and issues like this, they can never talk for Gibraltar – unless, of course, Mr Speaker, there happens to be an agreement that we might want to do something with them on a particular issue.

2750 There is absolutely no question whatsoever of a UK Minister having the right or authority to say anything about Gibraltar's environmental protection, let alone that they might be thinking of creating something around Gibraltar.

2755 Mr Speaker, there are, as the hon. Gentleman knows, at a European Union level, issues relating to the environmental protection of the seas around Gibraltar, which are the subject of the famous legal case; but there is no question, Mr Speaker, of Mr Letwin, who is the mentioned Minister who is actually in Downing Street, as I understand it, being entitled to make any such remarks about Gibraltar.

I think, Mr Speaker, there was a lot here of journalism in this article (*Interjection*) and very little directly attributable to a UK Minister which one can actually take issue with, but if there were to be an idea, somewhere, that from Downing Street we could be told which areas of our territory we are to designate in one particular way or another, for constitutional reasons, Mr Speaker, they would have something else coming.

2760

Correspondence between UK Foreign and Commonwealth Office and Spanish Foreign Ministers

2765 **Clerk:** Question 481, the Hon. P R Caruana.

2770 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister say whether the Foreign and Commonwealth Office of the United Kingdom has provided him with a copy of the long letter which Sr Margallo has recently said he sent in response to Mr Straw's final letter to Sr Moratinos and is the Chief Minister aware whether the Foreign Office has replied to that letter?

Clerk: Answer, the Hon. the Chief Minister.

2775 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, I can confirm that I am aware of the content of the letter which Sr Margallo sent to the Foreign Secretary upon his appointment and I am also fully aware of the content and terms of the reply sent to him by the Foreign and Commonwealth Office.

2780 **Hon. P R Caruana:** Just for the record, Mr Speaker, will he say that he has chosen the words 'aware of the content' ... he has copies of the letters? Yes. Can he say yes for *Hansard*?

Hon. Chief Minister: Yes.

Mr Speaker: Yes, *Hansard* would like to know! (*Laughter*)

2785

Spain's renunciation of Trilateral Forum Foreign and Commonwealth Office reaction

2790 **Clerk:** Question 482, the Hon. P R Caruana.

Hon. P R Caruana: And I hope that he was sent them at the time and not just when he told the Convent

that I had asked this question. Well done, as it should be – as it should be so, Mr Speaker.

2795 **Mr Speaker**, can the Chief Minister say whether he has received the *express* assurance of the Foreign and Commonwealth Office that it has not expressed to Spain any degree of contentment, acceptance of, or acquiescence in, Spain's unilateral renunciation of the Trilateral Forum?

Clerk: Answer, the Hon. the Chief Minister.

2800 **Hon. Chief Minister (Hon. F R Picardo):** Absolutely, Mr Speaker, and I will say this: as I assume was the case when he was in No. 6 Convent Place, the content of the letter that was sent in reply to Sr Margallo's was *fully* consulted on with me, and I am very content with the language, as I am sure he would be, insofar as it relates to the issue of the Trilateral Forum.

2805 He will have seen that the Government issued a press release when Mr Margallo said something suggesting that the letter he had received said something different to that which we knew it said, which also included reference to what the United Kingdom position was, and that that was, if there was anybody renouncing the Trilateral Process, it was the present Madrid Government – because it is not even the Socialist Party that was in Government when he and Mr Miliband were involved in creating that process – and that the United Kingdom *and* Gibraltar remain *equally* available to progress the Trilateral Forum.

2810 **Hon. P R Caruana:** Mr Speaker, I did not ask the question because I doubted that that would be the UK's position, which I am very happy to see has not changed, but rather to give us an opportunity to place on the public record a response to Sr Margallo, at least as he is *reported* as having said in the press – it may be an inaccurate report – that actually the reply that he had received from the UK was very satisfactory or words to that effect. He may not have used the word 'satisfactory' – 'a good reply' or something like that.

2815 Let us make it clear that that does *not* mean that the UK gave him *any* comfort whatsoever on his renunciation of the Trilateral Forum.

2820 **Hon. Chief Minister:** Absolutely, Mr Speaker, I am delighted to have that on the record and that what was said in the press release, which I think that the hon. Gentleman would agree with us is the right approach, not just from Gibraltar but also from the United Kingdom, is what was said in the letter, which expressed strong commitment to the Forum and to its continuation.

2825

**Borders and Coastguard Agency
Government intentions for Coastguard Agency role**

2830 **Clerk:** Question 483, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, can the Chief Minister say whether the Government intends to proceed with the Coastguard Agency role of the Borders and Coastguard Agency?

2835 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the Government will make an announcement in respect of this matter in due course.

2840 **Hon. P R Caruana:** So, the answer is that he cannot now say; or if he can, that he will not now say.

Hon. Chief Minister: It is one of those two.

2845 **Hon. P R Caruana:** It is one of those two – probably a bit of both.
Well, Mr Speaker, can I just say to the hon. Member that it would be my hope that he does. Will he just accept from me, so that I know that he is aware of it, the reason why the previous Government added the 'Coastguard' bit? That is that it is a means of creating an umbrella organisation in which all of Gibraltar's waterborne assets can be pooled together, and after each doing their own role, for Department people,

2850 manning the boats in a seafaring sense, RGP officers and Customs officers and Port Department officials in respect of the law enforcement, because if we buy bigger boats – *if* we buy bigger boats! – the RGP can man them from a law enforcement point of view, but cannot necessarily man them from the marine point of view, from the port. This is a way of getting all the resources together and making them more credible and senior, rather than having four or five agencies floating around.

2855 So that was the reason. It seemed popular at the time. We would have done it, if we had proceeded. Certainly, it is not universally liked outside of our shores, this initiative, but I think it is a good way of marshalling and harnessing and enhancing the presence role of all our various waterborne assets, some of which now are difficult to deploy, in support of this function.

2860 **Hon. Chief Minister:** I am grateful for that indication. I think the hon. Gentleman said as much in the debate on the Agency, when he brought the Bill. (*Interjection by Hon. P R Caruana*) But I am grateful for that.

2865 I am going to resist saying that, of course, now the RGP are free to enforce the Nature Protection Act, there are things that they could do with the bigger boats, even if we do not go ahead with the Coastguard parts of it, but anyway... (*Interjection by Hon. P R Caruana*)

North Mole sullage plant Government intention to allow reopening

2870 **Clerk:** Question 484, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, can the Chief Minister say whether the Government intends to allow the sullage plant to reopen on the North Mole?

2875 **Clerk:** Answer, the Hon. the Chief Minister.

2880 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, as has recently been announced, Government is conducting jointly with the owners and operators of the plant a thorough assessment of the facility, which will determine whether or not it would be viable to resume operations at the Western Arm. Until this assessment is complete, Government will not be in a position to state whether any such operation can continue and, if so, under what conditions and restrictions they would be allowed to continue.

2885 Mr Speaker, I have said to him before that it is... I have not used the example before, but it is almost like climbing Everest without oxygen, the hurdles that the operators would have to surmount in order to satisfy us, given the present configuration of the Western Arm and the proximity of residential areas, in any event, that those operations should once again be allowed.

2890 **Hon. P R Caruana:** In any assessment – I do not want to add to the lack of oxygen near the peak of the summit – but amongst the issues, Mr Speaker, I have no doubt that the Minister for Tourism will be urging upon him is the reaction to any such step by the cruising industry, who have supported us – Gibraltar; I do not mean ‘us’ – who have supported Gibraltar and who must not be put offside Gibraltar by doing anything with which they are not content.

2895 It is up to the Government, therefore, whether it allows them to reopen there, whether it ends sullage operations in Gibraltar altogether, or whether it says, ‘You can’t open there, but here are facilities elsewhere,’ so that sullage facilities... That may be an acceptable way forward.

But I am content, because this is not an anti-sullage-plant stance that the Opposition takes now, or that we took in Government, but rather to ensure that the horizontal damage to other macro-economic interests of Gibraltar are kept well to the forefront of any consideration of whether to allow it to re-establish *there* or not.

2900 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman started by saying that he did not want to take oxygen away from those who might be near the summit. I do not even want us to go near that analogy, because I would say that, if I had to assess this, there is nobody even on the lower slopes of Mount Everest, because there would have to be so much persuasion of the Government to allow this activity to occur again,

given the present configuration of the Western Arm, that I do not think they have even taken off in the process.

2905

But, look, it is right that we should do an analysis of what is happening in the activity, but that analysis, in any event, would be *ad referenda* the cruise companies, because of the importance of that. (*Interjection by Hon. P R Caruana*) That has been made very clear to the people, who we have said, 'Let's stop the judicial review, let's do this exercise', but even then, it is *ad referenda* the cruise companies and the insurance companies, which are more or less assessing the same level of acceptable risk, which I think may lead to this never being able to be done in that place, given the present configuration of the Western Arm.

2910

Gibraltar Identity and Civilian Registration Cards Erroneous charges for renewal/changes

2915

Clerk: Question 485, the Hon. P R Caruana.

2920

Hon. P R Caruana: Mr Speaker, can the Chief Minister explain the nature and circumstances of the error that led to people being charged for renewal of, and changes to, Gibraltar Identity and Civilian Registration Cards – and which, I might have added in the question, they then reversed?

Clerk: Answer, the Hon. the Chief Minister.

2925

Hon. Chief Minister (Hon. F R Picardo): Well, Mr Speaker, whilst revising the internal process for issuing Identity Cards and Civilian Registration Cards, with a view to maximising efficiency and cost-effectiveness, the Civil Status and Registration Officer decided to issue all cards with a validity of ten years and five years respectively, including those requiring renewal and the change of particulars, and charge the statutory fee of £5 to everyone with effect from 2nd April 2012. This was erroneously implemented without reference to the Government who, upon hearing of this, immediately issued instructions to rectify the situation.

2930

On 10th April 2012, the practice was discontinued and the Civil Status and Registration Office issued a public apology. Those concerned were contacted in order to refund the monies.

2935

Hon. P R Caruana: Well, now, you see, Mr Speaker, that is what happens when you decide to let the Civil Service run the country, as a manifesto commitment!

2940

Hon. Chief Minister: Well, Mr Speaker, it is right that they should run the administration, (*Interjection by Hon. P R Caruana*) but in the context of what it is that the administration is – in other words, give effect to the policy of the Government.

In relation to charging, I think he will agree with me, that charging citizens for things is not an issue of administration; it is actually a political issue, which requires a decision to be taken by this House because we are going to spend a long time debating the Book, (*Interjection by Hon. P R Caruana*) and for good reason.

2945

Procedural

2950

Hon. Chief Minister: Mr Speaker I now move that the House adjourn to Friday, 18th May at 3.30 p.m.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Friday, 18th May 2012 at 3.30 p.m.

I now put the question, which is that this House do now adjourn to Friday, 18th May 2012 at 3.30 p.m.

2955

Those in favour; (**Members:** Aye.) those against. Passed.

This House will now adjourn until Friday, 18th May 2012 at 3.30 p.m.

The House adjourned at 7.20 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.30 p.m. – 6.50 p.m.

Gibraltar, Friday, 18th May 2012

The Gibraltar Parliament

The Parliament met at 3.30 p.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Questions for Oral Answer continued

Clerk: Sitting of Parliament, Friday 18th May, answers to Oral Questions continue.

HEALTH AND ENVIRONMENT

**Debilitating diseases
Sufferers by age band**

Clerk: Question 399, the Hon. J J Netto.

5 **Hon. J J Netto:** Mr Speaker, can the Government state how many persons there are with a debilitating disease, either occupying a bed in St Bernard's Hospital, the Care Agency, in the community, or in the UK, specifying their medical condition (albeit on a confidential basis), broken down by age bands of those under 17 years, between 17 and 59, and over?

10 **Clerk:** Answer, the Hon. the Minister for Health and Environment.

Minister for Health and Environment (Hon. Dr J E Cortes): Mr Speaker, the following table – I will read it out but, for ease of reference, I have made copies – shows the breakdown of persons suffering from a debilitating disease on the basis of the information available on 16th May 2012:

15 Beds in St Bernard's Hospital: under 17, 1; 17 to 59, 8; over 59, 67; total 76.

Beds in Care Agency residential: under 17, 3; 17 to 59, 2; over 59, 201; total 206.

Community: under 17, 4; 17 to 59, 19; over 59, 211; total 234.

In the UK: 17 to 59, 2.

20 Just as an aside from the prepared answer – I am going to list the diseases – but it has not been possible in the time available to provide a breakdown of medical conditions because of the large number of medical records that would have had to be examined, and that would have taken... The process has been started, but it is rather complicated.

25 However, in order to assist you, I am going to read out the list of illnesses that are included in this breakdown, which are: frailty, Alzheimer's/dementia, arthritis, stroke, cardiac failure, chronic lung disease, complications of diabetes, cancer, long-term congenital illness, Parkinson's, osteoporosis, epilepsy, mental health problems, severe arthritis, cerebral palsy, multiple sclerosis, motor neurone disease, Huntington's Chorea, acquired brain injury, amputees, Menière's disease, chronic renal failure, chronic obstructive pulmonary disease, Paget's disease, hypothyroidism, liver disease, hearing impairment, visual impairment and muscular dystrophy.

30 In some cases, particular patients may have more than one of those, which adds to the difficulty of doing a breakdown by disease, but certainly the figures by ages are given in the table.

Hon. J J Netto: Mr Speaker, I am grateful to the hon. Member for the amount of information he has supplied there.

35 I wonder whether I can ask a supplementary question in relation to the 19 – in the table he has just shown me, in the column of people between the age of 17 and 59 – 19 in the community. I just wonder whether the Hon. Minister for Health or his colleague, the Hon. Mrs Sacramento, would know whether those 19 may have a mild form of illness or an acute form of illness. I know that perhaps she may not have the information readily available, but whether the Care Agency might have it within their own records, or not, because we are dealing with people who are in the community, as opposed to being in specific care, either by the Health Authority or the Care Agency, and I just want to know whether it is possible to gauge whether it is a mild form or an acute form in that regard.

45 **Hon. Dr J E Cortes:** Mr Speaker, I believe it is a range of conditions, but I cannot give you that answer now. However, with 19 it is easier to find the information than with 500, so perhaps if you ask separately we may be able to obtain it for you.

50 **Hon. J J Netto:** Fine. Obviously, it was not anticipated that I was going to ask that question. Perhaps if I had asked the question in the original form, the information would have been there. Perhaps if I write to... I do not know whether to write to the hon. Lady or to the Minister for Health. The hon. Lady might be able to provide that information?

I am obliged, Mr Speaker.

55 **Mr Speaker:** The Hon. Isobel Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, does the Government have any plans to provide a sheltered and supported residential unit for the 17 to 59-year-olds who are not catered for by the psychiatric hospital or the Care Agency facilities that exist at present?

60 **Hon. Miss S J Sacramento:** Mr Speaker, they would be ordinarily catered for by way of domiciliary care. There has, as far as I am aware, been no indication by any of the people in the community that they have expressed a need for any alternative provision of care, Mr Speaker; but again, if it were, then that would be considered at that juncture.

65 **Hon. Dr J E Cortes:** If I may add, Mr Speaker, the new mental home will have an adolescent unit which would cover youngsters with mental illnesses, so that partly would cover that gap.

70 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, if I could be a little bit more specific perhaps: debilitating diseases such as MS, MND – the neurological diseases that are debilitating and perhaps require more than just domiciliary care.

75 **Hon. Miss S J Sacramento:** Mr Speaker, so far there is no evidence that people suffering from very severe debilitating diseases will require more than domiciliary care. In fact, Mr Speaker, the requests that we have had from people who are suffering from quite severe debilitating diseases is that they would much rather remain at home for the time that they have left.

EQUALITY AND SOCIAL SERVICES

EU Directive 2010/18/EU Scheme for transposition

Clerk: Question 400, the Hon. J J Netto.

85 **Hon. J J Netto:** If you will just give me a second; I am getting a note here.
Mr Speaker, can the Minister for Social Services state when will the Government be in a position to implement EU Directive 2010/18/EU, which implements the revised Framework Agreement on Parental Leave, and could the Hon. Minister provide a brief outline of the Government scheme for the transposition of the said Directive?

90 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

95 **Minister for Equality and Social Services (Hon. S J Sacramento):** Mr Speaker, the transposition date for the Directive is 8th March 2013 – and I note that there is a typo in the written answer.

In accordance with Article 3(2) of Directive 2010/18/EU, the UK requested that the Commission provide an additional period of a year to comply with the Directive and the Government plans to transpose the Directive by 8th March 2013.

100 **Hon. J J Netto:** Mr Speaker, I am grateful for that and for the fact that the Government is working towards the date of implementation of 8th March 2013.

105 In continuation, I think part of my question perhaps, sir, has not been answered, and that is whether the Government, in the manner in which it would wish to try and transpose this particular Directive, has given any thought as to how the general scheme would work? Is she in a position to be able to give Parliament, perhaps, a very brief general outline of how the Government intends to transpose the Directive?

Hon. Miss S J Sacramento: Not at this stage, Mr Speaker – the transposition date is almost a year away.

110 **Hon. J J Netto:** Mr Speaker, presumably, given that we are talking about having parental leave being applied throughout Gibraltar – which obviously means the private sector, because obviously civil servants in Government Departments do have parental leave – one of the things that may be of concern to employers in Gibraltar, particularly in the private sector, given that many employers only have very few numbers of employees, is whether the parental leave, once the Directive is transposed into Gibraltar, is going to be a financial burden for employers in the private sector.

115 I say this because when we transposed the maternity directive into Gibraltar, we – the GSD, when we were
in Government – took the view that the Government would pay for this in order not to create a financial
burden on employers in the private sector. So the reason why I am asking this – and I have to translate this
120 into a question – is whether, by the time the Government wishes to transpose this particular Directive, will
consideration be given as to whether the Government will be the one actually paying for the paternity leave,
as opposed to employers in the private sector, which is a kind of analogy with the way we did it in relation to
maternity leave.

Hon. Miss S J Sacramento: Mr Speaker, consideration will be given as to how best to transpose the
requirements of the Directive. It is still early days.

125 **Hon. J J Netto:** Has the hon. Lady – perhaps in conjunction with the Minister for Employment, because
this will have a crossover with employment matters – started a process of discussions with the Employers’
Association, the Chamber of Commerce, the Federation of Small Businesses because, no doubt, they will
have views on these matters; and if they have not started the process, do they intend to start one?

130 **Hon. J J Bossano:** Mr Speaker, I imagine that the people in the Chamber of Commerce know that this is a
requirement of the EU that has to be transposed. We have had no indication that they consider it a burden. It
does not seem to me a very wise thing to do to go telling them, ‘Is it a burden and would you like me to give
you some money?’ because I can imagine what the answer is going to be. I would expect them to take the first
135 move if they had a problem.

World Health Organisation Report on Dementia Plan for implementation

140

Clerk: Question 401, the Hon. J J Netto.

145 **Hon. J J Netto:** Mr Speaker, given the Government press release with regard to dementia – that is press
release 241/2012 – will the Minister for Social Services state which aspects of the World Health Organisation
Report has the Government introduced already, which ones are envisaged that they will implement in due
course and which ones, if any, they think they will not be in a position to implement at all?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

150 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the WHO Report
concludes with a list of key messages, among which is that dementia needs to be recognised as a public health
priority.

155 This Government has, in the short period in which it has been in office, already made dementia a priority.
An inter-ministerial committee for the elderly has been formed and the GHA and Social Services have been
working closely together on developing various strategies and strategy groups to deal with dementia. The
working groups are collecting data and studying the impact of dementia locally in order to be able to put in a
national dementia plan in place so that we can look to improve the lives of people with dementia. People can
live for many years after the onset of dementia and this Government wants to enable them to have a good
quality of life.

160 The Report also recommended improving the understanding of dementia. Government is in the process of
formulating an awareness campaign.

The Report further recommends that caregivers be involved in formulating policies. This Government has
involved the Alzheimer’s and Dementia Society and both the GHA and the Care Agency have met with its
caretaker committee on a number of occasions.

165 The Report also recommends that dementia be included in the public health agenda – it certainly is now.

Hon. J J Netto: Mr Speaker, with respect, the hon. Lady seems to be saying, ‘Well, we have had the
World Health Organisation Report and, as a result of this Report, with regard to Alzheimer’s and dementia we

have got a committee organised and we are going to work towards the objective.'

This is what the hon. Lady seems to be saying and they are bringing the association which represents the interests of Alzheimer's and dementia patients into the fore, but my question is prompted by the fact that, in their press release – perhaps the Minister for Health might be able to come in here because it has got the logo of the GHA – it says in the fifth paragraph:

'The Committee has considered the WHO Report and is pleased that in the short period in which it has been in office it has already put in motion a lot of the matters which the Report highlights...'

My question is intended to try and find out which are the things that the... between the Care Agency and the Health Authority have already done, given what they have said in the press release, what is in the pipeline that obviously needs doing, which they are working towards, which is basically what the hon. Lady seems to be saying now, and the thing that, for some good reasons, they might not be able to do.

So therefore can the hon. Lady, or perhaps her colleague to her right, be able to tell us or indicate to me which are the things that are already ticked, have been done, which are the things they are working on and which are the things that cannot be done?

Hon. Miss S J Sacramento: Mr Speaker, I think that the answer has been very clearly given.

I wonder whether the hon. Member has actually read the WHO Report and the recommendations of the WHO Report. Had the hon. Member read the recommendations of the WHO Report, then he would have realised that I have actually gone through the checklist of the recommendations.

Hon. J J Netto: Mr Speaker, regardless of whether I have read the Report or not, can the hon. Lady in Parliament state the things that they have done already with the WHO Report?

Hon. Miss S J Sacramento: The question is how this Government has dealt with the recommendations of the WHO Report. Mr Speaker, I have been through the WHO Report and I have listed the things that this Government has done.

Hon. D A Feetham: Mr Speaker, with respect to the hon. Lady – and I do not want to get embroiled with any controversy so early in the afternoon! – but the question, with respect, goes further than that.

The question is not only as the hon. Lady has rightly just pointed out, but then it says 'and the ones which, if any, they think they will not be in a position to implement'. Now, I do not think that she has actually dealt with that aspect of the question.

If the answer is 'No, no, we are going to be implementing the entirety of the Report', then fine, that is the answer. But if the answer is 'some of those'... well, with respect, you have not answered the entirety of the question.

Hon. Miss S J Sacramento: With respect to the hon. Member opposite, I would suggest that he may look at the WHO Report and he will see that the WHO Report does not actually have recommendations as such. What it has is key messages. Basically, it is a running theme of things that need to be done. Now, as such, there is nothing in the messages where we can categorically say, 'No we cannot do that', or 'No, we will not do that', because all it is is general guidelines that countries need to follow.

To cut a long story short, then, at the moment we do not envisage that there is anything that we *cannot* do. We do not intend *not* to do anything, but to be clear, the WHO Report does not actually have a schedule of recommendations.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, when will the Government be in a position to publish the national strategy for the treatment of care of people with Alzheimer's and dementia?

Hon. Dr J E Cortes: Mr Speaker, it was a question relating to *our* Dementia Strategy. We have a working group on it. I think I may have mentioned it at the last meeting, that I think that July comes to mind, but it is certainly in months rather than any longer.

There is a working group on it. There is, I think, a fifth draft which I received just the other day, so we are on target. I think it should be sometime in the summer, but it is from memory and I would need to confirm

that.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, will the Government be ringfencing funding to provide resources and facilities for dementia care?

Hon. Dr J E Cortes: That is one of the considerations that may come up in the report, but I think it is early days yet.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, will the Government be providing a dedicated medical team of a consultant psychiatrist specialising in old age psychiatry, community psychiatric nurses specialising in old age psychiatry, physiotherapists, psychologists and home carers, all specialising in old age psychiatry?

Hon. Dr J E Cortes: Mr Speaker, the hon. Lady is doing it again: she is trying to dictate Government policy from the Opposition bench.

Thank you very much for those suggestions.

Hon. Mrs I M Ellul-Hammond: I am just referring to the wishlist of the support group that you are working closely with.

Hon. Dr J E Cortes: That is fine. Those suggestions will obviously all be borne in mind, but we have to wait for the report to be ready.

As I say, I only received the fifth draft a few days ago. I have not read it yet, so I am not able to answer that but, no doubt, we will bear that wishlist in mind.

Hon. Mrs I M Ellul-Hammond: Yes, no doubt Mr Speaker, I was just wondering, in the last five months that he has been working so closely together to put a strategy together, whether you have committed to the wishlist that they have asked for.

Mr Speaker, will the Government be investing also heavily in the training of professionals, nurses and carers specialising in dementia?

Hon. Dr J E Cortes: Mr Speaker, the Health Authority and the Care Agency have been working very closely together with the Dementia Support Group, but the Ministers themselves have not been involved in the working group. The Ministers receive the Reports, the drafts and then may be able to make comments on it, but I have not been individually and personally involved in that. Other people have been working on that, particularly clinicians.

But as I said before, all the components of the Society's wishlist will be considered as we develop the Dementia Strategy.

Care Agency residential homes Recordable acts of violence

Clerk: Question 404, the Hon. J J Netto. Sorry, I beg your pardon – Question 402.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services state if there have been any recordable acts of violence in any of the Care Agency residential homes since this question was asked in Question No. 286/2012 to date, and, if so, could the Minister provide a breakdown showing the date of the incident or incidents, whether the incident or incidents were between children or between children and staff and whether, as a result of the incident, medical attention was required, either in the home or in the hospital, and for what purpose?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, there has been

280 one recordable incident of violence in the Care Agency residential homes since the question was asked in 286/2012.

The incident took place on 16th March 2012. It was between two looked-after children. No medical attention was required.

285
**Care Agency looked-after children
Number absconding to Spain; review of Care Plan**

290 **Clerk:** Question 403, the Hon. J J Netto.

295 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services say if any of the looked-after children in the care of the Care Agency who absconded, as provided in answer to Question No. 286/2012, had absconded in Spain, and in relation to the one child who had absconded 16 times, how many times, if at all, had the Care Plan for this child been reviewed and changed to reflect this constant situation?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

300 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, Question 286/2012 was in relation to recordable acts of violence. I am assuming that the hon. Member is referring to Question 287/2012.

Hon. J J Netto: Sorry, which number?

305 **Hon. Miss S J Sacramento:** No. 287.

With reference to Question 287/2012, the Care Agency has no knowledge of any absconding taking place in Spain.

In relation to the child who absconded 16 times, the Care Plan changed for this child on numerous occasions, each time to reflect their current situation.

310 In addition to this, the Residential Plan was updated on a monthly basis, to outline tasks that Agencies were required to complete. This also filtered into the child's Daily Plan, which was reviewed each day by a member of management to risk assess the current situation and make any necessary arrangements.

The Plan around this child is under constant assessment, remains robust with continued working together, and the last incident for absconding for this child was 13th February 2012, and has not absconded since.

315
**Care Agency looked-after children
Number absconding; track record of violence**

320 **Clerk:** Question 404, the Hon. J J Netto.

325 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if there have been any looked-after children in the care of the Care Agency in any of their residential homes who have absconded since this question was asked in Question No. 287/2012 and, if so, could the information be provided on a monthly basis and stating how long the absconding lasted, whether the absconding was in Gibraltar or Spain, and whether any of these children have a track record of engaging in acts of violence against any other looked-after children or staff members?

330 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, there have been six incidents involving three looked-after children who absconded since the question was asked in 287/2012.

One of these looked-after children has a track record of engaging in acts of violence against other looked-

after children and staff.

I will now hand the hon. Member the requested information.

ANSWER TO QUESTION 404 OF 2012

Date	Length of time absconded	Was the absconding in Gibraltar or Spain?	Does the LAC have a track record of engaging in acts of violence against other LAC or Staff?
21/03/12	11 hours 30 minutes	Gibraltar	No
20/03/2012	7 hours 45 minutes	Gibraltar	Yes
21/03/12	11 hours 30 Minutes	Gibraltar	No
13/04/2012	17 hours 45 minutes	Gibraltar	Yes
28/04/12	7 hours 5 minutes	Gibraltar	No
29/04/2012	8 hours 10 minutes	Gibraltar	No

In addition to the looked-after children, a 17-year-old from the Republic of Guinea was charged for being in Gibraltar without proper documentation. He was bailed by the Magistrates' Court to the care of Social Services on 26th March 2012. In keeping with good practice, Social Services held a LAC review and he absconded from care on 14th April 2012, and his whereabouts are unknown.

It is thought that he is not in Gibraltar, and the Royal Gibraltar Police and Spanish authorities were notified.

Hon. J J Netto: I am grateful for that, Mr Speaker, but could I ask the hon. Lady in relation to this one particular looked-after child who seems to be part of the group of six who are always absconding, but has also had some act of violence in relation to some other people, is in relation to this particular child a case where perhaps there is a greater need of more effort being placed in relation to the needs of this particular child, either by some specialised professional bodies, or is it perhaps as well a question that the ratio of people working for the particular child needs to be increased as a result of that?

Hon. Miss S J Sacramento: Mr Speaker, as I mentioned in answer to the previous question, the Care Plans and Daily Plans are reviewed constantly on a daily basis, on a weekly basis and on a monthly basis. As a result of that, staffing issues are taken into account and staffing levels are increased where necessary and where appropriate.

Hon. J J Netto: Mr Speaker, I accept that the Care Plans will be reviewed, sometimes even on a daily basis, if not a weekly basis, but what I am asking is, in relation to this particular child, where there seems to be a bit of a history in the sense of absconding and in relation to acts of violence, does the Care Agency feel that this particular child is in need of perhaps greater specialised professional services to tackle some underlying issue that there is within the child?

Hon. Miss S J Sacramento: Mr Speaker, I am loath once again to engage in details of particular children. Having said that, I do not think that the hon. Member has understood the answer to the question, because there have been six incidents involving three looked-after children. None of these three looked-after children

365 are the child who used to continually abscond. As I said in the answer to the previous question, that child has not absconded since February, so we are not talking about one child who continuously absconds.
Now, in that context, I am reluctant to go into further details in relation to children in care.

370 **Care Agency residential homes**
Incidents of violence

Clerk: Question 405, the Hon. J J Netto.

375 **Hon. J J Netto:** Mr Speaker, is the Minister for Social Services now in a position to answer the supplementary to Question No. 169/2012 which sought to know if the incidents of violence stated in the February session of Parliament are the same of those stated in the January session of Parliament?
Also, if the same is true for the figures given in the March session of Parliament?

380 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I am happy to provide this information only on a confidential basis, given that the children may be identified, and I will pass this information to the hon. Member opposite on a confidential basis.

385 **Hon. J J Netto:** Mr Speaker, while the information is coming through and I have a chance to have a look at it, could the hon. Lady say why she has not answered my letter of 29th February, in which I sought to provide an answer to this information which obviously, if she had answered my letter, I would not have had the need to ask the question in the first place?

390 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, and for that I have to apologise, in that my office did not provide the answer, but the answer is now provided.
What I have provided in the letter has now been provided to the hon. Member on a confidential basis.

395 **Hon. J J Netto:** Does this also apply to the other two letters which have not been answered? (**A Member:** Ooh!)

Hon. Miss S J Sacramento: Yes, Mr Speaker.
One of the others also formed part of another question in this House, which was actually subsequently withdrawn. So I am assuming that the hon. Member no longer requests a reply. (*Interjections*)

405 **Looked-after children**
Training programmes

Clerk: Question 406, the Hon. J J Netto.

410 **Hon. J J Netto:** Mr Speaker, is the Minister for Social Services now in a position to state if the six looked-after children referred to in Question No. 171/2012 are now being provided with training programmes; and, if so, what will the training consist of, what was the start date in which the training began, and who will be providing such training?

415 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, with regard to the six looked-after children referred to in Question 171/2012, one of them has now been employed through ETCL. The placement commenced on 7th May 2012, details of which I am providing to the Opposition on a

420 confidential basis. The other looked-after children remain unemployed and are being assisted in finding other employment.

425 **Hon. J J Netto:** Mr Speaker, in trying to get the mathematics correct, I think we were dealing originally with a figure of six, one of which went to the UK, so we have got a remainder of five, of which one of them... Ah, the one in the UK has come back. So, okay, we have got six, out of which one is in some kind of training or employment prospect, which means that we have five who have not been placed in any form of training or employment.

430 When I first asked this question, way back in January at the commencement of this year, the answer in a supplementary that the Minister for Employment said that at the time there had been confusion between officials of the Care Agency and officials of the Employment Service in passing the paperwork, so to speak, in relation to these five children; hence the reason why the five had not been allocated a training place.

435 The fact remains that, as a result then of that lack of communication between officials of both Departments, we have five children who are in the care of the Care Agency who are not being provided with any form of training or at least employment training – there could be another form of training, of course – but at least no employment training and no job prospect.

435 It does not look well on the basis of the Care Agency, given that we are talking about looked-after children in the care of the Care Agency for which it does not seem that a lot of priority has been given to try and find a suitable place for the children. What is being done by the Care Agency and the Employment Services in order to deal with this situation?

440 **Hon. Miss S J Sacramento:** Mr Speaker, again, I am loath to go into detail in relation to looked-after children. There is a pathway that has been established (*Interjection*) –

A Member: It is not political. It is not a political question.

445 **Hon. Miss S J Sacramento:** There has been a pathway (*Interjection*) that has been established between Social Services and ETB and the ETCL. What we cannot do is force children to accept jobs that are available, which they may not at the time wish to take, but I can tell the hon. Member opposite that he can rest assured that everything that can be done for these children is being done and I am sure that he can congratulate the work of both Social Services and the ETB, in that they have now secured a placement for at least one of them.
450 (*Applause*)

455 **Hon. J J Netto:** I will certainly not congratulate either the Care Agency or the Employment Services on the fact that here we are, five months later, and out of a group of six looked-after children in the care of the Care Agency only one has been placed with an employment opportunity. That is a very bad record, not a very good record to congratulate the Government.

460 The Care Agency has a responsibility – it has parental responsibility – for these five children. It is not good enough to say, ‘We are doing excellent work. We have an excellent relationship with the staff in Employment Services.’ It is *your* responsibility to find places for these particular five children. So I hope that when the next month comes she is in a position to say that these five children, who have been outstanding for a place since January, will be able to be in one particular employment programme.

465 **Hon. Miss S J Sacramento:** Mr Speaker, perhaps the hon. Member might wish to refresh his memory and recall that these children did not work when they were under the care of the previous Government.
(*Interjections*)

And, Mr Speaker, once again, (*Interjections*) I am loath – (*Interjections*)

Mr Speaker: Order! Order!

470 **Hon. J J Netto:** Point of order, Mr Speaker.

Hon. Miss S J Sacramento: – when these children can be easily identified, Mr Speaker – (*Interjections*)

Mr Speaker: A point of order has been raised. I will allow the hon. Member to respond. A point of order.

475 **Hon. J J Netto:** I have not asked the hon. Lady over there what happened in the period when I was the Minister. I have been asking the hon. Lady since January this year what has happened with six looked-after children in the care of the Care Agency, for whom I am trying to find out when they are going to be in an employment programme. Can she put the time and the effort in dealing with that aspect and not spend her time (*Interjection*) in looking back to what happened four years ago?

480 **Mr Speaker:** I have heard the point of order. Where there is expressed or implicit in a question criticism of the administration for any act or omission on its part, it is not out of order for the administration to hold up the questioner's record and say, 'Compare that.' It is not out of order.
The Hon. the Minister.

485 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, and I only limited it to the hon. Member's track record on employing looked-after children. I did not go into the Hon. Minister's track record of Social Services. (*Applause*)

490

**Care Agency Board
Meeting on 28th March 2012**

495 **Clerk:** Question 408, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services say if the Care Agency Board did meet on 28th March 2012 and, if so, what issues did it discuss, and if consideration has been given to having the possibility of open meetings in the future?

500 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the Care Agency Board was unable to meet on 28th March 2012, as planned, due to unavailability of members. A meeting of the Board took place on 24th April 2012 instead.

505 As promised in the last Parliament in answer to Question 289/2012, it was put to the Board whether meetings should be held in public or that the minutes of the meeting be made public and the Board resolved unanimously that it should not.

510 **Hon. J J Netto:** Not to be public? Sorry, I am not quite clear.

Hon. Miss S J Sacramento: That it should be not either be held in public or the minutes be made public. Clearly, the hon. Member will recall, and if not, we can refer to *Hansard* where the Opposition, when this question was asked the last time, did say that there would be no criticism from the Opposition benches if the answer was no.

515

Hon. J J Netto: Mr Speaker, I do not recall saying that, but what I do recall is that, in supplementary questions, the Hon. Minister for Justice, Mr Licudi, who is not in the Chamber now, stood up and he actually said he would certainly look into the matter and he actually went as far as saying that one of the things that had to be considered was that, from time to time, in the agenda of the Board there may be issues with a particular child, which obviously the members of the Board and the Care Agency would not want to put in the public domain.

520

As I see it, normally the Care Agency has another particular Committee, which is a multi-agency Committee, which is a Child Protection Committee, which normally determines and looks into the minutiae of individual cases. So it is not really the Care Agency Board which normally deals with that kind of information. I could understand the logic of the hon. Lady that she would not want to put in the public domain information about a particular looked-after child.

525

I am just failing to understand the reason behind the decision that the hon. Lady has just given. Perhaps she might wish to elaborate, given the fact that sensitive information with regard to children normally is not

530 discussed in the Care Agency Board, but rather in the Child Protection Committee. What is the reason, then, for not allowing the meetings of the Board to be public? Could she perhaps elaborate there?

Hon. Miss S J Sacramento: Mr Speaker, first of all I think we need to clarify that it was not my decision, it was a decision of the Board, which is something that I said in answer to the question at the last Parliament, that I would take it to the Board and it would be the Board who would take the decision. The Board resolved not to hold meetings in public or to make the minutes public, unanimously.

I have a copy of *Hansard* from the last occasion, from which I am happy to read out the extract which relates to the Hon. Mr Feetham, where he says:

540 ‘...but, certainly, on this side of the House, if the Government were to decide *not* to publish those minutes, we would not be criticising the Government for not doing so.’

If it is of any comfort to the hon. Gentleman, this matter, when it was discussed in the Board, the Board did resolve that certain matters would be made public if the Board felt that it should be made public.

545 If the hon. Member feels so strongly that the Care Agency Board minutes should be made public, then perhaps he would agree to the Board minutes of the last 15 years being made public.

Hon. J J Netto: Mr Speaker, I have not imputed in any form or shape that it is *her* decision. I take in good faith the fact that it is a decision of the Board. All I am trying to do in my supplementary question is to understand the reasons why the Board, not she, has come to that conclusion. That is all I am trying to understand, and I am trying to understand that from the point of view that if she were to say to me, ‘Well, look, I am afraid the Board has thought that we cannot make the meetings public because they are discussing, every time they have a meeting, detailed amounts of information of a particular child,’ I can understand that. I can accept that she will not want to put that information in the public domain. But given the fact that the amount of detailed information is not discussed normally in the Care Agency Board, but rather in the Child Protection Committee, which is a meeting of professionals, a multi-agency... it covers the Police, the Care Agency, the Health Authority, Education. I am not asking that the Child Protection Committee should be made public. All I am saying is I just want to understand the decision of the Board – why she thinks, or they think rather, that it should not be made public. That is all I am trying to find out, if she can give an explanation.

Hon. Miss S J Sacramento: Mr Speaker: (1) the Opposition is now taking a position which is completely contrary to the position it took on the last occasion; (2) Mr Speaker, I am not at liberty to give the reasoning of the Board because the Board has resolved that it is in private – therefore the reasoning behind the decision is a private decision and I am not at liberty to disclose that; and (3) it is ironic that the hon. Member recognises that the Child Protection Committee is one which should be afforded privacy, given the sensitive matters that it discusses, yet he asks me for what was discussed at the Child Protection Committee as well.

570

**Care Agency
Changes to contract staff contracts**

Clerk: Question 409, the Hon. J J Netto.

575 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if the Care Agency has been changing the terms of contract to contract staff members and reducing such contracts to 11 months; and, if so, could the Minister state how many staff members are affected by this measure, broken down by grade and location?

580 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, no existing contracts have been changed and no contracts have been reduced to 11 months.

585 **Hon. D A Feetham:** What about contracts in terms of future contracts, future recruitments?
Has the Government taken a policy decision to engage people in 11-month contracts?

590 **Hon. J J Bossano:** Mr Speaker, there were quite a number of contracts in the Care Agency and in other places registered with the ETB which were 46-week contracts, entered into prior to 8th December. Those contracts, when they expire, are being renewed for a period of months which is no longer than the original one, and any new ones are being made for periods of 46 weeks.

595 **Hon. Miss S J Sacramento:** To be helpful, I think that, under the previous Government, something in the region of 80 contracts were given for an 11-month period. It is not new contracts given by this Government; it was actually a matter of policy of the Care Agency under the previous administration.

Hon. D A Feetham: Yes, my understanding was that they were... My understanding was not the 11-month contracts, but 12 months' probationary agreements.

600 May I finish, sir? I know that the hon. Lady is keen to answer the question, but perhaps she ought to listen to the question first. They were, effectively, probationary contracts. Whether they were 11 or 12 months, are we talking here of 11-month probationary contracts, or are we talking about fixed-term contracts?

Hon. J J Bossano: Fixed term.

605 **Hon. D A Feetham:** Fixed term, 11 months.
Thank you.

610 **Hon. Miss S J Sacramento:** Yes, to clarify, the practice, which was the practice employed by the previous administration, was to issue people with initial fixed-term contracts of 46 weeks and they were then renewed with probationary contracts *after* the 46-week period.
I hope that clarifies the answer.

615 **Hon. D A Feetham:** Yes, there was a question yesterday... With the indulgence of the Speaker... If they do not want to answer, they do not have to, but there was a question yesterday asked by my hon. Friend, Mrs Ellul-Hammond, about 10-month contracts in relation to the Health Service: Health Service visitor level 1 nurse, junior occupational health therapist, and a physiotherapist senior 2. Are we seeing... I am just trying to get to whether there is a policy decision behind these contracts, and I think the hon. Gentleman said the reason for that was that they were only required for 10 months. Is that also part of this policy of granting people 10-month or 11-month fixed-term contracts, or not?

620 **Hon. J J Bossano:** Mr Speaker, the previous administration, on more than one occasion in this House, in answer to my questions told me that when vacancies arose and they took people from outside, they normally tried to time the contracts so that the people who came out of the school or the people who were training in the United Kingdom would then find vacancies here when they got back.

625 The position is that there are a lot of people in the system who came in on that basis, and certainly we are continuing with the policy that, when we have no choice but to bring in people from outside, we bring them in with the intention that they should not remain permanently and block the returning... We have got about 200 graduates coming back this year, and then we have got all the ladies and young men that he has asked me about before, who are in the school, where we had a problem that they are doing a degree for the UK and, in some instances, the UK had a problem with them being employed by the employment company and getting a wage. So there are all those people in the pipeline whom we want to retain, and clearly the timing of the contracts was something to do with that, but it is a policy that was announced a long time ago and which we are still continuing with.

630
635 **Hon. J J Netto:** Could I ask the hon. Lady, the Minister for the Care Agency, whether she has had representation from Unite the Union in relation to people who may have been on a three-year contract, whose contract has been unilaterally changed by the Care Agency to 11 months, and Unite the Union is concerned as a result of that?

640 **Hon. Miss S J Sacramento:** Mr Speaker, the answer is no, because no-one who was on a contract for three years has had their contract unilaterally changed for 11 months. I do not see how I could have had representation on something that I can categorically state has not happened.

645 **Hon. D A Feetham:** Have there been no representations at all from Unite about this policy of giving people 11-month contracts, and no meetings have been arranged with Unite in order to discuss this particular policy at all?

650 **Hon. J J Bossano:** Mr Speaker, I understand that some of the people who were there had expectations of being made permanent and pensionable, and those people, I believe, have had meetings with their union, but that is not something that I would deal with, because I am only looking at the labour market point of view, not the industrial relations side.

I do not want anything to do with it.

655 **Care Agency care workers
GCSE qualifications**

Clerk: Question 410, the Hon. J J Netto.

660 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if the previous requirement for applications for the post of care worker to have at least two GCSEs has now been dropped and, if so, do we have new entrants to the Care Agency as care workers who have been employed and do not have two GCSEs?

665 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the policy for admission to the post of care worker has not been changed. Therefore, the two GCSE requisite has not been dropped.

670 **HOUSING AND THE ELDERLY**

675 **Government housing waiting lists
Allocation of homes since 9th December 2011**

Clerk: Question 411, the Hon. E J Reyes.

680 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state how many of the 962 applicants on the Government's housing waiting lists as at 9th December 2011 have since that date been allocated a flat, giving a breakdown of the size of home and indicating which housing category type they pertained?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

685 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, I will now hand the hon. Member a schedule containing the information requested. However, as it makes its way round to the other side, I can give you the totals, which I think would be helpful.

690 The total of post-War homes is 90 and pre-War 9, so that gives us a total of 99 Government flats that have been allocated since 9th December to people who were actually on the list on 9th December.

ANSWER TO QUESTION 411

A total of 99 of the 962 applicants on the Government's Housing Waiting Lists as at 9th December 2011, have been allocated a flat, as follows:

	Post-War	Pre-war
1RKB	2	
2RKB	13	2
3RKB	43	4
4RKB	29	2
5RKB	3	-
6RKB	-	1
TOTAL	90	9

Hon. E J Reyes: Yes, Mr Speaker, but perhaps my wording was not entirely clear. I have got here the size of the home and so on, but when I said which housing category type, I thought the Hon. Minister might understand from there, were they as a result of coming up through the normal housing list and it was their turn, or were these people who entered through another list, such as on medical grounds or social grounds or whatever. That is what I meant by the category type.

Hon. C A Bruzon: Yes, I understand you now, Mr Speaker, but I just thought you meant the room compositions.

Hon. E J Reyes: Well, Mr Speaker, given that I have now clarified and the Hon. Minister seems to understand what I mean by 'category type', rather than having to wait a full month or whatever, could the Hon. Minister just simply try and locate that information when he goes back to his ministry, perhaps on Monday, and forward it to me, and deposit a copy as well in Parliament, rather than making me wait for a whole month for this information?

I am sorry I was not entirely clear, but I think Mr Speaker might accept that I did give due notice.

Hon. C A Bruzon: I would be happy to do that, but I would request the shadow Minister to write to my office, please.

Hon. E J Reyes: Mr Speaker, that is exactly what I am trying to avoid. I have posed a question. I do not wish to enter now into further delays by having to write and so on. I think the question has been posed.

I accept the genuine, frank reason that the Minister did not quite understand what I meant, but now that he seems to be understanding, I do not think there is a need for me to put anything further in writing, sir.

Hon. C A Bruzon: Could you then, kindly, for the sake of clarity, tell me exactly what you require, and I will make a note straightaway?

Hon. E J Reyes: Yes, Mr Speaker. What I meant by 'housing category type' is whether they came from the medical housing category list, the social category list, or whatever nomenclature he may give to the list.

Mr Speaker: I must say the question, as posed, 'housing category', may be understood by the hon. Member, but it is pretty wide and it is not quite a... I cannot really hold the Minister to blame that he did not quite follow the question, but –

Hon. E J Reyes: No, I know, Mr Speaker.

Mr Speaker: – if there is a measure of agreement between the two, far be it for me to upset that.

Hon. E J Reyes: Perhaps reading very old *Hansards* as well, when the Hon. Minister was sat on this

particular seat where I sit today, he did refer at times to category types, so I thought he might have interpreted it the same way that he used to when he sat on this side of the House.

735 **Mr Speaker:** But there is a measure of agreement between the two, so I need not add anything to that.

**Government housing waiting lists
Reduction in numbers due to house purchase**

740

Clerk: Question 412, the Hon. E J Reyes.

745 **Hon. E J Reyes:** Can the Minister for Housing state how many of the 962 applicants on the Government's housing waiting lists as at 9th December 2011 have since that date been removed from the waiting lists due to purchasing their own homes?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

750 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Nineteen applicants have been removed from the lists.

**Government housing waiting lists
Allocation of housing to those registered after 9th December 2011**

755

Clerk: Question 413, the Hon. E J Reyes.

760 **Hon. E J Reyes:** Can the Minister for Housing state how many homes have been allocated to applicants who registered for housing after 9th December 2011, giving a breakdown of the size of home allocated, broken down into the categories of both pre-War and post-War housing stocks and indicating whether they were assigned on the advice of the Housing Allocation Committee or for any other reasons?

765 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, four homes have been allocated to applicants who registered for housing after 9th December 2011. All flats were post-War flats. All of them were allocated by the Housing Authority, in accordance with established procedures.

770 **Hon. E J Reyes:** Yes, Mr Speaker, the Hon. Minister did clarify to me last time round that he was the Housing Authority.

775 What I am trying to get at is were they given by the Housing Authority, namely himself, on the advice of the Housing Allocation Committee, or, like last time, he happened to just inform the Housing Allocation Committee later that he had approved certain... because someone was handing in a flat and getting another one. What I am trying to get at, really, Mr Speaker, is whether, pre-allocation, the Housing Allocation Committee have been involved in the process, or not.

780 **Hon. C A Bruzon:** Mr Speaker, the reason why I have re-phrased my answers in the way I have done today is because I was the creator, if you like, of the question, which I used to ask the Government. The reality is that the Housing Allocation Committee does, indeed, advise the Housing Authority, but mainly in matters concerning who should go on the medical lists, who should be socially categorised, how many discretionary points should we give to a particular applicant.

785 Therefore, the Housing Allocation Authority does not sit down with me in my office every time we get keys brought from the Housing Agency. We look at the system, we look at the lists, and then whoever's turn it is to get the home gets it, and I sign them all.

Hon. E J Reyes: Yes, Mr Speaker, I am grateful for that, which he had already clarified in the March session, and he has, for the sake of clarity, repeated again, but my question was not *allocated* by the Housing Allocation Committee, but *assigned on the advice*.

What I would repeat – perhaps the Hon. Minister might now understand – is were these applications first viewed by the Housing Allocation Committee, who said, ‘Right, put them on the medical list, or whatever, with this type of priority,’ and then when their turn came they got it; or was it, for some other reason, that they were not necessarily involved prior to allocation, the Housing Allocation Committee advising or guiding the hon. Member how he should allocate?

Hon. C A Bruzon: I really do not know what to add to my previous answer, except to explain to the hon. Member that, whereas many, many years ago it was the Housing Allocation Committee who actually allocated the two or three houses a month that were available, now in fact what happens is we have the Housing Allocation Committee, who are the custodians of the scheme and therefore they are used and their services are very much appreciated. They help the Housing Authority to put the actual scheme into practice.

But, as I say, we, the Housing Authority and the Minister, that Housing Authority allocates every single home for which we get keys given to us.

Hon. E J Reyes: I understand that part, Mr Speaker, but I am still none the wiser. The four that were they were allocated in the manner that the Minister says and so on, before that allocation, had the Housing Allocation Committee offered any advice to the Hon. Minister before that, or not?

That is what was given due notice in my question, whether they were assigned on the advice of the Housing Allocation Committee, and I am just asking, did they offer any advice on those four, or maybe those four had not been referred to them for advice. Whichever the answer I will accept, but one way has to be the answer.

Hon. C A Bruzon: I will do my best to give an answer, Mr Speaker, because I am not trying to hide anything.

The reality is that the Housing Allocation Committee does not allocate houses, even though that is what they are still called, and that is where it is misleading. It is now an advisory committee and, of course, they do help the Minister and my staff to allocate points to accept who should be medically categorised, but if what you want to ask me is did the Chief Minister or did the Minister for Housing have a special involvement in any of these, then the answer in this case would be no. The answer is still no if you ask me how many were allocated in accordance with the advice of the Allocation Committee, because they have not been advising me to allocate these homes.

I follow the scheme, and therefore whoever is next on the list will get the home. That is basically it, Mr Speaker.

Hon. E J Reyes: I think we may have understood it now, Mr Speaker.

Yes, I was not asking whether it was the Chief Minister or the Minister for Housing or whatever. What I was getting at was whether these four applications for housing, and the houses have been granted, whether through that process there had been any advice offered by the Housing Allocation Committee. I think I have interpreted that the answer is no, they were not involved in the process. I am not trying to find out who gave whatever. You are the Housing Authority, and I accept you are there, like a marriage – for better, for worse, for richer, for poorer.

Government housing waiting lists Applicants' requirements

Clerk: Question 414, the Hon. E J Reyes.

Hon. E J Reyes: Yes, Mr Speaker. Can the Minister for Housing state how many applicants are presently on the Government's housing waiting lists, giving a breakdown of their housing size requirements and in which housing category type they are registered?

Again, Mr Speaker, I do not want to create any controversy and I am willing to wait if the hon. Member is now aware of what I meant by 'housing category'. If he does not have it now, we will accept it and put on record that he will furnish me with that information when possible.

845

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, there are currently 1,638 applicants on the Government's housing waiting lists.

850

The breakdown is as follows. I will just read out the answer, even though I think I know that it will be phrased differently next time: 1RKBs – on the waiting list 791, pre-list 433; 2RKBs – waiting list 49, pre-list 42; 3RKBs – waiting list 101, pre-list 71; 4RKBs – on the waiting list 80 and on the pre-list 47; 5RKBs – on the waiting list there are nine, and 11 on the pre-list; and as far as 6RKBs are concerned – that is five-bedroom flats – there are two on the waiting list and two on the pre-list, giving us a total on the waiting list proper of 1,032 applicants, and on the pre-list we have 606.

855

Hon. E J Reyes: I accept that answer, Mr Speaker, and I think we do have on the record that the hon. Member will furnish me with the information, when he gets back in his office, into the housing category types.

860

**Housing pre-waiting list
Expected date of elimination**

865

Clerk: Question 415, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Housing indicate by what date he expects the housing pre-waiting list to be eliminated?

870

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): We shall be doing this, Mr Speaker, within the current term in office.

875

Hon. E J Reyes: So, Mr Speaker, if my mathematics are right, it could be any time between now and the next three years and seven months?

Hon. C A Bruzon: That is correct.

880

**Government flats
Number available for reallocation since 9th December 2011**

885

Clerk: Question 416, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing state how many flats in total have become empty and therefore available for reallocation since 9th December 2011?

890

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, up to 244 flats have become empty and therefore have become available for reallocation since 9th December 2011.

895

**Government flats
Number empty and awaiting repairs**

Clerk: Question 417, the Hon. E J Reyes.

900

Hon. E J Reyes: Can the Minister for Housing state how many flats are currently empty and awaiting repairs, giving a breakdown in respect of pre-War and post-War flats, flat size composition, the dates as from when these flats have been empty and the category/type of repairs required before they may be reallocated?

905

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

ANSWER TO QUESTION 417

Up to 168 flats are currently empty and awaiting repairs.

Table 1 shows the number of empty flats for cleaning/refurbishment (post and pre-war) prioritised by room composition.

Table 2 highlights the number of empty flats per year and room composition. Specific dates per flat cannot be provided.

The following table provides the required breakdown:-

Table 1 - By room composition (post and pre-war)

Category Type					
Composition	Refurbishment Technical Decision		Cleaning		Total
	Pre-War	Post-War	Pre-War	Post-War	
6RKB	2				2
5RKB	3	2			5
4RKB	16	11	1	1	29
3RKB	29	45	1	6	81
2RKB	17	15		3	35
1RKB	4	11		1	16
Sub-Total	71	86	2	11	168

Table 2 - Empty flats awaiting refurbishment/cleaning per year

	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	TOTALS
6RKB		1					1					2
5RKB		3	1								1	5
4RKB	8	12	3	4	1	1						29
3RKB	23	47	6	1		2	2					81
2RKB	8	19	4	2					2			35
1RKB	3	8	2	1						1	1	16
TOTAL	42	90	16	8	1	3	3		2	1	2	168

Clerk: Question 418...

910

Hon. J J Netto: Mr Speaker.

Clerk: The Hon. Jaime Netto.

Hon. J J Netto: Could I ask the Hon. Minister for Housing what is the average number of flats that, at the

915 moment, the Housing Works Agency is actually refurbishing within a month? Does he know? Has he got an average of what is the output in refurbishment at the moment?

Hon. C A Bruzon: I really would need notice of the question, but off the top of my head I would say that we are getting between maybe 20-25 keys returned to us every month for allocation.

920 There are, in fact, around 130 empty flats as we speak that need to be cleaned up or refurbished. The refurbishing process, of course, takes longer; the cleaning of the flats is much simpler. I would really need notice.

925 **Hon. J J Netto:** I accept the fact, obviously, that he would need notice of this particular type of question, but he mentioned that, from the top of his head, he reckoned there could be an average of about 20. I am not going to pin him down with this –

Hon. C A Bruzon: I am not 100% sure.

930 **Hon. J J Netto:** – whether it is 15, whether it is 25, whether it is 30 or not, but when he says 20, accepting that it is from the top of his head, does he mean that those keys which he is getting from the Housing Works Agency includes refurbishment works, includes perhaps flat keys for which there has been no refurbishment but it has just been a question of cleaning the flat? Does it also include keys in which there has been no refurbishment in no flat but perhaps some electrical works, because of some electrical repair that needs to be done?

935 Does he know, does it include – whatever the figure is, whether it is 20, 10 or 30 – all the different matters upon which, at the end of the day, the City Hall, the Department, gets the keys, and it combines the whole lot – the refurbishment, cleaning, electricity etc? Is that correct?

940 **Hon. C A Bruzon:** Well, today – let's give you an example – I was told that there were seven keys available and, as a matter of interest, as there was a fire alarm in the City Hall and I was doing nothing waiting in the piazza, I got one of my technical people to take me round to have a look at some of these flats. The four that I visited in Laguna Estate had been recently refurbished but, of course, it could have taken a few weeks, if not months, and the ones I saw had been refurbished in the sense that they had a new bath fitted and kitchen units according to the Government standards. So, really, I cannot give you an exact answer.

945 When we get the keys to allocate these homes, whether the flats have been six months empty because there has been refurbishment work being carried out, or whether they have been cleaned out and that has only taken three weeks, in a sense, at the end of the day, all I want is to get keys so that I can allocate homes, so I do not really know when I get the keys whether, in fact, they have been as a result of a long drawn-out refurbishment job or just because they have been cleaned out or painted.

950

Mr Speaker: The Hon. Edwin Reyes.

955 **Hon. E J Reyes:** Yes, Mr Speaker, sir. Although I accept it and I am grateful to the hon. Member for the schedule here, in my original question there was a specific reference to the dates as from when these flats had been empty, to give us all a better picture to be able to see, if there is some type of pattern, how long it is taking to turn around the handing in of the flat and its completion.

960 The Hon. Minister, in his reply, has kindly stated that the dates had not been possible to obtain as the information was not readily available – I know he has only had one week's notice – and he concludes by saying this will be supplied as soon as possible. I would like to leave it with you, Mr Speaker, that that information will be provided without my having to table a question again here formally in Parliament, because it has been requested –

965 **Mr Speaker:** That is agreed.

Hon. E J Reyes: – and I accept, in gentleman's terms, the hon. Member's non-availability of the information to date, but his commitment is that it will be furnished to me –

Mr Speaker: That is the way it reads.

970 **Hon. E J Reyes:** – as soon as possible.

Mr Speaker: Do I have to add anything else?

975

**Government housing tenants
Tenants requiring works to properties**

980 **Clerk:** Question 418, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing state how many tenants are currently listed as requiring works to be done by Government as landlords, broken down into categories of both pre-War and post-War housing stock?

985 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, a total of 1,627 tenants are currently listed as requiring works to be done by Government as landlords, of which 256 reside in pre-War flats and 1,371 reside in post-War flats.

990 **Hon. E J Reyes:** Mr Speaker, the Hon. Minister for Housing says, if I understood him correctly, there are 1,627 tenants awaiting repairs to their flats but, of course, a tenant in a particular flat may have reported more than one particular aspect of repair, so the total number of outstanding repairs would most probably be more than 1,627. Does he have the overall figure for the total number of outstanding works that need to be carried out?

995

Hon. C A Bruzon: If I am not mistaken, there is something on the Order Paper which may provide information.

1000 **Hon. E J Reyes:** I beg your pardon.

Hon. C A Bruzon: Otherwise, I certainly would need notice of the question.

Hon. E J Reyes: I beg you pardon, Mr Speaker.

1005

**Government flats
Previously empty flats repaired and allocated**

1010 **Clerk:** Question 419, the Hon. E J Reyes.

1015 **Hon. E J Reyes:** Can the Minister for Housing state how many of the 149 empty flats awaiting repairs, as identified in answer to Question 290/2012, have now been repaired and allocated to applicants on the housing waiting lists, giving a breakdown in respect of pre-War and post-War flats and their size composition?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1020 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, a total of 14 of the 149 empty flats have now been repaired and allocated to applicants on the housing waiting list.

The following provides the repair breakdown: one-bedroom flats, which is commonly referred to as 2RKBs, post-War there are two; 3RKBs, that is two-bedroom flats, post-War nine; and then the 4RKB, which are three-bedroom apartments, we have one pre-War and two post-War.

**Homeless persons
Housing allocations**

1025

Clerk: Question 420, the Hon. E J Reyes.

1030

Hon. E J Reyes: Can the Minister for Housing say how many housing allocations have been made to homeless persons, since his answer to Question 292/2012?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1035

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, four housing allocations have been made to homeless persons since the answer to Question 292/2012.

**Government housing
Applications from homeless persons**

1040

Clerk: Question 421, the Hon. E J Reyes.

1045

Hon. E J Reyes: Can the Minister for Housing say how many applications from homeless persons are currently being dealt with, giving a breakdown of dates as from when these applications were made?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1050

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, a total of 18 applications from homeless persons are currently being dealt with by the Ministry.

The breakdown of the dates is as follows: June 2010, two; October 2010, one; November 2010, four; December 2010, one; March 2011, one; May 2011, one; December 2011, one; January 2011, two; March 2012, three; and April 2012, two.

1055

Hon. E J Reyes: Mr Speaker, for the sake of clarity, the figure two, pertaining to January, is that January 2012 or 2011?

If the Hon. Minister would like to read for me the last three – January, 2012 was two...

Hon. C A Bruzon: Sure. January 2012, two; March 2012, three; and April 2012, two.

1060

Hon. E J Reyes: I am grateful, Mr Speaker. My figures do not quite tally up, and perhaps the Hon. Minister may have some information that would enlighten me.

In March 2012, there were 25 applications from homeless persons and if we are currently left with 18, one would have assumed automatically that seven have been allocated; but in answer to previous Question No. 420, earlier on this afternoon, only four have been allocated, so there is a discrepancy of three. Can we tally up those figures somehow?

1065

Hon. C A Bruzon: If you would be kind enough to just put it on a note and give it to me in the ante Chamber and I will investigate.

1070

Hon. E J Reyes: Good enough, Mr Speaker.

**Housing tenants
Pending repairs completed**

1075

Clerk: Question 422, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing state how many tenants, since his collective answer to Question Nos. 295 to 298/2012, have had their pending repairs completed, giving a breakdown of how many were internal or external repairs, broken down into categories of both pre-War and post-War housing stock?

Clerk: Answer, the Hon. Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

ANSWER TO QUESTION 422

Since the collective answer given to Question No. 295 to 298 of 2012, there have been a total of 252 tenants that had 326 jobs completed, as follows:-

Internals		
Pre-War	7 completed jobs for	4 different tenants
Post-War	133 completed jobs for	120 different tenants
Total	140	124

Externals		
Pre-War	20 completed jobs for	17 different tenants
Post-War	166 completed jobs for	111 different tenants
Total	186	128

Hon. C A Bruzon: I will just read out some information as we wait for it to be circulated.

Since the collective... there have been a total of 252 tenants that had 326 jobs completed.

The rest of the information is on the... *(Interjection)* You have got the information now in front of you – I think. No, it has not got to you yet.

**Government rental flats
Repairs completed**

Clerk: Question 423, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing state how many jobs, since his collective answer to Question Nos. 295 to 298/2012, have been completed in respect of Government rental flats, giving a breakdown of how many were internal or external repairs and the nature of works undertaken, broken down into the categories of both pre-War and post-War housing stock?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, I have just handed over to the hon. Member a schedule containing the information requested.

ANSWER TO QUESTION 423

Since my collective answer to Question Nos. 295 to 298 of 2012, there have been 784 jobs completed in respect of Government rental flats.

Out of this total, 598 jobs were internal jobs completed by the Housing Works Agency and 186 were external jobs completed by the Ministry for Housing. These are further broken down as follows:

Work category - Internal repairs	Pre-war	Post-war	Total
Bathroom unit replacement	1	21	22
Carpentry repairs	13	49	62
Cleaning of flat	5	18	23
Drains, rodding and cleaning	5	4	9
Emergency repairs	41	204	245
Masonry repair	2	18	20
O/T repairs/refurbishments	-	12	12
Other - asbestos removal	1	5	6
Painting	-	21	21
Plumbing repairs	13	156	169
Refurbishment - empty flat	1	8	9
TOTAL	82	516	598

Work category - External repairs	Pre-war	Post-war	Total
General	19	111	130
Drains	1	4	5
Lifts	-	49	49
Electricity	-	2	2
TOTAL	20	166	186

Hon. E J Reyes: Mr Speaker, can I ask nicely: the Hon. Minister might be able to identify a typographical error. In the schedule he has handed over to me, it says:

1110 'Since my collective answer to Question No. 291...

My question posed collective answer to question 295 and a quick looking back at what question 291 was, 291 referred to additional applicants for housing and so on.

1115 So am I correct, shall we amend it for the record today – that it is a simple typographical error and should reflect 'Question Nos. 295 to 298' in the schedule handed over?

The Clerk will have to really find this extremely useful when he comes to compile the *Hansard*, for which he is extremely efficient.

1120 **Hon. J J Netto:** Mr Speaker, could I ask the Hon. Minister for Housing, within the information he has provided, in the first column in which he actually put the works category, the breakdown there amongst those particular building elements of what category he has amongst the others, emergency repairs – one of the many which is listed there – does the Housing Works Agency record a response time for everything that comes under the emergency repair category, in order to respond to do this particular work – even though we are dealing with whatever it is, emergency work?

1125

Hon. C A Bruzon: There is, in fact, a question that maybe will answer that, later on in the Order Paper.

Hon. J J Netto: I am jumping the gun too soon.

1130

**Housing Agency
New jobs added to list**

1135

Clerk: Question 424, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing state how many new jobs have been added to the list requiring the attention of the Housing Ministry, since the answer given to Question No. 298/2012, stating the nature of the work required to be undertaken and broken down into categories of both pre-War and post-War housing stock?

1140

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Yes, Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

1145

ANSWER TO QUESTION 424

Since 15th March 2012, there have been 870 new jobs added to the list.

137 appertain to external works and 716 to internals, which are as follows:-

External Works			
Work Category	Pre-War	Post-War	Total
Window, Shutters	11	57	68
Plumbing	9	10	19
External	9	25	34
Making Safe	1	7	8
Letter Boxes	-	25	25
Total	30	124	154

Internal Works			
Work Category	Pre-War	Post-War	Total
Bath or Shower conversion	-	19	19
Bathroom Unit replacement	4	27	31
Carpentry repairs	21	60	81
Cleaning of flat	7	25	32
Drains, rodding and cleaning	7	8	15
Emergency repairs	48	235	283
Masonry repair	5	12	17
Other	1	4	5
O/T Repairs/Refurbishment	1	11	12
Painting	1	24	25
Plumbing repairs	20	163	183
Refurbishment – Empty flats	2	11	13
Total	117	599	716

Hon. J J Netto: Mr Speaker, could I ask the Housing Minister, within the schedule he has just provided us with, on the ones on internal work, if he goes down to where it says 'Bath or shower conversions' and then he has 'pre-War' and 'post-War', the one thing that comes to mind – and I wonder whether he has got the information – was that I think it was in one of our first parliamentary sessions, either in January or perhaps February, I did ask from the elderly side, that I was concerned of the delays in actually taking away all baths which were broken and fixing new showers, which was a demand by the elderly people and I remember quite... The answer that the hon. Gentleman gave me was that within three months – it was quite a bold answer, I thought – all the showers that the elderly people have put requests in to have fitted would be done.

1150

1155 I was now wondering whether he is now in a position to state whether all those requests for showers to be installed by the elderly have now been done within... Well, I thought it was *too* bold to say three months; it would have been better to say a much longer period, perhaps – it would have been fantastic – but is he now in a position to say that all the outstanding work has been done?

1160 **Hon. C A Bruzon:** No, I am not in a position to say that.

Hon. J J Netto: Well, Mr Speaker, perhaps, if I do remember and I write to the hon. Gentleman, requesting this information, could he provide it for me?

1165 **Hon. C A Bruzon:** I certainly will.

Hon. J J Netto: I am much obliged, Mr Speaker.

1170

**Housing Authority contracted work
Details of jobs**

1175 **Clerk:** Question 425, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing state how many jobs have been contracted out, stating the date, nature of work, estimated cost and to which companies, by the Housing Ministry, since the answer given to Question No. 299/2012 and broken down into categories of both pre-War and post-War housing stock?

1180 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

ANSWER TO QUESTION 425

Since the answer given to Question No. 299 of 2012, the Housing Ministry has contracted 6 jobs as follows:-

Date	Work Category	Estimated Cost	Company	Type of Housing Stock
09/03/12	Plumbing repairs	£690	Gemini	Post-War
26/03/12	Plumbing repairs	£780	Gemini	Pre-War
27/03/12	Plumbing repairs	£800	Gemini	Post-War
03/04/12	Plumbing repairs	£700	Gemini	Pre-War
03/04/12	Plumbing repairs	£700	Mersey Castle	Pre-War
26/04/12	Plumbing repairs	£800	Gemini	Post-War

1185 **Hon. E J Reyes:** Mr Speaker, if I may, perhaps the Hon. Minister does have the information and could enlighten us.

1190 This list provides information I did ask for and, in the breakdown, he kindly categorises it, that they have been planning repairs. Was this because the Housing Works Agency does not have the workforce available at that particular moment in time to carry out these works, or is it because, due to some sort of exceptional circumstances and deadlines in which to meet emergency repair, whatever, that is the reason why they were contracted out?

Hon. C A Bruzon: I believe we did discuss this last time, and the reality is that the aim of the Housing Authority is to allocate as many homes to the applicants as quickly as possible, so there are times when we

1195 do, indeed, have to employ small companies to carry out work for us – mainly the external works.

1200 **Hon. E J Reyes:** Alright, Mr Speaker, but we can certainly deduce from there that, if at all possible, the priority to undertake this work is first looked into by doing it from existing workforce within the Housing Agency, before contracting out and this contracting out, is it determined because of the cost level and that has been an influencing factor that the Minister has then decided, ‘Right, let’s contract out’ or what has influenced the contracting out, rather than leaving it for the workforce to handle?

1205 **Hon. J J Bossano:** Mr Speaker, the original agreement entered into by the previous administration divided the work as to external and internal, and the people who were retained in the Housing Department were responsible for supervising the work of contractors who were all doing external work. The people who were retained in the Agency were all doing internal work.

1210 We have reviewed that on the basis of size and complexity so that if, given the fact that there was an early exit package, and that in some areas the numbers that left were such that are very few of that particular trade left behind, it means that in some areas the direct labour sometimes is not enough to deal with everything and, therefore, that is contracted out.

1215 But the original thing was based on whether it was internal or external, whereas now it is based on the capability of the numbers that are in the Agency and the magnitude or complexity of the job. It does mean, of course, that most of the external things that require scaffolding and all that sort of thing goes outside. But it can also mean there can be a complicated inside job like lifting up the floorboards, for which we may not have the manpower.

Hon. E J Reyes: Yes, thank you for that, Mr Speaker. Yes, that answer is acceptable.

1220 So when he came to these particular cases, I think the Hon. Minister may have mentioned, although it is not written here... I think they refer to all external cases, don’t they?

It is not written down here but I think in passing, in his oral contributions to this, I think he mentioned the word ‘external’ –

Hon. C A Bruzon: Your interpretation is –

1225 **Hon. E J Reyes:** – so can I add that here, as *de facto* that they were external works?

Hon. C A Bruzon: Yes.

1230 **Hon. J J Netto:** Mr Speaker, could I ask, because in listening to the comments by the Minister for Employment, I accept the fact that the particular job may be complicated or specialised, maybe the need that the Housing Works Agency may have to outsource a particular job to a private sector contractor, that when we look at these particular lists, in the schedule which has been provided to us, and we look at the estimated costs, it is quite low – all of them, in fact, less than £1,000, and all of them are dealing with jobs that are not complicated, because they are planned jobs. Then, in my mind, the question that arises is that this is not a job that has been contracted out because it is complicated and equipment or resources may not be in-house. So there must be some other reason, other than being complicated for which the Department has contracted work.

1235 Is it perhaps – and I am asking in the form of a question – that these particular jobs, although the first column provides the date when the jobs were done, have been outstanding for a very long period of time from the date in which the tenant may have reported initially and, as a result of the long delay that the tenant has been waiting for the repairs, that the Housing Works Agency may have taken the decision to contract it out? This goes back to the question I am trying to establish whether the Housing Works Agency has a particular response time for every particular type or category of work – in other words, if it is an emergency and the emergency needs to be done because the nature of the emergency is that it may need to be done in 48 hours – but if for whatever reason the Housing Works Agency cannot do it, then these particular jobs, which are an emergency, need to be carried out for the benefit of the tenant, and then the Housing Works Agency may decide that if the Housing Works Agency cannot do it, then it needs to be contracted out – I can understand that logic.

1245 But one cannot derive from the information supplied here, given that we are talking about jobs which are very low in monetary value and – I am not trying to degrade plumbing jobs, but plumbing jobs are not

1250 something which require a lot of people. It is probably done by one particular person, as opposed to a team of plumbers, which can be more complicated in terms of doing a big installation.

So I am trying to establish the reason behind why the jobs were contracted. Can the hon. Member perhaps provide some sensible, logical reason?

1255 **Hon. J J Bossano:** Well, on the basis of what I am trying to do, it is provide a sensible logical reason, which may or may not be correct, I will point out that, in every case, the contractor is a scaffolding company. Therefore, if these are all jobs that have been done by scaffolding company, it is possible that although they are called plumbing repairs may have to do with things like gutters and downpipes.

1260 All the companies there, all the contractors, in every single case is a scaffolding company.

Hon. D A Feetham: Yes, when I looked at it, that is what I thought this might relate to, and in fact you can actually see that the amounts are pretty uniform.

1265 Unfortunately, the actual answer could have been phrased better because all it needed to have said is 'scaffolding for plumbing repairs' and we would have all been... It would have answered the question.

Clerk: Question 426, the Hon. E J Reyes.

Hon. D A Feetham: Can I come back on this, please?

1270 **Mr Speaker:** Yes, certainly, yes.

Hon. D A Feetham: Just in relation to this, and assuming that, of course, there is scaffolding, how does one determine who actually gets the contract in relation to these particular jobs – is this done on a roster, is it done by tender, is it done by direct allocation, at the discretion of the Minister, or somebody within his Department? How exactly is it done?

1280 **Hon. J J Bossano:** In all the cases where it is possible to use the scaffolding that is owned by the Government, the scaffolding company has just paid for putting it up or taking it down, and there is a standard charge, which they all charge the same. So, basically, it is shared around so that ...

In fact, if too much was given to one company, it would not be able to do it. There is a limited number of scaffolders in the market, and they are spread across four companies and the work of the Government keeps them going all the time.

1285 **Hon. D A Feetham:** So the answer is, effectively, that there are four or five of these companies and then there is a rota and they share the job in accordance to whether somebody has done a job before, then it is somebody else's turn, and somebody else's turn – is that how it is done?

1290 **Hon. J J Bossano:** It is not quite like that. It is not whether it is a roster and they take a turn because, in fact, it is just that the work that is put out, you could not put out more scaffolding work than the market can do because, otherwise, you would then finish up bringing in people from outside, which is not something we particularly want to encourage.

So the fact is that if somebody, for example, has got the contract to put up a lot of scaffolding in the Alameda Estate, that is quite a big scaffolding job. So you could not say 'You are number 4 and it is your turn again', because it could be a long time up there.

1295 It is really... the fact is that when they start running out of work, they come back asking for more. It depends on the size of the job they are doing, they are working on.

Hon. D A Feetham: And, hopefully, we are talking about standard fees – that is why these are, in fact, very close figures that we are talking about in this schedule that was handed by the Hon. Minister.

1300 **Hon. J J Bossano:** Where there is a difference, it is because, in fact, they are providing the scaffolding and then as well as putting it up, and taking it down, they provide for hire. Clearly, the Government seeks to avoid hiring scaffolding for as long as it can do the work with the stuff that it already owns and therefore it is the one that it owns, the rate for putting it up is so many pounds per metre and everybody charges more or less

1305 the same. I doubt if there is more than a few pennies between one company and the other.

1310 **Co-ownership housing estates**
Meetings with management companies

Clerk: Question 426, the Hon. E J Reyes.

1315 **Hon. E J Reyes:** Can the Minister for Housing state if he has, since his answer to Question No. 301/2012, held meetings with any management companies of co-ownership housing estates in order to address the issue of increasing service charges and/or other concerns?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1320 **Minister for Housing and the Elderly (Hon. C A Bruzon):** I will read out, Mr Speaker, exactly what I have got here and then I will give an explanation, because I am sure there will be a supplementary.

Mr Speaker, no member of any such management companies of co-ownership housing estates have yet approached us to have such a meeting.

1325 I would like to explain to the hon. Member that we did say, some months ago, that we were trying to organise such a meeting, but that we have been unsuccessful in getting down to the bottom of who are these people? Really, the procedure should be that whoever wants to see the Minister – whether it is the Alameda tenants' estates or whether it is a Home Ownership Association, the procedure is that they phone or write to my secretary and I would most certainly fit them in.

1330 So, really, I have still been unsuccessful in having such a meeting, but I would encourage whoever is interested in seeing the Minister just to ask for a meeting and I will give it to them.

Hon. E J Reyes: Mr Speaker, I think that that is a slight variation from what I understood in the answers given by the Hon. Minister last time round. The Hon. Minister did say, in the last parliamentary session, that – to use his words:

1335 'What I am doing is that I am meeting a number of representatives of housing estates –'

– hundreds and hundreds of individuals and so on–

1340 '– and the reality is that I know that the Chief Minister is interested to be present at this meeting and, therefore – he is not in the House now – but I would suggest that... or if I could ask a rhetorical question... if the Member is speaking on behalf of a particular group,'

that he writes to us and I clarified that I was not speaking on behalf of any group.

1345 So I was led to believe, Mr Speaker, that this was work in progress or a matter at hand, and I accepted it in the Hon. Minister's explanation that it was more a question of co-ordinating dates with the Chief Minister, when he could be available, and so on.

1350 Now it seems to have taken a different turn, and now it seems that, if I have interpreted his answer correctly, we do not have any pending requests to meet with anyone from these co-ownership housing estates.

Hon. C A Bruzon: I did succeed in having a meeting with Brian Francis Associates, who apparently are managing agents of some of these associations. But that is as far as I have got, and I think the Chief Minister has also had a meeting with them.

1355 But, really, as far as meetings with home owners who are dissatisfied with any increase in service charges, I imagine that the onus will be on them to try to come to us, because there is a mention in our manifesto that we will do our best to help in any way we can.

1360 **Hon. E J Reyes:** Mr Speaker, if we go right back to Friday, 20th January, when I raised the matter of increasing service charges and so on and I even made available to the Hon. Minister, just outside your office in the antechamber, an example of a copy of these sort of increased service charges and so on, he has been

leading me to believe that it was a matter that would be tackled and that he was going to meet with the groups and, looking here at the questions and answers all the time, there is no signal here at any stage, other than to say that it is a matter at hand and I am just waiting to see what developments there have been.

1365 So I am still taken a bit by surprise to realise now that... Am I correct in saying that now, in order to tackle the issue of increased service charges, it is up to the management companies or these co-ownership housing estates to have to request a meeting with you? Am I correct in that interpretation?

Hon. C A Bruzon: Mr Speaker, the truth is that I *have tried* to get my staff to see if they can establish who the contact people are and they have not been successful.

1370 So that is the simple truth, Mr Speaker.

Again, I repeat there is a mention in our manifesto that should there be any members of such associations who are concerned about unreasonable increases in service charges, then we will see if we can help. But as Housing Minister, my responsibility is really to look after the rental accommodation of Government housing.

1375 I sometimes wonder where I fit in, in all this, except that there is a mention in the manifesto and it falls into my... It is close to my photograph! Maybe that is why they want to come to me, and I shall be happy to receive them and see them.

Hon. D A Feetham: Yes, Mr Speaker, can I remind the hon. Gentleman of the manifesto commitment:

1380 'We will work with the management companies in all Government co-ownership housing estates where there are problems with the level of service charges in order to address the issue and consider ways of containing costs.'

1385 Does he, in light of the fact that he has not received representations from management companies on the issue of service charges, concede that, in fact, there appears to be no problem with the issue of service charges, much like there was no problem with all those battalions of Gibraltarians living in Spain (*Laughter*) – which he conceded on the last occasion? There were only two or three people making demand of the Hon. Minister. (*Interjection*)

1390 **Hon. C A Bruzon:** Well, I made no reference to 'battalions' but if the member of the Opposition wants to be poetic, I would prepare to accept that and smile!

The answer is that there does not seem to be serious problems – at least they have not come to my ears. I do acknowledge that the hon. Member sitting opposite – my opposite number – did share with me some concern, but that is as far as it has gone. The actual managing agents – maybe that is what they probably *would* say – they say here that the service charges are quite low, as they have not increased in around 20 years, with the exception of a recent 3.8% increase, in line with the cost of living.

1395 Of course, some people obviously are not happy with that, but I repeat, Mr Speaker, I receive hundreds of tenants, I receive a number of associations, and these meetings are arranged. I do not go out of my office: 'Does anybody want to talk to me? Is anybody interested to come to me with a problem?' I do not do that, but I shall be happy if somebody...

1400 If you know the names, give them to me and my secretary will phone them and I will genuinely try to see if I can offer help.

Hon. E J Reyes: Mr Speaker, I know the Hon. Minister was just referring to information passed on to him – I do not know if I am correct in saying – I doubt the veracity: there has been no increase in service charges for 20 years? In respect of what estate is he talking about?

Hon. C A Bruzon: This quotation may refer to some specific area, so I would qualify that – in other words, it may not refer to the one that you are thinking of. We had better leave it at that!

1410 **Hon. E J Reyes:** Certainly, Mr Speaker. I wanted to go down on the record. Certainly the one where I live there have been *annual* increases for the past twenty years and so I cannot accept there has been no increase.

1415 Yes, Mr Speaker, for the record – and I know the Hon. Minister accepted this last time – there are concerns amongst residents here of increased service charges and there is a record from the hon. Member, especially when he was sat on this side of the desk, he did go out on balconies and rooftops and say, 'Here I am. If anyone has any problems, come and look for me.' So he cannot now pretend to be doing otherwise,

otherwise he is failing the electorate because that was his style and was why people chose him to sit on that side of the House.

1420 **Hon. C A Bruzon:** Whether his comparison is valid or invalid, I would suggest that we move on.

I do repeat that I get many, many requests from tenants, many requests from associations, and I receive them into my office and we look at their concerns and we try to help and the same would apply to the homeowners.

1425 **Hon. E J Reyes:** Yes, I accept that, Mr Speaker, and I also know that he does get many requests and they are still waiting five months on for at least to be given an appointment time, but I suppose that is the nature of his workload and I accept that the Hon. Minister means well. I think he can conclude this exchange by at least reassuring me and the public at large that he will do his utmost to see as many people as soon as possible because some of have been waiting for at least an appointment time for quite some months now.

1430

**Government rental flats
Details of pending or incomplete repair jobs**

1435 **Clerk:** Question 427, the Hon. E J Reyes.

1440 **Hon. E J Reyes:** Can the Minister for Housing state how many jobs are currently listed as pending or incomplete in Government rental flats, giving a breakdown of internal and external repairs, as well as stating the nature of these works and by whom they are or will be carried out broken down into the categories of both Pre-War and Post-War housing stock?

Clerk: Answer the Hon. the Minister for Housing and the Elderly.

1445 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, I am now in the process of handing over to the hon. Members a schedule containing the information requested.

ANSWER TO QUESTION 427

I submit a reply to this question primarily broken down by (a) internal jobs and (b) external jobs, as follows:

(a) There are 680 internal jobs currently listed as pending within the Housing Works Agency. These jobs are categorised as follows:-

Work Category – Internal Repairs	Pre-war	Post-war	Total
Bath for shower conversion	1	24	25
Bathroom Unit replacement	7	46	53
Carpentry repairs	37	100	137
Cleaning of flat	7	11	18
Drains, rodding and cleaning	2	7	9
Emergency repairs	7	51	58
Masonry repairs	13	40	53
O/T Repairs/refurbishments	3	40	43
Painting	7	71	78
Plumbing repairs	25	149	174
Refurbishment – empty flats	6	26	32
TOTAL	115	565	680

(b) There are 3034 external jobs currently listed as pending to be carried out by external works contractors. External jobs vary in nature ranging from repairs to building fabric, to waterproofing/roofing. It is impossible to deliver a detailed categorisation of all 3034 jobs within the required timescale. The following condensed categorisation applies:

Work Category – External Repairs	Pre-war	Post-war	Total
External Building Contractors	571	1857	2428
Windows Replacement Contractors	-	606	606
TOTAL	571	2463	3034

Hon. E J Reyes: Thank you for that, Mr Speaker.

1450 I know I did not ask for it and I am just going to ask in case the Hon. Minister does have some further information pending... Any idea of how long, perhaps, some of these jobs have been? I think I had better, Mr Speaker, give due notice of that question for next time round so we can try and emerge a pattern to see how long, justifiably or not, some tenants are saying that they are having to wait a bit too long.

1455 **Hon. C A Bruzon:** I appreciate that, Mr Speaker.

Clerk: Question –

Mr Speaker: The Hon. Jaime Netto.

1460 **Hon. J J Netto:** If I could ask a supplementary question to the Hon. Minister?

1465 From the information provided in the schedule, it is stating down in (b) that there are 3,034 external jobs can be listed, as pending to be carried out by external work contractor. External jobs vary in nature ranging from repairs to building fabric, to waterproofing/roofing. Given that we are now entering the better weather in the cycle of the year, is there within the Housing Works Agency a programme to prioritise, perhaps, all these external jobs, particularly if some of the jobs outstanding, external ones, are roofs, because this would be the time of the year to do it, as opposed to doing it in the winter months?

So could the Minister perhaps provide information whether, within the schedule of works being organised by the Housing Works Agency, priority will be given to external work, particularly to roofs?

1470 **Hon. C A Bruzon:** As it happens, Mr Speaker, when I talk to my Technical Department we often consider that point, exactly as the Shadow Minister has, in fact, indicated. Before the rains come next winter, let us get on with the job of repairing roofs and any cracks on the side of buildings which will create problems for the tenants. So I do not know if that is a satisfactory response?

1475 **Hon. J J Netto:** Well, it goes somehow to answering the supplementary question, but perhaps what I was trying to obtain was whether, within the workforce of the Housing Works Agency, perhaps there is a dedicated group of tradesmen who are now given this type of work to prioritise in order to ascertain that, before the winter comes along, at least for works to do with roofs that are leaking, water penetrating through perhaps, that that particular job is done now, with the good weather, as opposed to doing it in the months of January, February or March. Is that the case?

1480 **Hon. C A Bruzon:** I believe the answer should be yes, and I hope it is yes, but I do not want to give a categorical ‘yes’ because I would have to check with my people. But I imagine that there must be people with the technical skills to talk about these things and to ensure that whatever jobs can be done before the winter rains come, will be done.

I could add, Mr Speaker, just for the... that we are still catching up with a backlog of jobs. In fact, since April 1st to October 30th in 2011, the previous administration did not execute one single outstanding or new report appertaining to external defects. This increased the already substantial backlog of reports. (*Applause*)

1490 **Hon. D A Feetham:** Mr Speaker, my hon. Friend, Mr Reyes, has had to leave the House. He has received some news that a family member has had to be taken to hospital, so he has asked me to ask the questions of the hon. Gentleman.

Mr Speaker: Most certainly. Yes.

1495

**Reports of unsafe dwellings
Numbers pending completion; decanting of tenants**

1500 **Clerk:** Question 428, the Hon. D A Feetham, on behalf of the Hon. E J Reyes.

Hon. D A Feetham: Can the Minister for Housing state how many reports of unsafe dwellings are currently pending to be completed and how many of these require urgent decanting of tenants due to Health and Safety regulations... or considerations? I beg your pardon.

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): There are no pending dwellings requiring completion that are deemed unsafe and none requiring decanting due to Health and Safety considerations.

Clerk: Question 4 –

Hon. D A Feetham: Sorry, my friend, Mr Reyes, for listeners into parliamentary proceedings, is now back. I am glad to say that everything appears to be okay.

Can Mr Reyes have a moment to consider whether he has a supplementary question?

Mr Speaker: Yes, of course. I understand the Hon. Jaime Netto has a question in the meantime and that will give the Hon. Edwin Reyes some more thinking time.

Hon. J J Netto: Could I ask the Minister for Housing, although I believe he has just stated that there are no unsafe dwellings that require urgent decanting of tenants due to Health and Safety considerations, could I perhaps ask the supplementary question in a slightly different way, whether he has received any reports perhaps, by the Housing Inspectors, to the effect that there are *some* dwellings which are not fit for purpose for which there are sitting tenants?

Hon. C A Bruzon: I can confirm, Mr Speaker, that there are a number of tenants that are down for decanting, either because there are continuing problems with dampness, bad smells and all that kind of thing; but that does not come under the category of requiring completion... unsafe. Sometimes a building is unsafe and if a building is going to collapse then, of course, that is different.

So the answer is what I have been given, which I am happy to read out again for the benefit of the Hon. Edwin Reyes: there are no pending dwellings requiring completion that are deemed unsafe and none requiring decanting due to Health and Safety considerations.

Housing Agency Response time targets for repairs

Clerk: Question 429, the Hon. E J Reyes.

Hon. E J Reyes: Does the Ministry for Housing have specific response time targets in respect of the different categories or types of repairs to be undertaken and are these targets presently being met?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, in the case of emergencies, the Ministry for Housing will attend on the same day and make safe.

Other works are attended to as soon and as efficiently as possible.

Hon. J J Netto: Mr Speaker, I take on board what the Minister has said in relation to emergencies, that personnel will attend within a particular day and make safe. However, there are – just looking at the information given during the course of this afternoon by the hon. Member – some other categories of work, for instance OT repairs/refurbishments and perhaps even asbestos removal.

I am surprised that, perhaps, the Housing Department is not necessarily working or liaising as closely perhaps as it should with the Health Authority and perhaps the Care Agency, because one of the things in my experience is that there are referrals either done by the OT in the Health Authority, which are then passed

on... well, used to be passed on, actually, to the Social Security Department rather than to the Social Services Department for which there are tenants, either in Government dwellings or perhaps even residents in home ownership schemes for which some repairs or fitting some equipment from the OT is concerned that needs to be carried out.

So the point I am trying to make, perhaps, if I can change it into the form of a question, is whether the Housing Department or the Housing Works Agency will not consider working closer perhaps with the Health Authority and perhaps the Social Security in relation to having a response time for the work coming out from the occupational therapies included into this field. I think that when there is a referral by the OT, by definition there is a medical issue involved and I think that we would all welcome, both sides of the House would all welcome, if there is a response time to execute such work.

Hon. C A Bruzon: I am not too keen, Mr Speaker, on *exact* response times – one week, one month, three months. I am a great believer that if the job has to be done it has got to be done as efficiently and as quickly as possible. I do not want my workforce to say, ‘Ah, I have still got another six weeks to do this.’ That is why the culture that I try to create (*Interjection*) is that jobs have to be done as quickly and as efficiently as possible and I encourage the labour force, the workforce that work under me, to get on with the job and earn the bonuses that they are being offered and that kind of thing, but I have not got...

The question itself, if I may say so, Mr Speaker, refers to types of repairs, and there are thousands of different types of repairs. Lots of different categories, targets, you know... and the answer is that if it is an emergency, like a burst pipe, the plumber will go and turn off the mains. So the emergency is over for that moment. Then, as soon as possible, they will go and repair the plumbing.

Other jobs, Mr Speaker, they have to be addressed by the workforce as quickly and as efficiently as possible. I do not have information as to exact targets in terms of weeks, months or years. The question maybe should have been rephrased or put before me a bit better, if I may suggest it, because there can be external works, external repairs. You cannot give a target. You give a completion date, roughly, you know, but you cannot say that it will be ready in three weeks or in one year. You just do your best. If it is a small job, then it should be done asap.

Hon. J J Netto: Mr Speaker, with respect to the Hon. Minister, no-one is trying to suggest that the wheel should be invented, in the sense of being able to collect information and then translate that information into categories of response time.

Look at local authorities in the UK: this is already done. In fact, the people who probably provided the answer to the legal questions, are very much aware of the kind of language that I am referring to, when I say ‘response time’. So perhaps they should have prepared you a little bit better, in the sense of knowing what other building elements would constitute a response time to attend, as opposed to the completion of the job, which is a different thing, because that would depend on the specification of the job, but I would have thought – and I just leave it for him to take it away and have a discussion with the Minister for Health, in particular – that there will be within the workload of the occupational therapies – and I know this from experience – a number of jobs of individuals, either in Government dwellings... or residents in home ownership schemes, who have a number of medical ailments and they need to do work in order to accommodate the medical evidence.

I think all of us would agree that people in those categories would need to be prioritised. Now, to the degree they are prioritised is a matter for the Government to decide, so I think that a priority should be given.

So that is one category of people that I think he ought to take away and consider. The other one, of course, is the question of asbestos removal, because if the Hon. Minister for Housing has on his desk a report that has been given by officials, whether they are housing officials, or officials from the factory inspectors, in fact, on the question whether asbestos has been tampered and there is airborne fibre on the particular premises, then you have got to have a response time to deal with that because, again, you are dealing with health matters, so can I just end up by saying to the Hon. Minister, will he not consider going back to his officials, looking at areas where he needs to prioritise in accordance with the type of work it is and perhaps have a discussion with the Minister for Health in relation to work being provided by the occupational therapist?

Hon. C A Bruzon: I know that, in the reports, when reports are put forward, there is a distinction between very urgent, urgent and routine – that kind of thing. Maybe that is what you are getting at and you should make sure that if something is very urgent, it should be done within a specific period of time, if it is possible.

That is what you are getting at.

1615 I am sure that that happens. It is just that I would need to look into the subject matter more thoroughly to be able to provide an accurate answer but I think, Mr Speaker, that is my contribution on that Question, so I think my colleagues may want to say something else.

1620 **Hon. Dr J E Cortes:** Mr Speaker, although this is not a direct supplementary, I can inform the House that adjustments in the workload of the occupational therapists means that now we have occupational therapists dedicating much more time than before December to assessments in people's homes. There are regular meetings of multi-disciplinary teams and a number of repairs have been carried out, and are in the process of being carried out, including the famous Albert Risso House, which was not fit for some of the elderly people who were put there and we are putting that right.

1625 **Hon. J J Netto:** With respect to the Minister for Housing, he seems to be more concerned with scoring a cheap political point than addressing the issue which I am saying.

1630 The issue I am saying is not whether he has more occupational therapists to do more surveys. If he has them, good for the Health Authority, good for the people of Gibraltar. The *issue* I am raising is that, once the services are done by the occupational therapists, there is an amount of jobs on all the service of people that work needs to be done and I am saying, the only thing I am saying in my supplementary is that there need to be, once the service is completed, a response time for all those services of all those people which have outstanding work to be done and that is the point I am making.

1635 The point I making is, will he not, regardless of the amount of people he must employ, regardless of the amount of service done, that once the service is done, is not lying idle on a table, but that there is communication and prioritisation of the work from the Health Authority and the Housing Department for the benefit of the people that are working to be done? That is the point I am making.

Hon. Dr J E Cortes: Mr Speaker, I can assure you that things lie idle on *our* tables much less than they used to lie idle before. (**Several Members:** Hear, hear.)

1640

**Housing Agency staff
Retirements and transfers; new employees**

1645 **Clerk:** Question 430, the Hon. E J Reyes.

1650 **Hon. E J Reyes:** Can the Minister for Housing state how many employees have retired or transferred, indicating effective dates, from the Housing Agency since 9th December 2011 and how many new employees have been engaged by the Agency since then in accordance with the agreement reached between Government and the unions?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1655 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, since 9th December 2011, a total of nine employees have been retired or transferred as follows:

2 – 31st December 2011

1 – 6th February 2012

1 – 13th March 2012

1660 2 – 14th March 2012

2 – 19th March 2012

1 – 6th April 2012

As to new employees, none have been engaged since 9th December.

Hon. E J Reyes: Just for the sake of clarity, all the nine have been transferred, none are retired?

Hon. C A Bruzon: The answer that has been given to me – I have got to be honest, it says here, 'number

1665 of employees transferred/retired' so if he wants further information on that, I can provide it.

Hon. E J Reyes: My question did ask how many have retired or transferred and I would have thought it was not unreasonable to know the breakdown of who was retired and who was transferred.

1670 I have to accept the hon. Member does not have that fact but, again, under the previous gentleman's understanding, he can furnish me with that information, when he is available in his office next week.

Hon. C A Bruzon: I will provide the information to my hon. opposite number.

1675 **Clerk:** Question 431.

Hon. J J Netto: Can I ask a supplementary question to the Hon. Minister?

1680 My understanding, unless I am mistaken, is that the agreement reached between the union and the Government, the GSD Government at the time, was, if I am right, for every two employees that retired, the Agency would employ one. So therefore is that still standing? If we find out once this clarification on how many are retired or transferred, once we find out, for argument's sake, that out of the nine, four have been retired, so leaving aside the ones transferred, will it therefore follow that two people would be employed for the Housing Works Agency in accordance with agreement with the union?

1685 **Hon. C A Bruzon:** We shall have to wait and see.

1690 **Hon. J J Netto:** Well, Mr Speaker, I am not asking him to wait and see for the clarification how many are retired or transferred, all I am asking is whether the present Government will honour the GSD Government agreement with the union that, for every two persons that retire, one would be employed. You do not have to 'wait and see'. It is either a yes or a no.

Hon. J J Bossano: Well, the answer is, Mr Speaker, the Government will honour the agreement, it does not mean that we are accepting that the agreement is as the hon. Member says. It may say that, or it may not. I do not know what it says.

1695 **Hon. J J Netto:** If it does say that, will it be honoured?

Hon. J J Bossano: Yes, if it *does* say that, then it will be honoured, but it may not say that.

1700 **Hon. J J Netto:** Fine.

Housing Agency Employee in charge

1705 **Clerk:** Question 431. The Hon. E J Reyes.

1710 **Hon. E J Reyes:** Can the Minister for Housing say which employee is presently in charge of the Housing Agency, stating his or her grade, salary scale and date of appointment?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1715 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Yes, Mr Speaker, the employee who was deputy in January this year, is presently charged with the day-to-day running of the Housing Works Agency, and there has been no change to his grade or salary.

Hon. E J Reyes: When the Hon. Minister says this person was deputy in January, is it that the appointment of deputy was made in January, or he happened to be appointed before and was just incumbent in January?

1720 **Hon. D A Feetham:** So is he doing it on an acting capacity?

1725 **Hon. J J Bossano:** No, Mr Speaker, there is no vacancy to be filled in which anybody is acting. The decision that was taken was that the post would not be filled and would be discontinued and, consequently, the person is doing the job that he was doing before, which, in the judgement of the Agency and the Government, did not require two people to do. It only required one.

1730 **Hon. D A Feetham:** And is it the Government's intention to come to this House and amend the relevant Act to do away with the post of Chief Executive of the Agency, because that is a statutory requirement. So, at the moment what we have is, there is a statutory requirement that you have a CEO, I think it was, and that post... they have taken a political decision, effectively, to abolish the... not to fill the post, but still there is a statutory requirement to have that particular post, so one would have thought that – and I am asking – are they going to come to this House to amend the legislation to, effectively, do away with that statutory duty, or statutory requirement, I should say?

1735 **Hon. J J Bossano:** That and much more.

ENTERPRISE, TRAINING AND EMPLOYMENT

1740

Old Age pension Proposed changes

1745 **Clerk:** Question 361, the Hon. J J Netto.

Hon. J J Netto: Can the Minister for Social Security state what changes he proposes to introduce to the old age pension on 1st July 2012, as stated by the Hon. Minister in answer to Question No. 125/2012.

1750 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, the target date of 1st July may not be possible and it was, in any event, chosen as a preferred date to coincide with the start of the next tax year.

1755 No-one currently covered by the existing scheme, which will continue in place, would be affected, since the proposed fully-funded scheme will apply only to persons entering insurable employment when the new scheme comes into operation.

1760 **Hon. J J Netto:** The hon. Gentleman speaks in terms of target dates and now he seems to be saying that the target date for this, 1st July, will not be met. My question was not so much about target dates, as to what is it that the hon. Gentleman wishes to change? Could he perhaps specify or clarify that?

1765 **Hon. J J Bossano:** No, Mr Speaker, I am neither specifying nor clarifying anything because when we come with the legislation that is required, the hon. Member will have had 10 weeks in which to look at any changes. It will be put out as a Command Paper, so if it requires a change in the law which, in any event will not affect anybody who is now working and paying insurance, only people who start working *after* the date when it comes in, but certainly, I am not prepared now to speculate on something that is not yet ready.

1770 **Hon. J J Netto:** But, Mr Speaker, can the hon. Gentleman say why *he* thinks there is a need to change the old age pension legislation?

Hon. J J Bossano: Yes, Mr Speaker, for the reasons that I explained in this House, when I was in opposition and when I recommended it to the Government and during the Election campaign, which is that when the previous Government used to say that the Civil Service Pension Scheme was a potential millstone around the necks of the future generations of Gibraltarians, I used to say, from that side of the House, that the

1775 deficit we have got today in the Social Insurance Fund – which is £10 million a year – will be a monumental millstone if we did not do something to address this issue in the future.

I think, in the last meeting of the House, in fact, the Leader of the Opposition agreed with me that, in fact, this was something that needed doing, and what we are doing is, if you like, trying to do a damage limitation exercise, so that the fact that we have got a scheme now where the numbers of people who are receiving benefit are receiving it funded by a ratio of 5:1 – that is to say, there are five people paying for every one being paid – and not withstanding that 5:1 ratio we have got a deficit of £10 million. Since all the people paying will eventually be pensioners, if we were to extrapolate that, it means that if you have got 25,000 people paying for 5,000, when the 25,000 people become pensioners, if nothing was done about it, you would need a workforce of 100,000 paying insurance for the 25,000 pensioners. Therefore, it is something that, if we look into the future, potentially it is crippling.

We cannot do very much about what is already there, because that is something that involves acquired rights. What we are trying to do, or we will do, and what I wanted to do by 1st July and may not be able to do – simply because preparing the legislation is not something that I do personally and there is little I can do about it except asking for this to be done, and it has to take its place in the queue – but I wanted to do it by 1st July because that is when the tax year and the social insurance year now start, because they are both together.

It would make sense to say, ‘Well, look, if we had had it for 1st July, and if we manage to have it for 1st July, what would happen would be that people who start working after 1st July would be contributing to a fully funded scheme, and that fully funded scheme will work in a manner that does not leave the unfunded liability that we have got today, which we can do nothing much about but, at least, we can stop it being added to by new people coming in.’

Hon. J J Netto: So do I take it, then, that he is trying to work towards a timeline in which this change to the legislation will probably be brought about during this new financial year, 2012-13, for the purpose of being introduced – the changes – on 1st July not of this year but next year. Is that correct?

Hon. J J Bossano: It is just administratively easier if we do it on 1st July. There is nothing to say it has to be done on 1st July; it can be done on the 1st of any other month.

I would not want to delay it until 1st July next year, because this is something that we want to do to protect Gibraltar from having an open-ended commitment that gets bigger every year. Clearly, the sooner we get it done, the better. What we are trying to do is put something in place which means that all the people who are now in the existing scheme, and all the people who come from outside who are contributing, all of whom will acquire rights, wherever they may be when they retire, that will continue to be the case and there is nothing we can do about that.

What we want to do is, from a given date in the future, the people who start on that day in the future will be contributing to a different scheme with different rules, which avoids the problem that we have today, which I have been suggesting, in a number of Budgets, to the Government previously needed to be addressed because, in my estimates of the liability, the liability will be growing at a faster rate than the old discontinued final salary scheme was growing, and the proof of it is that it has already hit the £10 million mark, the deficit.

Clerk: Question –

Hon. D A Feetham: So, are we talking about a situation where the legislation that you are envisaging would be backed up, by necessity, by a transfer of money out of the Consolidated Fund into a particular fund; and if that is the case, how much does the hon. Member estimate we are looking at on a yearly basis?

Hon. J J Bossano: No, it does the exact opposite of what the hon. Member says – the very precise and exact opposite.

The one that requires money from the Consolidated Fund every year is the one we have got today and that... We are voting £10 million and it is likely to grow bigger every year. The one that comes in will not require subsidies – that is why it is fully funded.

1830

**Old Age Pension
Increase**

Clerk: Question 362, the Hon. J J Netto.

1835

Hon. J J Netto: Mr Speaker, can the Minister for Social Security state if the Old Age Pension has been increased from 1st April 2012; and if not, when, if at all, does the Government intend to increase the old age pension and by what amount?

1840

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): I will answer this question together with Question 364.

1845

**Minimum Income Guarantee
Increase**

1850

Clerk: Question 364.

Hon. J J Netto: Mr Speaker, can the Minister for Social Security state if the Minimum Income Guarantee has been increased from the 1st April 2012 and, if not, when, if at all, does the Government intend to increase this benefit and by what amount?

1855

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, the increase in the Old Age Pension and the Minimum Income Guarantee is scheduled to take place later this year.

1860

Hon. J J Netto: Meaning 1st July?

Hon. J J Bossano: Probably in the quarter that starts on 1st July, yes.

1865

Hon. J J Netto: And is there any particular yardstick by which the hon. Member will determine the amount that will be increased?

Hon. J J Bossano: I can tell him that the yardstick that I intend to introduce is to avoid the situation that he had, which I criticised him for, which is that he raised it on one date and then had to recover it at a later date. So what I am doing is bringing it together so that does not happen any more.

1870

Hon. J J Netto: But that is not my question. My question is –

Hon. J J Bossano: No, but that is my answer, Mr Speaker, I know... *(Laughter)*

1875

Hon. J J Netto: Yes, but my question which I think I am entitled to try and pursue it, whether he wants to answer the question or not, which is a different matter altogether – is whether he has any formulation as to the amount of money that will be increased, particularly in the Old Age Pension?

1880

The last time that the Old Age Pension was increased was on 1st April last year, so it means that if, hypothetically speaking, the next increase will be on 1st July this year, it will be something like 15 months later. Does it mean that, in assessing how much it would be increased by, will he take consideration, for instance, of the RPI figure increases for the 15 months? That is what I am trying to get the hon. Member to answer.

Hon. J J Bossano: Yes, I know what the hon. Member is trying to get me to do – to tell him what I am

1885 going to do before I do it – and the answer is I do not recall any Government in any year in the 40 years that I have been here announcing what it intended to do to raise pensions until the time came that it was done. When we have decided to do it, we will do what has been done always, which is bring in the changes and implement them, like it has been done in the past.

1890 What I *am* doing is bringing the dates together so that we avoid a situation where people got an increase and then they found that, subsequently, the Department came in and reduced the amount that they got as a Minimum Income Guarantee to offset the increase it had had before. I think that can be avoided by bringing them together and introducing the increases at the same time. It avoids the hassle that was happening before.

1895 **Hon. J J Netto:** Just to point out, as a matter of fact, that there were times in which both things were increased on the same date in the same year and there were other occasions where it did not.

It does not necessarily follow that it happened all the time every year. It happened on some years but not all. He can find the information from his own civil servants.

1900 **Hon. J J Bossano:** Yes, I am well aware that it happened some years and some it did not, and the ones it did not were the ones when people complained, so the answer is – since I do not want people to complain about me, like they did about him – I am going to avoid it.

1905 **Registered unemployed
Income details**

Clerk: Question 363, the Hon. J J Netto.

1910 **Hon. J J Netto:** Mr Speaker, can the Minister for Employment and Social Security state, of the Gibraltarians registered unemployed, as answered in Question No. 250/2012, how many of them are in receipt of any of the following: Social Assistance, Minimum Income Guarantee, the Community Officer's Wage, the Household Cost Allowance, and of any other source of income, or none at all, if this is the case?

1915 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, of the Gibraltarians registered as unemployed provided in answer to Question 250/2012, one was on Social Assistance.

1920 Any other source of income is not information that is available to the Employment Service in respect of persons registered as unemployed.

1925 **Hon. J J Netto:** Mr Speaker, yes, I do know the fact that it is not available to the Social Security Department, but just in the same way that there are questions which are being asked in relation to trying to get information of perhaps benefit, even when there are companies which are liquidated, perhaps the information is not given or collected by the Social Security Department but by the Treasury.

What I am trying to say is that, although it is not within the Social Security Department, it does not mean, for instance, that the officials cannot ask some other Government Department or agencies who may contain the information and be able to provide the information.

1930 **Hon. J J Bossano:** Mr Speaker, people are not required to make a declaration of income in order to register as unemployed.

1935 The Social Assistance is different because, in fact, when people register in the Employment Service, they are either getting Unemployment Benefit or getting Social Assistance, or they are getting nothing, so they fall into one of those three categories. If people have got a pension from work, we do not keep track of that, and I am not sure that the Income Tax Office is entitled, under the Data Protection Act, to provide information about people's sources of income, simply because they happen to be registered as seeking employment.

Hon. J J Netto: Obviously, Mr Speaker, what my question was designed to do was to find out, those

- 1940 people who are registered unemployed, particularly the age group that we are talking about in this particular question, whether they have a normal, decent level of income to be able to sustain themselves. That is what I am trying to get the hon. Member to state, but I can see that the hon. Member is saying they have not got that information and that is the end of the matter.
- 1945 **Hon. J J Bossano:** Mr Speaker, if by a normal, decent level of income, the hon. Member presumably means the Minimum Income Guarantee then, clearly, the answer to his question would be that all the people concerned must either be on the Minimum Income Guarantee or above it – that is to say the Minimum Income Guarantee.
- 1950 **Hon. J J Netto:** If the hon. Member would give way, that is part of the question, but the answer you gave me in your original answer was there is only *one* who is on Social Assistance.
- Hon. J J Bossano:** Absolutely.
- 1955 **Hon. J J Netto: Right,** so at least we know that *one* is on Social Assistance. Does it mean that all the other ones are in receipt of the Minimum Income Guarantee? Does he know that? That information is contained in the Department of Social Security.
- 1960 **Hon. J J Bossano:** Mr Speaker, short of the Department providing the names of the people who are –
- Hon. J J Netto:** I am not asking for the names.
- Hon. J J Bossano:** No, and you are not going to get them, even if you did. (*Laughter*)
- 1965 **Hon. J J Netto:** No, but I am not, Mr Speaker.
- Hon. J J Bossano:** The point is not... Short of –
- 1970 **Mr Speaker:** Order! Order!
- Hon. D A Feetham:** May I ask for the cheerleaders in the gallery to observe, to have respect for the proceedings and not to constantly laugh every time Mr Bossano makes a comment?
- 1975 **Mr Speaker:** The members in the public gallery are informed that you are welcome here to observe the proceedings but keep your participation to nil.
The Hon. the Minister.
- Hon. J J Bossano:** Mr Speaker, I think we should thank the Hon. Mr Feetham for reminding you how to do your job.
- 1980 I would not be able to give the hon. Member the information, or intend to do it. What I am saying is that the Department would have to say, ‘Well, look, let’s look at these 12 particular individuals and go to the Social Security people who operate the Minimum Income Guarantee.’ I do not think that it is right for the Department to do that.
- 1985 If the hon. Member is worried that these people are seeking employment because they cannot make a living or they are on the breadline, then the only thing I can tell him is it can only be because they do not know that they can get the Minimum Income Guarantee. If they have no other income, they can get the Minimum Income Guarantee, *unless* the individuals... I do not know who they are, but unless the individuals are people who are not entitled to the Minimum Income Guarantee because of their nationality.
- 1990 **Hon. J J Netto:** Fine, Mr Speaker, but if he goes to the original question, I am talking about Gibraltarians registered unemployed. I am also talking about a very small number of people. We are not talking in the hundreds – I think we are talking about something like 40, if I remember rightly – and I am *flabbergasted* to know that the Minister for Employment, who is the Minister for Employment and Social Security, will not tell his own officials, both in Employment and in Social Security, to be able to work together to provide

1995 information, whether they are in receipt of the Minimum Income Guarantee or not. I am flabbergasted at his obstinacy in not providing the information.

2000 **Hon. J J Bossano:** Mr Speaker, no. The fact that the hon. Member chooses to want to know if 12 people who are registered unemployed are getting the Minimum Income Guarantee is neither here nor there. I do not think... For all I know –

Hon. J J Netto: Why?

2005 **Hon. J J Bossano:** I will tell him why: because there are 1,200 people unemployed, so why is he only interested in 12 of them? What about the other 1,998? Does he *care* if they are on the Minimum Income Guarantee?

2010 He gets it into his head that, because there are 12 people who are over 60, they must be on the Minimum Income Guarantee or they may not be on the Minimum Income Guarantee. I am telling him the only information that people are required to provide when they register is whether they are getting Unemployment Benefit or they are getting Social Assistance, and the Department is not going to go on an expedition to find out if they have got the Minimum Income Guarantee, Social Security pensions, Elderly Persons Allowance, occupational pensions, part-time jobs, money in the savings bank, all of which may or may not be the case. These people are registered. They are resident, they are entitled to register and they are treated as people seeking employment, irrespective of their income.

2015 **Hon. J J Netto:** Mr Speaker, I am not asking the hon. Gentleman what could be categorised as being a question which provides an enormous amount of work that the civil servants trying to extract information say, ‘This is too much in the period of five days.’

2020 We are talking about people, Gibraltarians – only about a group of 40 – who are registered unemployed in the Employment Service, and part of the question relates to the fact of whether they are in receipt... Given that they are between 60 and 64, whether they are obtaining the Minimum Income Guarantee. That part of the information is contained not in the Employment Service, but is contained in Social Security. Both Departments come under his Ministry. It does not take much for him to inform his senior civil servants on both sides, with the small number of people that I am talking about, whether they are in receipt of the Minimum Income Guarantee or not.

2025 It is not for him to tell me whether it is unreasonable, because other people – the 1,000 he is talking about – may wish to know, or not. It is *me* that asked the question and *he* who has to provide the answers. It is a very reasonable and fair question, given that we are talking about Gibraltarians between the ages of 60 and 64 who are registered unemployed, and part of the question is to say are they getting the Minimum Income Guarantee, or not?

2030 All that is required is for either a fax to be sent, or through those fantastic iPads that the Government seems to have, to inform one Department to the other as to the nature of the 40 people registered unemployed.

2035 **Mr Speaker:** I have understood the question and allowed it on several occasions, and the Minister *has* given an answer. You may not like the answer –

Hon. J J Netto: He will not give the answer.

2040 **Mr Speaker:** But that is the answer. If he wishes to –

2045 **Hon. J J Bossano:** It is not that I do not want to give the answer; it is that it is information that is not in the Department because people who register for unemployment over 60 are not required to declare sources of income any more than people under 60, and just because he has got into his head to put this as a supplementary to a previous question, where he cannot even remember how many there were... There were only 12, and he thinks there were 40: that is how much interest he has got!

Hon. J J Netto: Then it should be even easier to get the information...

Mr Speaker: Order! Order! Order! Order!

2050 The Minister to reply.

2055 **Hon. J J Bossano:** It has nothing to do with whether it is easier or difficult, Mr Speaker. It is a piece of information that he has got it into his head to put a supplementary, thinking there were 40 – which means he cannot be over-interested in their predicament because there was only 12 – and the information that I have given him is that the information in relation to employment that is relevant is Unemployment Benefit and Social Assistance. There is *one* on Social Assistance. The rest – something like 800 out of the remaining unemployed – we have no idea what income they have. They may all be on the Minimum Income Guarantee or Supplementary Benefit. The only people that we have got information about are Social Assistance, and the Department will not go to find out whether the particular group of 12 people over the age of 60 has any other source of income.

2060 Presumably, if I considered that this was a legitimate expedition to engage in, tomorrow he can come back and say what about the incomes of the under-25s or the incomes of the 15-18, or the incomes of any other age group. This is a completely arbitrary question, which is invented, to come up with, and the only relevance that there can be is that people who are unemployed presumably are seeking employment because they need it or seeking employment because they would rather be working. They may not be in need; they may simply want to work because they are over 60, they still feel fit, and they still want to work. After all, I am 73 and I am still here.

2070 **Mr Speaker:** I think that we must accept that as the... There must be a different supplementary now.

Hon. J J Netto: No, I am just going to end up by saying I am quite –

2075 **Mr Speaker:** No, with respect, supplementaries are to ask a question, not to end up by ‘saying’. Is there a question?

Hon. J J Netto: Yes: so much for the transparency of the new Government.

2080 **Hon. J J Bossano:** Mr Speaker, I have to answer that.

The transparency of the new Government is *far far* greater than anything they did before because, in fact, from whether they want meetings to be public, minutes to be published, or anything else, the amount of information that they get is more than they were *ever* willing to provide.

2085 All I need to remind the hon. Member is the lies in the House when I was told that the information on all their labour statistics could not be provided on a monthly basis and had to be provided quarterly, and now that I am there, I know from the staff that this was not true, that they were provided for the Minister every month and the Minister did not choose to share it with the Opposition.

Hon. J J Netto: Well, Mr Speaker, I –

2090 **Mr Speaker:** Order! Order! Order!

Hon. J J Netto: In point of fact, Mr Speaker, those are the same officials who told me the opposite.

Mr Speaker: Well, let’s not get...

2095 **Hon. J J Bossano:** No, Mr Speaker –

Mr Speaker: Order! Order!

2100 **Hon. J J Bossano:** – They could not have told him the opposite because, in fact, I have got the files with the monthly figures from *his* time.

Mr Speaker: Order! We are not going to go into what the advisers told the Minister at the time, or now. Question 364.

2105

**Statutory Benefits Fund
Payments re employers' insolvency**

Clerk: Question 365. The Hon. J J Netto.

2110

Hon. J J Netto: Mr Speaker, can the Minister for Social Security and Employment provide a statement of the payments made from the Statutory Benefits Fund in respect of employers' insolvency since this question was last asked, showing the amount paid due to redundancy pay obligations, the amounts paid in respect of other sums payable to employees, and the numbers of companies involved?

2115

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

2120

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, since this question was last asked, the total amount paid in respect of redundancy pay was £163,329.20; in respect of annual leave, £1,596.49; in respect of notice of terminations, £45,112.39; in respect of an award from an Industrial Tribunal, £46,004.80; and in respect of wages arrears owed, £217.76.

In total, six companies were involved.

2125

Hon. J J Netto: Mr Speaker, normally, in the past when we have asked this question, myself or when they were in opposition, they normally provided the information in a schedule form because there are so many details there. Would the hon. Member not perhaps provide me with a copy of the answer just read?

Hon. J J Bossano: Mr Speaker, if somebody photocopies this, he can have it, yes.
It is for oral answer, actually, the question.

2130

Mr Speaker: There is no procedural requirement of any obligation to give it in writing. (*Interjections*) No, it is a matter of convenience and courtesy between both sides.

A Member: [*Inaudible*] provided before.

2135

Mr Speaker: It is not being withheld now. Let's keep it at that.

Hon. J J Netto: Mr Speaker, in relation to the six companies involved, could the Minister perhaps indicate from which particular industry group they emanate from?

2140

Hon. J J Bossano: Two were car sales companies, with almost identical names – I think they were related; one was a transport company; one was a nursery; the other I cannot tell what it is from the name; and the other one was a printing company.

I am quite happy to give the names. I have got no problem with giving the names, but they are people who have gone bust, anyway.

2145

Hon. J J Netto: I am grateful, Mr Speaker.

2150

**Victor Ochello, Unite
Meetings with Minister for Employment**

Clerk: Question 366. The Hon. D A Feetham.

2155

Hon. D A Feetham: Mr Speaker, how many times has the Minister for Employment met with Victor Ochello of Unite?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

2160 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** I will answer this Question together with Questions 367, 368 and 369.

2165 **Unite officials**
Requests for meetings with Minister for Employment

Clerk: Question 367.

2170 **Hon. D A Feetham:** In his capacity as Minister for Employment, how many requests for meetings has he received from Unite officials, indicating on behalf of whom those requests were made?

2175 **Unite officials**
Meetings with Minister for Employment

Clerk: Question 368.

2180 **Hon. D A Feetham:** How many times has the Minister for Employment met with Unite officials in his capacity as Minister, identifying the person he met with, the date of the meeting and its purpose?

2185 **Trade union officials**
Meetings with Minister for Employment

Clerk: Question 369.

2190 **Hon. D A Feetham:** How many times has the Minister for Employment met officials of any other trade union in his capacity as Minister, identifying the person, his or her union, the date of the meeting and its purpose?

2195 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, the answer to Question 366 is a few times, and the answer to Questions 367, 368 and 369 is none.

2200 **Hon. D A Feetham:** Can he elaborate on 'a few times', because the last time that I asked this question about the former regional officer of Unite, he had not met him a single time. How many is a few times?

Hon. J J Bossano: I am not sure if it is two or three. I do not keep a record. *(Laughter)*

2205 **Hon. D A Feetham:** Has he met with the convener of the GDC?

Hon. J J Bossano: Mr Speaker, the answer is I do not have meetings with union officials. Industrial relations is not my prerogative, and, as far as I know, the representative of the GDC staff works in my Department. I see him every day, but not in his capacity as a union official.

2210 **Hon. D A Feetham:** What about Mr Robba, who is the shop steward for the GDC? Has he met Mr Robba in his capacity as Minister?

Hon. J J Bossano: Mr Speaker, that is what I have just told him. I have got somebody who is a union representative of the GDC. There are people who are no longer in the GDC and therefore cannot be conveners

2215 of an organisation which does not employ them. So he may be acting under a misapprehension.

Hon. D A Feetham: Does the hon. Gentleman accept that he has presided over, and has been responsible for, some very significant – albeit we have criticised some aspects of it on this side, but pretty significant – developments in the area of employment in his time as Minister for Employment, ranging from the Future Jobs Strategy to the transfer back from the Civil Service of the GDC, the introduction of changes to the pensions legislation, to the Superannuation Fund that he has introduced? Does he accept that?

Hon. J J Bossano: Mr Speaker, I accept that I have done quite a few things from the manifesto already – not as much as I would have liked; I think I have been quite slow, actually – but I am glad to hear he thinks I have done a great deal.

Hon. D A Feetham: Does he not think that, perhaps, it is unusual, given the fact that he has done all those things, but even if he had not done all those things, that there is this dearth, lack of contact between yourself and officials of Unite and, indeed – but Unite in particular – in relation to these areas, I mean for example, in relation to the GDC?

There were a lot of concerns in the GDC about the amount of time that the hon. Gentleman was giving them to make a decision and there does not appear to have been any meeting with the convenor of Unite. Indeed, there was no meeting between the hon. Gentleman and, of course, the former regional officer, despite the fact that meetings were requested of him in order to discuss – does he not think that that is unusual?

Hon. J J Bossano: Not in the least. I do not think it is unusual at all.

Let me remind the hon. Member that Unite was defending the agreement that they entered into with the previous administration and all I did was to offer each individual, in an individual capacity, which was not a collective agreement with the union, the opportunity of staying in the organisation that they had previously been employed in on the basis, logically, that if there was any legitimacy in what the previous government had done, then it could only be that they had told people you are forced to vote for the Civil Service because the intention of the government is to discontinue the entity that is employing you.

Therefore, since we had a commitment not to discontinue, I thought that people who had been forced to make that decision on the basis that they could either choose to go, or choose not to have an employer, might want not to go if they knew that the GDC was going to continue. *That* did not require negotiation with anybody or representation from anybody because everybody was allowed to keep what they had which the union was responsible for negotiating and telling them that they had automatically all been made civil servants on 1st October.

The union got a letter from Mr Caruana which they took to a union meeting and they told the staff that the Leader of the Opposition and the union were both in agreement that they had all *ceased* to be employees of the GDC on 1st October. So, the man that wanted to see me could not be the convenor of the GDC, when he had ceased to be an employee of the GDC on 1st October. The people that had moved out were told that they could either keep what they had or, if they wanted, they could come back.

In my judgement, giving somebody more than he has already agreed to accept from a previous administration does not require a negotiation or a time to think, even though they had six weeks to think about it whereas, in the previous instance, according to them, – I was not there to see what they pursued – they were just told to go to the union and sign the agreement. There was no option: they signed it or they did not sign it. Even those that did not sign it were told that it still applied to them.

So my answer is I do not agree at all with his analysis but I can understand why he is making it, but not because it is a logical one.

Hon. D A Feetham: But is it not the case that all they were asking was for an extension of two weeks and a meeting with the hon. Gentleman to discuss several issues that concerned them. That was the – can he please confirm that that was all that these – a union official on behalf of their members were asking the hon. Gentleman to do?

Hon. J J Bossano: No... they were asking...

Mr Speaker: Order, Order.

2270 Before the Minister answers may I just – my memory may not be very accurate but before I invite the Hon. Daniel Feetham, was a similar line of question (**Hon. J J Bossano:** Exactly the same), proposed at the last sitting because there is, under Standing Order 17, a prohibition on raising matters which have been answered in the last six months. Does the hon. Member share my recollection?

2275 **Hon. D A Feetham:** There was questioning in relation to the GDC.
I am actually getting to....

Mr Speaker: Are we talking about the two week extension?

2280 **Hon. D A Feetham:** I am talking about... My line of question is going to go to a different matter now, but I do not think that I actually asked him this precise question that I have asked him now and, in any event, the line of questioning is not strictly about...

The point I am going to try and make is not about the GDC, it is a different point altogether.

2285 **Mr Speaker:** I will allow the Hon. Minister to answer. He seemed happy to answer it, but I just want to remind the Member, further questions will have to be avoided.

Hon. J J Bossano: If he wants to ask me the same question all the time I have no problem with that. I will give him the same answer.

2290 **Mr Speaker:** I do not wish the Hon. Minister to be bored with the same question.

Hon. J J Bossano: Well the answer is that what he has just said is not correct.

2295 It is not true that all they were asking was for a two week extension. They were asking for a *minimum* of two weeks without a maximum, and, in any event, they were asking that after they had already had six weeks and after they had a four hour meeting with me when I answered hundreds of questions.

2300 Therefore, since I was giving something to people to which they were not entitled and which they were not asking, and it was simply a gesture on the part of the Government of saying, on the premise that the previous government bulldozed you into going into the Civil Service because you had no option, because ‘I told you the GDC is going to be abolished, and if you are working in the GDC and I move you to the Civil Service and I say to you; you can either accept the new employer or you can stay in limbo because the old employer is disappearing – but then what choice do people [*inaudible*] – On the premise that, to be fair to the previous government, and say ‘Well, perhaps they were telling you, you had no choice because there was no alternative.’

2305 Since there *is* an alternative now, ‘You are being given the opportunity of changing your mind and saying I now want to leave the Civil Service’, given that the position of the union put in writing to me was that, whether they liked it or they did not, they had been made civil servants by fiat through the Public Services Commission approving a list provided by Mr Caruana to them – the first time that I have known, in all the years that I have been in this Parliament, that the Public Service Commission accepts a list of names and puts them all into the Civil Service, without vetting, without qualifications or without scrutiny. (*Applause*)

2310 Nevertheless, there were people who were not happy and they came back, and the answer was that those who wanted to come back came back, and those who wanted to stay, stayed, it was a completely free and democratic decision made by each individual. It was not a question of the majority taking a vote. If the majority had taken the vote, they would all be out of the Civil Service – because the people who wanted to stay in the GDC outnumbered the ones in the Civil Service by two thirds.

2315 **Hon. D A Feetham:** Is he aware that those individuals are so dissatisfied that they are now seeking a meeting with the Chief Minister of Gibraltar? My understanding is that meeting has been granted.

2320 **Hon. J J Bossano:** Well, I do not know whether they are or they are not but, of course, given that the Chief Minister of Gibraltar is, in fact, responsible for industrial relations and I am not, if they wanted a meeting with me to discuss industrial relations, the answer is I would direct it to the Chief Minister.

But I do know that he has got a number of people who are very close to him who keep him informed of every detail of every move I make in the office, whether I have tea, or I have coffee (*Laughter*) – the time I

2325 get in and the time I leave. I know that.

Hon. D A Feetham: The hon. Gentleman should not be so paranoid –

2330 **Hon. J J Bossano:** I am not.

Hon. D A Feetham: ‘Infamy, infamy! They’ve all got it in for me!’

Mr Speaker – is it not the case, and without beating around the bush, is it not the case that the hon. Gentleman simply has it in for some people within the leadership of Unite and, by hook or by crook, he is not going to meet them? (*Applause*)

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Hon. J J Bossano: Mr Speaker, I do not think the leadership of Unite feels that I am somehow mistreating them by not having a meeting with them. All I can tell him is that poor Mr Sisarello suffered for years at the hands of Mr Caruana, who actually refused to meet with other officials unless they kicked him out of the meeting.

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The only reason why I am not meeting the officials of Unite is that I am not meeting the officials of Unite, or the GTA or the GGCA or anybody else. I can tell him that there are union reps that do come and see me and I see them informally and not officially because, usually, they come because they come for my help and advice with their problems, given my experience in this business.

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Hon. D A Feetham: Yes. (*Interjection*)

Is it the case that the ones you do not want to see, you cannot see because you are not the Minister responsible for industrial relations but the ones that you do want to see – the ones that happen to be card-carrying members of the GSLP – you see them informally? (*Applause and laughter*).

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Hon. J J Bossano: I can tell him that there are more card-carrying members of the GSLP every day – I sign the cards! (*Applause*) Therefore, by natural progression, I will have to see practically the whole of Gibraltar in a few years’ time.

2355

Hon. D A Feetham: Does he not accept that, in fact, choosing... the Chief Minister used the term *a dedo* yesterday during the debate, I am going to use the same term. Choosing, *a dedo*, the trade union official who he wants to meet with and those that he wants to shun is capable of amounting to interference within the union because, at the end of the day, those union officials have to represent and do their best on behalf of their members, and if they cannot get access to the Minister for Employment those members are going to say ‘Well, look, how are you representing my interests if you can’t get a meeting in front of the Minister for Employment?’ or is it that, in fact, that is precisely the effect you want to bring about? That you want to send a clear message to union members that *these* are the ones that I am prepared to deal with but not these?

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Hon. J J Bossano: Well, Mr Speaker I do not know who has put these strange ideas into the hon. Member’s mind or whether it is just that he makes them up as he goes along.

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I have told him that the people that come to see me are the ones who come to see me because they want my views or my advice on problems, not because they are coming to see me to negotiate with me on anything. I do not negotiate with any union on anything because industrial relations is part of the responsibility of the Chief Minister.

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In the previous administration, Mr Montiel had the title after his name that he was responsible for industrial relations but we all know that, in fact, everything was done in 6 Convent Place, and now everything is done in 6 Convent Place, and I do not have the title, I do not have the responsibility, I have got other things to do, but *any* trade union official that thinks that I can be of help to him on any problem he has got – from Mr Ochello down is welcome to give me a ring to get my assistance and my help but not to come and negotiate with me because I am not responsible for negotiating with any union. (**A Member:** Hear, hear.) (*Applause*)

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Hon. D A Feetham: Yes. So, therefore, he must accept, arising out of the answer that he has given me, that you do not necessarily just simply see a trade unionist in order to negotiate terms on behalf of their members but you can have a situation where trade unionists want to sit down with the hon. Member, so the hon. Member can explain to them what his plans are and, indeed, vice versa, if, for example, they may have a

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concern.

Or is the hon. Member suggesting that if a trade unionist in Gibraltar... in fact, we are talking about Unite here, because that is the aversion that the hon. Member has – it is to the leadership of Unite – but if the leadership of Unite, or the convenor of Unite for the GDC, has a particular problem that he may want to air, not necessarily an industrial dispute, is he seriously suggesting to this House that he should go to No. 6 Convent Place and see Mr Picardo?

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Hon. J J Bossano: We do not have a convenor of Unite for the GDC. I do not know where the hon. Member gets this strange idea from.

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I can tell him that the two people that came most recently to see me came to see me about getting my views on some problems that they had with other employers, nothing to do with me or the Government, and I said, look... I mean, sometimes, people come and ask me about agreements that have been done many years ago, or stuff like that. Now, that kind of relationship I am happy to have with anybody. But if somebody comes and says 'I want to put a claim for this', I say this is not the place where we will receive claims. It is as simple as that.

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Hon. D A Feetham: Well, in fact, the convenor for the GDC is Mr Albert Hewitt unless, of course, Unite in their correspondence to the hon. Gentleman – which I have copies, have copied to Mr Albert Hewitt, Convenor of the GDC, – unless they are themselves mistaken about what their convenor actually does, there must be a convenor for the GSD. (*Laughter and interjections*)

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Hon. J J Bossano: But, Mr Speaker, (*Interjections*) I mean it is not for me to pass judgement on the expertise within Unite but, at the same time as they were sending that letter, that there was a convenor for GDC, they were sending the letter that nobody was employed in the GDC any more, that the GDC had no employees and that everybody was a civil servant.

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A civil servant cannot be the convenor of an employer that does not employ him.

Hon. D A Feetham: Mr Speaker will the hon. Gentleman accept at least this from me today, that it is both desirable and, indeed, necessary for the Government and, in particular, its socialist Minister for Employment to have good relations with the leadership of Unite and can I urge upon him to perform a U-turn in his attitude to the leadership of Unite and ensure that, going forward, there are those good relations?

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Hon. J J Bossano: Mr Speaker, I can well understand that he should recommend to me that I should do U-turns, given the number of U-turns that he has done. But I do not believe in doing U-turns, so I am afraid I am not going to take his advice.

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Hon. D A Feetham: Just, finally, this question – if he once said, in fact, that he made Margaret Thatcher look as if she was in kindergarten, in response to a question from GBC?

Is he now taking a leaf out of Margaret Thatcher's book and using the words that she used to some Members of the Conservative Party in 1986 and saying:

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'You turn, if you want to. The lady'

– in this case, the hon. Gentleman –

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'is not for turning'

in his attitude to the leadership of Unite?

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Hon. J J Bossano: No, I am telling him that I do not do U-turns not because Margaret Thatcher did not do them but because I have never done them.

Therefore, the answer is that if the hon. Member thinks that I am going to take his advice and change my mind on something that I think I am right in the position that I am taking, which is that people who are in the union – in *any* union, including Unite – or in no union at all, can continue to come to see me, not in my capacity as Minister for Employment, which does not deal with unions – the Department is not the

2435 Department that deals with unions – but in the same capacity as they used to come to the GSLP offices before, when Mr Ochello used to come there for advice and Mr Sisarello used to come there for advice and the only problem they had was that they had to come in through the back door because they knew the *risk* that they were running if the message (*Interjections*) got back to Convent Place.

2440 **Mr Speaker:** Would this be a convenient moment for a short recess. We have been at it for three hours. This House will recess for ten minutes.

*The House recessed at 6.30 p.m.
and resumed its sitting at 6.45 p.m.*

Procedural

2445 **Deputy Chief Minister (Hon. Dr J J Garcia):** After the tea break, I have the honour to move that the House do now adjourn to Tuesday, 22nd May 2012 at 9.15 a.m.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Tuesday, 22nd May 2012 at 9.15 a.m.

2450 I now put the question, which is that this House do now adjourn to Tuesday, 22nd May 2012 at 9.15 a.m. Those in favour; (**Members:** Aye.) those against. Passed.
This House will now adjourn until Tuesday, 22nd May 2012 at 9.15 a.m.

The House adjourned at 6.50 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.15 a.m. – 11.27 a.m.

Gibraltar, Tuesday, 22nd May 2012

The Gibraltar Parliament

The Parliament met at 9.15 a.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Questions for Oral Answer

HOUSING AND THE ELDERLY

Questions 411, 414 and 430 Supplementary information

Clerk: Sitting of Parliament, Tuesday, 22nd May. Answers to Questions continue.
The Hon. Edwin Reyes.

Hon. E J Reyes: Good morning, Mr Speaker, sir.

With your leave, I would like to record in the House that, further to the question-and-answer session of

last Friday, the Hon. the Minister for Housing has already furnished me with some information that I had requested and we had mutually agreed to make it available. These refer, sir, to Questions 411, 414 and 430, and with your approval, I will let the Clerk have a copy of the information provided to me by the Hon. the Minister for Housing, so that they may, as well, be included in the *Hansard* record.

Mr Speaker: Thank you.

Chief Minister (Hon. F R Picardo): Mr Speaker, I am grateful to the hon. Gentleman for having clarified that the information has been provided.

Just a procedural point: I do not know that it is possible for us to record in *Hansard* something that has been given outside the House, other than by tabling it here, not simply by saying that it has been passed to the Clerk.

In future, perhaps the way to do it may be if the hon. Gentleman has the information... Does he have it with him now? I propose that he table that information now, rather than simply just provide it to the Clerk afterwards and that, as a result of this exchange and the tabling of it, it is therefore necessarily included in the *Hansard* as the document to which we are referring in this exchange.

Mr Speaker: Yes, I think that might be a preferable method, a more formal method. Perhaps the hon. Member would formally table.

Hon. E J Reyes: I agree, Mr Speaker.

To be further clear on this record, the Principal Housing Officer did call me up yesterday and said they had information available – ‘Do you wish to collect it from the office?’ – and I recommended that the Hon. the Minister for Housing actually handed it himself into the House. When I came in this morning, the Clerk very kindly said, ‘The Hon. Charles Bruzon has left an envelope with your name on it’, and I have opened it, which is why the Clerk was unable himself; but I tend to agree that that, in fact, was my initial reaction.

As for the record, what should have happened, we both understand the same thing. It is really the Hon. Minister handing me the questions via the Speaker’s Chair and that is the correct way for recording it, so I agree and thank the Hon. the Chief Minister for that clarification.

What we all want is, since the information has been provided, it is only fair that it be recorded that the Minister for Housing has kept to his word and has been rather efficient for handing it in by first thing on Tuesday morning.

So thank you.

Mr Speaker: Obligated. Formally tabled, then.

ANSWER TO QUESTION 411/2012

A total of 99 of the 962 applicants on the Government's Housing Waiting Lists as at 9th December 2011, have been allocated a flat, as follows:

	Post-War	Pre-war
1RKB	2	-
2RKB	13	2
3RKB	43	4
4RKB	29	2
5RKB	3	-
6RKB	-	1
TOTAL	90	9

Of the 99 flats allocated, the following were on the Government's Waiting List and other lists:

	1RKB	2RKB	3RKB	4RKB	5RKB
Medical A+	-	1	2	1	-
Medical A	-	2	1	-	1
Medical B	-	1	-	-	-
Medical C	-	-	1	-	-
Social A	-	4	9	4	-
Social B	-	-	-	-	-
Social C	-	1	-	-	-
Decanting	1	-	1	2	-
Approved Exchange	-	-	2	1	-
Pensioner Exchange	-	-	1	-	-

ANSWER TO QUESTION 414/2012

There are currently 1662 applicants on the Government's Housing Waiting Lists as of today's date (21.5.12). The breakdown is as follows:-

	Waiting List	Pre-List
1RKB	794	435
2RKB	54	40
3RKB	116	69
4RKB	84	46
5RKB	11	9
6RKB	2	2
TOTAL	1061	601

There are 1061 applicants on the waiting list who are also applicants on other lists, as follows:

	1RKB	2RKB	3RKB	4RKB	5RKB	6RKB
Medical A+	1	-	-	3	1	-
Medical A	5	2	-	1	-	-
Medical B	3	2	-	1	-	-
Medical C	4	3	-	1	-	-
Social A	29	1	2	4	1	-
Social B	3	-	-	-	-	-
Social C	1	-	-	-	-	-
Decanting	1	-	-	1	-	-
Approved Exchange	2	-	1	2	-	-
Pensioner Exchange	3	1	-	-	-	-

There are 601 applicants on the pre-list who are also applicants on other lists, as follows:

	1RKB	2RKB	3RKB	4RKB	5RKB	6RKB
Medical A+	1	-	-	-	-	-
Medical A	2	-	2	-	-	-
Medical B	1	1	2	-	-	-
Medical C	5	-	-	-	-	-
Social A	3	-	1	2	-	-
Social B	-	-	-	-	-	-
Social C	-	-	-	-	-	-
Decanting	-	-	-	-	-	-
Approved Exchange	1	-	-	1	-	-
Pensioner Exchange	4	-	-	-	-	-

ANSWER TO QUESTION 430/2012

Since the 9th December 2011, a total of 9 employees have been retired/transferred as follows:-

No. of Employees Transferred	No. of Employees Retired	Date Retired/Transferred
-	2	31 December 2011
1	-	6 February 2012
-	1	13 March 2012
2	-	14 March 2012
2	-	19 March 2012
-	1	6 April 2012
5	4	

As to new employees, none have been engaged since 9th December 2011.

TRAFFIC, HEALTH & SAFETY AND TECHNICAL SERVICES

Gibraltar Car Parks Ltd

Number of applications for parking spaces pending

45

Clerk: Question 432/2012, the Hon. D J Bossino.

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Hon. D J Bossino: Can the Minister for Traffic, Health & Safety and Technical Services state how many applications are pending the provision of parking spaces by Gibraltar Car Parks Ltd?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

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Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the information requested by the hon. Member is contained in the schedule which I now hand over to him.

[see Table overleaf]

Answer to Question 432 of 2012

Current waiting lists are as follows:

Devils' Tower Road	6 (non residents)
New Harbours	39
Ragged Staff	27
Sandpits	33
Willis's	47
Eurol plaza	63
Total	215

In total there are 215 people on waiting lists for the different car parks operated by Gibraltar Car Parks Limited.

60 **Hon. D J Bossino:** Can the Minister clarify? There is an entry here which refers, at the very top, to Devil's Tower Road and it has six applicants on the waiting list. Can the Minister clarify what is meant by the words '(non-residents)'?

65 **Hon. P J Balban:** In the particular case of Devil's Tower Road, because the take-up for parking spaces was so few, in that not many people actually wanted a parking space there, the offer was actually extended to people who were not resident in that particular area, which means to say that people from the south or people from other districts in Gibraltar could apply to take up one of those parking spaces. That is what is meant by 'non-residents'. It means non-residents of the particular area of the North District.

70 **Hon. D J Bossino:** By the North District, does the Minister mean the North District Scheme, under the Parking Scheme? Is that what the area around the Devil's Tower Road encapsulates?

Hon. P J Balban: Yes, that is right.

75 That was what was inherited. That was the area which was the area for the car park, so when we say 'non-residents', it means non-residents of that particular area who were assigned the possibility of using that car park for monthly rentals.

Hon. D J Bossino: The Minister says that it was then opened up to applicants in other areas. When did that change of regime occur? Does he know?

80 **Hon. P J Balban:** I believe that was already happening prior to 9th December. There were already persons in that car park who were not part of that area. With the car park being so large, and because the take-up was so poor, other people applied and they were granted places in that said car park.

85 **Hon. D J Bossino:** Is the Minister able to indicate to the House now whether there has been an upward or downward trend in the numbers of people waiting for parking spaces?

Hon. P J Balban: Are you referring specifically to that car park?

90 **Hon. D J Bossino:** By way of clarification, I am not: generally.

Hon. P J Balban: Waiting lists for that car park... Devil's Tower Road car park has always been a problem to try to use to maximum capacity. As I said, not many people want to use it. In fact, every single resident who wants a space there has been granted one.

95 In other car parks, turnover has been generally slow because, obviously, the car parks have been smaller and residents in the surrounding area have taken up those car parks, so really the trend has remained the same. In some areas, the waiting lists can be as great as two years, to get a parking space in a particular car park.

Hon. D J Bossino: It may be the subject of questions in relation to another question which is on the Order Paper, but is it right for me to assume and to anticipate that the six non-residents who are waiting for parking

100 spaces in the Devil's Tower Road are likely to receive a positive result of their application?

Hon. P J Balban: What has happened there, because obviously... because there are people that move households, it would be unfair for us not to allow a certain... We have actually allocated a few parking spaces which are vacant, in case people decide that they want to have a... This is why there are six on the waiting list at the moment, because there are a few parking spaces which have been left there, just in case.

Hon. S M Figueras: Mr Speaker, perhaps the Hon. Minister can provide a little bit more clarification in respect of the mechanics of the waiting lists themselves.

110 He has, in fact, referred to the fact that there are people on waiting lists for different car parks, as they have expressed an interest in being there. Are all those individuals on these waiting lists? Or rather, have all the individuals on these waiting lists expressed an interest exclusively for the specific car park under which they are listed, or is the Minister aware of any proportion of the individuals that would be happy to obtain a car park elsewhere, or anywhere for that matter, from this particular list?

115 **Hon. P J Balban:** I am not entirely aware of that part of things. I am aware that, obviously, there are some, for example, in the park-and-ride down Devil's Tower Road. People from other areas have applied for that if they have failed in another area.

120 In the south, I believe residents have a choice because the car park down in New Harbours and the one at Sandpits are really in the vicinity. They have a choice of two parking spaces there. That is as far as I am aware.

Hon. S M Figueras: Sorry, just for clarification... So, then, depending on the area in which you live, you are given a choice of parking as to the waiting list on which you can go. Do I understand correctly?

125 **Hon. P J Balban:** There has been no change of policy. What we inherited is what we do at the moment, which means that when we came into Government I checked the lists and there were areas – there were parking garages, car parks – where not everyone there was a resident. They came from other areas.

130 For example, I believe in Willis's Road there were a few areas in which there were persons there renting who lived further out. So there has been no change in that respect.

Pelican crossing, Europa Road Government plans

135 **Clerk:** Question 433, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Traffic, Health & Safety and Technical Services advise the House whether the Government has any intention of installing a pelican crossing at Europa Road in the area of Brympton/Mount Road?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

145 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the Government will be placing a new pelican crossing at Europa Road in the area of Brympton/Mount Road. This will be undertaken as soon as the equipment arrives.

Hon. D J Bossino: I am grateful to the Minister for that.

150 The reason why I asked this question was because I received representations from residents in particular of the Brympton area. I am aware that there are elderly people who actually take the bus going in a southerly direction, to eventually go into the centre of town, in order not to cross the road because it is simply so dangerous for them, so I am grateful for the confirmation that I received this morning from the Minister in the House.

The obvious supplementary to the answer he has just given is can he give an indication to this House as to

155 when he expects that the equipment will be readily available?

Hon. P J Balban: The equipment has actually been ordered by the GEA and that equipment obviously comes from the UK, so it generally takes around four months for this system to arrive. So, obviously, we do not have a definite date for that as yet. Okay?

160 **Hon. D J Bossino:** He has given an indication to the House as to how long it normally takes and he says four months.

Do you know when the equipment was ordered? Does the Minister know when the equipment was ordered?

165 **Hon. P J Balban:** I am not entirely sure of the exact date, but I would assume it was within the last month.

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**Pelican/zebra crossing, access road to Coaling Island
Government plans**

175 **Clerk:** Question 434, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Traffic, Health & Safety and Technical Services advise the House whether the Government has plans to set up a pelican or zebra crossing by the access road to Coaling Island?

180 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the Government does not have plans to place a pelican or zebra crossing by the access road to Coaling Island.

185 **Hon. D J Bossino:** Yes, interesting response – I expected that the answer was going to be completely different, only because, Mr Speaker, the infrastructure seems to be in place already, where there are... maybe this is not the correct jargon but, basically, the pavements on either side are dented.

I think... I am not sure whether the Minister is aware of the exact location I am thinking of and it is certainly not set out in the question, but I think it would be a very useful place to have a zebra/pelican crossing. Would the Government reconsider its current position?

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Hon. P J Balban: Can the hon. Member actually specify where exactly – I am assuming that this is between King's Wharf and the new Mid Harbour Estate?

195 **Hon. D J Bossino:** Yes, I am sure that is correct.
Mr Figueras has assisted me and, as he quite rightly says, the location is just off the roundabout.

Hon. S M Figueras: And if it might be of further use to the Minister, the infrastructure my hon. Colleague has referred to is the indentation in the road to give access to wheelchair users to the road – hence the question, I suspect.

200

Hon. P J Balban: Normally what happens in these cases is a member of the public, or somebody actually writes a letter into the Department. It is tabled at the Traffic Commission and the Traffic Commission, the highways inspectors and technical staff go on site to assess whether there is a need for some sort of crossing in the area or not.

205

What happens is that they take statistical data by way of traffic counters and then if there is a sufficient amount of pedestrians crossing, then the view is taken as to what sort of crossing system is required, be it a zebra crossing, a pelican crossing, or what have you. So that is how the ball starts rolling.

Hon. D J Bossino: So just to interpret the initial response from the Minister: the position is not that the

210 Government has no plans because it has taken a firm decision that a zebra crossing was not to be placed there; it is simply that it has not considered it.

Hon. P J Balban: It is simply the case that the issue has not been highlighted: there has been no request for it and as such, there is nothing...

215 My particular view is I would assume that very few people use that crossing, personally, compared to others but, again, that would have to be evaluated by means of collecting data and ascertaining.

Again, it has not been tabled to the Traffic Commission, because a request has not come forward.

220

**Eastern Beach parking provision
Government plans**

225 **Clerk:** Question 435, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Traffic, Health & Safety and Technical Services provide this House with details of the provision the Government will be making in respect of parking at Eastern Beach and how soon it is expected this provision will be made?

230 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the total parking provision derived from the Eastern Beach beautification scheme currently being undertaken is 158 car-parking spaces, which includes two disabled bays. This is scheduled for completion by 8th June 2012.

235 Following the demolition of the Mediterranean Hotel building, the area will be embellished and an additional seven car parking spaces, including one disabled bay and 36 motorbike spaces, will be provided. This is scheduled for completion in July 2012.

240 In addition to the foregoing, the following additional spaces will be available: 122 car parking spaces on the Eastside reclamation area; seven car parking spaces, including one disabled parking bay, opposite the northern changing rooms; 18 motorbike spaces directly opposite the northern changing rooms; 30 motorbike spaces at the entrance to the beach; 16 centrally located along Eastern Beach Road near the substation; an unquantified number on the Aerial Farm, as has been the case in previous years.

245 In summary, there will be provision for approximately 294 car parking spaces and 100 motorbike spaces, plus an unquantified number on the Aerial Farm.

Hon. D J Bossino: Mr Speaker, by way of clarification, in relation to that last list the Minister has just read through, starting from the 122 car parking spaces, I think the total the Minister mentioned was 194.

250 **Hon. P J Balban:** The whole total?

Hon. D J Bossino: Yes, what was the last figure the Minister...? Maybe I can ask that.

255 **Hon. P J Balban:** I said that in summary, there will be provision for approximately 294 car parking spaces and 100 motorbike spaces, plus the unquantified number at Aerial Farm.

260 **Hon. D J Bossino:** In relation to that last bit, the Minister has not given a date as to when it is expected that these will be available. He has given dates in relation to the seven car parking spaces and 36 motorbike spaces for some date in July and then, prior to that, there will be 158 – he mentioned there would be 158 parking spaces, which would include two disabled car-parking spaces to be made available on 8th June. But in respect to the last batch, is the Minister able to advise this House as to when those will be ready?

What concerns me, what is playing on my mind, just to assist the Minister, is, given the impending bathing season, whether he thinks that these will be available for Eastern Beach users by then?

Hon. P J Balban: Parking facilities will be as every other year.

265 It is only those that I have given specific dates to which are the ones, obviously, which will not be ready by the commencement of the bathing season. Other than that, all other parking spaces mentioned without the given dates will be available by the start of the bathing season.

270 **Hon. D J Bossino:** I am grateful to the Minister for that confirmation.

Hon. S M Figueras: Mr Speaker, I take it from the omission from the Hon. the Minister's response to the original question that no bicycle parking facilities will be provided at the beach?

275 **Hon. P J Balban:** That is right.

**Devil's Tower Road multi-storey car park
Use by vehicle importer companies**

280 **Clerk:** Question 436, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Traffic, Health & Safety and Technical Services provide this House with details of the average waiting times it takes vehicular traffic to cross –

285 **Clerk:** Question 436.

Hon. D J Bossino: I am asking the wrong one, am I? (**Mr Speaker:** Yes.) I do apologise, Mr Speaker. I have not woken up yet. (*Laughter*)

290 Can the Minister for Traffic, Health & Safety and Technical Services advise the House how many parking slots have been allocated for use by vehicle importer companies at the Devil's Tower Road multi-storey car park pursuant to the licence agreement it has recently negotiated and, consequently, how many are available for public use?

295 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, in total, 500 parking spaces have been allotted for the use of vehicle importer companies at the Devil's Tower Road multi-storey car park. This leaves 170 spaces available for public use.

300 **Hon. D J Bossino:** Mr Speaker, I take this opportunity to ask the Minister whether the Government has, at this stage, reached a final decision as to whether it intends to proceed with the use of that parking facility as a park-and-ride facility.

305 The answer, I think, at the last session of the House, which was now two months ago, was that no final decision had been made by the Government.

Hon. P J Balban: The position remains the same.

310 **Hon. D J Bossino:** Given that two months have transpired since I last asked the question in a supplementary, can the Minister give this House an indication as to when he thinks that the Government will be in a position to have a firm policy with relation to this issue?

315 **Hon. Chief Minister:** Mr Speaker, there is an issue here which cuts across a number of ministries. There are issues relating to what will happen to the north of the runway, which may impact on where the best place to locate park and ride schemes may be; and also, of course, the issue of what you might call the Western Beach reclamation, although it does not impact the beach – the hon. Gentleman knows which reclamation I am referring to – the one that comes from the windsock down to what was the old slipway there, which was a matter that was being pursued by the previous administration, in discussion with the vehicle importer that is now using a number of spaces in the Devil's Tower Road car parks, which impact on the

320 ability to use those car parks as a park-and-ride.

In the event that the Western Beach reclamation, as it is known, were to be completed, then you would see the vehicles that are there from the importer going to that reclamation as part of that scheme, which would free up a lot of parking spaces up there. But, in any event, there may be other issues, north of the runway, which may make it easier to have a park-and-ride scheme very close to the frontier, which would decongest even Devil's Tower Road from vehicles coming in that far.

Those things are the ones that are in the mix. One of them will happen sooner than the other – or one determination will happen sooner than the other – and those are the issues that impact on what happens to the Devil's Tower Road car parks.

330 **Hon. D J Bossino:** I am grateful to the Chief Minister for that reply.

It is, in fact, as I understand it, his party's, the GSLP's, commitment at the last General Election to build park-and-ride facilities closer to the border. Presumably, that is still going ahead and the only issue which the Government is considering is the location of those facilities.

335 **Hon. Chief Minister:** Mr Speaker, that is right; but of course, as I was saying to the hon. Gentleman and he, the present Leader of the Opposition, knows better than me, given the time that he has been in Government, Gibraltar is a jigsaw puzzle.

So, a tunnel under the runway, or some other mechanism that is going to cut through Winston Churchill Avenue may determine what you can do in the area from the frontier to what are presently the northernmost barriers to cross the runway. If you do not have that, then you have still got a dual carriageway, north and south, coming up to the area of the Rotunda, that you need to provide for.

340 If you do not have that road and it is going somewhere else, then you have got a greater margin of flexibility as to what you can do in that area north of the runway. So the tender that is being issued in respect of the tunnel, the redevelopment of the area of the Rotunda, the Western Beach reclamation, all of these things are in the mix and have to be determined, in order to have clarity as to what might happen *inter alia* in respect of the Devil's Tower Road car parks, as they are at present.

350 **Hon. D J Bossino:** It may be unfair and unreasonable to pose this question to the Chief Minister, Mr Speaker, but perhaps he can assist this House: the original supplementary related to timings. When does the Government envisage that there will be a conclusion and a determination as to what is going to happen in relation to the issue I have just been posing questions on?

Hon. Chief Minister: Mr Speaker, I will tell him honestly, that 'as soon as possible'.

355 But there are issues, as the hon. Gentleman and the Leader of the Opposition will know, about environmental impact assessments etc. which relate to the Western Beach reclamation, which will take some time to determine. There is the issue of the tender documents in respect of the tunnel, etc. All of those things are not things that will happen immediately and they are, as I told him, in the mix.

So it may be that you do not have to wait for all of those things to be determined to be able to move on, but some of them do have to happen.

360 **Hon. D J Bossino:** I am grateful to the Chief Minister.

365 **Hon. P R Caruana:** Mr Speaker, there is a commercial arrangement in place with a particular party who is involved in that reclamation which serves what I believe is one of the most worthwhile industrial projects in Gibraltar. That is in the mix, too, as is the fact that he knows there is severe political opposition from other places, for that reclamation to go ahead. All those factors were taken into consideration by us and the decision made to proceed.

370 He has invoked me and my presumed knowledge. As far as I was aware, all the environmental questions that have been raised by the environmental impact assessment had been resolved and all that was at stake was the final Ministry of Defence... in connection with the proximity of the airfield type issues, but that was that.

I think the project was slightly more advanced than the hon. Member's answer suggests.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman will forgive me for saying that the understanding I have been given is not that, and that there are issues as to the *shape* of the reclamation.

375 I think there was more than one shape proposed, so that other industrial activity might also be able to happen in that area, related to yachting, and that the environmental impact assessments varied, and that we do have to go through another process there. But I think that what is clear is that we both agree that that is an area where that sort of activity should be ongoing.

380 We have now received – I do not know whether it was at the tail end of his time – the MoD’s concerns about that, which do not impact as to the... The MoD’s concerns do not impact as to shape; they impact only as to the distance between the runway and where the *active* industrial activity needs to be, so there is a bit of a corridor that needs to be left relatively vacant; and the *mechanism* for reclamation, which is also a relevant issue, given that – and I do not know whether he was aware of this or not – the reclamation cannot be done in the way that the Westside reclamations were done because that could attract to the dead molluscs in the area a lot of birdlife, which near the runway you cannot have.

385 But this reclamation, as far as we are concerned, is a runner. We are talking already to the principal party commercially involved – because there are others – and it is something that should happen, in our view, as soon as it is possible to start work.

390 **Hon. P R Caruana:** Yes, well certainly, Mr Speaker, that is very welcome news.

I suspect that this was one of those issues where Gibraltar might benefit from a private conversation between us. There are people who adopt positions and they are not necessarily what they appear, in terms of whether they would like to see this happening or not, and the mechanisms that they use to delay it or bring it about, and it is just as well that the hon. Member is aware of those. He can assess them for himself. He can decide whether I was paranoid or realistic but, certainly, I would be grateful for the opportunity, which I can do here in the anteroom, just to give him one or two indicators that he might want to look out for.

But certainly, the Opposition is delighted that the Government is committed to reclamation in that area for those purposes.

400 **Hon. Chief Minister:** Mr Speaker, I am grateful for that indication and I will be taking the Leader of the Opposition up on the offer of a private chat about it.

He will know that, at the time that we were on the Opposition benches, we were not raising any opposition to this proposed reclamation, and our questioning about the issue used to be about timing as well. So on that issue, I think, both sides of the House would see this as a reclamation which is in the economic interests of Gibraltar and should go ahead.

410 **Hon. S M Figueras:** Mr Speaker, just bringing the issue back to the original question and to the Hon. the Minister for Traffic, were individuals on the waiting list, however long or otherwise the waiting list would have been at the time of the change in use of the multi-storey car park, consulted as to whether they may be interested in taking a space at the Devil’s Tower Road car park before the change of use?

415 **Hon. P J Balban:** There were adverts in the press regarding the take-up of any offer, if anybody actually wanted a parking space but, really, that car park has just never had the interest shown by residents in the area. So we have seen that it was just becoming an empty car park. The Government decided to use it for alternative reasons.

420 **Hon. D J Bossino:** Following on from my hon. and Learned Friend’s question, given the information we received, which is that there are 170 car-parking spaces available and given that the total number of applicants on the waiting list amounts to 215, I wonder whether the Government would seriously consider and make perhaps a greater effort to open up these parking spaces to anybody who is *currently* on the waiting list. That would, I think, go some way to reducing the waiting list quite substantially.

425 Just if I may, Mr Speaker, one of the reasons why we have asked this question is we have received representations from individuals who were potential applicants, but they were really put off by the information that they had received, which was that the waiting lists were quite long, and therefore they never bothered to apply. But if the Government has available to it in its resources, 170 spaces, it may make life easier for those current applicants and those who may wish to apply and have not because of the information that they have been receiving from the relevant authorities.

Hon. P J Balban: You are obviously referring to people who do not live in that area. The people who

430 have shown interest have been people who are not residents of that area, I assume. Is that right?

Hon. D J Bossino: The hon. Member is asking me the question, but I... *(Interjection)* It is irrelevant. *(Interjections)* It is irrelevant to the question which is posed.

435 The question is would the Government consider opening up the 170 spaces to the other 215 applicants and thereby assist in the reduction of the waiting list and make the life easier to those applicants?

Hon. P J Balban: Well, in fact, the 170 spaces which are available are available for people who go to the area, be it for funerals or be it for commercial purposes, to buy or whatever, or visit the family at the estate. So those 170 spaces are not up for grabs. They are part of the pay-and-display or the actual pay-as-you-go system in the car park.

440 **Hon. D J Bossino:** So the answer would be that, as far as the Devil's Tower Road multi-storey car park is concerned, it is fully booked at this stage?

445 **Hon. P J Balban:** There are just a few spaces available, as I said, for any person living in the area who decides that they want a parking space. As I said, there are a few spaces available for that purpose. Other than that, it is taken, yes.

450 **Hon. D J Bossino:** Mr Speaker, can the Hon. Minister advise this House what he means by 'a few' and whether this could go some way to tackle the six applicants who have expressed an interest in the Devil's Tower Road multi-storey car park?

455 **Hon. P J Balban:** No. Actually 'a few' means three to five parking spaces left available and, as I said, they are specifically just in case someone moves dwellings and decides that they want parking in that area. That is what it is there for, just to keep the buffer there.

Vehicular traffic crossing the frontier Average waiting time

460 **Clerk:** Question 437, the Hon. D J Bossino.

465 **Hon. D J Bossino:** Can the Minister for Traffic, Health & Safety and Technical Services provide this House with details of the average waiting time it takes vehicular traffic to cross the frontier, broken down on a monthly basis over the preceding five months?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

470 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the information requested by the hon. Member is contained in the schedule which I now hand over to him.

Answer to Question 437 of 2012

VEHICLES LEAVING GIBRALTAR

2011	No. of days with ...		Days with Queues			2012	No. of days with ...		Days with Queues		
	No Queues ¹	Queues	Av Waiting Time	Highest Average	Lowest Average		No Queues ¹	Queues	Av Waiting Time	Highest Average	Lowest Average
December	5	26	25 mins	40 mins	11 mins	January	7	24	19 mins	43 mins	8 mins
						February	1	28	28 mins	56 mins	13 mins
						March	2	29	28 mins	56 mins	16 mins
						April	4	26	30 mins	52 mins	15 mins

¹ "No Queues" means that 4-lane queues were not in operation in Gibraltar.

**Frontier area policing
Officers deployed over last five months**

Clerk: Question 438, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Traffic, Health & Safety and Technical Services provide this House with details of the manpower deployed at the frontier area over the last five months, to include the number of RGP police officers and Highway Enforcement Officers, the hours spent policing by these officers and the consequential costs incurred as a result of such deployment?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the RGP has recently undergone an HR restructure and some officers have been redeployed to police traffic matters, including the frontier queues and security in the area.

From 0700 hours to 2200 hours on a daily basis, there are always two permanent police officers deployed to the area. This, however, is augmented during the course of the weekdays, particularly in the afternoons after 1600 hours when there is greater volume of traffic and diversions are implemented for phase two of the frontier loop and Devil's Tower Road. To achieve this, three police officers are deployed to the frontier for phase two implementation and a further three officers are deployed for the Devil's Tower Road/Sundial/Third Lane implementation. The length of time that these officers spend at this location depends entirely on the volume of traffic and the duration that the diversions are maintained.

Police deployment for these diversions can vary on a daily basis, so to obtain an accurate figure is impossible.

With respect to the Highways Enforcement Officers, they commenced frontier queue duties during the last week of January 2012. On average, there are three officers on duty only when the queues are formed. So figures for January, for the last week only, through to 9th May, the total hours worked are 500 and the total direct costs are £8,350.

Hon. D J Bossino: From the information there, Mr Speaker, would it be possible – I know it is going to be recorded in *Hansard* and we expect *Hansard* to be printed very soon – can the Hon. Minister perhaps provide me with a copy of the reply? I would be grateful for that.

Hon. P J Balban: Yes.

Hon. D J Bossino: Whilst I wait for the reply, I know it is not his area of responsibility, certainly not the Government's, but does the Minister know when the Human Resources restructure of the RGP took place?

Hon. G H Licudi: Mr Speaker, this is a matter which is work in progress. It has started. It has not been completed. It is a matter that I have been discussing with the Royal Gibraltar Police for a number of months.

I should add that, in particular, the discussions on the restructure have taken place since there has been a change of Commissioner and Commissioner Eddie Yome has taken over.

Hon. Chief Minister: It is his plan.

Hon. G H Licudi: He is the one that came up with a plan for restructure, particularly with emphasis being placed on community policing, with a number of officers being redeployed to create a Community Policing Unit. That is generally part of the restructure, with redeployments being done in order to achieve that purpose.

Hon. D J Bossino: Mr Speaker, in relation to frontier queues, which is the subject of this question on the Order Paper, can the Minister clarify whether he personally has had any involvement – the Minister for Justice, who has just risen to reply – had any involvement in relation to the restructure which would have had an impact on Police presence at the frontier area?

Hon. G H Licudi: No, this is purely an operational matter for the Royal Gibraltar Police. They handle that

and I have not had any involvement or been asked to contribute to that.

Hon. Chief Minister: Indeed, Mr Speaker, one would expect that the Government would have had no involvement in relation to that issue.

**Register of asbestos in public buildings
Progress in starting**

Clerk: Question 439, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health & Safety state if a register of asbestos in public buildings, which would be a public document that people can refer to at any time, in accordance with their manifesto commitments, has started?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): The Government, in discharging its obligations as an employer and in fulfilment of its manifesto commitment, will shortly be initiating the process of establishing an asbestos register for all of its properties and will further be creating a central database where all such information will be held.

Hon. J J Netto: Mr Speaker, I am grateful to the hon. Gentleman for the fact that he is about to embark on providing this register, but could I try and seek some clarification?

When he talks about Government properties, can he expand what he actually means by that? Did he actually mean, for instance, like Parliament, which is just a public building, but in extension to public buildings, is he also referring to the Government housing rental stock, for instance?

Hon. P J Balban: The scope of the register is to include all public properties in which asbestos is found. This will include all Government offices, as well as Government housing stock. The Ministry for Housing has advised that they have been compiling a register of the latter since November 2006, which is updated on a yearly basis.

Hon. J J Netto: Mr Speaker, in relation to this exercise to provide the documentation to service for the register, does the Hon. Minister know how long such an exercise could take?

Hon. P J Balban: It is actually not possible at this stage to advise when this will be completed, because it is dependent, obviously, on the collection of all the data and its collation.

In any case, this document will be a *live* document, which means the register will, I suppose, one day, *may* finish, but it is something which will continue as more properties are identified as containing asbestos.

Hon. J J Netto: Could the Hon. Minister indicate, given that this must, one assumes, be a mammoth task almost, in terms of providing surveys to every Government public property, which will require a considerable period of time... Will extra resources be provided to the Factories Inspectorate for the purpose of doing this actual work?

Hon. P J Balban: No.

Hon. G H Licudi: Mr Speaker, can I just add, because there is a separate question in the Order Paper in relation to the Schools' Health & Safety audit, and I will be addressing the issue of the asbestos matters in schools in answer to that question, and it has an impact on what the hon. Member has asked because we... specifically in schools, and I will deal with this later on, but just to clarify this particular answer, particularly in schools we are engaging someone to carry out an asbestos survey for school buildings and that will clearly have a cost.

Hon. J J Netto: Mr Speaker, I do not necessarily want to dwell too much on the question of extra resources, because I think there is also another question on the Order Paper, but I am a bit concerned that if the answer that the Hon. Minister has provided is that no extra resources will be provided for conducting such a huge task, and given that, in the past, the Hon. Minister has said that the work that the two existing Factories Inspectors have has been very much on the reactive side of doing things, as opposed to being proactive – which one can assume the service will be on the proactive rather than reactive – I think that if no extra resources are provided for, this particular exercise is going to take a huge amount of time.

Leaving that to one side for a minute, so I can put a supplementary question, what I would like to ask the Minister is that... As and when surveys are conducted, in terms of a building which has asbestos in the property, and provided that, as we all know, that asbestos has not been tampered with, then it is fine, there is no Health and Safety risk to be concerned about; but whenever there is asbestos which has been tampered with, which is broken and may be releasing some airborne fibre content into the atmosphere, obviously that means that there is a need to carry out the work as soon as possible, because of the health implications of finding the asbestos in such condition as a result of the survey.

So what I would like to ask the Minister is whether the Government has a commitment to ensure that, whenever there is asbestos which has been tampered with, they will carry out the works within a very short period of time.

Hon. P J Balban: The whole point of this register is actually for us to know exactly where the asbestos is so that, hopefully, does not occur, which means to say we will know exactly where the asbestos is so they will know exactly how to treat and how to embark on those works, knowing, obviously, where it is located.

Hon. J J Netto: With respect, my question was pointing in a slightly different way and perhaps prompted when I was asking a supplementary question to the Minister for Housing, from my hon. Friend, the shadow Minister, Edwin Reyes, and I was actually looking at, for instance, the Housing Works Agency, when they are conducting their own works. I was trying to ascertain from the Hon. Minister for Housing, Mr Bruzon, whether there was a particular response time for a particular category of works. He seems to indicate in his supplementary that there is not, apart from whatever is constituted in the category of emergencies. I was trying to bring out the question of *[inaudible]* works and asbestos removal; but the impression I got from the Minister for Housing was that it was not an emergency, it was not an urgent thing to do.

So, I would obviously argue the opposite. I would argue that if there is asbestos which has been tampered with and is releasing airborne fibres into the atmosphere, that the works need to be conducted as soon as possible. So there needs to be very close liaison between your own people and the Housing Works Agency, if it is a Government dwelling, or even perhaps GJBS, if it is a public building like Parliament, etc.

So what I am trying to find out is what discussions there have been between different Departments that belong to the different ministries in making sure that the response time for urgent work of this nature is done very soon.

Hon. P J Balban: I totally agree.

At the moment, the minute that asbestos is found, obviously something needs to be done urgently because they are airborne fibres and it is obviously detrimental to health. So the moment it is actually discovered and *disturbed*... because, obviously, the asbestos could be there and if we do not tamper with it, it is perfectly fine for it to remain there, but the moment it is tampered with, there is the risk of airborne fibres and the obvious detrimental risk to a person's health and obviously action should be taken immediately.

Hon. J J Netto: Mr Speaker, perhaps one more final supplementary question.

Although I am sceptical on the question that no extra resources are going to be dedicated to do the surveys, one assumes, of course, on the other hand, that if there is any particular sitting tenant in a Government flat, or if there are some civil servants working in any public building, and if they were to report the fact that they are concerned that there may have been some asbestos contained within that particular building and the asbestos is broken and it may constitute a Health and Safety risk, one presumes, of course, that within the existing factory inspectors, they will immediately come to ascertain the degree of seriousness of the asbestos in order to carry out the work as soon as possible. Is that the case?

Hon. Chief Minister: Mr Speaker, not only is it the case, but we have had occasion, since being elected,

to face such a scenario, and the work has commenced within 24 hours.

Hon. J J Netto: In a Government property?

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Hon. Chief Minister: In a Government property, and the work commenced within 24 hours.

Hon. J J Netto: I am grateful to the Chief Minister.

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When the work is actually being done, in terms of allocating who is going to do the work, if it is a Government flat it goes to the Housing Works Agency and if it is a public building – I keep saying Parliament, but I am not actually referring to Parliament – does the work then automatically go to GJBS, or perhaps it could be put out to tender, or... What is the system in place?

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Hon. Chief Minister: Mr Speaker, what the hon. Gentleman cannot do is say, ‘This is something which is very urgent. Don’t you agree if we discover it we have to do it quickly?’ – with which we do agree – and then say, ‘How are you going to allocate it? Are you going to go out to tender?’

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Obviously, if it is something that you need to deal with within 24 hours, you have to use the Government’s own resources to deal with it very quickly. What we have done in those circumstances – because there is the expertise, as the hon. Gentleman will know, in GJBS – is the only thing that really we could legitimately do quickly was have GJBS deal with it.

We have not yet had to deal with it being in Government housing stock – it has really just happened in an administrative building of the Government – and in those circumstances a proper and appropriate way to deal with it quickly was to call in Government’s maintenance company, GJBS.

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Hon. J J Netto: Mr Speaker, perhaps one final question.

Mr Speaker: That was promised three ago. (*Laughter*)

665

Hon. J J Netto: With your indulgence, Mr Speaker!

I keep coming back to one of the original answers provided by the Minister in relation to no extra resource is going to be provided for conducting the survey. Does it mean, therefore, that the Government is thinking of outsourcing into the private sector the execution of the surveys to do the register?

670

Hon. P J Balban: I think we need to clarify to the hon. Gentleman that it is not the intention for us to go out and generate surveys and inspections. The point of the asbestos register is if works are carried out, as recently happened in one of the Government buildings, and asbestos is discovered, then obviously that building will be listed within the asbestos register and any other building will be, as is already... There are a number of buildings, in terms of the housing stock, which have already been identified and that information, since 2006, has already been part of an asbestos register, as such.

675

So it is not the intention for us to go seeking and hunting for dwellings. It is just as they are discovered they will form part of our asbestos register in the future.

680

Factories Inspectors Making work proactive

Clerk: Question 440, the Hon. J J Netto.

685

Hon. J J Netto: Mr Speaker, given the comments made by the Hon. the Minister for Health & Safety on the launch of IOSH Branch in Gibraltar on 22nd March 2012, in that the work of the Factories Inspectors was solely reactive, what plans does the Minister have to make their work proactive?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

690

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, at

present the role of the Factories Inspectors in the Department is being assessed to see ways in which this side of Health and Safety may be targeted. By increasing manpower within the Department, as a first step, the Government plans to be able to engage in more proactive work.

695 This has, in fact, already commenced by way of Health and Safety audits which are intended to help increase awareness within these environments, with the aim of helping to reduce the risk of potential injuries in the workplace.

Hon. J J Netto: I am grateful, Mr Speaker.

700 Could the Hon. Minister please indicate or expand as to who is assessing the Department?

Hon. P J Balban: The Senior Factories Inspector has been tasked to look at his proposals for review, what his suggestions are for the Department so we can provide the other wing, the other facet of Health and Safety which has not been targeted in the past. That is the proactive side.

705 **Hon. J J Netto:** So, basically, what the Minister is saying is that this is an internal report that the Senior Factories Inspector has provided to the Minister and that is what the Government is considering at the moment, as opposed to being an external... looking from the outside at the whole range of duties that the Factories Inspectors are conducting.

710 The Minister also mentioned, in his first answer, that they are conducting, I believe he said, Health and Safety audits. Could he expand on the type of audits that they are conducting?

Hon. P J Balban: The one that immediately springs to mind, obviously, is the Health and Safety audit being carried out at schools at present. That is one of the audits being carried out.

715 **Hon. J J Netto:** Is it the intention to proceed to do other audits, not just necessarily within Government workplaces but perhaps outside places, whether to do perhaps with the dry docks or with the construction industry or some other ones which, in the opinion of the Factories Inspector, may be in need to spend some time looking at the workings of their practices perhaps in the private sector. Would that proceed then?

720 **Hon. P J Balban:** At present, obviously, before the review is carried out and we decide how the Department is going to be structured, it would not be possible with the resources at the moment, human resources are just not sufficient enough to be able to carry this out.

725 **Clerk:** Question four hundred and –

Mr Speaker: The Hon. Jaime Netto.

730 **Hon. J J Netto:** So is it then, therefore, the hope of this section – Department, if I can call it that – that as and when more people are employed as factory inspectors, to be able to expand this particular role into other industry groups?

Hon. P J Balban: Yes, we will be considering that.

735 **Hon. D J Bossino:** Mr Speaker, does the Government have an idea at this stage as to how many Factories Inspectors they intend will be employed?

Hon. P J Balban: Not at this moment in time. At the moment, there are two Factories Inspectors, but there is no idea at the moment.

740 **Hon. D J Bossino:** The Minister, Mr Speaker, made reference to a review. Presumably that is going to be a review of the Department. If my assumption is correct, does he know when that review will conclude?

The reason why I am asking that, following on from my earlier supplementary, is that the results of the conclusion of that review will determine how many Factories Inspectors the Government intends to employ.

745 **Hon. P J Balban:** At the moment, I am not able to actually give you an idea as to how long this review

will take.

750

**Inspection of work equipment
Transposition of EU Directive 2009/104**

Clerk: Question 441, the Hon. J J Netto.

755

Hon. J J Netto: Mr Speaker, has the Minister for Health & Safety a target date for the transposition of EU Directive 2009/104 on the inspection of work equipment?

Clerk: Answer, the Hon. Minister for Traffic, Health & Safety and Technical Services.

760

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, Directive 2009/104/EC is a recast of Directive 89/655/EEC, as amended by Directive 2007/30/EC.

Directive 2009/104/EC has no transposition date. However, the transposition date in respect of Directive 2007/30/EC is 31st December 2012.

765

Her Majesty's Government plans to transpose Directive 2007/30/EC by its transposition date.

Hon. J J Netto: Mr Speaker, I was trying profusely to write down all those dates of all those Directives. I wonder whether the hon. Gentleman would not mind having the paper actually, a photocopy, with all those particular names of the Directives, so I can actually follow them, if he does not mind.

770

Perhaps while that information is coming through, can the hon. Gentleman tell me what this particular Directive, even though it has been superseded, or is part of the previous one, is basically to ensure, obviously, there will be some kind of another register, if I can call it that, where the Factory Inspector will know in all work places throughout Gibraltar, public and private, where all equipment is and is working to the satisfaction of the Factory Inspector, so that following, at the end of the day, what is the push of Health & Safety, to ensure that proper conditions are maintained and a log book, perhaps, is maintained to ensure that the work equipment is provided.

775

So my question is does the Factory Inspector have some kind of a log book register to ensure where the work equipments are and that they are maintained to the proper standards?

780

Hon. P J Balban: I will actually have to ask my Factories Inspectors that question but just for clarification, this is the same – it is a recast of the previous Directive, so it is just organising the same Directive in a different form, so it follows on from the last one.

785

**Factories Inspectorate
Provision of requested statistical data**

Clerk: Question 442, the Hon. J J Netto.

790

Hon. J J Netto: Is the Minister for Health & Safety now in a position to answer Written Question Nos. W5/2012, W6/2012, W7/2012, W8/2012, W9/2012, W11/2012 and W12/2012?

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): No, sir.

795

Two software programmes have been tried and tested by the Factories Inspectorate and both have failed to fulfil their statistical requirements. The Factories Inspectorate are still pursuing other software providers in search of a software that provides the statistical data requested.

800

Hon. J J Netto: Do I then take it from the hon. Gentleman that the software programme that was purchased, in probably December 2011 or January 2012, is not up to the standard that the Factory Inspectors would have liked and, as a result of that, they are abandoning that software programme and they have

purchased another one? Is that the case?

Hon. P J Balban: No, sir, it was actually a trial version of the said statistical software. In fact, they have trialled two softwares of this type and they have not been successful in providing the information, as requested by yourself.

The sad thing here really is that the original software programme – which is the one that worked well, apparently – its licence agreement was terminated in June 2009, because if that had not happened in 2009, they would still be benefiting from that programme. We have actually gone back to the same suppliers of the programme because, obviously, that worked for them then, and the actual company has changed the way it does its software and it is no longer suitable for us.

So, had we not terminated that licence agreement, then we would not be sitting here today discussing why this information is not available.

Hon. J J Netto: Yes, I can understand what the hon. Gentleman is saying. I remember the software programme that he is actually mentioning now was a software programme that was purchased in my time, way back in our first term of office, so it has served its purpose for quite a number of years. Obviously, at the end of the day, whether they have renewed or not renewed the licence, and that caused a problem, I think you said in 2009, it has led to the situation we are in now.

Can I ask the hon. Gentleman whether the software programme that is being contemplated, is it a software programme that has been produced, if I can call it that, by the Health and Safety Executive in the UK? In other words, is it purposely designed by the Health and Safety Executive, albeit that it has to be tweaked for the local circumstances in Gibraltar?

Is that the case, or is it a software programme where you have to get a technician to actually start from scratch, not necessarily one that is modelled on the Health and Safety Executive in the UK?

Hon. P J Balban: I will need to ask the Factories Inspector exactly what it is, but I would assume that it is something that comes off the shelf. Otherwise, if it was something that was tweaked and done for our specific purposes, then we would be tweaking it in the right way so that it could perform the functions that we want it to perform.

So I am assuming that what is happening is that they are purchasing software which is just not doing what they request it to do.

Hon. J J Netto: Perhaps one more final question on this one.

Given that it is not my intention to ask this particular question every month, perhaps if the hon. Gentleman can indicate to me when he reckons that the current work which is being done now will pay some dividends and provide the information which I have been asking for. Can he indicate whether, perhaps, in two months' time or in four months' time he will be in a position to provide the information?

Hon. P J Balban: How long is a piece of string? What I am trying to say is as soon as... We are obviously actively pursuing getting it, because obviously this will help the Department. The Department has been without this facility since 2009, when the contract was terminated. The sooner we have that, then obviously it will serve our purposes as well as the Department's.

So really the answer to the question is the sooner the better, but I cannot tell him when they are going to pinpoint the right software programme.

Factories Inspectors Inspections in March/April 2012

Clerk: Question 443, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health & Safety state how many inspections during March and April 2012 did the Factories Inspectors conduct, showing the industry group targeted, whether any possible breach of the Factories Act or any subsidiary legislation may have been committed by any private

company at a Gibraltar Government or MOD workplace, and whether legal advice is being sought?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

860

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, I will answer this Question together with Questions 444 to 446/2012.

865

**Health & Safety
Reported accidents in March/April 2012**

Clerk: Question 444.

870

Hon. J J Netto: Mr Speaker, can the Minister for Health & Safety state if there have been any reported accidents during the months of March and April 2012, showing the industry group involved and stating which ones were reportable, major and fatal, if any?

875

**Factories Inspectors
Site meetings and advice in March/April 2012**

Clerk: Question 445.

880

Hon. J J Netto: Mr Speaker, can the Minister for Health & Safety state how many site meetings and advice were given by the Factories Inspectors during the months of March and April 2012, broken down by month and industry group?

885

**Factories Inspectors
Prohibitions and improvement notices in March/April 2012**

890

Clerk: Question 446.

895

Hon. J J Netto: Mr Speaker, can the Minister for Health & Safety state how many prohibitions and improvement notices were issued in the months of March and April 2012, if any, broken down by month and industry group, and specifying the reason or reasons for issuing the notice in this period which may have brought operations to a halt, until the inspector was satisfied that the correct standard had been duly complied with?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

900

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the information requested by the hon. Member is contained in the schedule which I now hand over to him.

[See Tables overleaf]

ANSWER TO QUESTIONS 443 - 446

Table HS.1

Monitoring Activities, 2012

Industry Sector	Inspections / Site Meetings / Advice			
	January	February	March	April
Electricity Supply/Related				3
Water Supply/Related				
Shipbuilding/Marine Repairs				
Manufacture		1		
Construction	14	29	38	17
Wholesale Trade				
Retail Trade		2	3	
Hotel Trade				
Restaurants, Bar etc				2
Repairs Consumer Goods				
Sea Transport Related	1	2		
Air Transport Related				
Road Transport Related				
Post & Communications				
Bank, Finance, Insurance				2
Public Admin & Natl Defence		1		
Police, Security, Fire Services				
Sanitary Services				1
Education				
Medical & Health Services				
Other				
Horticulture				
Unknown				
Total	15	35	41	25

Source: Ministry for Traffic, Health & Safety and Technical Services

Table HS.2

Occupational Reportable Accidents, 2012

Industry Sector	January			February			March		
	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal
Electricity Supply/Related									
Water Supply/Related	1								
Shipbuilding/Marine Repairs	2			1			1		
Manufacture									
Construction	2	1		2			2		
Wholesale Trade									
Retail Trade									
Hotel Trade	1								
Restaurants, Bar etc							1		
Repairs Consumer Goods									
Sea Transport Related									
Air Transport Related									
Road Transport Related									
Post & Communications									
Bank, Finance, Insurance									
Public Admin & Natl Defence	1			2					
Police, Security, Fire Services									
Sanitary Services	2								
Education									
Medical & Health Services									
Other									
Horticulture									
Unknown									
Total	9	1	-	5	-	-	4	-	-

Source: Ministry for Traffic, Health & Safety and Technical Services

Table HS.3

Enforcement Activities, 2012

Industry Sector	Prohibition/Improvement Notices Served							
	January		February		March		April	
	PN	IM	PN	IM	PN	IM	PN	IM
Electricity Supply/Related								
Water Supply/Related								
Shipbuilding/Marine Repairs								
Manufacture								
Construction	1							
Wholesale Trade								
Retail Trade								
Hotel Trade								
Restaurants, Bar etc							1	
Repairs Consumer Goods								
Sea Transport Related								
Air Transport Related								
Road Transport Related								
Post & Communications								
Bank, Finance, Insurance								
Public Admin & Natl Defence								
Police, Security, Fire Services								
Sanitary Services								
Education								
Medical & Health Services								
Other								
Horticulture								
Unknown								
Total	1	-	-	-	-	-	1	-

Source: Ministry for Traffic, Health & Safety and Technical Services

Hon. J J Netto: Mr Speaker, the first thing is I would like to give my thanks to the Minister because providing the information in this manner is quite helpful. So I would like to give him my thanks for that.

In relation to my supplementary question, if we look at the page on inspections, we see that there is a preponderance for the Factory Inspectors to focus their inspections almost, one would say, on the construction industry side. This is something which I have referred to in the past. What I would like to ask the Minister – because I have to put this in the form of a supplementary question – is why is it that they are concentrating almost exclusively on the construction industry and perhaps not distributing the time that they have available, given that there are two Factory Inspectors, to do a much wider search of inspections to other industry groups?

In the past, when I have asked that question, the Minister has said, ‘Well, because normally there is a higher incidence of accidents in the construction industry,’ which is true – that is true – but just in the same way that that is true, it is also true to say that the second highest level of accidents is also in the dry docks, so I just do not see any sort of inspection by the Factory Inspectors on perhaps what is the second highest industry group.

So could the Minister provide some clarification as to why there is almost exclusive focus on the construction industry?

Hon. P J Balban: As you rightly said earlier, it is their perception of where risk is greatest and, although I accept that you have also mentioned the dry docks, construction is clearly evidently the place where accidents happen with the greatest frequency, so this is why – I assume this is why – they are targeting the construction industry more than anything, but obviously I will look into...

I am aware that they have carried out something recently at the dry docks as well. They have been there. It might not appear in these statistics yet – perhaps next month, the month of May, because this runs all the way till April, but I am aware that... I believe they have been involved with the dry docks recently, but I need to confirm that and, if that is the case, obviously, these will appear in next month's statistics.

930 **Hon. D J Bossino:** Mr Speaker, does the Minister know whether these inspections take place after accidents occur, or is that not necessarily an assumption that one ought to be making?

Hon. P J Balban: No, the inspections are instigated for different reasons. Sometimes the general public calls in and says, 'There is some scaffolding somewhere and there are people walking too close to the edge, please inspect it', or there is rubble falling from building sites.

935 So, many of these inspections are actually instigated due to public reports, or even reports from other *[inaudible]* persons around the area, be they professionals or the general public.

940 **Factories Inspectors
Recruitment**

Clerk: Question 447, the Hon. J J Netto.

945 **Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety state if new Factories Inspectors have been employed recently and, if so, could the Minister state if such vacancies were trawled through the Civil Service Bulletin or not? If not, what was the recruitment process involved and the qualification criteria used, if any?

950 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, no new Factory Inspectors have been employed recently.

955 **Hon. J J Netto:** Mr Speaker, what prompted me to ask this question in the first place was because, Gibraltar being such a small place, I actually saw in one of the Government public vehicles one of the Factory Inspectors, along with a Health & Safety – not the representative, but the other ones – who normally works, or used to work in the Housing Works Agency. In fact, he was wearing one of those luminous jackets and it had said something like, 'Health & Safety Inspector' or something like that, so I thought to myself, 'Yes, this particular person that was doing this type of work for what used to be Buildings and Works, now the Housing Works Agency, and perhaps he is working closer.'

960 Even though I take for granted that there has been no person employed recently, is the Minister perhaps trying to maximise the views of other Health & Safety inspectors – not the Factory Inspectors, Health & Safety Inspectors, from other Government Departments – in the work that the Factory Inspectors are doing? Is that the case?

Hon. P J Balban: I must say, well spotted, first and foremost, having spotted the gentleman with his green jacket!

970 But that is the case, yes. There were some members of staff from the Housing Works Agency and they have shown an interest in being deployed to help out in the Health & Safety Department. Because, obviously, we are lacking resources, then the Government is happy for this to happen, as long as the staff are happy to do so and that the members of staff are, in fact, capable of doing so. That is the case.

975 **Hon. J J Netto:** Could the Minister perhaps indicate, then, how many Health & Safety Inspectors from other Government Departments are, actually, if I can call it, seconded to the Factories Inspectors. Is he aware of that?

980 **Hon. P J Balban:** As we have two individuals who are – one of them is seconded, one is not – the first one does other things apart from that, but there are two members of staff, apart from the input we have from Technical Services, Health and Safety experts, who actually conduct the Health and Safety audits of schools as well.

So, there are the two Factory Inspectors, plus the two gentlemen from the Housing Works Agency, plus our in-house Technical Services Department as well, who are all involved, either fully or somewhat, in

985 providing support to the Department.

Hon. J J Netto: Mr Speaker, obviously there is nothing wrong necessarily with other Health & Safety inspectors being seconded with the Factory Inspectors and, in fact, going out with the Factory Inspectors, because, obviously, they have got much to gain from such skills and knowledge that the Factory Inspectors do have.

990 What I would like to ask the hon. Gentleman is, given that he is thinking about employing more Factory Inspectors, will there be a certain criteria in terms of qualifications that will be the prerequisite for being able to apply for the post?

995 **Hon. P J Balban:** Obviously, persons who are to apply for this post, if, obviously, this materialises, will have to have, obviously, all the qualifications needed to be able to apply for the post in question.

Hon. J J Netto: But does he know which are the qualifications that will be the necessary ones?

1000 **Hon. P J Balban:** No, I am not entirely sure what the necessary ones would be.

Hon. J J Netto: Mr Speaker, I am not going to dwell more with this, suffice to say that perhaps that I will write to him separately, to try and understand what the qualification may be in the future.

1005

**KGV works investigations
Unsafe practices; breaches of Factories Act**

1010 **Clerk:** Question 448, the Hon. J J Netto.

1015 **Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety state if, as a result of my letter to the Senior Factory Inspector with regard to the unsafe practices at the KGV works, he has inspected the site and, if so, has he seen any breaches of the Factories Act or any of its subsidiary legislation, and whether he has recommended any improvements to the work environment?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

1020 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the Principal Factories Inspector did not consider that unsafe practices were being carried out at the King George V Hospital and therefore it was seen that there was no need to inspect the site.

However, he made further enquiries and met with the management of the above mentioned project to discuss the issues raised in your letter, and they were satisfied with the measures that were in place.

1025 **Hon. J J Netto:** Well, Mr Speaker, that was a very predictable answer! (*Laughter*)

Hon. P J Balban: It is true, though.

1030 **Hon. J J Netto:** But, while I can understand it is predictable in the sense that, perhaps, the Hon. Minister may wish to shield himself from the legal niceties of saying no unsafe practices did emanate, what I would urge the Hon. Minister is to leave the legal niceties for protecting himself and perhaps provide a more commonsense answer to the question.

1035 I say this, Mr Speaker, because the fact of the matter is that, much as he would like to say to the contrary, there were many occasions in which those particular youngsters were not supervised at all. We have reports, not of one day but *many* days in which they were not supervised.

The fact of the matter is that in work like this, normally, under Health and Safety, you look for best practices. If you look for best practices, he would know, as the Factory Inspectors know, that kids, or youngsters, should have had hard helmets on and the proof of that is that people have seen the youngsters, not only unsupervised on the scaffold, but they have seen them leaning with their body outside of the scaffold.

They have been seen on the roofs, chasing seagulls away from the roof of the KGV Hospital.

Mr Speaker, I am not trying to score any party political points at all, in relation to this, much as the Chief Minister seems to indicate that he is not satisfied with that, by his gesture. What I am concerned is, because we have all been youngsters – I have been a young person myself and I have not been an angel, I can say that – but when young people are left to their own devices, they will do things that will increase the risk that they pose in the workplace. The last thing I would want to have is a situation where an accident were to happen, something which we would all be very sorry about and then I say, ‘Well, I warned you about it.’ I would not want that to happen.

What I would want to happen, for the good sake of the young people there, is that when the Hon. Minister goes away and, in fact, the Minister for Health, as well, given that this is property that belongs under the auspices of the GHA, is that they ensure that the people that have to supervise the youngsters are supervising the youngsters and that best practice, regardless of whether the law tells you that they should wear hats or not, is adopted, so that the youngsters ensure, when they become craftsmen, that they take the best practice, as far as Health & Safety is concerned.

Hon. P J Balban: Mr Speaker, the Factory Inspectorate actually applies best practices. Obviously, people working there, they cannot be nannied and they cannot be held by the hand to make sure... I have been assured that they were supervised at all times, whether the supervisor popped in for a coffee and came out, this is what...

The best practices are sought at all times and, in this particular case, because the work involved collective protection overheads, there was no need and they were still painting. They were painting the façade: there was no need for protective helmets. This is the advice that I have received from the professionals. It is not something that –

Hon. J J Netto: Well, Mr Speaker, I –

Mr Speaker: Before the hon. Member poses... or makes a statement, I observe that the last time there was no question; this time there must be a question. [*Inaudible*] not repeating the same advice.

Hon. J J Netto: My only question, Mr Speaker – I can understand the response that he is giving me, for the sake of *Hansard* – but my question is, when he actually goes back and when he actually goes and talks to the Factory Inspectors, please ensure that best practice is not what they are practising in Gibraltar, but is the commonsense practice applied in local authorities in the UK, which is that youngsters on a scaffold will wear hard hats to ensure their safety at all times.

So can I ask the Hon. Minister, not for the purpose of *Hansard*, that when he goes away, he actually ensures that all protection that is necessary, even if it is going beyond what the Factory Act says, is provided for.

Hon. P J Balban: As I said previously, I am satisfied with the response given by the Principal Factories Inspector, but the Department will always strive to find the best, or to enforce the best working practices possible in that respect.

Hon. G H Licudi: Can I just add that responses given by Government Ministers are not just given for the purposes of *Hansard*, they are given in response to a particular question and are given honestly and truthfully?

In this particular case, the issue arises out of professional advice received by this Minister in particular, and if the professional advice is that the practice that has been adopted was best practice and there was no unsafe practice, then that is what the Minister has indicated is the Government’s position. I hope the hon. Member will accept that, because that is the advice of the professionals.

Hon. J J Netto: Mr Speaker, with respect –

Procedural

1095

Mr Speaker: Order. Order. The point has been made, a well-made point. We move to Question 449.

1100

Hon. J J Netto: Well, Mr Speaker, I am not entitled to...?

Mr Speaker: No!

Hon. J J Netto: Thanks very much, for not being able to –

1105

Clerk: Question 449, the Hon. Mrs I M Ellul-Hammond.

Hon. P R Caruana: Mr Speaker, why is one Member of the House entitled to make a speech and another not entitled to react to it? That also is a novel practice from the Chair.

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Mr Speaker: No, the point that the Hon. Jaime Netto made in his supplementaries –

Hon. P R Caruana: I am not talking about that, Mr Speaker; I am talking about the last exchange.

1115

Mr Speaker: Well, I am talking about what I see going on in this House.

The point that the Hon. Jaime Netto made was that an answer was aimed at satisfying the requirements of *Hansard* and so forth. The Hon. the Minister for Education and other responsibilities made the point that answers given in this House by a Minister are not aimed at *Hansard*, but are aimed at answering the question.

That, in my view, is a valid point to make and there was no need for further discussion of that subject. That is why I said there was no need for further discussion.

1120

Hon. P R Caruana: Mr Speaker, a subject is either appropriate to be discussed, in which case it is appropriate to allow both sides of the House to discuss it, or it is not appropriate to be discussed, in which case neither side of the House should be allowed to discuss it.

1125

What I cannot understand is a situation where a subject is appropriate to be discussed by the Government side, but not by the Opposition side.

Mr Speaker: With respect, the Hon. Jaime Netto made a statement that an answer given by the Minister was aimed at satisfying *Hansard*. That is a point made by a Member on this side of the House.

1130

A Minister on this side of the House has risen to make the point, quite properly, that the answers are not aimed at *Hansard* but aimed at answering the question. The matter has been discussed. Each one has had his say on the matter. It has been discussed. We could go on, and on, and on forever.

What will the Hon. Jaime Netto say? He was probably going to say something else, but it would never end that discussion. It is not for discussion really.

1135

Question 449.

EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS AND JUSTICE

1140

**Schools' Health and Safety audit
Completion and findings**

Clerk: Question 449, the Hon. Mrs I M Ellul-Hammond.

1145

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Education state whether the schools' Health and Safety audit has been completed, and what the findings are?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications

and Justice.

1150

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, as previously stated in answer to Question 25 of January 2012, the first site visit took place in January 2012. As I also indicated at the time, it was envisaged that the process would run for several months. The audit has not been completed.

1155

I am, however, pleased to say that the following schools have been audited: Gibraltar College; Bayside Comprehensive School; Westside Comprehensive School; Bishop Fitzgerald Middle School; Sacred Heart Middle School.

The findings of the schools' Health and Safety audit will be released on completion of the whole exercise.

1160

I would also say, Mr Speaker, noting part of the answer that I gave in January – which was the fact that the process will take several months – does not mean that Health and Safety issues are not looked at in the interim.

I can say, in particular having regard to the discussion this morning on asbestos, that there are two matters which have been recommended for action, in respect of the schools that have been audited. One was a fire door which was locked in one of the schools – I believe it was the College – and that matter was recommended for immediate action and that has been actioned.

1165

The second matter was a recommendation that an asbestos survey be carried out in the schools that have been audited. I am pleased to say that our arrangements are being made at the moment for an asbestos survey to be carried out in respect of each of those schools. The purpose of the asbestos survey is quite simply to facilitate the identification of asbestos-containing materials that could possibly be contained within the building's fabric.

1170

There are three schools at the moment that have an asbestos register: Bishop Fitzgerald Middle School; Governor's Meadow First School; and St Bernard's First School. So of the five that have been audited already in this Health and Safety audit, one of them already has an asbestos register and we are in the process of looking at carrying out an asbestos survey in respect of the others so that an asbestos register can be compiled in respect of all the schools.

1175

Hon. Mrs I M Ellul-Hammond: I am grateful for that.

Mr Speaker, can the Minister then confirm if there are any other recommendations that have been made so far or issues highlighted from the audit that has taken place so far? Those were the only two that you mentioned that have been highlighted.

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Hon. G H Licudi: Those are the only two for immediate concern and our aim in carrying out this process is twofold. Firstly, we have a Health and Safety audit going forward, reporting all the results of any issues that may be raised; and, secondly, if there are any matters that are raised which require either immediate action or are recommended for action to be taken straight away. Those are the only two items that have been recommended for immediate action and we are taking immediate action on those things.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, will the Health and Safety audit be finished before the end of this academic year?

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Hon. G H Licudi: No, Mr Speaker. My understanding is that it is expected that this will be completed some time in the autumn.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, when the audit is completed, will the findings be tabled in this House?

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Hon. G H Licudi: Mr Speaker, I have not contemplated tabling the findings in this House, but, as I have said, the findings will be released on completion.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister advise when he envisages next year's Health and Safety audit of all schools to start, as he mentioned in answer to Question 25 in January that this is intended to be a yearly audit?

1205 **Hon. G H Licudi:** Yes. Next year's audit will start next year.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, if the schools' audits are to be yearly, can the Minister advise how many months of the year that the schools will not be in audit mode or implementing the recommendations?

1210 **Hon. G H Licudi:** Mr Speaker, it is intended that this is done by calendar year, rather than academic year. We have started this year's audit in January and it is going to take a number of months. We do expect that – I cannot say on 1st January of next year; in fact, the schools will be closed on 1st January of next year – but as from January, we will be looking at carrying out the 2013 audit – in other words, *organising* the 2013 audit.

1215 As I stand here today I cannot say, 'Well, we are actually going to do it on 15th January or 17th January or 1st February', but there will be an audit in 2013.

1220 I believe I also indicated, when this matter was last raised, back in January of this year, that once the first audit has been completed, then we envisage that it will be a simpler process to carry out a second audit, because a lot of the groundwork will have been done. A lot of the identification process will have been carried out and it will simply be a question of revisiting those issues and seeing whether there are any *new* issues which require any action at all; but it certainly will be an easier process second time around, which will take place in 2013.

1225 **University of Gibraltar
Plans for setting up**

Clerk: Question 450, the Hon. Mrs I M Ellul-Hammond.

1230 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education tell us what the plans are for the setting up of a University of Gibraltar?

1235 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the Gibraltar Government has commissioned a study, exploring the different options available.

1240 A variety of alternative pathways associated with degree-awarding powers are being explored. The study is being carried out by Professor Daniella Tilbury of the University of Gloucestershire. Is it anticipated that Professor Tilbury will report to the Government in the autumn of 2012.

1245 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister tell us what the options are for the setting-up of the University of Gibraltar, in particular the one given to the Government by the Liberal Democrat MP, Simon Hughes, when he brought with him a proposal from the University of London, I believe?

1250 **Hon. G H Licudi:** Mr Hughes, as I believe I explained in an interview with GBC at the time, is a good friend of Gibraltar and is assisting [*inaudible*] has come to the Government voluntarily with his views on this. He had had some contact with the University of London and, in fact, I followed that up myself.

I had a meeting in London with the Chief Executive of the International Programme and his senior staff of the University of London, to see exactly what it is that they offer, and there are a number of options which are available.

1255 That is one of the aspects that has been looked at in this study: whether we do associate ourselves with the University of London and whether the degrees which are awarded here are University of London degrees and, because there are a number of different options available, in what way we are associated as a College with the University of London...

So the hon. Member asks, what is actually being considered, what options are being considered, and that is clearly one of the options in terms of the degree-awarding powers. Are we going to have our own degree-

awarding powers? Are we going to delegate that and enter into an arrangement with someone else?

The other options that are being considered clearly involve what courses are going to be given, which courses are going to be full-time, which courses are going to be part-time, staffing arrangements which may be necessary. Location issues are clearly being considered.

So there are a whole range of options that are being considered as part of the study and that is why we felt it was necessary to commission a proper study, to look at all this and advise the Government,

**School secretaries
Additional full-time employed; cost**

Clerk: Question 451, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Education tell us how many more secretaries, or the equivalent, are being employed to service the schools on a full-time basis and how much will this cost?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the school secretary complement in December 2011 was the following: four full-timers – two in each of the comprehensive schools, that was the four full-timers; and 11 part-timers, with some schools sharing a part-time secretary.

Of the 11 part-timers, 10 have indicated that they wish to take up full employment and are actually already carrying out a full school day.

The pay and conditions for the full-time post is currently being discussed with the secretaries concerned and their union officials.

The eleventh person of the part-timers is actually retiring at the end of August of this year and is therefore not interested in becoming a full-timer.

The Government intends to employ three additional full-time secretaries: one to fill the vacancy created by the person that is retiring and two new posts, so that no school will have to share a secretary, as has happened until now and is still actually happening because the posts have not been filled.

The additional cost of having all schools with full-time secretaries will be determined once the current discussions with the union have been concluded.

Hon. Mrs I M Ellul-Hammond: I am grateful for that, Mr Speaker.

So what you are saying is that the full-time equivalent is eight: ten part-timers going full-time, so that is half each, plus another three. Am I correct?

Hon. G H Licudi: I am not sure that I follow the ‘full-time equivalent’. Can the hon. Member clarify what she means?

Hon. Mrs I M Ellul-Hammond: Yes, part-time is considered half a person and ten part-timers will be going full-time, so that is the equivalent of five whole, and then you are employing another three new full-time secretaries. So five and three is eight.

Hon. G H Licudi: Five and three is eight, plus the four full-timers that currently exist. There are four full-timers already: two in Bayside and two in Westside.

As the hon. Member rightly says, of the 11 part-timers, 10 have indicated that they wish to go full-time and we have already made arrangements because we wanted immediate cover on the schools. We have already made arrangements and those are actually working the full day already. So that cover has already been provided.

But, yes, we will need to employ a couple of extra, one for the retiring and a couple extra simply because

1315 there are four schools sharing two secretaries at the moment. Therefore, on those two secretaries becoming full-time, two schools are left without a secretary and we will need to employ two extra to cover those two schools.

1320 **Hon. E J Reyes:** Mr Speaker, may I ask, as well, the Hon. Minister for Education, with all the statistical figures we have been given, is the College of Further Education and *their* secretarial support team, are they included in those statistics or are they being treated as a separate entity?

Hon. G H Licudi: The College is certainly included.

1325 **Hon. E J Reyes:** My understanding is that there was a full-time secretarial support at the College and there has been no reference made to that.

Hon. G H Licudi: My understanding – the information I have – is that the College actually *shares* a secretary at the moment and the College will be getting a full-time secretary.

1330 **Hon. E J Reyes:** Yes, I understand because I think the Minister is talking ‘secretary’ by classifying nomenclature, because College should have... and I purposely use the words ‘secretarial support’ because it has got someone from a clerical grade there. (*Interjection*) Yes?

1335 So perhaps for future statistics – I am not too bothered now – the Hon. Minister might be able to provide us with details of school secretaries and/or secretarial support, which means they are non-teaching staff. They are not involved in any classroom support, but rather within the administration.

It does make a very big difference within a school, if you have a clerical officer there. In fact, the clerical officer, by job descriptions themselves, can carry out far greater ranges of tasks than a school secretary who normally does more telephone, receptionist type of work.

1340 **Hon. G H Licudi:** Yes, the hon. Member... it is true. There is clerical support in the College; but the question has nothing to do with that. One thing is an AO that may be engaged in the College... The question was specifically about school secretaries, which is a specific post, and that is the answer that I was addressing.

1345 Certainly, I can confirm that the College does have additional clerical support, which other schools do not have.

New teaching posts Distribution

1350 **Clerk:** Question 452, the Hon. Mrs I M Ellul-Hammond.

1355 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education explain how the 47 new teaching posts have been distributed among the schools and the Department of Education?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1360 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the 47 new teaching posts will be distributed on the basis of the process explained in answer to Question 278/2012 of March 2012. They will address the specific needs of schools and the Department of Education, as discussed with head teachers. Interviews for these posts have already been held. The process of selection has not been completed and it is envisaged that this will occur within the next month.

1365 As a result of this process, as we have already said, the teaching complement will be increased from 333 to 380.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Education advise when he will be in a position to tell us how these 47 posts have been distributed?

1370 **Hon. G H Licudi:** Mr Speaker, as I have indicated in the answer, it is envisaged that the whole process will be completed within the next month.

I should add, Mr Speaker, that there are a number of issues which the hon. Member may want to be aware of because the previous question which dealt with this also asks whether the 47 teachers were *in addition* to any retiring teachers that may be engaged and I confirm that that was, in fact, the position.

1375 In fact, I can say today that we have confirmation of 10 teachers retiring this academic year. So the process that is actually being done and the interviews that have been conducted are for the recruitment not of 47, but of 57 new teachers – 10 to take up the 10 retiring posts and 47 new additional teachers.

1380 There has also been, quite recently, a batch of nine TLR promotions and that often leads to transfers within schools. Those matters, that process... interviews for that were held on 24th and 25th April and, as a result of that process, there will be some movement within schools. All that also has to be taken into account, as part of the consultation process with head teachers in deciding which posts go where.

The hon. Member will understand that I am reluctant to go into any specific detail as to which post arising in which particular school, when candidates have been selected and do not currently know the outcome of that selection process.

1385

School class numbers Maintaining optimum level

1390 **Clerk:** Question 453, the Hon. Mrs I M Ellul-Hammond.

1395 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education tell us what the Government's policy on maintaining an optimum number of children in classes at each level of the education system is, what these numbers are for each school and year, and how any shortfalls will be addressed?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1400 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the policy for maintaining an optimum maximum number of children in classes at each level of the education system is based on the following: First Schools, to work with a class size of approximately 20 pupils; Middle Schools to work with a class size of approximately 25 pupils; Secondary Schools, Years 8 and 9, approximately 25 pupils; Years 10 to 13 will depend on year group and subject.

1405 Head teachers will have some flexibility and discretion as to how they deploy their teachers, having regard to subject needs and based on educational grounds.

Class sizes is one of the factors which is being considered in relation to the distribution of the 47 new teaching posts that are currently being engaged; but this process – the whole process of the number of children in each class – will be subject to ongoing review and discussions and the Government may have to revise the policy, taking into account feedback from the Department of Education and school heads.

1410 Finally, I would stress that the numbers that I have given are *optimum* numbers, not fixed numbers, and clearly head teachers, on educational grounds, would have to decide how they deploy their teaching complements.

1415 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is any special consideration being given to St Martin's School, in terms of optimum size of classes there?

1420 **Hon. G H Licudi:** Mr Speaker, that is a matter that I will need to take up with the Government officials. It is not a matter that I have initially discussed in the context of preparing this particular question; but, clearly, class sizes will depend on the needs of the children in that particular school.

Hon. Mrs I M Ellul-Hammond: Yes, Mr Speaker, perhaps I will write to the Minister requesting that information.

Mr Speaker, if it transpires that some schools are to add extra classrooms, in order to lower the

1425 teacher/pupil ratio to the optimum number or very close to that optimum number, which rooms will be used? Will specialist teaching rooms be used if the school physically, the building physically, cannot take the extra classrooms?

1430 **Hon. G H Licudi:** Mr Speaker, the Hon. Member talks of pupil/teacher ratio. We have not worked on pupil/teacher ratio. We believe that that is the wrong way of looking at this. There are in each school a number of teachers that either do not have a full timetable, like heads and deputy heads, and therefore to look at a school and simply count the number of pupils and the number of teachers and do a ratio is not, I believe, the right way of going about it. We prefer to look at the optimum number of children in each particular class, rather than the overall ratio. So I thought I would just clarify that particular point.

1435 With regard to classes, that is certainly something that the head teachers will have been considering in putting forward their staffing requirements for the school and those have been discussed with the Department of Education.

1440 There has been, as far as I am aware, no identification of a specific problem with classrooms which might be available in order to accommodate the extra teachers and these classes, and, as I said, head teachers will have flexibility.

There are plans for refurbishment and creating extra classrooms in some schools, which we are currently working on and which we will announce in due course, but not specifically in relation to this particular process, because that is not an issue that has been highlighted as being particularly problematic.

1445 **Hon. Mrs I M Ellul-Hammond:** I am grateful that refurbishment will accommodate it, because representations have been made to us about concerns that extra classrooms could be at the expense of specialist teaching rooms, and this is obviously something that parents and teachers will not like to see happen.

1450 So can the Minister assure us that, at all costs, art rooms, libraries, kitchen labs and so on will be protected?

Hon. G H Licudi: Mr Speaker, I am not aware of those representations and no such representations have been made to me of specific concerns. These are matters on which I have been in ongoing discussions with the Department of Education.

1455 If the hon. Member is aware of any specific school where parents have raised specific issues, then I would certainly want to know about it, but no representations have been made to me about that particular concern.

1460 **Self-funded postgraduate students in UK
Reimbursement of costs by Gibraltar Government**

Clerk: Question 454, the Hon. Mrs I M Ellul-Hammond.

1465 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education tell us how many self-funded students undergoing postgraduate studies in the United Kingdom, which started this academic year in September 2011, have been reimbursed under the Government's new policy of all postgraduate studies being granted as a mandatory entitlement, as for first degrees, and how much this has cost?

1470 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, no students have been reimbursed, since no such requests have been received.

1475 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does this policy also apply to distance learning postgraduate courses?

Hon. G H Licudi: Mr Speaker, I do not have that information. The question specifically talked about

1480 postgraduates and that is the area that I have discussed.
I am not aware of – the hon. Member will not hold me to it – any requests for reimbursement of distance learning; but, certainly, for postgraduate studies there have been no requests at all for reimbursement.

1485 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Government's new policy that discretionary grants will now be mandatory?

Hon. G H Licudi: No, Mr Speaker. What we have said is that *postgraduate* studies will now be mandatory. That does not take care of *all* possible discretionary grants which might exist or which anybody might apply for and, therefore, it does not mean that everybody who applies for absolutely anything will be given a mandatory scholarship. This policy specifically refers to postgraduate studies, in the nature of a Masters or a Doctorate.

Hon. E J Reyes: May I ask, Mr Speaker, in respect of postgraduate studies, does that mean residential *and* distance learning, both?

1495 **Hon. G H Licudi:** Yes.

Clerk: Question –

1500 **Mr Speaker:** The Hon. Isobel Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, just to clarify the point I was making earlier, if I may quote from the manifesto. It states, under postgraduate studies:

1505 'Postgraduate study will cease to be discretionary and will be granted as a mandatory entitlement, as is the case for first degree courses.'

1510 **Hon. G H Licudi:** Yes, Mr Speaker, that is precisely what I have said: that, in terms of postgraduate studies, they will be mandatory. It does not mean that all applications which might be made for some sort of funding for any type of courses are necessarily within that category. But certainly, postgraduate applications will be considered mandatory.

1515 **St Bernard's School
Plans for re-housing**

Clerk: Question 455, the Hon. Mrs I M Ellul-Hammond.

1520 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education explain what plans he has for the re-housing of St Bernard's School?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1525 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Government is currently exploring a number of sites and options. A final decision on the re-housing of St Bernard's School has not yet been taken.

1530 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister confirm that the school *will* be re-housed, given the grave concerns that were highlighted by his colleague, the then Opposition spokesman for Education, at nearly every one of his Education Budget addresses?

Hon. G H Licudi: That is certainly the Government's intention.

1535 **Court Maintenance Orders**
Numbers breached and details

Clerk: Question 456, the Hon. J J Netto.

1540 **Hon. J J Netto:** Mr Speaker, can the Minister for Justice state how many Maintenance Court Orders are in breach for non-payment since this question was asked in Written Question No. 31/2012, broken down by sex and length of time, and in how many of these cases are the courts intending to enforce the Order, in accordance with Part V of the Magistrates' Court Act?

1545 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1550 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Magistrates' Court currently has 71 Maintenance Orders on its records. This is a reduction of 19, since I responded to Written Question 31/2012.

The court is aware that 10 are currently in breach, which is also a reduction from the 29 cases, since I last reported.

Of the 10 in breach that the court is aware of, the breach is due to non-payment by males.

I have a breakdown of the length of breach in these 10 cases that I am happy to pass to the hon. Member.

1555 **Hon. J J Netto:** Mr Speaker, I am grateful to the –

Hon. G H Licudi: Mr Speaker, I have not finished. There is still –

1560 **Hon. J J Netto:** Oh, sorry.

Hon. G H Licudi: I am midstream! *(Laughter)*

I am passing that information specifically in a table, but of the Maintenance Orders in breach, six are being considered for enforcement action by the court. The remainder are either subject to committal orders or enforcement has been stayed, pending a change of circumstances by the parties involved.

ANSWER TO QUESTION 456

Table 1: Breakdown of Maintenance Order breaches known to the court, by length of breach (month ending April 2012)

Number of cases	Length of time in breach
2	Not paying full amount
2	4 weeks
1	5 weeks
1	7 weeks
2	8 weeks
1	19 weeks
1	148 weeks
10	Total

1565 **Hon. J J Netto:** Mr Speaker, that does away with my supplementary questions, so that is fine! Thank you.

1570 **Complex criminal cases**
Cases other than fraud

Clerk: Question 457, the Hon. D A Feetham.

1575 **Hon. D A Feetham:** Mr Speaker, does the Minister for Justice accept that there can be complex or exceptionally difficult criminal cases other than fraud cases?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1580 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Yes, sir.

1585

**Crimes Act; Criminal Procedure and Evidence Act
Commencement by Government**

1590 **Clerk:** Question 458, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, when does the Minister for Justice envisage that the Government will be in a position to commence the Crimes Act and the Criminal Procedure and Evidence Act?

1595 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the Government is aiming to be in a position to commence the Crimes Act and the Criminal Procedure and Evidence Act on 1st October 2012.

1600 Perhaps it might be useful if I explained to the hon. Member and the House why that particular date.

The hon. Member will be aware of the previous questions that have been asked in relation to the Government's intention in respect of these Acts. I have made clear that some amendments will be necessary, particularly to the Criminal Procedure and Evidence Act, in relation, specifically, to the right to silence and some consequential amendments that would be necessary.

1605 The amendments which will be required are currently being drafted. We will have to publish a Bill and because it amends the Act, we will have to bring it to Parliament. It is envisaged that, because of the six weeks which are required for publication, it will not be possible to bring that amendment before the summer recess. Therefore, the first opportunity that will be available will probably be September this year.

1610 In the likelihood that that happens in the September sitting, then whatever changes are necessary will have been made and we will then be in a position to commence the Acts, as amended, on 1st October 2012. So that is the thinking as to why that particular date has been chosen.

Hon. D A Feetham: Yes, of course, in relation to the right to silence, the Government could take the course of action of not commencing those provisions relating to the right to silence. You could do it that way.

1615 But is the position that has been brought into the mix as well, the question of the age of consent? Does the Government envisage that there will be amendments to the Crimes Act consequential upon this issue of the age of consent and the Government's consultation exercise that it launched a number of weeks ago?

1620 **Hon. G H Licudi:** Mr Speaker, certainly, part of the consideration of this process in terms of the timing and commencement of the Act, is the issue, clearly, of the age of consent and the provisions, specifically, of the Crimes Act, which deal with those issues.

1625 As the hon. Member has indicated and knows, we issued a consultation process. The process finished on 9th May, as I seem to recall, and the Government is currently considering the representations that have been made during that process, so that a final decision can be taken. Whatever decision is taken, if there are any amendments, we will have time to make amendments and bring them to the House in September; but that will depend, clearly, on whatever the Government's decision is. It may be that there is no need for an amendment in relation to that specific issue.

1630

**Confiscation proceedings
Introduction of enabling legislation**

Clerk: Question 459, the Hon. D A Feetham.

1635

Hon. D A Feetham: Does the Government intend to introduce legislation allowing for confiscation proceedings to be brought to court, depriving defendants living a criminal lifestyle of the financial benefit that he or she has obtained from criminal conduct?

1640

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the confiscation of assets, where there has been a benefit obtained from criminal conduct, is already covered by two Acts in Gibraltar.

1645

Under the provisions of the Crime (Money Laundering and Proceeds) Act 2007, the court can make a confiscation order against a person following a conviction for an indictable offence, other than a drug trafficking offence, if it can be shown that the person concerned has, as a result of that offence, benefited from criminal conduct in the sum of at least £10,000.

1650

In addition, under the provisions of the Drug Trafficking Offences Act 1995, the court can make an order for confiscation of assets, if a person is convicted of a drug trafficking offence.

These two Acts also provide for the registration of external confiscation orders, if an application is made by a designated country and certain conditions are met. The Government is aware that, in the United Kingdom, there is provision under the Proceeds of Crime Act 2002, to seek the confiscation of assets which arise from criminal conduct, even if no criminal proceedings are brought against a person. The Government is currently considering the introduction of similar legislation for Gibraltar.

1655

Hon. D A Feetham: Yes, I did not mean the first two, because obviously I was aware that those are on the statute books. It is the latter.

1660

Is the Minister in a position to state at what stage the Government is at with consideration of introducing legislation similar to that in place in the United Kingdom in relation to the third aspect? Will he give an indication today to this House whether the Government feels that such legislation, or a similar type of legislation, is appropriate to be introduced here in Gibraltar?

1665

Hon. G H Licudi: Mr Speaker, with regard to the stage that we are at, we are at the stage of discussing with people within the criminal justice system about the need for such legislation in Gibraltar.

I would not want to give an indication of the final decision, because that final decision has not been made, but I can tell the hon. Member that a final decision will be taken imminently and if we decide to introduce legislation, then we will ask for the necessary drafts to be prepared. But this is being given very active consideration by the Government at this very minute.

1670

Hon. D A Feetham: Can he confirm that, apart from considering the legislation itself, that the Government has also considered the question of the resources that have to be in place in order to make something like this workable?

1675

Certainly, on this side of the House it is something which we considered during our four years, but it involved the ploughing in to a project of this nature of considerable resources and the pooling of resources from the RGP, Customs, from the Attorney General's Chambers, so there were resource implications in relation to this.

Can he confirm that that is something that he has also, or that the Government has also considered?

1680

Hon. G H Licudi: It is something that the Government *is* considering. It is part of the mix at the moment. The legislation is being considered – the *possibility* of the legislation is being considered. No final decision has been taken, but clearly the issue of what additional resources might be necessary in order to make such legislation work is a matter that is currently in the melting pot and being considered by the Government.

1685

Procedural

Hon. Chief Minister: Mr Speaker, I move that the House do now adjourn to Friday, 25th May at 4.45 p.m.

1690

Mr Speaker: I now propose the question, which is that this House do now adjourn to Friday, 25th May 2012, at 4.45 p.m.

I now put the question, which is that this House do now adjourn to Friday, 25th May 2012, at 4.45 p.m.

Those in favour. (**Members:** Aye.) Those against... Passed.

This House will now adjourn to Friday 25th May 2012 at 4.45 p.m.

The House adjourned at 11.27 a.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 4.45 p.m. – 5.50 p.m.

Gibraltar, Friday, 25th May 2012

The Gibraltar Parliament

The Parliament met at 4.45 p.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Questions for Oral Answer

ENTERPRISE, TRAINING AND EMPLOYMENT

GASA club premises
Meeting held by Hon. J J Bossano

Clerk: Sitting of Parliament, Friday, 25th May. Answers to Oral Questions continue.
Question 370/2012, the Hon. D A Feetham.

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Hon. D A Feetham: Well, we appear to have been relegated or exiled to the political equivalent of Siberia
– Friday afternoon at five o'clock!

Mr Speaker, was the meeting which the Minister of Employment held recently at the GASA club premises, where he addressed some fifty individuals, a meeting held by him in his capacity as Minister of Employment?

10 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): No, Mr Speaker.

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**Workers' Memorial Day event; May Day rally
Invitations to Minister for Employment**

20 **Clerk:** Question 371, the Hon. D A Feetham.

Hon. D A Feetham: Was the Minister for Employment invited by UNITE to the Workers' Memorial day event organised by UNITE in the Lobby of Parliament and by UNITE or the Government on the May Day rally?

25 **Mr Speaker:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Not to my knowledge, Mr Speaker.

30 **Hon. D A Feetham:** Does the hon. Gentleman not think it very odd indeed that he appears to have been the only person – Member of Parliament – not to have been invited, for example, to the Workers' Memorial day?

Does he not think that it is also even more odd that he has not been invited to the Government's *own* event held jointly with UNITE, the May Day rally?

35 **Hon. J J Bossano:** Mr Speaker, to my knowledge, these were public events which required no invitations.

Hon. D A Feetham: Mr Speaker, I was certainly invited to the Workers' Memorial day event and so were Members on this side of the House. Is it not the case that his non-attendance at both of these events shows an almost pathological dislike for the leadership of UNITE?

40 **Hon. J J Bossano:** No, Mr Speaker.

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**Companies employing trainees
Contracts with Employment and Training Company Limited**

50 **Clerk:** Question 373, the Hon. D A Feetham.

Hon. D A Feetham: How many companies have signed contracts with Employment and Training Company Limited agreeing to pay back the wages of a trainee if that trainee is not employed permanently by that company since the last question and answer session of Parliament?

55 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): As at the end of April, Mr Speaker, an additional 24 employers have signed the partnership agreement.

60 **Hon. D A Feetham:** So that is 29 in total?

Hon. J J Bossano: That is correct.

65 **Hon. D A Feetham:** Does the Hon. Minister still believe that he is on course to meet his now varied manifesto commitment of employing all those people on the unemployed list – there is another question on the Order Paper on that – that will be invited on to the Future Job Strategy, plus also all the remaining trainees in private companies?

70 **Hon. J J Bossano:** Well, Mr Speaker, the biggest difficulty we have got are the people that we inherited from the VTS Scheme, of whom there are still 226.

All the ones that have come in new have all got a job at the end of the training, because the employer selects the trainee, not us. We send him a group and he selects one. So, on that basis, clearly, I want to go as fast as it is possible to go, but this is demand led. I cannot go faster than there are employers willing to take trainees.

75 **Hon. D A Feetham:** Yes, but *he* devised this particular policy. We disagree on what exactly was promised to the electorate: *we* say that it was clear that what was promised was a job in a Government-owned company; you say no, the guarantee was a guarantee in a privately owned company.

80 Now, assuming the latter, is he happy that he is on course to be able to effectively meet what *he* says was the manifesto commitment, a guarantee of a job in a privately owned company for all those people that were trainees, effectively, that he inherited, plus also the unemployed by, for example, the end of the year, which is what he said in a recent *Viewpoint* programme that we both attended.

85 **Hon. J J Bossano:** What I said in the recent programme was, Mr Speaker, that, every month of this year, I would be able to report lower unemployment and higher employment levels. So there is a trend in which the numbers out of work are coming down and the numbers in work are going up and that is true of every month.

The speed at which that happens depends on the demand for labour in the economy, which we will not attempt to manipulate artificially. The jobs are there or they are not there. But certainly the response given, that this has been going on... The first people were required to sign up in March – five actually did it before they were required to do so, in February. There have been 24 further, coming up to 29, and what I am hoping, 90 and indeed confident, is that we will be signing them up at the rate of four or five a week. We will see whether that does the result that I want it to have.

95 **Hon. D A Feetham:** Do I detect another U-turn in the statement that the hon. Gentleman has made just a few moments ago, from the statement that he made in the *Viewpoint* programme, which is to eliminate unemployment by the end of the year?

100 **Hon. J J Bossano:** Mr Speaker, I do not know whether the hon. Member... The hon. Member seems to be so familiar with U-turns that he detects them at every corner! He can detect whatever he likes and maybe he is better at *detecting* than at being a politician.

I am telling him that, as far as I am concerned, I made it very clear that the unemployment would go down every month and the employment would go up. He can hardly expect me to be able to predict, without knowing how many of the people that are due to reach school leaving age this year, which we still do not know, are going to be joining the unemployment list or not. We will not know that until August, but it could be that we will be having a requirement for another 400 jobs, as a result of this year's school leavers – but it 105 could be 200.

Hon. D A Feetham: Yes, Mr Speaker, the hon. Gentleman is certainly giving me a lesson or two – or three or four – on how to perform political U-turns. That is for sure. But he has not answered my question.

110 My question is: is he in a position to say to this House, as he said to the people of Gibraltar on the *Viewpoint* programme, that he will eliminate unemployment by the end of the year? Yes or no?

Hon. J J Bossano: Mr Speaker, I did not say there will be zero unemployment in 2013, and if the hon. Member believes I said that, then he did not understand me properly or he is making it up, so that he can 115 accuse me of doing a U-turn.

But I can tell him one thing: I can *promise* him that the number of Gibraltarians in employment will be

higher than it ever was in the 15 years of the previous administration.

Several Members: Hear, hear! (*Applause*)

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**Gibraltar Development Corporation
Human Resources**

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Clerk: Question 374, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state whether there is a Human Resources Department of the GDC, the number of GDC employees in that Department, and the grades of those employees?

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Mr Speaker: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): No, Mr Speaker, there is no such department.

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Hon. D A Feetham: So is the position that the hon. Gentleman *is* effectively the Human Resource Department of the GDC?

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Hon. J J Bossano: Well, given that there was no such department in the last 15 years, that would only be true if the Hon. Mr Caruana had been the Human Resources manager of the GDC previously, which I do not suppose he was.

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Hon. D A Feetham: The hon. Gentleman knows that that is not the case, because there was a Human Resource Department of the GDC. It appeared on their letterheads and, in fact, Mrs Eleri Surrey was the person that effectively ran that Department. Whether Mrs Eleri Surrey was the only person within that Department, I cannot tell him, whether that is the case or not; but he knows, as well as I do, that in fact there was a department and that she effectively ran that Department.

Is that not the case?

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Hon. J J Bossano: There was one person employed, but there was no Department because there was nobody else there.

The person that he is talking about continues to be employed in the Human Resources Department –

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Hon. D A Feetham: Of the Government.

Hon. J J Bossano: – of the Government, because she chose to stay as a ring-fenced civil servant.

The Human Resources issues that require the use of that Department are accessed by the GDC from the Government, and the Government charges the GDC.

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Hon. D A Feetham: So can the hon. Gentleman confirm to this House that, effectively, he is the person who is fulfilling the role that would be otherwise fulfilled by a proper Human Resources Department; and that he is responsible, effectively, for making decisions of hiring and firing within the GDC?

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Hon. J J Bossano: Mr Speaker, how can I confirm that? I have just told him the very opposite!

I told him the GDC uses the Civil Service Human Resources Department when it needs to. What the hon. Member does not seem to understand is that the GDC does not employ anybody in any GDC activity. It supplies labour to Government departments.

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**Registered unemployed
Numbers as of 30th April 2012**

Clerk: Question 375, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state how many people were registered unemployed on 30th April 2012 between (a) 0-3 months; (b) 3-6 months; (c) 6-12 months; (d) 12-24 months; and (e) above 24 months?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, between zero and three months, 361; between three and six months, 132; between six and 12, 66; between 12 and 24 months, 46; and above two years, 35.

Hon. D A Feetham: Yes, the figure above two years is actually higher than when I last asked the question.

Can the hon. Member just enlighten the House as to why that is the case? Also, could he perhaps provide an explanation as to what he intends to do, in order to obviously ensure that these people are in gainful employment? It appears to me that, if a person is unemployed for longer than two years, there must be some very substantial reason for that, and I do not know whether the hon. Gentleman has actually made that analysis.

Hon. J J Bossano: Mr Speaker, I have got the answer that I gave him to 143/2012. That answer says, above 24 months, 35 – which is the same figure as this one. So it is not true or correct, shall we say, that in fact the figure is now higher than it was.

You would expect that if the same number of people in long-term unemployment are there, then the time that they have been there will grow with every passing month. They will have been there one more month. So, obviously, if the people who are in the 12 to 24 months do not get employed this month, next month some of those will have gone past the 24 months. The fact that they are in the higher category simply means that the group before them contains the same people, but the question has come three months later.

The other element that I think the hon. Member should take note of is that what the figures do indicate is that where there is greater movement, as one would expect, is in the people who have been under six months out of work – that is to say, they have been sufficiently recently out of work to be able to get... I think that there is more resistance on the part of employers to take somebody on, if he has been a very long time out of work, presumably for the same reason that the supplementary question has been phrased: is there something wrong with the person? There can be numbers of things. One of the things that can be wrong is that it is an older employee. For example, in the construction industry, we find that, after the age of 55, it is much more difficult to place people. Even though they have the experience, where it involves labouring work, clearly they are not going to be as capable of maintaining what is a tough job physically, as somebody who is in his 20s or 30s.

Apart from those characteristics, we have not done any other analysis, other than to monitor the extent to which the age groups are affected. But the facility of being able to place somebody with an employer and effectively have him employed for a number of months and paid for by the Government, does not have an age limit. So, in fact, not many, but a few, of the people in the longer term employed... One particular case in the last two weeks is somebody who had been for five years out of work, and we were able to place him somewhere, by using the Employment Training Scheme as a way of getting the employer to accept him and give him a trial.

Hon. D A Feetham: I understand that. I appreciate it is not an easy job, and I understand it.

I understand because, certainly when I was involved with the previous Minister for Employment in conducting an analysis in relation to long-term unemployed – and I have said this, I think, to the hon. Gentleman either in debate or on debates on television – a substantial proportion of those, for example, had criminal convictions which were preventing them from effectively accessing the job market in the same way as somebody without a criminal conviction, or there was certainly a handicap.

But does he not think that perhaps he ought to undertake that kind of analysis to, for example, find out or see whether you can come up with an analysis as to whether the rehabilitation of offenders legislation, which was only commenced – and I understand that – a couple of months ago, whether that is actually working – whether some of those people you were able to place because employers cannot refer to their criminal convictions and employees do not have an obligation to refer to them; or whether that piece of legislation needs further amendment?

I have always been of the view, although... When we introduced the legislation, we effectively adopted the UK model, I remember the hon. Gentleman saying, ‘There are all these exemptions – is this usual?’ he asked me during debate. I said, ‘We are adopting the UK model’. There are an awful lot of exemptions that may, in fact, not be appropriate for Gibraltar, whereby, for instance, somebody who might be employed in security or immigration, in theory those people have to disclose their criminal records, because they are caught by the Act, but it may strictly not be necessary.

Will the hon. Gentleman at least take on board what I am saying and conduct an analysis of these 35 individuals, to see whether, in fact, we are dealing with that kind of problem? I know that, after two months, it is again premature to look to determine with any certitude as to whether the rehabilitation of offenders legislation is, in fact, doing the job that it was designed to do, but certainly, I do think that that kind of analysis ought to be undertaken in relation to the 35, and perhaps even the 46.

And if I can ask you just another supplementary question, as well – and I apologise, I thought that it was slightly less than 35 last time round – but out of the 35 last time round, does he have a figure of how many of those 35 that were unemployed for more than two years, you have managed, or your department has actually managed, to find employment for with employers?

Hon. J J Bossano: I cannot give him a figure with certainty, but I think it is probably the case that about half a dozen have been removed from that group and half a dozen have joined it – it is not that it is the same 35 people.

Hon. G H Licudi: Mr Speaker, can I deal with the other point that the hon. Member makes in relation to the rehabilitation of offenders provisions, which have been commenced, which were the first part of the Criminal Proceedings and Evidence Act, which we commenced?

The hon. Member may well have a point that that list is extensive and, in a place like Gibraltar, we should look, but that is a specific list which was put together for Gibraltar purposes. It might be a UK model, but the *actual list* is a list of Gibraltar entities, Gibraltar agencies and therefore some thought must have been given to including or not including relevant entities in the list. But the point is that there may be a need to look at and revise the need, having regard to employment policy in particular, and that is an exercise that we will be happy to do.

But let me say this: the fact that a company or an agency or an entity is included in that particular list, does not preclude that person from employment. The effect of the Rehabilitation of Offenders Act is to set time limits at which a conviction becomes spent, and therefore cannot be taken into account at all. The fact that a conviction might not be spent does not preclude the person from obtaining employment. In other words, the fact that an entity is on a particular list is not a bar; it is certainly not a legal bar to entry into the employment market in that particular area. It simply means that a conviction is not spent.

I thought I would clarify this.

Hon. D A Feetham: No, I quite understand that. I drafted the list (*Laughter*), so I understand!

I understand, but what happened when we drafted the list, we effectively included within the list organisations or authorities that were equivalent to the ones that existed in the UK, so as near as possible UK equivalents.

Now, I am grateful to the hon. Gentleman that he says the Government is going to be looking at that, because certainly we would have done so, after a passage of time, to see how the legislation bedded down. I also, of course, accept the point that he makes that the fact that you disclose a criminal conviction does not mean, in theory, that the employer cannot or should refuse to employ that person, because clearly you could have a criminal conviction that occurred 15 or 20 years ago and, in fact, may not even be relevant to the job that you are applying for.

The reality of the situation actually is – this came to my attention when we were recruiting in some areas – that the Human Resource Department of the Government, in relation to privately owned companies, often

take the decision, if you have got a criminal record, you are not suitable for the post. You do not even get to interview. That is actually happening.

285 Now, the hon. Gentleman, if he is under the misapprehension that the system is operating in a particular way, he ought to perhaps have a meeting, himself and Mr Bossano, with the Human Resource Department of the Government, to actually pan this out, because it actually does not work that way in practice.

Hon. G H Licudi: Mr Speaker, what I have said is not how it is working in practice, but that it is not a *legal* bar to entry into the employment market, as a result of that particular provision.

290 **Hon. D A Feetham:** I have said that.

Hon. G H Licudi: Given that we agree with that, if there is a practical issue which needs to be addressed, then certainly that is a matter that we will be happy to look at.

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**Job vacancies
Numbers filled by registered unemployed since December 2011**

300 **Clerk:** Question 376, the Hon. D A Feetham.

Hon. D A Feetham: I think I have asked 376; it is 377.

305 **Mr Speaker:** No, it was 375.

Hon. D A Feetham: Yes, I beg your pardon.

310 Can the Minister for Employment state how many job vacancies have been filled since 11th December 2011 and how many of those vacancies have been filled by people who were registered as unemployed between (a) 0-3 months; (b) 3-6 months; (c) 6-12 months; (d) 12-24 months; and (e) above 24 months?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

315 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, the numbers employed between zero and three months were 2,442; from three to six months, 85; from six to 12 months, 30; from 12 to 24 months, six; and over 24 months, two.

320 **Employment Training Company Limited
Grants scheme for graduate trainees**

Clerk: Question 377, the Hon. D A Feetham.

325 **Hon. D A Feetham:** Can the Minister for Employment please provide details of the scheme announced to the Institute of Chartered Accountants of England and Wales (ICAEW) on the payment of £16,000 a year to graduates who wanted to change careers?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

330 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, there was no such scheme announced at the ICAEW meeting.

335 **Hon. D A Feetham:** Well, has he announced at any other meeting a scheme of this nature – or on any other occasion?

Hon. J J Bossano: No, Mr Speaker.

What happened at that meeting was that I explained to them how the existing ETCL and grad schemes work. Therefore, if people are graduates, they are on 50% above the minimum wage and if people are not graduates but have O- and A-levels, they are in the other scheme and that the accountancy firms would be able to access those schemes, if they wanted to use those schemes to recruit trainees – but it is not that there is a special scheme for accountants.

Hon. D A Feetham: Yes, it is the reporting of it that has been inaccurate.

Applying for jobs with Government Eligibility

Clerk: Question 378, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment say whether it is true that some people who have gone to the ETB to enquire about applying for jobs with a Government agency have been told that they were not eligible to apply because they were already working and had to be unemployed to be eligible?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): No, Mr Speaker.

Hon. D A Feetham: So the hon. Gentleman is saying that when somebody actually makes that allegation, and I have read it because somebody – I am not a member of Facebook myself, but somebody who is – printed out a thread in relation to this, where they said, where two people said that they had approached the ETB for a job that had been advertised in a Government agency, and had been told, ‘No, you have got to be unemployed in order to apply’.

So the Hon. Minister is saying that when those people say that, they are not telling the truth – is that the position?

Hon. J J Bossano: Well, either they are not telling the truth or they are deliberately lying for reasons best known to themselves or, in fact, they do not know what they are talking about. It can only be one of those three, because it is not possible for anybody to go to the ETB and say, ‘I want to apply for a job that has been advertised in the Government agency.’ If the job is advertised in the Government agency, apply to the agency! It is as simple as that.

Now, somebody may have gone and said, ‘I want to join the Employment Training Programme of the Government’, in ETCL, which is a Government company. Well, we do not encourage people to resign from a job in the private sector, so that we can then train them and send them back into the private sector, but unless that is the agency which they are talking about, the answer would have been there is no requirement to be unemployed in order to apply for a Government job.

Hon. D A Feetham: But is there not another potential scenario: that these two people are not lying; that they have been to the hon. Gentleman’s department and at the hon. Gentleman’s department, someone there has provided this particular answer? That is a possibility, is it not? They do not necessarily have to lie or not know what they are talking about.

Hon. J J Bossano: Well, I will tell you why it is not possible: because, frankly, all the people that are working in that Department have been working in that Department for a considerable number of years and I would expect them to know better than to say something which *manifestly* cannot be true.

I mean if somebody goes to the counter and says, ‘I want to apply for a job in a Government agency, which is advertised, *x y z*’, the answer he would get: ‘Apply to *x y z* – we do not take applications for Government agencies here, either from the employed or the unemployed.’

So to suggest to somebody, ‘If you were unemployed, we would accept your application, but because you

are not unemployed, we are not doing it', would show that the person that was answering that, if that were true, has not got a clue how the system works – which is how it has been working for the last 15 years and they have been there for that long. Somebody who has been in the job in the Employment Service for a few weeks might not know how these things work; but the people that are there, dealing with the counter all know – well, they have been doing it longer than I have! Why should they get it so wrong?

Hon. D A Feetham: No, I will tell them that the hon. Gentleman said that they were lying –

Hon. J J Bossano: No, Mr Speaker, I did not say that.

Hon. D A Feetham: That is what you said in Parliament!

Hon. J J Bossano: No, no, Mr Speaker.

Hon. D A Feetham: That is what you said!

Hon. J J Bossano: *No*, I have not said that!

Mr Speaker: No, there were three alternatives. (*Interjections*)

Hon. J J Bossano: If the hon. Member wants to quote me, then he should say, 'Either they are lying or they do not know what they are talking about or they have misunderstood what they were told.' (*Interjection*) Now, if he picked in the lying, maybe he knows the people well enough to know which one fits better.

Hon. D A Feetham: Well, he can rest assured that I will give him the two alternatives that he first gave, plus the third one that I postulated to him – that was not his own initiative. But aren't all vacancies advertised via the ETB, anyway – or not?

Hon. J J Bossano: No. There is a requirement to notify the Employment Service of a vacancy, and that requirement, in fact, carries a penalty, which the Department has frequently, since 9th December, imposed on Government departments which, in the last 15 years, were frequent abusers of the system and recruited people without opening the vacancies. That can no longer happen.

Therefore, whenever a Government agency advertises a vacancy, they do two things: they put an advert in the press and they place the information with the ETB. People will look and see that the vacancy is there and they can apply for it, or they see it in the press and they can apply for it. Normally, the vacancies require people to address the application to the employment entity, not to the ETB. The ETB does not accept applications from people.

Hon. D A Feetham: I quite understand that, but is it not the position that, when the vacancy is opened with the ETB, it is common that people will actually go to the ETB asking, 'Well, what are the vacancies that exist?' Is that not common?

Hon. J J Bossano: Mr. Speaker, the vacancies... There are boards on which there are 600 vacancies put up. It is a system that I am having reviewed because there is a constant stream of complaints from people that the vacancies do not get removed when they get filled because the employers do not get round to telling us, and people get sent from pillar to post – and that happens with both the public and the private – but at the moment the boards are still there, like they used to be, and at any one time there will be between 600 and 800 jobs on those boards.

Hon. D A Feetham: Yes, but your position is – and you have said it outside this House and inside this House – that, before, we had a system that did not work, now we have a system that works because vacancies have to be advertised, they have to be opened with the ETB and you do not have the situation where those vacancies are filled before they get to the ETB.

Ergo you have a situation where people can go to the ETB and find out what vacancies there are at the ETB. If that is the position, don't you think it is reasonable for somebody, if there is a vacancy in a

Government company or a Government agency, for that person to actually first make an enquiry from the ETB – hence, the answer that they got when they went to the ETB?

Hon. J J Bossano: No, Mr Speaker, I do not believe that that is true. The *ergo* is not the *ergo* that the hon. Member wants it to be.

The *ergo* is that, before, 80% of the jobs were filled first and notified afterwards, and now 20% are filled and notified afterwards. We have reversed those ratios, and that is what I have said on many previous occasions, or at least since it has started reversing, which was in about March or April this year.

The vacancies that are there. The people say, ‘I am interested in applying for this vacancy,’ and they get the address of the place that they have to apply to, public or private. Whether they are working or not working, there is nothing to stop anybody saying, ‘I am interested in applying for the job.’ In fact, the reality of it is that something like 70% of the jobs that are filled every month are filled by people who are not registered unemployed – 70%.

Future Job Strategy Eligibility of unemployed

Clerk: Question 379, the Hon. D A Feetham.

Hon. D A Feetham: Mr. Speaker, when will the Future Job Strategy be open to the unemployed?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, it has been open since 1st February 2012.

Hon. D A Feetham: Mr Speaker, does the hon. Gentleman not agree that cannot possibly be the case in the light of the answers to questions given at the time when I asked about this and he said that the Future Job Strategy would first start with those who were in training, would only become open to the unemployed in the summer, and in the summer it would become open to the unemployed effectively by invitation. In other words, if that person comes to the ETB and says, ‘I have an employer who is willing to take me on as a trainee’ or, alternatively, your department matches that person with a willing employer, what is it? Is it the answer that he has given today, or the answer that he gave to me in February?

Hon. J J Bossano: The answer is that, since 1st February, the people who have got job guarantees are, in the main, the people who have joined after 1st February and not from the VTS. I have already told him in several meetings, Mr Speaker, that the ones we are having most difficulty in placing, for the very obvious reason that the employer was not involved in selecting the individual, are the people who were there already, whom we do not want to put back on the unemployment list and we are still carrying them, hopefully finding them a slot.

But, in fact, in February, in March and in April, in those 24 new employers that I have mentioned, the five original ones in February were five employers who took people from the existing VTS pool, and the 24 that have taken on trainees subsequently are all people who were not in the original pool and they have taken them from the unemployment list.

Hon. D A Feetham: What is the unemployment figure, can you remind the House, at the present moment?

Hon. J J Bossano: The unemployment is in the region of 1,200.

Hon. D A Feetham: Does he not accept that he has an obligation, which was the promise that he made at the last General Election, of allowing all those unemployed people onto the Future Job Strategy, enabling them to earn the minimum wage?

Hon. J J Bossano: Mr. Speaker, the hon. Member first of all accused me, during the Election, of bringing about the ruin of Gibraltar by saying I was promising to do what I was not promising to do, and now he is urging me to do something which he described then as the ruin of Gibraltar – that is to take 1,000 people, pay them £1,000 a month, even though I have got no work to give them.

The people who are being taken in the Scheme are being taken in the Scheme because what we do is we match the unemployed with the vacancies. We call up the employers, we send them people we have pre-selected in the department, and then the employer says, ‘I want to keep so-and-so and so-and-so,’ and then we take that person into the company and we pay them the £1,000. That system ensures that all the concerns the hon. Member had about ruining Gibraltar are no longer true. Therefore, since he wants to be able to attack me, he will attack me if I do it for ruining Gibraltar, and if I do not do it, for letting down the people who are unemployed.

I can promise him there will be less people unemployed than there were on 8th December, come next 8th December. There will be more Gibraltarians working on 8th December than there were last year, and that that progress will continue throughout the next four years. *(Applause)* That may not be enough for him, but it is a lot more than the previous administration, of which he is so proud that he defends their entire 15 years, including the eight years before that he used to attack –

Hon. D A Feetham: The short *[inaudible]*.

Hon. J J Bossano: They did not do it. As simple as that.

Hon. D A Feetham: Mr Speaker, every single time that the hon. Gentleman feels uncomfortable with the questions he is asked, he refers to my political past. Let me tell the hon. Gentleman *(Interjection)* that he is going to feel *far* more uncomfortable with my questions during the course of the next four years. Let me tell him that.

Why did the hon. Gentleman not speak to the people of Gibraltar with the candour that he has spoken with in the House today, which is, ‘Look, I’m sorry, I cannot employ 1,200 people, because it’s the ruin of Gibraltar.’ Why didn’t you do that?

Hon. J J Bossano: Mr Speaker, I have not said I cannot employ 1,000 people because it is the ruin of Gibraltar. I am saying that he claimed in the Election... The hon. Member seems to think that he is entitled to make allegations of things that I am supposed to have said, that I have not said, and attack me for those things which he has invented, but I am not entitled, on this side – and I was not entitled when I was on *that* side – to say to anybody on the other side of the House anything about anything they have said in the past.

If the hon. Member chooses, in his latest reincarnation, to be critical of everything that the GSLP did, even when he was in the GSLP, and to praise everything that the GSD did, even when he was attacking it. *(Laughter)* I am entitled to remind the people of Gibraltar of that, and that is all I am doing. It is not that I am worried or affected by his presence here to the extent that I have to react by reminding people of his past – the people of Gibraltar know his past as well as I do – but he chooses to say that I said something before, and I am as entitled to remind him of the things that *he* said when he had different views. Or is he the only one who has got the prerogative to do that?

The answer is he said that to do what he is egging me to do now would be the ruin of Gibraltar, and therefore... It was never going to be the ruin of Gibraltar, because I never said that is what we would do. I said that people would get a job in a Government company, and they have got it. There are 500, or 400, or 350 people in there at one time. The people will only be put in there not so that we can send a pay cheque to their house while they are unemployed, because that would simply mean that we would increase the unemployment benefit to £1,000 a month and make it limitless in time, and that was never anything that we committed ourselves to doing. What we committed ourselves to was addressing the employment problems that we inherited, which they claimed did not exist. It was only in the Election campaign for the first time that, in order to attack what the Scheme would cost, they themselves revealed that they were well aware that there were 1,100 out of work, because the hon. Member was the one who put in the *Chronicle* ‘it will cost £11 million’, and if you are going to pay £1,000 a month, then that is what £11 million represents – 1,100. It was as a result of that knowledge being made public that we realised that the 400 figure was only the tip of the iceberg.

Hon. D A Feetham: Yes. The reason why I referred to the £11 million – and it is true it was my figure; I am glad that the hon. Gentleman recognises that it was an accurate figure, at the very least –

Hon. J J Bossano: It was a bit more, actually.

Hon. D A Feetham: – was because, in the hon. Gentleman's manifesto, he committed himself to employing 450 people who were on existing training schemes, those on sheltered employment, plus those on the unemployment list, which was 421. That is where the figure of 1,100 came from.

In other words, I was taking my cue from the promises that *he* made to the people of Gibraltar, which was to employ 1,100 people in a Government-owned company; hence, my arguments that you were on the road to ruining Gibraltar. But, look, what is it? Is it ruining Gibraltar to employ all these 1,100 people, or is it not ruining Gibraltar employing 1,100 people? Does he plan to allow these people onto the Future Job Strategy Scheme, or is he going to continue to break promises to the unemployed of Gibraltar because *he* is the socialist Minister for Employment?

Hon. J J Bossano: I am glad at least we agree on the last bit of that: (*Laughter*) I *am* the socialist Minister for Employment.

Mr Speaker, in the statistics he has forgotten one tiny element: as well as all those components that he mentioned, there were 60 on the waiting list at Bleak House which did not appear in any other category and presumably were treated as non-existent. That is, they were not unemployed because they were waiting to be put on the VTS, which gave them no security, no future, £400 a month.

However many failings he may want to find in what is there now, I can tell him that the people who are in and the people who are looking forward to being in do not agree with him and think we have done more in the last five months to improve their prospects of getting a job than was done for them before, and that the judgement of that only time will tell.

I am happy that he should bring the matter up every month and give me an opportunity to update the people of Gibraltar on the progress that we are making, and I can promise him that every month the figure will show an improvement. That may not be enough for him, because presumably he would prefer that it was not so.

Hon. D A Feetham: Just one final question: does he sleep well at night for breaking his promises to the unemployed of Gibraltar?

Several Members: Shame!

Hon. J J Bossano: Mr Speaker, I have never slept better since the day that he left the GSLP! (*Laughter and applause*)

Future Job Strategy Trainees temping in GDC

Clerk: Question 380, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state how many trainees under the Future Job Strategy are temporarily filling vacant jobs within the GDC?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): There are none.

Hon. D A Feetham: Yes, I can see that with the hon. Gentleman I have got to be as precise as possible, otherwise he will not answer my question, despite the fact that he understands perfectly well where I am coming from and what the question is.

What about in relation to filling vacant jobs within Government agencies or Government companies?

Hon. J J Bossano: None, Mr Speaker.

615 **Hon. D A Feetham:** And within the public service generally?

Hon. J J Bossano: None, Mr Speaker.

620 All the people who are in Government areas... I have explained to him many times, but the hon. Member either does not want to understand the answers that he is being given, or maybe he is being misguided by things that other people tell him.

625 I have told him that we have got 226 VTS. VTS inherited 226. Of those, 83 are still left in the private sector. The remainder, whom we are paying, we have distributed in public entities, not because there are vacancies – the vacancies are not there. If and when a vacancy happens, the vacancy is opened and everybody, including the people who are ex-VTS or anything else, are entitled to apply, just like people who are working are entitled to apply, but it is *not* the case that they are filling any vacancies. They are all supernumerary, the posts that are there.

630 In the case of the GDC, for example, the lowest entry grade is Grade 1, AA. We have got young people in the Employment Service and elsewhere under the GDC, but the vacancies are now currently being advertised and filled. They are not debarred from applying, but they are not guaranteed that they are going to get it.

Hon. D A Feetham: So can the hon. Gentleman confirm that it is not Government policy, nor that the Government will, in future, allow trainees to temporarily fill vacant jobs within all the organisations – I do not want to repeat them – that I have mentioned in my question earlier?

635 **Hon. J J Bossano:** Mr Speaker, I do not think I have to give any guarantees about anything that is going to happen in the future. I can tell him the policy is not that and that, in any event, the hon. Member does not understand that any jobs above the entry grade can only be filled from the existing permanent staff. It does not go out of the Service. We do not import people in higher jobs in the system.

640 Therefore, the only grades that can be filled are Grade 1 jobs. The Grade 1 jobs that exist are currently being advertised. Notwithstanding the fact that there have been people, for example, in the Employment Service, there are no Grade 1 vacancies, so all the guys who are there cannot be filling Grade 1 vacancies because none exist – all the Grade 1s are full, and that is true of everywhere else.

645 The only place where there is an automatic job guarantee at the end of the training is in the Health and Social Care, in the courses, some of which were already in place and, as far as I am concerned, I imagine that it was always the intention that if you are sending somebody to the School of Nursing it is in order to employ them at the end of the training, although we found that some of the people who were being paid as VTS, the £400, to be nursing assistants, were at the end of the training sent home and a new lot taken in. Therefore we found, in the Health Service, that in 2011, in effect, VTS on £400 were being used as filling vacancies in the wards, but when they finished their training they were replaced by a fresh lot. That has been brought to an end, and therefore all the people who are training in those areas are being offered a job, for the very simple reason there is no other health authority for them to go to.

650 You cannot treat the School of Nursing as training nurses and putting them on the market. The only guy in the market who is buying is the Health Authority. But if we are training somebody to do clerical work, then there are a thousand clerical jobs in the economy of Gibraltar and therefore the training that he gets with us, or with a private sector firm, for as long as we are... With this mix that we have inherited – people without guaranteed jobs and we have got people with guaranteed jobs – we are trying to give priority, as far as we can, in trying to persuade employers to access, first and foremost, the people who were there before February. Unfortunately, we are not being as successful for the reasons that I have explained. Those people were selected by Bleak House.

660 The employers now have an input before the selection takes place. Because they have that input, they are more keen to select for themselves than to be told who they have to take on. Apart from that, the only exception to the system is in the case of training for nursing assistants or care assistants or registered nurses. That is the only area where, automatically, the trainees will get a job at the end.

665 **Hon. D A Feetham:** Yes, and can he also confirm that no vacancies will be held back because there are

trainees in supernumerary posts that may be doing, between them, the work that may have been required by the vacancy? Could you also tell this House that the Government is not going to go down that road?

670 **Hon. J J Bossano:** Mr Speaker, we inherited 90 vacant posts in the Civil Service, which we are now in the process of filling. I do not know whether the previous Government was holding them up for us to fill them or holding them up for some other reason, but held up they were. It is not the intention to perpetuate the policy of the previous administration in holding jobs up.

675 In areas like the Care Agency or the Health Service where, in fact, the manning levels are determined by the number of beds that are occupied, we will continue with the previously announced policy of employing short-term contracts in order to match the contract termination dates with the completion of the training programmes.

680 **Hon. D A Feetham:** Yes, and two more questions: can he also confirm to this House that there is no intention to dumb down the entry requirements into the public service, be it in the Civil Service or within agencies or Government-owned companies; and has he had any meetings with Mr Tampin – GGCA’s union leader – in relation to the issue of cadets and Civil Service posts?

685 **Hon. J J Bossano:** The last time I met Mr Tampin was at Forty Steps on my way here, but we did not talk about any of those. I think I have not had a meeting, before that, for a very long time with him – I think probably around Christmas – but then I do not deal with industrial relations, as I have told the hon. Member many times. So, when we meet, we talk about the weather, we talk about this, we talk about that, but not about any of the issues that the hon. Member has referred to.

As regards ‘tamping’ down or ‘tamping’ up... Was it ‘tamping’ or ‘dumping’?

690 **Mr Speaker:** Dumbing down, he said.

Hon. J J Bossano: Dumping?

695 **Mr Speaker:** Dumbing.

Hon. J J Bossano: I do not understand the terminology.

700 Certainly, my view is the fact that somebody may have, for example, a GCSE in mathematics, does not necessarily make him a better information officer in the coach park and, therefore, the relevance of some of these things is questionable, as far as I am concerned, in being an indicator of how good a civil servant or public servant the person is going to be. In my view, in fact, the more opportunities that we give for everybody to apply, the better – the more choice the employer has and the more chances the individual has to progress.

705 **Hon. D A Feetham:** Yes, I know precisely what your views are in relation to this and, if the Chief Minister allowed you to get your way, precisely what your intentions would be. But I have asked you about Government policy: you are here to explain Government policy.

I am repeating the question –

710 **Hon. J J Bossano:** No, Mr Speaker, I... If he –

Hon. D A Feetham: Is there a point of order?

715 **Hon. J J Bossano:** Mr Speaker, on a point of order, the Member is entitled to ask me about the things for which I am responsible. If he says that the Chief Minister will allow me or not allow me to do something which I may or may not like, then in fact what he is saying is that is not my responsibility but the Chief Minister’s responsibility, and therefore he should address the question to him.

I do not set the entry requirements for the Civil Service or anything else, so either he asks me for my *opinion* or he asks the person responsible for the policy.

720 **Hon. D A Feetham:** Mr Speaker, just in response to the rather nervous point of order that the hon.

Gentleman has made, the Chief Minister of Gibraltar could very well overrule any Minister in relation to *any* area within his ministerial responsibility, because the Chief Minister of Gibraltar has the authority to do that, so there is no inconsistency between the question that I have asked him and the answer.

725 Is the position this: that the hon. Gentleman himself, his own preference is effectively yes for a dumbing-down of the entrance requirements into the public service? Is that what he is saying?

Hon. J J Bossano: No, I am not saying that, Mr Speaker, because I refuse to allow the hon. Member to put words in my mouth. I will not express myself in the terminology that he uses.

730 What I have said to him is that I myself question the necessity for somebody... For example, if you want an information officer to produce leaflets for tourists, you might decide that you want everybody to have a university degree to do that, but it is questionable whether that is a necessity or whether necessarily the person with the degree would do a better job than one who has not. That is a matter of judgement and a view that I have expressed.

735 I am not responsible for 'dumping' or 'undumping' or upping or lowering anything to do with entry requirements, and therefore, since it is not something that comes under my ministerial responsibility, the hon. Member is not entitled to ask me and I have got no obligation to answer him.

740 **Hon. D A Feetham:** Can he not tell me whether it is Government policy whether the views that he has expressed today to me, very candidly – and I thank him for the candour that he has shown in the answer to the question that I have asked – can he not at least say whether those views represent Government policy, or not?

Hon. J J Bossano: Mr Speaker, I am not here to give him a statement of Government policy in an area over which I am not responsible.

745 I have equally clear views on education, the need for so many lawyers, the medical services, and I can spend a lot of time, if he wants, sharing my views – because, clearly, since he has not had an opportunity to hear it for so many years since he left us, it may be an opportunity to update him – but he knows that my views are fairly steady over the passage of time, so I do not think he should be surprised by anything that I tell him now. But that does not mean that he can try and seek that to convert it into a rift on policy – heaven forbid – between me and anybody else, and the fact that he thinks that the Chief Minister can, at the blink of an eyelid, overrule everybody, does not surprise me at all. He may well have experienced that in practice. (Laughter).

Hon. D A Feetham: Yes, the signs of a rift between him and the Chief Minister, he says. (Laughter).

755 But look, every time I hit a raw nerve and every time I make the hon. Gentleman nervous with a question, he brings up my political past. I know that the hon. Gentleman is nervous with my questions. In fact, it gratifies me that the hon. Gentleman refers to my political past, because I know that my questions are having the desired effect and it is making the hon. Gentleman nervous.

760 But is not the position this: that the hon. Gentleman *does* intend to dumb down entrance requirements to the public service generally, because he has all these people unemployed and all these people on training schemes that he promised, at the last Election, to employ them at the minimum wage? Isn't that the case?

765 **Hon. J J Bossano:** No, Mr Speaker, but I am glad that he has now revealed his own twisted thinking on the matter, which has led him to all these questions. Before, I was being candid in giving him my views because I thought this was a genuine exchange and he wanted to know how I felt about something or other. Now it turns out that it had nothing to do with that. What he has now invented, and will no doubt propagate, is that what we are trying to do is to allow everybody, without qualifications, into the public service, as if the public service could absorb another thousand people. That shows –

770 **Hon. D A Feetham:** That's what you promised at the last Election.

775 **Hon. J J Bossano:** That is what *you* say I promised at the last Election, Mr Speaker, and which you said would ruin Gibraltar. So now, first of all, he says I was going to ruin Gibraltar by putting a thousand people in. Then, he attacks me because he says now I am not going to do it anymore and therefore I am going back! And now he goes back to accusing me that I am going to do it and I am now taking the entry qualifications away so that I can put a thousand people in and ruin Gibraltar!

Look, Gibraltar is not going to be ruined by anything we do in employment, or in the debt over which you used to be so concerned, or in the management of the public finances. I can tell the hon. Member that if he thinks that my answers are making me nervous and that is why I am reminding him of the contradictions in the statements that he makes and the way that he used to express himself before, then if that is the measure of his powers of analysis he must be as wrong about 99% of the stuff he says as he is wrong about that, because on that point he is completely wrong.

He does not make me nervous. I just remind him of things because he chooses to say things that compare the present with the past, and every time he does that I will take advantage of the opportunity that he gives me to also compare his present and his past position. We all have to live with the things we have said before, including him.

Hon. D A Feetham: Indeed we do.

Just one final supplementary: does he not accept that all the things that I have said to him about what he promised in the Future Job Strategy – that he *did* say it, that he has not done it and he simply will not concede the point – that is the reality, isn't it?

Hon. J J Bossano: Mr Speaker, I will not concede the point, which is that he chooses to invent what I have said and then expects me to admit it, and he expects me to admit it on the premise, presumably, that if he asks me the same thing enough times he will wear me down and I will eventually say yes. Well, the answer is no, I do not accept *anything* he says. I do not accept...

If he wants me to predict it, I can tell him I will not accept anything he says in the next three and a half years. (*Laughter*)

Clerk: That concludes answers to Oral Questions.

Questions for Written Answer

Clerk: Answers to Written Questions, the Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr. J J Garcia): Mr Speaker, I have the honour to lay on the table the answers to Written Questions 78-94/2012.

Procedural

Clerk: The Hon. the Deputy Chief Minister.

Hon. Deputy Chief Minister: Mr Speaker, I have the honour to move that this House do now adjourn *sine die*.

Mr Speaker: I now propose the question, which is that this House do now adjourn *sine die*.
I now put the question, which is that this House do now adjourn *sine die*.
Those in favour. (**Members:** Aye.) Those against. Passed.
This House will now adjourn *sine die*.

The House adjourned at 5.50 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.15 a.m. – 1.00 p.m.

Gibraltar, Thursday, 21st June 2012

The Gibraltar Parliament

The Parliament met at 9.15 a.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

PRAYER

Mr Speaker

Order of the Day

Clerk: Meeting of Parliament, Thursday, 21st June 2012.

Confirmation of Minutes – the Minutes of the last meeting of Parliament held on 17th, 18th, 22nd and 25th May 2012.

5

Mr Speaker: May I sign the Minutes as correct?

It was agreed.

10 **Mr Speaker:** Thank you.

Clerk: (iii) Communications from the Chair.
(iv) Petitions.
(v) Announcements.
15 The Hon. the Chief Minister.

**Appropriation Bill
To be taken on 5th July**

20 **Chief Minister (Hon. F R Picardo):** Mr Speaker, in order to make the life of Members of this House on both sides easier and to advise members of the general public, I wish to announce that the Appropriation Bill will be dealt with on 5th July.
25 That is the Government's intention.

Mr Speaker: Thank you.

30 **Papers laid**

Clerk: (vi) Papers to be laid.
The Hon. the Minister for Health and the Environment.

35 **Minister for Health and the Environment (Hon. Dr. J.E. Cortes):** Mr Speaker, I have the honour to lay on the table a Command Paper on a draft Bill for the Smoke-Free Environment Act 2012.

Mr Speaker: Ordered to lie.

40 **Clerk:** The Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): I have the honour to lay on the table a Command Paper on a draft Bill for the Employment (Public Interest Disclosure) Act 2012.

45 **Mr Speaker:** Ordered to lie.

Clerk: The Hon. the Minister for Tourism, Public Transport and the Port.

50 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I have the honour to lay on the table the following reports:
The Tourist Survey Report 2011 and the Hotel Occupancy Survey Report 2011.

Mr Speaker: Ordered to lie.
55 And I have the honour to report that, in accordance with Standing Order 12(3), the Ombudsman's Annual Report for the year ended 31st December 2011 has been submitted to Parliament and I now rule that it has been laid on the table.

Clerk: (vii) Reports of Committees.
60 (viii) Answers to Oral Questions.

**40th anniversary of first election to House
Congratulations to Hon. J J Bossano**

Hon. D A Feetham: Mr Speaker, before we start with Answers to Oral Questions, and taking my cue from the oath to lay aside partial prejudices – may I congratulate the Hon. the Minister for Employment, Mr Bossano, on his 40th anniversary of first being elected to this House.

He was elected to the House, of course, on 23rd June 1972, so Saturday will be his 40th year since he was first elected, and we hope, certainly, that he remains a Member of this House for many years to come. *(Applause)*

Chief Minister (Hon. F R Picardo): Mr Speaker, it is very much on the agenda that that is a matter to be mentioned during the course of this meeting of this House.

We have not yet got to that date and that is why the anniversary was not yet current but, certainly, an issue that the Government was – without consulting Mr Bossano, who would otherwise have *ensured* that nobody in the Government said a word... An issue that is very much on the Government's agenda but, given the opportunity that the hon. Gentleman raises the issue now, and in the absence of the Leader of the Opposition – which is unfortunate, because I am sure he would have wanted to join all of the House on this occasion – I want to record that there are few public servants in Gibraltar's history who have given as much for Gibraltar as the Hon. Minister for Employment, the Hon. Joe Bossano, has given.

It is, indeed, incredible that somebody could have given 40 years of their life to be in this Parliament in an uninterrupted manner: not just because of the level of commitment that that reflects, on the part of the Member, but also in respect of the level of support that he enjoys in the community, as a result of the selfless way that he has conducted himself in politics since the very day that he was elected.

In the time that I have had to prepare for my speeches at the United Nations – both as the Leader of the Opposition and as Chief Minister in recent weeks and, last year, as Leader of the Opposition, I had occasion to review the speeches made both by the now Leader of the Opposition and by the now Minister for Employment. In reading the speeches of the Hon. Mr Bossano, it became clear that his pull to politics was never about personal ambition and it was all about defending Gibraltar's place in the world. Part of what he said at the Quito seminar and part of what he said when he first addressed the United Nations, and made that a regular occurrence from 1991 or 1992, was to say that he was drawn to politics by the battle for self-determination in the 1960's.

Anybody who works with him, or knows him well, will know that that is still the main motivation that drives him in politics, as well as protecting the rights of those who are less well-off in our society and those who are now the subject of his Ministry in respect of employment. I think everybody in this House is humbled by the contribution that Joe Bossano has made today, and will continue to make to the life of this community and to the life of this Parliament.

I pause there, Mr Speaker, also to record that it is 40 years on the 23rd that Mr Adolfo Canepa was also elected to this House who, Mr Speaker will know that, given your own announcement about when you will be standing down, will, I hope, shortly be taking over as Speaker in the October session. That both Mr Canepa and Mr Bossano were elected on the same day in the same election, shows – and I say this for myself, not for anybody else – that the calibre of man that was elected to this House 40 years ago is much better than the men that find themselves here today – in my own humble opinion about myself... *(Applause)*.

Hon. D A Feetham: If of course, I had been aware of the Government's agenda and the Government's intention to make a statement about Mr Bossano's 40th year of his election... *(Interjection)* I would, of course, have allowed the Chief Minister to lead on the issue – he can be assured about that.

But, Mr Speaker, I also wish to add that, of course, I have discussed it with the Leader of the Opposition, and the Leader of the Opposition wishes to associate himself entirely with my words.

Thank you very much.

Mr Speaker: The Hon. Joe Bossano.

Hon. J J Bossano: Well, Mr Speaker, all I can say is that I am speechless for the first time in 40 years! *(Laughter)*

120 **Mr Speaker:** Incredible.

Hon. J J Bossano: And that certainly, if there was a democratic process the victim should have been consulted and I would have then exercised my right to veto this!

125 **Chief Minister (Hon. F R Picardo):** No collegiate government...

Hon. J J Bossano: This is the second time they play a dirty trick on me. The last time was when they put me in that chair. (*Laughter*).

130 I hope this is not going to be a sign of things to come, otherwise I will not stay the 20 years that I promised that I would! I am very grateful for the Opposition, in particular that, we can all consider that whether we agree with each other or not on every item on policy, we are all here to defend Gibraltar.

Thank you. (*Applause*).

135

Questions for Oral Answer

TOURISM, PUBLIC TRANSPORT AND THE PORT

140 **Tourist Map of Gibraltar**
Installation of map dispensers

The Clerk: Answers to Oral Questions.

145 Question Number 486/2012, the Hon. D J Bossino.

Hon. D J Bossino: Mr Speaker, yes, now for more mundane matters.

Can the Minister for Tourism, Public Transport and the Port, advise when the initiative to install the Tourist Map of Gibraltar and location map dispensers was taken?

150 **The Clerk:** Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, this initiative was taken by a company named Cityscape Maps Ltd of the United Kingdom in a proposal made to the previous Government in 2009.

155 The company continued working with the Town Planner and the Gibraltar Tourist Board on this project, together with the Ministry of Tourism, Public Transport and the Port and the Office of the Deputy Chief Minister. The licence to install and operate the map dispensers was approved and signed by LPS on the 1st February of this year.

160 **Hon. D J Bossino:** Mr Speaker, just by way of a very short preamble can I congratulate the Minister for proceeding with what was, in fact, by the timeline that he has just enunciated to this House, a GSD initiative. But does he have any feedback from tourists and the like – is it possible to collate what the response has been to the maps and the map dispensers?

165 **Hon. N F Costa:** Yes, Mr Speaker, so far the feedback has been quite positive. There have been the usual representations about spelling mistakes here and there, and the fact that the maps do not have a spot of 'you are here' at the location – that has been the recurrent criticism. But, other than that, the fact is that they have been quite well received.

170 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, are there plans to signal a 'you are here' point on the maps?

Hon. N F Costa: Well, Mr Speaker, following the production of the map and after having spotted a few spelling mistakes, and the absence of that spot, I have asked that, at the next run, the map is produced to the Ministry before it is actually printed. Not just for the spelling mistakes but for things like the spots, which indicates where the person is.

Beach refurbishment programme Details of work and cost

The Clerk: Question 487, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port provide details of the refurbishment programme to the beaches he announced would take place to include details of the beaches it encompassed, the start and end date of the programme, particulars of the works to be carried out at each beach and its cost, broken down in respect of each beach?

The Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, the details of the refurbishment programme, particulars of the work carried out at each beach and its cost are provided in the schedule I now hand over to the hon. Member.

SCHEDULE TO QUESTION NO 487/2012

Beaches Expenditure 2012 (FROM JANUARY TO 13TH JUNE 2012)

	LITTLE BAY	CAMP BAY	EASTERN BAY	WESTERN BEACH	SANDY BAY	CATALAN BAY	ALL BEACHES	TOTAL
EQUIPMENT		£399.00					£2,604.82	£3,003.82
REPAIRS	£53,706.14	£26,438.20	£1,741.24		£6,303.14	£1,206.00	£1,321.10	£90,715.82
GENERAL				£20,000.00			£2,507.55	£22,507.55
SERVICES	£10,000.00	£300.20	£275.00		£540.00			£11,115.20
MATERIALS	£31.50			£535.00			£6,997.26	£7,563.76
TOTAL	£63,737.64	£27,137.40	£2,016.24	£20,535.00	£6,843.14	£1,206.00	£13,430.73	£134,906.15

The following are some of the extraordinary works/services included within the above schedule:

1 Lifeguard uniforms	£2,507.55
2 Repairs to lifeguard boats	£900.00
3 Repairs / servicing of outboard engines	£421.10
4 Binoculars for LGs	£299.50
5 First order of 1st Aid stock for LG posts	£1,298.50
6 Repairs to LG posts switches and sockets	£209.93
	£399.00

Cont.....

CONT. SCHEDULE TO QUESTION NO 487/2012

7 Disabled toilet fittings Camp Bay	
8 Painting of pools at Camp Bay and Little Bay and necessary repairs	£28,001.84
9 Erection of new railings on bottom two tiers at Little Bay and extensive repairs to damaged promenade sections	£50,492.50
10 Beach lighting at Little Bay	£10,000.00
11 Pinewood planks to repair walkways (Eastern Beach, Catalan Bay, Western Beach)	£385.00
12 Relocation of Western Beach toilets (These works are to be charged as part of the reclamation programme)	£20,000.00
13 Repairs to verandas and beach access stairs at Eastern Beach facilities	£1,741.24
14 Transportation of LG post from W. Beach to Sandy Bay and placing on location	£540.00
15 Sandy Bay umbrella store, wooden stairs and closure of the concrete access ramp	£6,303.14
16 PVC cladding of toilets at Catalan Bay North	£1,206.00
	£124,705.30

Point no. 10 represents an approximate cost as GibElec still have additional associated works which need to be verified.

We have also been furnished with a new lifeguard boat store at Eastern Beach, capable of holding two vessels mounted on their corresponding trailers. This structure has been constructed as part of the on-going refurbishment and beautification programme of Eastern Beach. We have no costing for these works.

Whilst the schedule is being handed over, Mr Speaker, since the Government took office in December of last year, it has been working to improve the facilities that are available on Gibraltar's beaches. Innovations of this year include weekly cleaning of the beaches from 1st February of this year up to the Easter holidays. The beaches were cleaned twice monthly before, after 1st February, then three times a week from Easter until 28th April, when they have been cleaned daily since.

We have made provision and servicing of beach bins as from Easter. We have re-positioned the toilets at Western Beach to the entrance, where it was previously 200 metres away in a small car park. There has also been the laying of beach walkways at all beaches from mid May, which is earlier in the season than usual. There has been extra access at the beach at Sandy Bay. There has been the purchase of new lifeguard boats, that will, I am told, arrive in around two weeks time. There has also been the erection of new beach front railings at Little Bay, on both levels. There has also been the provision of street lighting in public areas at Little Bay, where none have existed before. There has also been the extra beach concession kiosk at the north end of Eastern Beach and the employment of senior lifeguards to improve the service.

Mr Speaker, the beaches on the eastern side have been operational since the Easter weekend whilst both Camp Bay and Little Bay are kept open all year round. This means that many of the refurbishment works carried out were of a routine nature, with a specific focus on building up to the official bathing season. With this in mind, many of the costs are shared by all of the beaches, which include items like paint, cement, sand, plumbing equipment etc. There is also generic refurbishment work carried out at all of the beaches and involves the relaying of buoys, walkways, refurbishment work by the GTB maintenance team that carry out the replacement cost of part of the toilets and changing rooms, lifeguards posts and store rooms.

Lastly, Mr Speaker, as I have just mentioned, there have been specific major works carried out that involve either Government or external agencies and contractors. These include, for example, the replacement of railings and the provision of street lighting at Little Bay or the re-positioning of toilets at Western Beach.

Hon. D J Bossino: Mr Speaker, presumably the cost of the list of the items that the Minister has just given this House is set out in the schedule which he handed to me a few moments ago?

Hon. N F Costa: Yes, Mr Speaker.

Hon. D J Bossino: Just by way of a point of clarification – I have not had a full opportunity to consider the schedule in the time available, but can he perhaps confirm to me that item no. 7, which is described as 'disabled toilet fittings Camp Bay' correlates with the last figure in the first page of the schedule which is £399, or have I got that completely wrong?

The reason that I raise that is because, on the first page, you have six items of expenditure but on the correlating column you have seven figures listed.

Hon. N F Costa: Mr Speaker, the way I read the table is, for instance, in relation to Camp Bay, there is a second column which reads repairs and it says £26,000: if we go to the item 7 on the second page which says 'Disabled toilet fittings Camp Bay', £28,001.84. If the hon. Member, whilst going through the table, notices any inconsistencies I will be more than happy to look at them and then get back to him.

Hon. D J Bossino: But he cannot at this stage, in this House, advise me what the expenditure of £399, Mr Speaker, is – which is the last item of expenditure on the first page of this schedule which does not have a correlating item description. Is he able to do that in this House now?

Hon. N F Costa: Mr Speaker, is the hon. Gentleman referring to Camp Bay £399 on the table, second to the right?

Hon. D J Bossino: After the table there is a sentence which reads

'The following are some of the extraordinary works/services included within the above schedule'

and then we have a list of six items, but the figures on the extreme right, in respect of which there ought to be a correlation between the description and the figure – there are *seven* figures. And it is the last one where we have a figure of £399 and I just wanted to know what that cost relates to – because there is not a correlating

description of that cost.

255 **Hon. N F Costa:** As I understand it, Mr Speaker, it is on item 6, on the first page of the schedule 'repairs to lifeguard posts, switches and sockets'. The figure of £399 relates to the equipment.

Hon. D J Bossino: I do not want to delve in pedantry, Mr Speaker, but it really isn't.

260 At the moment, even if that is true – and there is no reason to doubt the veracity of the Minister's statement – there is still a problem with the others because then it has a knock-on effect. There is basically still one figure which does not have a correlating description to it, even if you deal with the £399 item in the list.

Hon. N F Costa: Mr Speaker, as I have told the hon. Gentleman I will look into it and get back to him.

265 **Hon. D J Bossino:** Yes, fair enough, Mr Speaker. The Minister does not have that information available, I wish not to put him under the spotlight unnecessarily and maybe we can have a word later.

270 Mr Speaker, by way of further supplementary I wonder if I could probe the Minister in relation to one issue which was raised in the May session of Parliament, where my hon. and learned friend, Mr Figueras, asked him, by way of supplementary, a question in relation to beach replenishment at Sandy Bay. The answer came from the Minister, and with your permission, Mr Speaker, I will read the answer, it is a very short answer –

275 'there has been a lot of loss of sand during this last year. As you know, the previous administration did replenish the beach at quite considerable cost, but because of the absence of any groin or any other facilities stopping the sand from being taken away from the beach, there has been a considerable loss. But the public will certainly be able to access the beach'

and then, importantly, he says –

280 'works are currently being conducted or will start next week in order to facilitate that'.

Now that would have been at the end of May. Can the Minister advise this House whether the works, which I assume, given the nature of the supplementary and the context in which this line of questioning was raised – is he able to confirm that the replenishment of sand at Sandy Bay has, indeed, commenced?

285 **Hon. N F Costa:** No, Mr Speaker, the latter part of my answer related to the fact that there will be extra access to Sandy Bay.

290 There were wooden stairways set up during the length of Sandy Bay. But at its southernmost point there was not a wooden stairway access down to the beach. Because of the loss of sand, the stairway access that was there was no longer able to be of use: as a result of the loss of sand the step would have been too... and therefore, as a result, what we did, we installed an additional wooden walkway at that end of the beach.

295 In respect of the replenishment of the sand, as I pointed out to my hon. and learned friend, Mr Figueras, we will start looking at engineering assessments to be able to start beach replenishment works as from the end of this bathing season. If I recall correctly, I said there were various technical procedures that had to be satisfied and investigations carried out as to what sand etc to use, and what technique would be used, and that we also had to receive reports on what was the best form of breakwater or groin in order to avoid beach diminution, or sand diminution, once the beach was replenished with sand.

300 **Hon. D J Bossino:** Yes, I am grateful for that clarification and that reply from the Minister.

**Bus and lorry theory tests
Details of training available**

305 **Clerk:** Question 488, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port provide details of the

training measures which are intended to assist applicants wishing to undertake bus and lorry theory tests?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, Schedule 4B of the Traffic (Licensing and Registration) Regulations introduced major changes to the manner in which theoretical tests for lorries and buses are conducted.

These changes are intended to set and maintain higher standards of safety, knowledge and skills among drivers of these vehicles and improve road safety through better qualified drivers. In addition, the introduction of Traffic (Drivers' Qualifications and Training) Regulations 2008 requires *all* professional bus and lorry drivers to obtain a Driver Certificate of Professional Competence to be able to drive professionally, as well as passing their driving and theory tests. Therefore, every driver who intends to drive professionally, as well as passing the relevant theory and practical tests, must also pass a case study theoretical test and a practical demonstration test.

These tests are aimed to improve driver knowledge and road safety among professional drivers. It was as a result of these more stringent, theoretical tests, which were introduced in the regulations that I have just cited, there has been a decrease in the number of applications for driving tests in these categories. It is in these circumstances, and in response to requests by employers in the transport sector that Her Majesty's Government of Gibraltar, in an effort to reduce unemployment, took the initiative of introducing training measures to assist applicants wishing to undertake both bus and lorry tests. So, at present, driving and vehicle examiners will be providing the training for the theoretical tests at no cost to the applicants.

Consideration is also being given to the practical test for lorry drivers: practical bus driver training is already being conducted by the Gibraltar Bus Company. Government at present cannot provide assistance with the practical lorry driving test because the Government currently does not own a lorry that complies with the requirements of the test vehicle, as prescribed by law. The training modules are as follows: Module 1 is a theory test consisting of 200 multiple choice questions, Module 3 is a case-study consisting of multiple choice questions – it is for professional-only drivers – and Module 4 practical demonstration test, consisting of 70 verbal questions, again for professional-only drivers.

Moreover, the Government will be subsidising the test fees and the licence costs for the registered unemployed. People in employment will be provided with the free training, but will have to bear the costs of the tests and the licence.

Hon. D J Bossino: Yes, I am grateful to the Minister for setting out all the requirements, as set out in the relevant legislation, but can he confirm or advise this House, whether the regulation transposes what are EU requirements, in any event?

Hon. N F Costa: Mr Speaker, I would have appreciated notice of that question but my understanding is, yes, that they do transpose EU requirements. But if he were to give me notice, or I can write to him to confirm the point, but I am quite sure that it does.

Hon. D J Bossino: Well, I will just read back to the Minister the statement issued, I think conjointly, with the Minister for Traffic, Mr Balban, where they say these tests will enable drivers to drive professionally throughout Gibraltar and the rest of Europe, and have been developed as a requirement of an EU Directive which is designed to improve the knowledge and skills of professional bus and lorry drivers.

Really what I am driving at, Mr Speaker, is the Minister's confirmation that the regulation does not, if you like, impose more stringent requirements than are set out in the EU Directive which, of course, a national legislature or Government and executive in this case can do.

Hon. N F Costa: Mr Speaker, I did not quite catch the last supplementary but, in answer to his second supplementary, simply to confirm that the regulations do transpose the Directives in question. I have the legislation in front of me.

Hon. D J Bossino: I need to press this issue because it could lead on to another issue which I may raise, depending on the reply in a further supplementary. But I will repeat the question, which he may not have caught when I put it to him. Mr Speaker, all I want to know is whether the national legislation imposes stricter

requirements than are set out in the Directive itself?

365 **Hon. N F Costa:** Mr Speaker, as I say, I wish that I had notice of that question. My advice is that it does not. I remember having a very detailed discussion with a senior motor examiner and my Principal Secretary and my advice at the time was that the regulation simply transposes the requirements of the EU Directive.

370 I did not go any further. However, I would need to confirm that to be *absolutely* certain. But my recollection is that, no, it simply transposes the requirements of the current EU Directives and does not go any further.

375 **Hon. D J Bossino:** Does he accept, should that last answer be accurate, Mr Speaker, does he accept that it is an obligation of the Gibraltar Government to have to transpose this legislation, in any event – an EU obligation?

Hon. N F Costa: Well, yes, if it is an EU obligation, of course we have to transpose it. Absolutely.

380 **Hon. D J Bossino:** Given that we have established that point, Mr Speaker, can he advise this House why it is – it may be an obvious question and I have had the obvious reply – but I just wanted to set it out for the record... how is it possible, then, that in the same press statement which was issued by the Minister he says that:

385 ‘as part of its manifesto commitments to reduce unemployment, the Government has introduced training measures to assist applicants which is to undertake bus and lorry theory tests’

Can he explain how he can make that political statement if it was an EU obligation, in any event.

390 **Hon. N F Costa:** Mr Speaker, in the first place, I do not think that the hon. Member has established any point. If it is an EU requirement that we have to transpose it into national legislation, I think that is the first point and I think it is fair to say. Secondly, what the press release says is that, as a result of the transposition of EU law into national legislation, there has been a decrease in the number of applications because the theory tests have become harder.

395 What we have done, in order to be able assist the reduction of unemployment, and for people to move into the transport sector, is for the Government too, at no cost, assist people who may wish to become lorry and bus drivers with free training. And, of course, the free training is not something that is required by either the EU directive or the regulations. This is an initiative that has been taken by this Government to make sure that we equip our home grown people with skills.

400 **Hon. D J Bossino:** I am grateful for that reply, Mr Speaker, and it does clarify, perhaps, an issue which was not clear on the face of the press statement issued by the Government.

Hon. G H Licudi: It was very clear to us!

405 **Hon. N F Costa:** Mr Speaker, I cannot accept that premise.

Flights to Gibraltar in 2013 Details of new airline proposals

410 **Clerk:** Question 489, the Hon. D J Bossino.

415 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port confirm whether another airline from East Midlands will commence flights to Gibraltar in the summer of 2013 and whether he is able to announce details further to those which have been made public in the press?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

420 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, yes, I can confirm that an airline is scheduled to operate flights to Gibraltar from East Midlands, in the UK, as from the summer season of 2013, but I am not able at this point to announce any further details. My Ministry is finalising operational details with the airline in question.

425 **Entitlement to Club Card**
Method of monitoring current holders

Clerk: Question 490, the Hon. D J Bossino.

430 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port, advise how the Government proposes to monitor continued entitlement to the Club Card by current holders?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

435 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Mr Speaker there are two mechanisms in place to monitor continued entitlement. The first is that the Club Card will expire up to 12 months from the date of issue. Therefore, holders of the card will have to validate their information before the card is re-issued. In the second place, the Employment and Training Board will inform the Gibraltar Bus Company when there is a termination of employment of the holder of the card.

440 *There was a long pause.*

Mr Speaker: I think we will have to move on to the next – Supplementary...

445 **Clerk:** Question –

Hon. D J Bossino: I am grateful for the reply, Mr Speaker.

450 The information which travels from the ETB to, presumably, the Gibraltar Bus Company Ltd, which is the entity which issues the Club Card: is the Minister satisfied...? I do not know the legal position: I am wondering whether he has received legal advice as to whether he is satisfied that there are no data protection issues which arise as a result of that travel of information, if you like.

455 **Hon. J J Bossano:** The information is a weekly return on the number of people who are no longer employed. I do not think there is anything there that... we get terminations from the employers. It does not give anything about the individual, other than he is either still employed or not employed. It does not give any other information about his income or age or anything else. It is just whether he is employed or not.

460 **Hon. D J Bossino:** Mr Speaker, as I understand it, from my legal practice, the information which is handed over by the employer – just by way of clarification, as I understand the position, to the ETB – is the notice of termination of terms of engagement.

465 Now, the information which is set out in that form is in excess of what the Hon. the Minister for Employment has just set out in this House. So, for example, one thing that automatically comes to mind is the reasons for termination, which may be – which *will* be – a reason which the employer is relying on as a cause for the employees' termination, but that reason may be hotly contested by the employee and may be the subject, therefore, of Industrial Tribunal proceedings. So it is more information than the Minister has just given this House.

470 **Hon. J J Bossano:** None of that information is passed on to anybody. The only information that is passed on to the bus company is a list of names saying these people stopped working with us on such a date, so that they know that if somebody comes on a bus who is no longer working... that is the whole purpose of the exercise – and they only get the information that they need, which is just the names and the termination date.

The only problem is that, of course, not every employer gives the information within the seven days that is

provided by the law, so until the ETB gets the information, we cannot pass... we cannot say so. There will be probably a time lag between the actual termination and when the information is passed to the bus company, determined simply by how long employers take to inform the ETB that the person is no longer working. Some employers actually do it *before* the employment ends and some do it weeks later, or much later!

Hon. D J Bossino: Yes, if I could home in then on that, Mr Speaker, I am not sure that I received confirmation as to whether the Government is satisfied that even the information, however limited, which is provided to the Gibraltar Bus Company by the Employment and Training Board does not breach the data protection legislation. Is the Government satisfied of that, in respect of that limited information which the Minister has helpfully told me is provided to the Gibraltar Bus Company?

Hon. J J Bossano: Yes. I am satisfied, being the provider of the information, that my Department is not breaking the law by saying that a person is no longer working in Gibraltar, which is the only thing we are telling the bus company.

Hon. D J Bossino: Yes, Mr Speaker, I am just going to... I have got a copy of the...
Within the 12-month period of validity of the bus card, in the event of termination... let us say, within two months from issuing of the bus card, there is a termination of employment, how does that information then get fed through the system?

So I am an employee, I am employed now in Gibraltar – I live in Spain – I am therefore entitled, as a result of Government initiative to use the bus service free of charge, and issued to me is a bus card. Two months thereafter, my employment is terminated. The only qualification which entitles me, as a result of Government policy, to use the free bus service is employment. So therefore, if that criteria is no longer present, then I am therefore not... I think we all agree that that is the correct understanding of the position.

How, then, is that information fed through to the bus driver? Because I have a photocopy of the bus Club Card which is issued by the Bus Company, and on its face all it has is a photograph of the individual, a PCC number – I am not sure what that is – and the person's name. Other than that, it is in form – and I think pretty much in respect of a lot of the detail – exactly the same as a Club Card, which the GSD, when in Government, issued at the relevant time.

So I just wanted clarification in respect of that issue, which I think must be an important issue and must have been an issue which taxed the Government.

Hon. N F Costa: Well, Mr Speaker, it did not so much tax me, save that I did ask the question and, of course, if the information arrives at the administration office of the Gibraltar Bus Company, the way that the Club Card works is it is actually swiped through electronically. So if a person is no longer entitled for the Club Card, then I am not entirely sure what the terminological process is, but it will not be accepted, so the person will not be able to go onto the bus.

GibiBikes scheme Progress with provider's contractual duties

Clerk: Question 491, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port inform this House what progress has been made to ensure that the company which provides the facilities for the GibiBikes scheme complies with its contractual duties?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, Government officials met recently on 24th May with the suppliers of the scheme. At the meeting, all issues regarding the scheme were discussed. This included the problems that have been encountered to date and the proposed way forward.

The Government expressed its concerns at the problems that have been encountered and which the contractors undertook to rectify. My information is that the defects have now been rectified.

It was agreed that a contract was in place for the supply of the scheme and therefore the remainder of the contract would be carried out. The contractor is currently mobilising and works will commence shortly to finalise the project.

Hon. D J Bossino: Mr Speaker, the Minister has just said that the defects have now been rectified. That certainly confirms the anecdotal evidence that I am receiving from people who are users of this scheme.

In his reply to one of the questions which was posed, again by my hon. learned friend, Mr Figueras, in a supplementary, there was a point made when we were trying to press the Government as to the level of commitment, if any, that they were lending to the GibiBikes scheme which was, of course, started by the previous administration. One of the points made by the Hon. Minister, Mr Speaker, as I understood it, was that no firm policy decision would be made until the commercial discussions and issues had been raised with the company which supplies the service.

Given that that seems already to have taken place, and that there has been a happy resolution, it seems, also – or am I going too far? – (**Hon. N F Costa:** A resolution.) a happy resolution of the issues which were plaguing the GibiBikes scheme and which the Minister set out in his reply at the last session of Parliament, is he able now to advise this House, what the Government's policy decision is in relation to the scheme?

Hon. N F Costa: Mr Speaker, I believe I answered the question when I said that, given that there is a contract in place with the supplier of the scheme, and that taxpayers' money had been spent to quite a large extent, in the way that I detailed in my last answer to the House, it was decided, as Government, that the remainder of the contract will be carried out. But, of course, we were not in a position to be able to carry on with the project until we were assured, and it was confirmed, that the work that the defects – the many defects which I listed on the last occasion – were rectified. Moreover, we had to receive assurances that the defects and software problems that literally plagued the system would not occur a week or two after the UK supplier had been over to rectify the problems.

Hon. D J Bossino: Yes, in relation to the former of the points he has just raised, which is the rectification of the defects, he has already confirmed that that has been done, and they have been rectified, and presumably it is the latter point which he still needs to be satisfied on, which is that there will not be a recurrence. Is that a correct interpretation of the Minister's answer?

Hon. N F Costa: Yes, it is, Mr Speaker.

We have, obviously, sought assurances that there will not be another systematic widespread failure of the system as happened just shortly ago.

Hon. D J Bossino: Okay, and the assurances that have been sought, Mr Speaker, presumably have not been received. Is he able to provide that answer?

Hon. N F Costa: I think, Mr Speaker, at this point, because I am still in discussions with the company, it is safe to say that I shall leave no stone unturned in making sure that Gibraltarians do not suffer at the hands of the defects that were previously experienced.

Hon. D J Bossino: Mr Speaker, this side of the House is very keen that the GibiBikes scheme should continue. We think it is good for Gibraltar, and that is why it was launched under our watch.

So can I ask the Minister this question which is, given the defects are now rectified and once he has received the relevant assurances, can he confirm that he will be able thereafter to come to this House and confirm what the Government's policy decision is, in relation to the further roll-out and continuation of the GibiBikes scheme?

Hon. N F Costa: Mr Speaker, as usual, the hon. Gentleman cannot help asking me a supplementary without first prefacing the question with remarks that really do demand an answer.

If the hon. Gentleman tells me that the Government was so keen with a bike scheme that had 15½ years in which to do it, and they only decided to roll it out on 27th November of last year, so they could not have been

that keen on an urban bike scheme.

To answer the question, yes.

Hon. D J Bossino: I am grateful for the reply, Mr Speaker, and he can rest assured that I will continue pressing him on this issue, as we move along.

Hon. N F Costa: I very much look forward to it, Mr Speaker.

Mr Speaker: There really must be supplementaries within questions, not statements to end a discussion.

Hon. N F Costa: I will take that point of order, Mr Speaker.

SPORTS, CULTURE, HERITAGE AND YOUTH

World War II blast wall at Grand Battery Demolition

Clerk: Question 492, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for Technical Services confirm the date on which works to demolish the World War II blast wall at Grand Battery began?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, this question will be answered by me in my capacity as Minister for Heritage.

The demolition of the wall commenced on Monday, 21st May 2012.

Hon. S M Figueras: Mr Speaker, it appears that the Minister for Technical Services is somewhat surprised that the question was directed at him. Simply to clarify: I have raised the question so that it be asked of him, but it was the Government's decision to allocate the question to the Minister who has answered the question.

I asked the question originally to the Minister for Technical Services simply because it was in relation to the demolition of a wall, and I assumed – some may argue perhaps in error – that it was the responsibility of the Minister for Technical Services. It appears that it is not and I am grateful for the answer.

However, in relation to the answer, it is surprising, certainly to Members on this side of the House, that given the current Government's policy of openness, transparency *and* their stated policy of running certain Government projects through the DPC for consideration in the first instance and then approval at a later stage, that the demolition of the wall started on 21st May when, in fact, the application was set down in the agenda for a meeting of the DPC on 24th May. (**Several Members:** Ooh!)

Perhaps the Hon. Minister can answer this question: does he not consider (*Interjections*) that it is rather embarrassing in fact that, having this policy of running these projects to the DPC, having had that project on the agenda – a copy of which I have here, and could pass on to the Minister if he needs to have sight of it – that it was on the agenda, that works began without actually having had it considered, because it may well be that they did not seek the approval, but that the DPC did not even get the opportunity to consider it.

Hon. S E Linares: Well, Mr Speaker, on his first point, not only is it the prerogative of the Government who answers your questions, but you were directing it to the wrong person. It does not mean that Technical Services always demolishes all the walls in Gibraltar, and therefore there is a process in which demolition of walls take place.

But in answer to the second part of his supplementary, this project was started by Carl Viagas on behalf of Government's consultation with the Gibraltar Heritage Trust. The scheme was presented to the Board of the Heritage Trust on 10th May 2012, as required by the Heritage Trust Act, and confirmed that a consensus of

the approval of such a wonderful scheme was reached by the Board on the same day.

640 The scheme was also presented for planning approval, with approval issued by the DPC – and I am correcting him – on 18th May – ‘Ooh!’ then (*Laughter*) – by the Chairman of the Planning Commission and the demolition permit was issued on 21st May.

Hon. S M Figueras: Mr Speaker, I am grateful for those details. (*Laughter*)

645 The premise of the question in the first instance, Mr Speaker, was that the project was down for consideration by the full DPC, of which submitting applications to or projects to this Government is very fond, on 24th May. I certainly was not aware that these permits had been sought prior to the project being undertaken, nor that the Heritage Trust had been consulted.

650 Now, be that as it may, Mr Speaker, it is rather hypocritical of the Government to say, ‘We will run Government projects by the DPC’, albeit for consideration, if not approval, which is the subject of discussions that we have had in this House in the past, and then to say that it is okay to just do it by consulting with the Heritage Trust and not giving the DPC the opportunity to formally, in open session, open meetings which they themselves created, give the approval, or at least the nod, for the works to begin.

655 I also understand, Mr Speaker, that there were time constraints and that there were time pressures in respect of this particular project, and it is the prerogative of the Government – and it was certainly the policy of the previous GSD administration – that when Government needs to take action, it will take action and therefore no Government projects went to planning; but it is rather hypocritical to criticise that policy for many years in Opposition and then for the Government to do precisely the same, when they enter office.

Will the Minister not concede that it is, in fact, rather hypocritical of him to take that process?

660 **Deputy Chief Minister (Hon. Dr. J J Garcia):** No, Mr Speaker, the Government will not concede.

665 I will not concede for the very simple reason that this project was conceived and started when his party was in Government without going to the DPC. We continued with the project, we then went to the DPC before the demolition started. So it is obvious, Mr Speaker, that the Member has not got his facts right, I am sorry.

Hon. Dr J E Cortes: Mr Speaker –

Hon. S M Figueras: Mr Speaker – (*Interjections*)

670 **Mr Speaker:** Order, order!
I will allow the Minister –

675 **Hon. Dr J E Cortes:** – just an expansion on that: the project was, in fact, discussed... well, approved, by DPC by way of round-robin, previous to the – (**Several Members:** Aaah!) (*Interjections*) (**Mr Speaker:** Order!)

680 Absolutely, all members of the DPC were consulted and approved it, and then the decision was ratified although, as the hon. Member says, it does not yet require approval, but all members were consulted before the demolition and it was approved and then it was ratified at the next meeting – the next available opportunity, precisely because of the time constraints.

So not only is my hon. friend correct, in that it was already a project conceived by the previous administration, but it actually resulted in the whole of the DPC having an opportunity to express its view before it started.

685 **Mr Speaker:** The Hon. Selwyn Figueras.

Hon. S M Figueras: Well, Mr Speaker, I am at a loss to understand how anyone in the public would have objected or posed any kind of objection to this project in the round-robin exercise. This, Mr Speaker – and I wonder whether the Minister will agree – (*Applause*) has shades of the North Gate of the dockyard.

690 **Several Members:** Hear, hear! (*Interjection by Hon. S E Linares*)

Hon. Deputy Chief Minister: No, Mr Speaker, the point here is – (*Interjections*) Mr Speaker –

Mr Speaker: Order, order, order!

I want to hear the Hon. Deputy Chief Minister.

Hon. Deputy Chief Minister: The point here is, Mr Speaker, that this project started and was conceived under his party when they were in Government, that they did not believe in going to the DPC, that we simply continued with the system that was already there, with a project that was already there which had not gone to the DPC, but we decided that it should go to the DPC as a round-robin. More than that, the Heritage Trust, GONHS and the Department of the Environment were all consulted and went on site to examine it before the demolition happened.

Hon. S M Figueras: Mr Speaker, I hate to be the one to point out that it appears that the Deputy Chief Minister is confused at this stage because, upon taking office, Mr Speaker, their policy, as stated in this House, was to adopt the policy of the previous GSD administration and not run for the time being any Government projects by the DPC.

However, in this instance, that particular Government project was set in the agenda for the meeting of 24th May – and let us not forget, work started on 21st – and no consideration was allowed by the open meeting of the DPC prior to work starting. This, Mr Speaker, and I am certain he will not agree, but I will ask him whether he accepts that it is in stark contrast to the policy of openness and transparency, (*Interjection*) that you allowed this project to continue the way it did, without consulting the DPC. (*Interjections*)

Hon. Deputy Chief Minister: The Government does not accept that. The Government accepts that there is a measure of confusion, but that confusion is not on the part of anyone on this side of the House, Mr Speaker.

I think the hon. Member has to understand that our commitment is that projects will go to the DPC for an advisory or for informational purposes at this stage, and that is within the term that the projects could be subject to planning, in the same way as any other application.

Now, at this particular juncture, this project was inherited from the previous administration, where they did not believe we should have gone to the DPC, so what is hypocritical is that the hon. Member should himself accuse us of hypocrisy when they themselves do not believe in the course of action they are now advocating, Mr Speaker!

Hon. S M Figueras: Mr Speaker, notwithstanding the manifesto commitment of the now current Government, where on page 45, every person who has filed an objection to any development will be entitled to be heard by the Commission, will the Hon. the Deputy Chief Minister confirm what the point was of putting the application through to the agenda of an open meeting of the DPC, if it had already been pre-approved?

Hon. Deputy Chief Minister: No, Mr Speaker, the hon. Member does not understand that works had already started under his administration. We simply inherited the project that was already *ongoing*! (*Interjections*) So in other words, it goes to planning, it goes to the DPC, before work starts. Works had already started under his Government, when his party was in Government.

Hon. S M Figueras: Mr Speaker, with all due respect to the Deputy Chief Minister, works for the demolition on the wall started on 19th May – five days before the scheduled meeting of the DPC.

Hon. S E Linares: No! Mr Speaker –

Hon. S M Figueras: Sorry, in your original answer –

Hon. S E Linares: Yes, 21st May.

Hon. S M Figueras: Sorry, 21st May. (**Hon. S E Linares:** Yes, yes.) I mean, Mr Speaker, the wall had been demolished before the matter went before the open meeting of the DPC!

I ask again: what was the point of even keeping the matter on the agenda, for a wall that had already been demolished?

Hon. S E Linares: Mr Speaker, he does not seem to understand that – (*Interjection and laughter*) Is that a nervous laugh, from the person who does not even ask questions.

Mr Speaker, in my supplementary, I actually said that the scheme was also presented for planning – *was presented for planning* – on 18th; not on 24th like he is saying. It was *approved* on 18th by round-robin. (*Interjections*)

Mr Speaker: Order, order, order! The Minister is answering.

Hon. S M Figueras: [*Inaudible*]

Hon. S E Linares: Right, so it meant that everybody in the DPC had their say – *everybody*. Every member of the DPC was aware of this. And then it was ratified in the open on the 24th.

So what I am saying is that it *did* go to the DPC, it did actually go to the DPC, unlike when your party was in Government – it did not go to the DPC, it did not go to the Heritage Trust. It was already an ongoing project, so we carried on with it.

Hon. S M Figueras: But that, Mr Speaker, was the policy of the GSD at the time, and at least we had the political *honesty* to be consistent in respect of it – (**Several Members:** Hear hear!) (*Applause*)

What the Hon. Minister does not seem to understand is that *their* policy of openness and transparency contemplates the participation of the public in meetings of the DPC – and presentation on the 18th to the DPC itself, without the public being present, is not an observation of that commitment. That is what we are complaining about. What, Mr Speaker, was the point of the matter going before the open meeting of the DPC set down for 24th May, when the wall had already been demolished?

Hon. Deputy Chief Minister: The hon. Member very clearly does not understand the process or the procedure involved in planning. Normally, an applicant comes with an application – in this case, it is the Government – the application is discussed and then work starts.

In this particular case, works had already started (*Interjection*) under the previous Government. This was simply a continuation of the works which *they* had started and for which they did not seek planning. There have been many Government projects since we have been in office now that have gone to the DPC.

Recommendations have been made and those recommendations have been accepted by the Government, without being obliged to do so. So the hon. Member should not stand there and accuse us of being hypocrites because, really, the ones who are being politically hypocritical is them. They are asking questions on a totally false premise, that is to say, the works on the project as a whole had already started by the time this –

Hon. S M Figueras: Mr Speaker, I am at a loss to understand how they can continue to make that particular point.

What was the point of the matter even so much as going before the open meeting with the DPC if the works had been completed, because they are saying that the works began – which they were not, because they were only begun on Monday, 21st May, as confirmed by the Minister in his original answer? I cannot understand how they seek to pursue this point of demolition.

Mr Speaker, I will say little more on this because the point has been made and it is obviously lost on the hon. Members opposite, but one last time: will the Minister not accept that it is... I will not say the height of political hypocrisy, because I don't want fisticuffs, (*Laughter*) but is it not at least *slightly* hypocritical to say that we are going to go to the open meetings of the DPC with Government projects and then do this exact thing in respect of something that was as high profile as it was?

Mr Speaker: The Hon. Minister for the Environment is dying to say something.

Hon. Dr J E Cortes: Mr Speaker, the object of having this at the open meeting was, in fact, openness and honesty.

A decision had been taken without any objections by round-robin. It could have been easily hidden away, like used to happen in the case of the former administration, but, no, the Commission felt that it had to be consistent with its policy, that it had to be discussed at a public meeting – or a meeting in public, which is different to a public meeting. It was discussed and no objections were raised.

Had there been objections, then perhaps we would have been in some difficulty, or perhaps the works would have stopped and have been altered, but there were no objections because, Mr Speaker, the only people who could have objected had already been consulted by round-robin and had included all the non-governmental organisations who have a role in this, and they had all approved.

So the fact that it went to the open meeting was a logical consequence of openness and honesty.

Mr Speaker: The Hon. Daniel Feetham.

Hon. D A Feetham: Does the hon. Gentleman accept that, in fact, in relation to World War II heritage sites there is capable of being far more emotion attaching to World War II heritage sites than perhaps heritage sites that are much older, because there are, for example, retired servicemen or serving servicemen who may well take a different view to the position of the Heritage Trust?

In the light of that, doesn't he think that it is not acceptable, when you have a policy of consulting relevant stakeholders, when you have a policy of having an open, transparent planning system, which is *their* policy, of just simply consulting the Heritage Trust and not consulting the general public and therefore allowing servicemen or retired servicemen or members of the public to actually make any comments in respect of a project? Does he not accept that?

Hon. Deputy Chief Minister: No, Mr Speaker, Government does not accept anything of the kind. While there may be an emotional attachment on the part of certain people to the World War II fortifications, the fact is that we did consult all the relevant stakeholders, both in the DPC round-robin and earlier when they went on a site visit to look at the project.

They must remember that this was started under their administration, Mr Speaker. This was a project that *they* started. *They* had a commitment to a secretive, closed planning process, and they conducted it in that way. We came in, we inherited the project, and we simply continued with what was already there, but we included an element of consultation which did not exist before.

Hon. S M Figueras: But, Mr Speaker, their administration entered office on 9th December 2011. They had every opportunity to consult the public on this project, which the GSD had allegedly chosen to do in secret and without consultation.

Isn't it the case, Mr Speaker, that the Deputy Chief Minister, or any other of the Ministers, *could* have brought this matter to the public's attention in an open meeting of the DPC if they had wanted to or they had not run out of time?

Hon. Deputy Chief Minister: Mr Speaker, the project was discussed by all the relevant stakeholders. They were all consulted, they gave their consent – primarily, the Gibraltar Heritage Trust, whose role and whose statutory duty it is. So that consultation did take place, so the element of consultation which the hon. Member is complaining about simply is not the case. There was consultation, the relevant bodies were involved in that consultation, and the works were carried out.

Again, he has to remember that this project started under *their* administration when *they* were in government, with the closed and secretive planning process that they had.

Hon. S M Figueras: Mr Speaker, does the Hon. Deputy Chief Minister consider the public a stakeholder?

Hon. Deputy Chief Minister: Mr Speaker, we consider the public a stakeholder. We give a far more serious approach to the views of the public as a stakeholder in the planning process over the last six months than they ever did in 16 years. (*Applause*)

Hon. S M Figueras: Mr Speaker, with all due respect, that is really rather weak. (*Interjections and laughter*)

Their policy was at the other end of the spectrum to ours, according to them, and they are the ones who are all about consultation, consideration and the public's consternation. They are the ones who are about openness and transparency. Now, it is not appropriate, in my view, for the Hon. the Deputy Chief Minister to continually refer to the practice of a previous GSD administration whose policy was in stark contrast to theirs – and we have no issue accepting it – to then say, 'We only did what the GSD administration was doing for 16

years and what we complained about for 16 years.'

860 Is the public, in the Deputy Chief Minister's eyes, a stakeholder –

Hon. G H Licudi: He has answered that point already.

Hon. S M Figueras: – and does this foreshadow –

865 **Hon. G H Licudi:** Mr Speaker, on a point of order, the hon. Member has asked the same supplementary previous to this one on a number of occasions, that very same one.

Now he is asking *again* the same supplementary as to whether this side of the House considers the public a stakeholder. That question has been asked and answered; we should simply move on.

870 **Hon. D A Feetham:** Mr Speaker, that is not a point of order, (*Interjection*) and unless the hon. Gentleman wants to change places with the Speaker of the House –

Mr Speaker: Order! Order! Order!

875 The Standing Orders do provide that a question that has been asked and answered... However, I will allow the hon. Member to finish asking the question before I can rule on that. Now that he is on notice, he might probably phrase his question accordingly.

880 **Hon. S M Figueras:** Mr Speaker, does the Hon. Deputy Chief Minister concede that this foreshadows a Government policy of not consulting the public in respect of the treatment of World War II heritage sites? (*Interjection*)

885 **Hon. Deputy Chief Minister:** Mr Speaker, the answer once again is the same: the Government attaches a considerable degree of importance to consulting the public in relation to planning applications. This is why meetings of the Development and Planning Commission are now held in public. This is why the minutes of the Commission and the agenda are now published online. None of this used to happen when I was sitting on that side of the House asking the questions, Mr Speaker.

890 The hon. Gentleman should consider, in relation to this particular project, it was a project which started under *their* administration, when *they* were in government, under the rules that existed at the time. When we came in, we simply took on the project and decided to introduce a greater element of consultation than had existed before by consulting all the relevant stakeholders and by consulting the Development and Planning Commission by round-robin. It was then included in the agenda of the DPC, for reasons my hon. friend, Dr Cortes, has already explained. So the answer is the same answer: yes, we attach a considerable degree of public importance, certainly much more than they ever did.

895 **Mr Speaker:** I think the subject has been thoroughly aired. A supplementary must be a distinctly different question now.

900 **Hon. S M Figueras:** Yes, Mr Speaker. I asked the question in respect of whether the public was a stakeholder. We got the answer; that much was granted.

Mr Speaker: It has been dealt with.

905 **Hon. S M Figueras:** The Hon. Deputy Chief Minister has said that they attach considerable importance to the views of the public. However, he has not answered the question in confirming whether or not they consider the public's views important enough to consult them in respect of the treatment of World War II heritage sites.

There simply was no answer, Mr Speaker, and that is all I am after.

910 **Mr Speaker:** Again, I must remind the hon. Member there must be a question in a supplementary. There is no point in standing up and making a concluding summary of what has been discussed. There was no question there, and I think that is very clear. There was no question there.

Next Question, please.

**Old airport building
Fire certificate**

915

Clerk: Question 493, the Hon. D J Bossino.

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Hon. D J Bossino: Can the Government advise when the fire certificate at the old airport building expired and when it was renewed?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

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Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, a fire certificate for the old terminal has never existed. The building had a certificate of fitness issued when it was built.

Hon. J J Netto: Mr Speaker, for the sake of clarification, the Hon. Minister said that, instead, what it had was a certificate of fitness. Can I ask the Minister whether that certificate of fitness has expired in the last few months, perhaps?

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Hon. S E Linares: No, Mr Speaker, because what happens usually is that a building gets the certificate of fitness and then it is maintained, and through the maintenance they look at how the building is. You do not get a certificate of fitness for a building and then it expires.

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What has happened is that the old terminal has always had maintenance contracts to ensure that the fire extinguishers, the emergency lights and fire alarms are functioning and maintained properly. So once the certificate of fitness is given, then the rest is maintained adequately and checked, obviously, but it is not a certificate of fitness, as such. The certificate of fitness is given when the building is done at the beginning.

Clerk: Question –

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Hon. D J Bossino: Is it the intention... Sorry, Mr Speaker.

Mr Speaker: The Hon. Damon Bossino.

945

Hon. D J Bossino: I am grateful, Mr Speaker.

Given the fact that we have the new airport building and both buildings are now currently operational, is it the Government's intention to continue carrying out these checks which the Minister is talking about, and for how long?

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Really, the point I am trying to drive at is at what time will the operational aspects of the old building cease, if at all, once the new airport building is fully operational? Can the Minister answer that question?

Hon. S E Linares: Mr Speaker, I have not got the information as to when all the operations of the old building will be transferred to the new one, but what I can assure him is that whilst the old one is functioning the maintenance contract still exists. So that is as far as I can answer the question.

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It implies, therefore, that when the functions of the old building move to the new building then the contract for the maintenance will not be necessary because the old buildings are not there any more... we do not use it any more as a terminal.

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**Civil Contingencies and Departmental Press Officer
Appointment**

Clerk: Question 494, the Hon. Mrs I M Ellul-Hammond.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Civil Contingencies tell us who has been selected for the position of Civil Contingencies and Departmental Press Officer?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

970 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Yes, Mr Speaker, Mr Stuart Green has been selected for the post of Civil Contingencies and Departmental Press Officer.

Hon. P R Caruana: Surprise, surprise, surprise!

975 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, Mr Green is a retired Lieutenant-Colonel and former MoD press officer. He is non-local and he now takes up a new Gibraltar Government post. Were there no young locals looking for work suitable for the job who would want to start out a career as a press officer?

980 **Hon. S E Linares:** Mr Speaker, there were applicants and the board actually selected Mr Stuart Green. I can give her a little bit more information – Mr Stuart Green has been given a contract for three years in order to start a training process, or at least a succession programme, and he was obviously deemed by the board to be the person to do that job at this moment in time.

985 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does not the Minister agree that it is the height of hypocrisy that, after years of his Government (Interjections) when in Opposition, criticising the GSD Government for employing retired and non-local individuals, that they are now doing exactly the same?
If it was wrong for the GSD, it is wrong for the GSLP.

990 **Hon. S E Linares:** Mr Speaker, I do not agree with that at all, because the difference is that this gentleman is on a three-year contract to do that job, in order – as opposed to what the GSD used to do – to retrain people in Gibraltar so that they can do that job. So it is not a question of this gentleman getting a full-time job, like the previous administration used to do to every Tom, Dick and Harry.

995 **Hon. P R Caruana:** Tom, Dick, Harry and Stuart!

Hon. S E Linares: Or Stuart, yes, (*Laughter*) for three years, as opposed to... Yes, Mr Speaker, and Stuart, for three years. The difference with Tom, Dick and Harry, as opposed to Stuart, is that Stuart is for three years and Tom, Dick and Harry were *enchufao* by you. So let's not go any further.

1000 Mr Stuart Green also went through a process – as opposed to what the GSD used to do – of interviewing and selection, so that is the difference. So there is no height of hypocrisy at all.

Hon. J J Netto: Mr Speaker, could I ask the Hon. Minister – because he did mention in his earlier contribution that there were other applicants who went for an interview, I think he said – could he tell us how many local persons went for the interview?

1005 **Hon. S E Linares:** Mr Speaker, I need notice of that question and I have not got that information.

Hon. Deputy Chief Minister: I should add, by way of additional information, that the Government has also appointed a deputy press officer who is a young Gibraltarian, who will be starting work on 2nd July.

1010 **Hon. J J Netto:** Mr Speaker, I acknowledge the fact that he might need notice of the question for him to be able to give me an answer but, if I were to write to him, perhaps, would he be able to tell me how many local people applied and whether, in the view of the board, they felt that the local people were either not qualified or not experienced enough?

1015 **Hon. S E Linares:** Mr Speaker, I am willing to give him the numbers of applicants, but I am not willing to give him the second part. That is up to the board.

1020 I am not going to give him what the board has discussed or said about the actual interviews. That would be data protection in itself. So we cannot disclose. I will disclose the number, but not even the names of the people who applied. It is a data protection issue.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. the Deputy Chief Minister tell us who the

local deputy press officer is who will be starting on 2nd July?

1025 **Hon. Deputy Chief Minister:** Mr Speaker, it would not be appropriate to tell the House before the person actually starts. So, if the hon. Member would like to ask that question again next month, I am sure we will be able to answer it.

1030

**Culture and Heritage Agency
Details of trainees**

1035 **Clerk:** Question 495, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Culture and Heritage provide details of trainees presently assigned to the Gibraltar Culture and Heritage Agency, explaining the arrangements/terms and conditions under which training is taking place?

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Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Yes, Mr Speaker, the total number of trainees assigned currently to the Gibraltar Culture and Heritage Agency are as follows. And this again, they are from the trainees... We are training them. They can come in and out, but the numbers are five Grade 1s, four Grade 2s and five Technical Grade 1 – maintenance.

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On the second part of his question, the terms and conditions are as the Gibraltar Training Scheme. Maintenance staff will carry out general maintenance courses at the Gibraltar Training Centre, and other staff – accounts, administration and reception – are carrying out on-the-job training.

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Hon. E J Reyes: Mr Speaker, would the hon. Member please clarify for me: he said there are five Grade 1s and four Grade 2s, for example, who come and go, so they are not people who are permanently attached there, but sort of can vary on a day-to-day basis as to who the individual is?

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Hon. S E Linares: That depends on the ETB. They are there for... they might be three or four months in the training and then we might have another few. It depends on the ETB and on what has already *extensively* been explained here in this House.

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Hon. E J Reyes: So, Mr Speaker, am I correct in assuming from there that what the Agency then is doing is, it is accepting trainees sent in from the Future Jobs Strategy and so on for an agreed period of time, and when that time is completed they go back and so on? It does not necessarily mean that those individuals are being trained so that after *x* number of months they will become employees of the Agency?

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Hon. S E Linares: It could well be, if the vacancies come out, and until the vacancies come out, no; so if there is a vacancy, I am sure that those trainees will be the first ones to apply, because they have already got the training, which is what has been explained previously.

What I am saying is that those trainees are there on the job and if ever the Culture and Heritage Agency brings out the vacancies, I am sure all those trainees who have had on-the-job training will be the first ones to apply. It is obvious. That is what has been explained *ad nauseam* in this House, how the system works.

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Hon. E J Reyes: No, Mr Speaker – I am a bit confused – what has been explained is that the trainees have entered into a sort of a contract with the company that is giving them training, and that company has to sign on a dotted line at the end of a period of which they have to employ them. Is this not also applicable, or am I just being confused?

1075

Hon. J J Bossano: Mr Speaker, the Government Departments where people are placed do not have to sign anything saying they will take on the trainee because, as I have made clear in answer to previous questions in previous meetings of the House, it is not the case that the people who are being put in Government

Departments are being put in the Government Departments in anticipation of joining the Government service.

1080 The reality, as will be obvious from the answers to the questions that are down to me to answer, is that the numbers that were taken on from the VTS Scheme included people who were in the private sector, where the employer in the private sector was not willing to enter into an agreement to give them a job. Therefore, rather than have somebody perhaps learning less in the private sector than he might be learning if he was in a Department, those people... I think there are only 88 now left who are still in the private sector because we have not been able to slot them elsewhere, but the bulk of the people who are slotted in Government areas are
1085 people who were originally in the Scheme but where the employers with whom they were placed were not prepared to give them a guarantee of employment. Therefore, they are no worse off because they have not got a guarantee of employment... and they did not have one before.

1090 **Hon. E J Reyes:** I am grateful for that, Mr Speaker. So, then, for the purposes of what the Minister for Employment has explained, the Culture and Heritage Agency is taken as any other Government Department and, therefore, when a vacancy arises, it will not necessarily go to this individual, he has to apply.

1095 However, Mr Speaker, I also implied, in explaining the arrangement terms and conditions... What I am trying to get at there is the Culture and Heritage Agency, by the very nature of its work, its duties and responsibilities, has to organise a series of events that mainly take place outside normal office hours so, if these trainees, in undergoing the training, attend these types of events and so on, they will be working alongside a normal permanent and pensionable employee of the Agency who, perhaps, is being paid overtime – there could even be a premium rate because it is a specific bank holiday and so on. Are these individuals then entitled to any sort of additional payment from the Agency as such, or how is the training scheme catering for that?
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Hon. J J Bossano: Mr Speaker, the employer is the Employment Training Company Ltd or the Graduate Company, depending on whether people have got a degree or not, and that employer only employs him for the basic week of 39 hours. If the person with whom they are placed wants them to do extra hours, then they have to be paid by the placement and not by the employing company.
1105

1110 I am not sure whether instances like that occur in this area, but I can tell him, as a parallel example to what he is pointing out that, for example, in the case of the trainees that we have got in areas like the Care Agency, who are trainee carers, there the shift allowance that is paid to normal employees is paid by the Agency to the trainees from the ETB. The ETB does not pay them the shift allowance. The ETB pays them a basic wage because the ETB does not have, in their system of employment, provision for shift allowances for people. So where people are being asked to do something above the normal requirement that others are being asked, then it is a matter for the employment area to pay. Clearly, I would imagine no Government Department is going to be expecting people to work for free.

1115 **Mr Speaker:** I think the Hon. Daniel Feetham...

Hon. D A Feetham: Yes, Mr Speaker, can I ask the Hon. the Minister for Culture... He said that it is obvious... I have a note of what he said: 'It is obvious that those people doing on-the-job training will be the first to apply.' I think that is what he said.

1120 Does the Government envisage that those people who it is 'obvious will apply' for the jobs that they have been doing in training will be given an advantage in the selection process?

Hon. S E Linares: No, there is no advantage at all. In fact, it depends on whether the vacancy comes out in the first place. If the vacancy does come out, there is no advantage given to anybody. They go to the board.

1125 What I am saying is that it is obvious that, if you have done the job, it is *probable* that within the selection board they will look at you in a different light, but there will not be anybody saying to them, 'Look, this is the person who...' It is part of the CV and it depends on the CV.

1130 **Hon. D A Feetham:** Yes, I understand that it is part of the CV. I was not suggesting that the Hon. the Minister is going to be talking personally to any member of the board.

What I am asking is about Government policy. Is it the Government's policy to actually give these trainees an advantage over those who may apply from outside the service by actually giving them that on-the-job training? Because that is what it appeared that the hon. Gentleman was actually getting at when he gave the

answer to my hon. friend, Mr Reyes.

1135 **Hon. J J Bossano:** Mr Speaker, can I remind the hon. Member opposite that the view of the previous administration was that the VTS trainees had a better chance of getting a job precisely because they were being given training. There was no guarantee that they would get a job, but their prospects of getting it were improved. We believe that the prospects of those we have inherited are continuing to be improved as a result of the opportunity they are getting to be at work.

1140 Clearly, if we have got somebody, for example, who has not worked in an office at all before, he is less likely to impress the selection board than if there is somebody who has worked, in the space of a year, in half a dozen different offices. To that extent, one assumes that they are better placed, but it is the judgement of the people who do the interviewing, not of the Government.

1145 **Hon. D A Feetham:** Yes, I quite understand that there cannot be any guarantee, and I repeat that I understand that the board undertakes the selection process, but I am asking about Government policy and Government intention. Is it the Government's policy and is it the Government's intention, bearing in mind that there are so many people who are under the Future Jobs Strategy Scheme, to effectively give them an advantage over somebody outside in relation to these particular jobs? That is the question.

1150 **Hon. J J Bossano:** It is a question, Mr Speaker, that seems to be contradicted by what the hon. Member understands, because if the hon. Member understands that they are not being given any indication that the job is waiting for them, guaranteed, or that... The only advantage that they have, in the view of the Government, is the advantage that they had when the previous Minister who was responsible for training claimed that there was an advantage.

Mr Speaker: The Hon. Jaime Netto.

1160 **Hon. J J Netto:** Mr Speaker, I just really wanted to get some clarification from some of the comments of the Minister for Employment, because he did say, at some point earlier on, that some of the trainees are being sent to the Care Agency. From memory, I think some of the trainees were sent to the Calpe Ward in St Bernard's Hospital.

1165 He has also been mentioning the fact that this is just for the purpose of giving them an opportunity to do some training on site in the particular environment where they are working to gain at least some experience of the nature of the work that they are undertaking. As I remember – and I wish to be corrected if I am wrong – in the Calpe Ward they did send a number of care worker trainees, if I am correct. Do I take it, then, that part of the policy of the Government is that, while giving the opportunity to those trainees to be there, they will not necessarily be guaranteed a job, so that when vacancies do arise in the Care Agency in the future, everyone in the labour market will be allowed to compete for the particular job? Is that the case?

1170 **Hon. J J Bossano:** No, Mr Speaker, I think the reference that I made to the parallel with the question from the Hon. Mr Reyes was in relation to getting extra pay, not in relation to the employment prospects.

1175 In the cases, for example, where people are training to do the SRN or training to be carers, they are being trained because we know that they are needed and there are vacancies there, and the purpose of the training is that, at the end of the training, they will be taken on. But in places where there is no vacancy and we are not training people specifically for a vacancy, the position is about training them to give them skills that will improve their prospects of employment.

1180 So I think, outside the area of health and social care in the Care Agency or in the GHA, there are no people being trained for a specific job at the moment. There may be in the future – like there are in the private sector, there may be opportunities in the public sector – but, at the moment, the only two areas of the public sector where there is specific training designed to produce people with skills that will enable them to occupy vacancies that we know will exist in the future, are in those two areas.

1185 **Hon. D A Feetham:** Mr Speaker, in the normal course of events, the vacancies that may come out in the Hon. Minister's Department – the Minister for Culture and Heritage – would be advertised and everybody would have an equal advantage in relation to that particular vacancy, depending on their experience. Does he not agree with me that by placing these individuals from the Future Jobs Strategy, which has become a

1190 necessity in actual fact, because you have so many of them and you have made so many promises to them in relation to guarantees of jobs... By actually placing them to acquire these skills in the hon. Member's ministry, are you not effectively giving these people an advantage in respect of others outside who may be applying for those jobs, and is it not as a consequence of a flawed policy – in other words, the promises that the hon. Member made at the General Election time to all these trainees and all these various people?

1195 **Hon. J J Bossano:** Mr Speaker, the 'flawed policy' is flawed in the eyes of the hon. Member.
Presumably the hon. Member prefers that we should not be providing training to the unemployed, notwithstanding the fact that they justified what they were providing under the VTS as doing precisely what he says the present Scheme is doing, which is to provide people with training so that, as a result of the training, their prospects of obtaining employment would be increased over the advantage of those who were not getting the training.

1200 The only difference between what *they* were doing and what we are doing is (a) that we are paying more, and (b) that it is more specifically related, in the private sector in particular, to people not being used as free labour and then being returned back to the pool to be replaced by a new guy, and that was one of the big things that was undermining the credibility of the Scheme in the eyes of many of the users. They were being constantly rotated in the private sector because there was no real control over the fact, because simply these people were being removed from the books.

1205 Can I remind the Member once again that, in December, not only were there *x* numbers of people in the VTS, there was a waiting list of 70 who were not deemed to be either employed or unemployed or training or getting paid. I suppose he thinks that is a better system than the one we have got today, but I can assure you that people in the system would not agree with him.

1210 **Hon. D A Feetham:** Yes, Mr Speaker, the difference between this side of the House and that side of the House is that you were the ones who guaranteed everybody a job at the end of their training. Hence why you are now left with the situation where you are having to park all these people in the public sector. (**Hon. J J Bossano:** No!)

1215 Mr Speaker, may I ask the Hon. the Minister for Culture, to whom the original Question was directed... I know that I asked this question to the Hon. Minister for Employment at the last session, but he gave me his own personal view. He did not give me a *Government* view. Can I ask the Hon. Minister for Culture whether it is the Government's intention to dumb down entrance into the public service, and in particular into the hon. Member's Department?

1220 **Hon. J J Bossano:** Mr Speaker, the hon. Member made a statement before he went on to question my colleague and, therefore, with your indulgence, I will answer what he made, which is completely false.

1225 The reality is that there is not an issue here of having to put people in places because of promises we made; it is because we inherited from *his* administration, the administration of which he is now so proud, a *huge* number of people who were in non-jobs in order to keep down the unemployment figures. Perhaps he would have preferred us to put them on the scrap heap, which presumably is what would have happened on 9th December if there had not been a change of Government.

1230 I can assure the hon. Member that those who are involved are clear in their own minds that the system that we are operating now is an improvement on the one we inherited, and every time he puts a question here he convinces me more that he wants to see it failing. He is due to be disappointed.

Hon. D A Feetham: Mr Speaker, can the Hon. the Minister for Culture now answer my question?

1235 **Hon. S E Linares:** My answer is the same as the Minister has just answered.

Hon. D A Feetham: With respect, you have not answered the question.

The question is this, and I will repeat it: is it the Government's policy to dumb down entrance into the public service, and in particular the Minister's Department.

1240 **Hon. S E Linares:** That question has already been answered.

Hon. J J Bossano: Mr Speaker, I do not know what the hon. Member means by 'dumping down' –

Hon. D A Feetham: *Dumbing down.*

1245 **Hon. J J Bossano:** – but the position in respect of vacancies in the public sector is that vacancies in the public sector are advertised and the requirements for the jobs are no different from what they have been in the past.

1250 The fact that we are giving people the opportunity, who are unemployed, to be trained in order to be better equipped to get jobs is what the Employment Service exists for and what the taxpayer is paying for the Employment Service to do, and the end result will be, when the time comes, that we see the decline in the numbers of unemployed and the increase in the number of Gibraltarians in employment. I would have expected him to be looking forward to a situation where we have got more Gibraltarians working than we have had in the past. I cannot imagine why anybody in this House should not want to see that result.

1255 **Hon. D A Feetham:** This is turning into quite a curious *ménage à trois*. I ask questions to the Hon. the Minister for Culture and it is answered by the Hon. the Minister for Employment.

1260 **Hon. J J Bossano:** I will tell him why: (*Interjection by Hon. D A Feetham*) the Minister for Culture is not responsible for employment – I am.

Hon. D A Feetham: Can I ask a question?

1265 Maybe he can answer this. Does he agree with Mr Bossano's personal view that he expressed to me – because it was a personal view that he expressed – that if you are good enough you should be allowed into the public service regardless of the entrance requirement into the public service? Does he agree with that?

Hon. S E Linares: The question has already been answered, Mr Speaker.

Mr Speaker: The Hon. Edwin Reyes.

1270 **Hon. E J Reyes:** Mr Speaker, sir, can I take you back a little while?

I am grateful to the Minister for Employment, who explained to me that any extra hours worked was not going to be paid for. Therefore, can the Minister for Culture now answer me: is his Agency paying these trainees for extra hours worked?

1275 **Hon. S E Linares:** Mr Speaker, I do not know exactly whether this is happening, but because they are not employees of the Agency I am sure they are not; but I will check on that and I can give him an answer if he gives notice of this question.

1280 **Hon. E J Reyes:** I have not quite understood the answer, Mr Speaker – because they are employees, or they are not employees of the Agency?

1285 **Hon. S E Linares:** They are employees of the Employment and Training Ltd from the ETB, employees from them. I do not pay them. The Culture and Heritage Agency do not pay these trainees. They come from the ETB and, therefore, because they come from the ETB, the overtime and all that is not paid by me.

Hon. E J Reyes: Mr Speaker, is that answer not contradictory to what the Minister for Employment has just said?

1290 **Hon. D J Bossino:** Yes, it does.

Hon. E J Reyes: Could the Minister for Employment please enlighten me further?

Hon. S E Linares: Mr Speaker, just a correction: it is not the ETB; it is the ETCL that pays them.

1295 **Hon. J J Bossano:** Mr Speaker, the Employment Training Company employs people for 39 hours and places them with employers in the public or the private sector. Whether in one or the other, if the placement, if the place where they are working requires them to do above the 39 hours, then it is the training provider that

has to pay those hours.

1300 I do not know whether anybody in Culture is being paid extra or anybody anywhere else, but in terms of the application of the Employment Act, it would be in breach of that Act to expect people to work more than 39 hours for nothing. So, clearly, if anybody is working more than 39 hours, we do not know where they are, but if they are, they do not have to come back to the Employment Training Company to clear everything with us. If somebody wants somebody to stay *beyond* his 39 hours, they have to be paid, clearly, by the recipient, not by us.

1305

Hon. E J Reyes: Fine, Mr Speaker, I have understood that.

Therefore, given that answer and coming back to my original question, I was asking for explanations of the arrangements and terms and conditions, therefore are these trainees assigned to the Culture and Heritage Agency, whose very nature of work requires them to work many hours outside normal office hours and so on... My question was: are these trainees then being paid extra, like those who are in the permanent and pensionable establishment of the Agency, in receipt of overtime and so on?

1310

Can the Hon. Minister with responsibility for the Agency please explain that now?

1315 **Hon. S E Linares:** Mr Speaker, I need notice of the question because I do not know exactly the rate they are being paid or whatever. I need notice of that question.

Hon. E J Reyes: Mr Speaker, the notice was given. I asked for explanation of the arrangements, terms and conditions.

Are arrangements in place so that these individuals receive overtime payments? I have given notice of the question, Mr Speaker.

1320

Hon. G H Licudi: Mr Speaker, the hon. Member gave notice of a particular question, which was answered both by the Minister for Culture and then the matter was expanded by the Minister for Employment.

Now the hon. Member is asking for a very specific issue relating to overtime. What the hon. Member has said is that he does not *currently* have that information with him and if the hon. Member wants to give notice of that question then that question will be answered, but it certainly was not considered in the ambit of the original question. Whether that is right or not, the fact is that the hon. Member does not currently have that information before him and therefore he will need notice.

1325

1330 **Hon. E J Reyes:** No, Mr Speaker, sir, specific is if I had, without due notice, asked him now to give me a breakdown of how much payment was made last month in overtime. I have not asked that. What I gave due notice of was for details of the arrangements, terms and conditions.

Can the Hon. Minister for Culture confirm to me the arrangement is that when these individuals work outside normal hours, for example public holidays, remuneration will be paid? If I then want to know the exact details, then I will give notice for the next session, but at least confirm to me that there are provisions within his Agency to pay these individuals.

1335

1340 **Hon. G H Licudi:** Mr Speaker, details of the arrangements, terms and conditions were given, and details of the employment relationship have been given. Now the hon. Member is condescending to very specific details about overtime.

We have already said that the hon. Member does not currently have that information. There is nothing we can do. The hon. Member can ask the same question 20 times: we do not have that information, but we will give it whenever the notice is given. What the Hon. the Minister for Employment has clarified is that the responsibility of the company is to pay what the Government has already said the company will pay, which is minimum wage for trainees for 39 hours. If a specific arrangement with the placing entity is different, then that will have to be taken into account by the placing agency and not the company. We do not have the specific information about *overtime* in respect of these individuals.

1345

1350 **Mr Speaker:** I think, before anyone else rises, there is a danger we are running round in circles.

The original question asked about the terms and conditions and the original answer says the terms and conditions are as per the Gibraltar Training Scheme. That was further explained by the Hon. Minister for Training, so I think, in general terms, we have got the answer.

1355 The specific question about overtime being paid by the Ministry of Culture for the trainees in his particular jurisdiction, and his answer that he does not have the specific information about overtime being paid, so, in general terms, it has been explained by the Minister for Training that overtime must be paid by the placement area, and the Minister has said he has not got specific information.

I think that is as far as we have got. Rather than going round in circles, the next supplementary must be addressed to –

1360 **Hon. D A Feetham:** The answer suggested that... Just so that we understand, the answer is that the other side do not know whether, in principle, trainees are paid overtime, if they do –

1365 **Mr Speaker:** No, no, (*Interjections*) that is not my understanding of the answer. My understanding was they *should* be paid under the Employment Act. That is the answer.

When the Hon. Mr Reyes asked the Minister specifically whether trainees in his Department are being paid, he says he needs notice of that question. So I did not understand the answer as they do not know; the answer is they do know, under the Employment Act they should be paid. That is what I understood.

1370 **Hon. E J Reyes:** Yes, I am grateful, Mr Speaker, and I accept that, but I am a bit confused in something the Minister for Culture said before. In keeping with what the Minister for Employment said, can he then confirm that arrangements are in place so that if these trainees are required to work extra hours, then the agency will actually cater the payments for them?

1375 **Hon. S E Linares:** That is the law! It has been stated.

I have not got the information with all the arrangements and the overtime and all that, so, yes, if they... that is the arrangement, it has to be. It is in law. It has been said.

1380 **Gibraltar Sports and Leisure Authority**
Details of trainees

Clerk: Question 496, the Hon. E J Reyes.

1385 **Hon. E J Reyes:** Can the Minister for Sport and Leisure provide details of trainees presently assigned to the Gibraltar Sports and Leisure Authority, explaining the arrangements/terms and conditions under which training is taking place?

1390 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, one trainee is in place since 1st May 2012. This person is being trained to carry out as many duties as possible as a sports and leisure officer. The terms and conditions are as per the Gibraltar Training Scheme.

1395 **Hon. E J Reyes:** Thank you, Mr Speaker.

When he gave me the Culture and Heritage one, he actually specified there were five Grade 1s and four Grade 2s. Under what grade would this one be?

1400 **Hon. S E Linares:** It is a sports and leisure officer, within the Sports and Leisure –

Hon. E J Reyes: Yes, but there are grades within –

1405 **Hon. S E Linares:** No, this person is different, because the answer said the person is being trained to carry out as many of the duties as possible. So he or she is doing as many things, so there are different grades, she – it is a ‘she’ actually – is training in all aspects.

Hon. E J Reyes: Yes, Mr Speaker, but I have had... from previous schedules of written questions that I

1410 have had before, there are many different grades within the Sports and Leisure Authority, so is this person, for example, also being trained for Grade 1, who happens to be the Chief Executive, or is it being limited more to say the Grade 9 or Grade 11?

Hon. S E Linares: Mr Speaker, the answer is still the same.

1415 That person is attached to the Sports and Leisure Authority as an officer, and that person is learning – is on training – to do different things within the Sports and Leisure Authority. I cannot tell him whether she is at one point attached to a Grade 11 or attached the next day to a Grade 10 or a Grade 9. She will do what the managers ask her to be training on. One day she might be with a Grade 11, learning something and then a Grade 10 or a Grade 9. That is the answer to the question, Mr Speaker.

1420 It is not a question of her doing one specific job with a Grade 11 or... It is more holistic, what she is doing.

Hon. E J Reyes: That may be the answer, Mr Speaker, but certainly not consistent with the other one, where in one agency, they are attached to learn particular grades and here it seems that the trainee is being trained to become the next Chief Executive Officer!

1425 **Hon. S E Linares:** Mr Speaker, when you go into an office or a place of work, you can do different types of work at different grades. I am sure she is not sitting beside a CEO to learn how to run, as he is now implying, the Sports and Leisure Authority tomorrow. What she is doing is general office work and general work in the Sports and Leisure Authority.

1430 **Hon. E J Reyes:** And I take it, Mr Speaker, does the hon. Member have some information, or will he require further notice in respect of...? Because you see the sports and leisure officers, in their conditions of employment, have conditioned overtime and so on. Is this individual, this lady, also subjected to that; or would he require further notice?

1435 **Hon. S E Linares:** Exactly the same as I answered before.

Hon. E J Reyes: What, Mr Speaker, for my clarity?

1440 **Hon. S E Linares:** Mr Speaker, look at answers – go back to answers and look at what was done, but I am not going to go through the whole debate again.

Hon. E J Reyes: I will look at *Hansard* – but a rather ungentlemanly reply, Mr Speaker.

1445

**Children's play parks
Cleaning, upkeep and maintenance**

1450 **Clerk:** Question 497, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Sports and Leisure provide details, inclusive of recurring costs, of the arrangements currently in place for the cleaning, upkeep and maintenance of children's play parks?

1455 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Yes, Mr Speaker, the playgrounds and the ball-playing areas are cleaned and generally maintained through Government's (Ministry for the Environment) generic cleaning services' contract with Master Service Ltd.

1460 Currently a three-man crew, seconded from the Gibraltar Community Projects Ltd assist the Gibraltar Sports and Leisure Authority, in providing for minor repairs which cannot be carried out by Master Service Ltd. These services are not being paid through the Gibraltar Sports and Leisure Authority. The cost of spares,

tools, etc is, on average, £1,000 per month.

1465

**Gibraltar Rugby Football Union
Provision of facilities**

1470

Clerk: Question 498, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sports and Leisure provide details of the facilities the Government/GSLA is planning to provide the Gibraltar Rugby Football Union in order to further develop the sport locally and ensure they meet requirements in respect of their pending application for membership of the International Governing Body for the sport?

1475

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1480

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the Government will be providing the Gibraltar Rugby Football Union with facilities which will enable them to have international tournaments locally, and further provide them with the training and development facilities which they require to develop the sport much better than they have had to date.

1485

Hon. E J Reyes: Yes, Mr Speaker, but my question was, can he provide details? He said they would provide, but there is no detail there in anything.

Hon. S E Linares: Mr Speaker, it says, 'to have international tournaments'. That means that we are providing the facilities, so the detail is that we are providing the facilities. There is no more detail than that.

1490

Hon. E J Reyes: There are no more details than that because he has no plans or because he does not wish to disclose them?

Hon. S E Linares: No, Mr Speaker, because we have very, very exciting plans.

1495

A Member: So what are they?

Hon E J Reyes: So, therefore, he does not wish to disclose them, Mr Speaker.

1500

Hon. S E Linares: No, Mr Speaker, because we have not decided on the plans yet. They are exciting because we have got about six or eight different ones and we do not know which one to decide yet.

Clerk: Question –

1505

Mr Speaker: No, the Hon. Damon Bossino.

Hon. D J Bossino: Can the hon. Member indicate to this House when the decision will finally come?

Hon. S E Linares: Very soon.

1510

ENTERPRISE, TRAINING AND EMPLOYMENT

1515

**Married women's social insurance
Paying difference between reduced and full contributions**

Clerk: Question 499, the Hon. J J Netto.

1520 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Security say how many married women have registered an interest in the Department of Social Security for the purpose of seeking an assessment of the cost of paying the difference between the reduced married women social insurance contribution and the full social insurance contribution and, if so, could the total number of enquiries be broken down between those who are still working and those who are now retired?

1525 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, as at 12th June 2012, 134 married women have registered an interest at the Department of Social Security for the purpose of seeking an assessment of the cost of paying the difference between the reduced married women social insurance contributions and the full social insurance contributions.

1530 Out of the 134, 81 continue in employment, and the remaining 53 are either retired or not working.

1535 **Statutory Benefits Fund**
Employers' insolvency payments made since Question 365/12

Clerk: Question 500, the Hon. J J Netto.

1540 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Security and Employment provide a statement of the payments made from the Statutory Benefits Fund, in respect of employers' insolvency, since this question was last asked, in Question No. 365/2012 showing the amount paid due to redundancy pay obligations, the amount paid in respect of other sums payable to employees, and the number of companies involved?

1545 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, since the question was last answered, the total amount paid in respect of redundancy pay was £11,271.47. Only one employer is involved.

1550 In respect of annual leave, it was £92.02; in respect of notice of terminations, £2,990.40; in respect of arrears of wages, £322.07.

1555 **Statutory Benefits Fund**
Employers' insolvency payments made, January-May 2012

Clerk: Question 501, the Hon. J J Netto.

1560 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Security and Employment provide a statement of the payments made from the Statutory Benefits Fund, in respect of employers' insolvency, from January 2012 to the end of May 2012, broken down monthly, and showing the amounts paid due to redundancy pay obligations, the amounts paid in respect of other sums payable to employees, and the number and names of companies and numbers of employees involved?

1565 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

1570 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, the payments made are as follows: in January, none; in February, there was a payment in respect of a company called Straits Installations, which involved four beneficiaries. This was made up of a total, in respect of the four redundancies, of £3,948.96 and payment in lieu of notice of £1,586.88, making a total of £5,535.84.

In March, the numbers of companies was five. Overseas Motors Ltd involved 16 redundancies. The cost of the 16 redundancies was £147,527.20. In respect of annual leave, the payment was £1,596.49. In lieu of

notice, payment came to £42,214.24. The total cost of the Overseas Motors payment was £191,337.93.

1575 There was a payment in respect of three employees of Zenith Promotions, in respect of redundancy, which came to £9,322.40. There were no other payments for Zenith Promotions.

In respect of Transport Services, there was a settlement of an award by the Industrial Tribunal which the company did not meet and which was claimed from the insolvency fund, which came to £46,004.80.

1580 In the case of Right Start Nursery, there was one employee that was paid £658.64 for redundancy, £589.77 in lieu of notice; £217.76 in lieu of wages. The total payment to that employee came to £1,466.17.

The fifth company was Pussers, with two employees. The redundancy came to £1,872.00, in lieu-of-notice payment came to £721.50, making a total of £2,593.50.

In April, there were no payments.

1585 In May, there was a payment to one company, Gibraltar Secretarial Services Ltd, which amounted to £11,271.47 for redundancy, £92.02 for annual leave, £2,990.40 in lieu-of-notice payment, £322.07 for arrears of wages, making a total payment to that one employee of £14,675.96.

The total payment from January to May, therefore, comes to a total sum of £270,936.60.

1590 **Hon. J J Netto:** Mr Speaker, given the amount of information contained in the answer that the Hon. Minister has just provided, I wonder whether it would have been better if he had just given in the schedule. It would have saved him the five minutes in giving the detailed amount of pounds and pennies and perhaps it would have been even better for myself, as used to be in the past, to be able to see it all at a glance than try to profusely write as much detail as possible.

So can I ask the hon. Member if he can ask the paper usher to photocopy his answer so I can have it all in one glance?

1595 **Hon. J J Bossano:** Mr Speaker, as the hon. Member should know, and as you know and can corroborate, I am a very law-abiding Member of this House, and since the question is put down for *oral* answer, I have given him an oral answer. If he wants it in writing and if he puts it down for written answer, he will get it in writing.

1600 **Hon. J J Netto:** Mr Speaker, all I am trying to say is will he afford us the same treatment as we used to afford them when in the situation that we were in Government. That kind of information, as he is well aware, was provided to him when he was asking – well, he was not asking; it was the Hon. Minister, Mr Bruzon, who was asking – in a schedule form.

1605 That is what I am trying to say: could we have equal treatment in terms of passing the information?

Hon. J J Bossano: No, Mr Speaker, it is not a question of equal treatment.

1610 The fact that the hon. Members, when they were in Government, chose to say, 'I will answer Question 1 to Question 200 and I will now hand over a schedule,' which meant that nobody else in this Chamber had a clue what was going on, because nothing else was said, and that went on all the time, does not mean that I agree with that system.

Therefore, as far as I am concerned, if the hon. Member is putting down a question for Oral Answer, then I think the correct way to deal with the oral answer to the question is to provide the information orally, not simply to say, 'The answer to the question is that I now hand him a schedule.'

1615 **Hon. D A Feetham:** I do not think anybody disputes that. The question has been put for oral answer; therefore, you answer it orally.

What my hon. friend is asking is, because it has been a very long answer, could he please have a copy of the answer that is in front of you. That is all he is asking.

1620 **Hon. J J Bossano:** No, no –

Hon. D A Feetham: He indeed said could you, in future, hand over schedules...

I accept that. That is a matter for him as to whether he hands over schedules or he does not.

1625 In relation to this particular answer – which is a very long answer – what he is asking is, 'Could I please have a copy of that, and could you ask the paper usher to photocopy it for me?' That is all. If the hon. Gentleman refuses, he refuses.

1630 **Hon. J J Bossano:** Mr Speaker, maybe the hon. Member heard what the Member said better than I did, because he is sitting next to him but, certainly, what I understood the Member to be saying is that I should follow the practice of the previous Government in saying, 'I will answer this question by handing over a schedule.' That is what I understood him to be suggesting that I should be doing. There is no problem with him, in fact, having *my* copy of the answer, and therefore he does not even have to wait for a photocopy.

1635 **Mr Speaker:** I think there was an invitation by the hon. Member to provide such answers in the future in the form of a schedule, but it is perfectly in the discretion of the Minister how he chooses to answer, whether in terms of a schedule or to provide a full answer as he has, and he has.

While the hon. Member is digesting the information, without wishing to make any ruling on this matter, *Erskine May*, 22nd edition, at page 305 – and this is not a ruling from me –

1640 'The Speaker suggested that lengthy answers should be circulated with the Official Report, instead of being given orally.'
– for what it is worth, but that Official Report will obviously come much later when *Hansard* is printed.

1645 **Employment and Training Company Ltd**
Contracts signed

Clerk: Question 502, the Hon. D A Feetham.

1650 **Hon. D A Feetham:** Can the Minister for Employment please state how many companies have signed contracts with the Employment and Training Company Ltd since this question was last asked?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

1655 **Hon. J J Bossano:** Sixty-two, Mr Speaker.

Hon. D A Feetham: Is that 62 in respect of 62 trainees, or 62 in respect of more than 62 trainees?

1660 **Hon. J J Bossano:** Mr Speaker, the answer that has been prepared for me is the answer to the question that he has asked, which is how many contracts have been signed. They do not tell me whether each of the 62 has got more than one.

I would suspect that the bulk of them would be one, because that is the normal pattern, but there may be the odd one in the 62 that has taken on more than one.

1665 **Employment and Training Company Ltd**
Companies and trainees

1670 **Clerk:** Question 503, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment please provide a breakdown of the activity of each company which has signed a contract with the Employment and Training Company Ltd, indicating the number of trainees placed with each company?

1675 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Hon. D A Feetham: I hope I get an answer.

1680 **Hon. J J Bossano:** Exactly!
The breakdown is as follows, Mr Speaker: electrical supply, one company and one trainee; in the

construction sector, there are four companies with one trainee each, two companies with two trainees each and two companies with three trainees each; in the wholesale trade, there is one company with one trainee and one company with two trainees; in the retail trade, there are 14 companies with one trainee and four companies with two trainees; in the hotel trade, there is one company with one trainee; in repairs of consumer goods, there are six companies with one trainee each; in sea transport and related services, there are four companies with one trainee each; in road transport and related services, there is one company and one trainee; in post and communications, there is one company with two trainees and one company with three trainees; in banking, finance and insurance, there are 20 companies with one trainee each, three companies with two trainees and one company with three trainees; in police and fire services, there are two companies and one trainee; in education, there are three companies with one trainee, one company with two trainees and one company with four trainees; in medical and health services, there is one company with two trainees and one company with three trainees; in other services, there are 14 companies with one trainee and one company with two trainees.

I will now ask somebody to make a photocopy.

Hon. D A Feetham: Is the hon. Gentleman surprised that, in the construction sector, for example, there are only eight companies, in respect of six trainees, that have, in fact, taken... Well, it cannot be six trainees, it must be... Sorry, it is four... nine trainees. Is he surprised by the apparent low levels of numbers in the construction sector, bearing in mind that there are other sectors that have taken on more trainees?

Hon. J J Bossano: This does not include, of course, the people who are in training in the Construction Training Centre. These are mainly people who are, if you like –

Hon. D A Feetham: On the job?

Hon. J J Bossano: – on the job, in the sense that, in many cases, what we are trying to do is get construction workers who have been doing unskilled or semi-skilled work and give them an opportunity to upgrade their skills. Therefore we do that by providing an employer with an incentive.

There used to be a system in the old days where there was a craftsman A and a craftsman B and the craftsman B was an adult who did not go through the official three-year apprenticeship schemes. The fact that that no longer exists means that there are people who may have been all their lives in the construction industry and actually cannot move into better paid jobs, simply because they have not got paper qualifications.

This is something that we are now looking at to see if it can be addressed, but there are a number of local firms that have agreed to take on existing construction workers who were unemployed in an area where they are giving them the opportunity to move up, say from being a skilled labourer to being a bricklayer or a mason, and that is really where this group falls into.

In addition to this, of course, the construction industry is being encouraged all the time to take on unemployed construction workers who do not need to go through the training scheme because they are already trained.

Hon. D A Feetham: Is he finding that, in relation to the construction sector, there is an uptake in relation to... We have seen there is a small number of trainees here, but in relation to the unemployed, for example?

I can tell you the purpose of... the motive or the rationale behind my question. I am very concerned about the construction sector in Gibraltar. I think that... and I do not want this exchange to be controversial. In no way, shape or form, but I have been critical of how the Government just simply put a stop to all the projects, rather than phasing them out, and I think that the industry is going through a tough period of time at the present moment. What I am asking, really, is: is he finding that there is a lack of uptake from the construction sector of unemployed people? Perhaps not as many as he would have thought there would have been?

Hon. J J Bossano: I think if I can first correct the incorrect impression that he has, Mr Speaker, the reality of it is that, although the construction sector is, in fact, saying that they are not getting enough work to keep their workforce, it is in the context that, of course, in 2007-08 the Government was spending £40 million and in 2011 it was spending £200 million, and that it is not possible to keep on spending £200 million a year on Government construction works.

So I can tell him that the growth that has happened in the construction industry has been fed by importing workers. That is to say, in October of last year, the figure was something of the order of 3,500 people in the

construction industry, compared to 1,500 in 1996. So the truth of the matter is that, although there are less people working in the construction industry now than there were a few months ago, there are more Gibraltar residents in the construction industry now than there were a few months ago, and I assume that that is something that will be as welcome to him as it is to me.

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Hon. D A Feetham: It is certainly welcome that more Gibraltarians are employed in Gibraltar. We all welcome that on both sides of the House, but if construction companies go under, then neither Gibraltarians nor foreigners are going to be employed in those jobs because we are going to lose those jobs permanently.

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Is he at all concerned about the state of the construction industry? That is the question. Let me also add this, that yes, it is certainly true that you cannot keep up Government expenditure at the levels that we had because of the amount of projects that we had – the airport, the law courts, the prison, the number of projects that obviously contributed to the figures that the hon. Gentleman has outlined. The point that I was making is that there are other ways of, instead of switching the tap off completely and abruptly, which caused huge redundancies at the beginning of the year in the sector and has placed construction companies in difficulty – and let's not forget that there is a seep-down effect on other sectors of the economy that depend on the construction sector. The people who come to me are saying that that is causing huge hardship, and I was wondering whether, in fact, that had seeped through into the type of recruitment and figures for recruitment that the hon. Gentleman is seeing in his Department.

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Hon. J J Bossano: First of all, Mr Speaker, I do not agree with the analysis with which he prefaces his remarks. As I have already told him if, two years ago, the construction industry was smaller than it is today, then two years ago, when the previous administration was in Government, they were in a worse state than they are today. That is to say, although the level of employment has shrunk since last December, it is still well above what it was two years ago, both in terms of employment and in terms of the amount of Government work being paid out. That is to say, if we take the amount that was paid to the construction company doing Government work in 2007-08 and 2008-09, the figures in those two years, which is immediately after the preceding Election, were lower than they are today.

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There has been, historically, in the last 15 years, a building cycle, where there is a building boom just before Elections and a building decline just after Elections. What is happening this year is that, although it is smaller than it was before the Election, it is still higher than after the 2011 Election. So if they were all going bust now, they would have gone bust then.

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What is happening is, of course, that people build up and naturally they have a problem in that, having built up, they are having to adjust to the situation. I can tell the hon. Member that I have met with the industry and I have told them, 'Look, the level of work that is going to be available is going to be less,' and consequently, in reality, the industry has got two options open to it: either the number of players in the industry stays, but they are smaller and they share the work; or some will not stay and the work will go to the remaining ones.

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But that is no different from what has happened in the past, and I can assure him that there are currently – because I monitor this regularly – more people employed overall in the industry than there were up to 2008-09 and that there are now more residents of Gibraltar, including Gibraltarians, in the industry because the industry is co-operating with the Government, but they are not reflected in these figures because this is limited only to people that we are actually providing, paid for under the employment training schemes. The people that the industry has taken on, and paying them the CATA rates, are not reflected in the figures that he has asked for, because he has asked for the people who have been taken on as trainees specifically.

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Hon. J J Netto: Mr Speaker, could I ask a supplementary question, bearing in mind that I was two minutes away from the Chamber and when I got back I saw this paper on the question of Question 503. I suppose that we are still discussing this one?

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Mr Speaker: Yes.

Hon. J J Netto: If the hon. Member looks at the first column, there towards the end, he has got 'Medical and Health Services' as an industry group. Does he mean by that the GHA on its own, or the GHA and the Care Agency?

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Hon. J J Bossano: Neither, because the question is about companies and it is limited to the question.

1795 **Hon. D A Feetham:** So really the answer to *my* question is that any difficulties that the construction sector is encountering is cyclical and the hon. Gentleman is not really concerned about the sector in terms of any difficulties that are out of sync or any abnormal difficulties that one would not expect in a cyclical situation? That is the answer, isn't it?

1800 **Hon. J J Bossano:** Yes, the answer to that is that the level of work at the moment in the industry and the level of employment at the level in the industry is no different from what it was. If anything, it is higher than the level at which it was after the 2007 Election.

1805 There is a tendency for a lot of the projects to get bunched towards the end of a term of Government – and that has happened before – and then, even when the new Government is returned, it goes down, and that has happened before. So even when the Government that comes in after an Election is the Government that was there before, there is less work provided immediately after the Election, I suppose because people have got time to be complaining for two or three years and then they get work in the final year.

I imagine that that is the explanation of the building cycle in Gibraltar, because it happens that we have a four-year term and there is a four-year building cycle. Presumably, if we had a five-year term, there would be a five-year building cycle.

1810 But the answer to his question is that it is not a question of being concerned or being unconcerned. What is happening is what has happened after every Election in the last 15 years, that the amount of work in the industry is, in fact, less *after* the Election than before the Election.

1815 On *this* occasion, at present, the level of work is, in fact, higher than it was after the 2007 Election. The numbers employed are greater and therefore I cannot evaluate the situation as one where the industry is 'going down the tubes' because then it would have 'gone down the tubes' in 2007 and it would not be there today.

1820 What is positive in the situation is that, in fact, we have been able, because a lot of the companies have signed agreements with us, to persuade them of the necessity to build up a *resident* workforce for the industry, particularly because there is inevitably going to be a volume of increasing work in the maintenance of buildings, the more buildings that there are. So one thing is that you need to bring in people to do a specific contract on a new site, and they come in and they go; and the other thing is to have the capability in Gibraltar to maintain buildings without having to rely on imported labour. That is something we want to achieve and therefore I hope that I will be able to inform the House at some stage that we have been successful.

Hon. J J Netto: Mr Speaker, can I ask a further supplementary question?

1825 I take on board the comment that the Hon. Minister for Employment said that we are talking about companies – companies which have signed a contract with the Employment and Training Company Ltd – but, of course... and perhaps this is an unreasonable question on my part because he would need notice of the question, and I appreciate that, but just in the same way that we are dealing with private companies here, there are also trainees who are being seconded, or placed rather, within various Government Departments, Authorities and Agencies, which probably would have signed contracts with the Employment and Training Company itself, just in the same manner as we have these.

1830 Therefore, could I perhaps, if I write, because I do not expect the Minister to have the information with him there, but if I were to write to the Hon. Minister in relation to trying to mirror image the information provided here but, instead of being in private sector companies, can he instead provide information with Government Departments, Authorities and Agencies? Will he be able to provide me with that information?

1840 **Hon. J J Bossano:** The difference is, of course that, in the case of the Government Departments, the information would only be true on the day that I provide it. That is to say, for example, the four construction companies that have got one guy each have got a contract with us saying the person they are training will get a job at the end of the training. The people we have got in different Government Departments are not there for 11 months; they are being moved around.

So if you ask me today to give you a distribution, what I am saying is that that will be true of the day that the hon. Member gets the information, whereas this is true, as it were, until the training is finished. That is the difference between the two.

1845 **Hon. J J Netto:** I accept that, Mr Speaker.

Employment and Training Company Ltd
Details of trainees

1850 **Clerk:** Question 504, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment please state, on a month-by-month basis, details of how many people have been employed by the Employment and Training Company Ltd since 1st February 2012, identifying what training scheme they were on or whether they were unemployed before being employed by that Company?

1855 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, in the month of February when the Scheme started, 331 were employed from the vocational training schemes that were in existence. Obviously, since those came to an end in January. In March, April and May there were no new entrants from that source.

In February, 69 unemployed persons came into the Company; in March, 54; in April, 53; and in May, 76.

Hon. D A Feetham: Can the hon. Member repeat those last figures again?

1865 **Hon. J J Bossano:** Seventy-six unemployed persons were taken on in May.

Hon. D A Feetham: Yes. February, 69. March?

1870 **Hon. J J Bossano:** In February, we had 69; in March, 54; in April, 53; and in May, 76. The only two sources are either people who are unemployed or people who were in the Scheme, but the ones who were in the Scheme all came in at the beginning in the first month.

Hon. D A Feetham: So, on 1st February it is 331, and they are accounted from the VTS Scheme –

1875 **Hon. J J Bossano:** That is right.

Hon. D A Feetham: The on-the-job training, effectively.

1880 **Hon. J J Bossano:** Well, no – everybody who was on the VTS Scheme means including, for example, the people in Gibdock and the people in the Construction Training Centre. All those people were paid as VTS. They are all VTS.

1885 **Hon. D A Feetham:** Does the hon. Member have the figure of how many trainees there are now, as at today's date, or at the beginning of the month, whatever relevant sort of date mark he may have there?

Hon. J J Bossano: I do not have a figure, but I would have expected that, in fact, the figure is very likely to be very close to the total of these figures, because, as far as I am aware, in the short time that this has been happening, we have not had people who have concluded their training and entered into full-time employment.

1890 There may be people who have not lasted the course, so the figure that is currently under the Employment and Training Company may not be as high as this because, in some cases, some people have abandoned the Scheme – not many, but some have. I do not think that any people have stopped being in the Employment and Training Company because they have now been taken over by their training provider. Of course, as I mentioned, I think, earlier, out of the 331 who came in in February, we still have 88 in the private sector, where the private sector is effectively telling me to take them away, but I have got nowhere yet to put them.

1895 So that is the position.

Hon. D A Feetham: At the time of the General Election, the figure that the hon. Member was quoting – and I think that it accorded with my figures at the time – was around 450 people in what he has described as the VTS, but it is VTS *plus* the Construction Training Centre and Gibdock.

1900 What has happened, between the General Election to 1st February, to those 450 people, because you have taken on 331? Is it that those people have actually found employment? What accounts for the lower level of recruitment into the Future Jobs Strategy?

1905 **Hon. J J Bossano:** I think, in fact, some of those would be included in the 69 because, between December and February, the six-month period ended and they came back and registered as unemployed.

 Therefore, the 331 were the ones who in February were still being paid the £400. We had people who had been paid the £400 at the time of the Election, but who completed the six-month cycle between the Election and February, and those people have been treated, for the purpose of the provision of this information, as being unemployed because that is what they were the day they were taken on.

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Hon. D A Feetham: Yes, because when I asked the same question – in February, I think it was – just before the start, or just after the start of the Scheme, the hon. Gentleman told me that the Scheme would not open for the unemployed until the summer and that it had only been started as of 1st February for those people who had been on the Scheme at the General Election. So my next supplementary would have been are those 69 effectively the people who were there in these training schemes at the date of the General Election?

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Hon. J J Bossano: I suspect that that is the position. That is to say they were the same people, but they were not getting paid at the time. That is to say the 331, Mr Speaker, were people who, at the end of January, were still getting paid under the Scheme, and therefore, on 1st February, continued where they were but simply were paid the new rate.

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 In the 69, most of them, I imagine, were people who had ended the Scheme and therefore they were caught. Some people, because it was a six-month thing with no extension, we had situations where somebody, by a week... That is to say because they finished a week before, would not have been able to enter into the Scheme. What we did was, in fact, we took them in as unemployed, but technically they were unemployed at that point, but they had been in VTS maybe a fortnight before.

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Hon. D A Feetham: Yes, because if you add 331 and 69, it is 400. It is very close.

 In relation to the figures – March, 54; April, 53; and May, 76 – are those people who also may have come from the VTS Scheme or are those that had been on the unemployment list prior to the General Election?

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Hon. J J Bossano: I think it is a mixture of the two, in the sense that those are people who had been in schemes perhaps earlier in the year, not people who had finished between December and January, but people who might have been in the Scheme, say in August or September, and were now no longer in the Scheme. Because the Scheme was not, in fact, continuing after February, it meant that those people then were required to register. Under the previous system, those who went to Bleak House did not appear in the register of unemployment so, in fact, the register of unemployment picked up a number of people who were previously not working but previously not registered.

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 Where the figures of 54 and 53 and 76 come from is that the vacancies that have been opened in... The Department approaches a prospective employer to say, 'Well, look, we can offer you a trainee for this job because we have not got anybody trained with the specifications that you are setting out, and in order to encourage you to take the trainee, we will pay the minimum wage while the training takes place.' That has been offered to people who are... say in the 54, there would have been people who were unemployed but who might have been in the Scheme in the previous September or August. The numbers in the Scheme in those figures, of course, are now out of the system. I would say that, by the time we have got to the 76, they are all people on the unemployment list, period, but there would have been, as it were, returning VTSs in the two other figures.

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Hon. D A Feetham: Does the hon. Gentleman have a waiting list of people who are unemployed, wanting to go onto the Future Jobs Strategy, and what is the criteria for allowing those people to go on?

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Hon. J J Bossano: It is not a question of allowing them. This is why we think there has been a better success rate with this scheme than with the previous one, because in the previous one, from the information that I have got from the employers that have still got 88, is that they were not involved in selecting the person. The person was selected by the Department and placed in what they thought was a suitable environment to

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What we do now is we give the employer a choice and we send maybe... For example, we have got a pool of people who are either existing construction workers because their employment shows that they have been in construction, or young people who have been interviewed and said they are willing to go into the construction industry. We have got a dedicated officer, who is the Construction Employment Officer, who only deals with construction workers and with construction companies, and his job is to make available to every construction company that has vacancies the opportunity of taking on trainees from this pool of people, but the individuals are not *selected* by the Employment Officer, although they are, in fact, if you like, shortlisted in the sense that, since the Employment Officer we have got is somebody who used to be in the Construction Training Centre and has got a lot of experience of construction, he knows the individuals, then he is in a position to send people that are likely to be suitable candidates, rather than sending everybody who is on the list and then the employer says, 'I have asked you for a driver; you have sent me somebody who has been a waiter.'

So, what we do now is we send construction workers or people interested in construction to construction companies. The person who is responsible for doing that picks the people he thinks the employer is likely to find suitable and then the employing company decides who they want to take, and that is how the figure is arrived at. If you match this one with the answer to the previous question, the answer would be, in the example that I am giving him that, if there are four guys in four construction companies, it would be a construction company that picked the person they wanted from the sample that we sent them. But the only selection that takes place is a selection based on identifying the skills' suitability to match the skills on the supply side with the demand side.

Hon. D A Feetham: I have not done the calculation, but can he tell me what is the total number of trainees who are actually employed by private companies? Does he have that at hand, the total number?

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Hon. J J Bossano: I am afraid they have not put the total number on.

I think I told him the last time, Mr Speaker, that when we had 29, there were 39 employees in 29 companies. So I think the figure that we have now, with the extra 62, is probably not all that much different. That is to say if we have got an extra 62, we may have a total of something like 80-odd employers and maybe 90 or 100 employees.

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That would be the order of those figures. They are not exact, because I have not been provided with them.

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Hon. D A Feetham: I make it – I stand to be corrected by the hon. Gentleman – just over 40 employees employed in these private companies. If there are only just over 40 employees employed in these private companies and you have been recruiting effectively into the Jobs Strategy at a rate of 54 in March, 53 in April, and 76 in May, where are they going? Are they going into... For example, part of them are going into... Are they going into the public service, in Government-owned companies?

Hon. J J Bossano: They are not, no.

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Mr Speaker, the question has been dealt with by the Department on the basis of the way that it has been asked, and therefore the table is the table of companies, not necessarily private companies but certainly companies. In the total that we have, we have got people who are not placed with companies but may be placed with partnerships or placed with departments or placed with agencies or placed with somebody else. One is companies and one is not.

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Hon. D A Feetham: When I say trainees are placed with companies, the last person I would have thought would take a difference and a distinction between a company and a partnership is the hon. Gentleman opposite, who constantly argues and constantly says that we are stuck in this House with too many lawyers and too many legal arguments!

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Hon. J J Bossano: Well, maybe the Employment Service must be full of lawyers like him, then!

Hon. D A Feetham: It just strikes me that we have got about 42-44 trainees who are employed with companies, who have signed these contracts with Employment and Training Company Ltd, and that that is a small number in proportion to the number of people who appear to be going onto the Scheme – again, 54 in

2010 March, April, 53 and May, 76.

I do not know whether legal partnerships, for example, or accountancy partnerships, if there are any accountancy partnerships, have recruited anybody, but is the vast majority of these people being recruited into the public service or Government-owned companies?

2015 **Hon. J J Bossano:** Mr Speaker, I do not know what *[inaudible]* I mean. If the hon. Member says that there are 40 employees on this list –

Hon. D A Feetham: No, I said how many are there? A cursory glance at it seemed to be just over 40.

2020 **Mr Speaker:** I make it 117, if that is of use. You have got to multiply numbers by companies, so you get a larger number. I make it 117.

Hon. D A Feetham: So, shall we take 117, then?

2025 **Hon. J J Bossano:** This is why I said I thought it would be about 90 to 100, given the fact that there are 80 employers and the fact that when there were 29 employers there were 39 trainees.

So now if we have got 80 employers, I would expect that the figure would be of the order of 90 to 100. That is the answer that I gave the hon. Member. They have not given me the total, but that is the answer that I would expect.

2030 **Hon. D A Feetham:** Yes, I did not quite collate the... because one has the column of the number of companies on the left hand side.

2035 Does he accept that a significant proportion of the people who are being recruited in March, April and May are effectively being recruited into the Future Jobs Strategy but being placed in the public sector? Is that the position?

Hon. J J Bossano: No, Mr Speaker, that is not the position.

2040 The position is that if I have told him that there have been 62 employers, the 62 employers have taken on, in May, the bulk of the 76 employees, and if they have taken on more than one in May, then they account for almost all the 76. The hon. Member has to remember that, in the original figure, we are including, for example, 40 people who came in last year into the Construction Training Centre in one intake only. We are including the people who are in the nursing training. We are including the Elderly Care Agency. All those are part of the global figure, but if he actually looks at the number of private companies that signed a partnership agreement with the ETB and took on employees, there were 62 employers in May and 76 employees. The bulk of the 76 will be in those 62.

2045 **Hon. D A Feetham:** Yes, but can he confirm this, then: I understand that, in terms of the public service, some of them would have gone into nursing, some of them would have gone to the Care Agency, but there has been no recruitment into the Future Jobs Strategy for the purpose of those individuals being placed, for example, in the, say, Culture Department, just for on-the-job training. If they have been taken on into the public service, they have been taken into very specific training areas – for example, trainee nurses or in the Care Agency – but not for just simply on-the-job training, which was what I have always understood the VTS to have done. It has placed somebody with an employer to do on-the-job training but there is no formal training done for that individual, with the hope that person is then taken on at the end of it.

2055 Can he confirm that, in relation to that, there has been no recruitment in March, April or May, to do that?

Hon. J J Bossano: First of all, Mr Speaker, it is incorrect to say that it is *in the hope* that they will be taken on. That is to say, it is in the legal expectation that they will be taken on, because the 62 people in May signed an agreement that if they did not take them on they would pay the money back, so it is more than hope.

2060 Secondly, within the system of the recruitment from the labour pool and the VTS pool, there have been some cases where trainees have been placed in areas of the public sector in order to give them training in those areas. This is an ongoing process that will continue to be the case.

Hon. D A Feetham: Yes, I quite understand structured training. That I understand and the recruitment by

2065 using the Future Jobs Strategy into structured training schemes. But what I am talking about is on-the-job training, just simply placing somebody in the Culture Department – learn the ropes under somebody doing whatever they are doing in the Culture Department – are people still being recruited for that purpose?

2070 **Hon. J J Bossano:** Mr Speaker, they are still being recruited because they were being recruited before 9th December; that is to say, we had, throughout the Civil Service, VTS trainees on £400 per month. Those people are still in the system and the bulk of the people in the system are the ones that were there from the 331 that I have told him.

2075 Of the 331, there were people in dedicated training and people *not* in dedicated training, who were working in different areas as Vocational Training Scheme trainees. Those people are still in the Government, and that system has continued to operate, where a Department has said ‘well look, the trainees are now due to leave, can you send me somebody else?’

2080 The position has been that people have been offered either somebody from another place, preferably from the ones in the private sector, where we have been reducing, or from the pool of the unemployed. But they have been given a choice in the Departments, like they have been given a choice in the private sector – they pick who they want.

2085 **Hon. D A Feetham:** Yes, but you see, if you recruit somebody from the unemployment list with the idea of placing them in a private company, now there is a limited number of private companies that are going to sign these contracts, and, indeed, the number of employees, the number of trainees appertaining to these private companies in proportion to the whole, is actually lower than those that are placed in the public sector.

2090 But is it the Government’s policy to continue to recruit people from the unemployment list, then, for the purpose of actually placing them on on-the-job work experience, effectively, in Government Departments? And *how* does the hon. Member’s Department actually decide who to take from the unemployment list to place in those Government Departments? Because it seems to me, that if I were a trainee that is precisely the type of training opportunity, even though it involves no structured training, simply because once you are in system and once you in a Government Department and on-the-job training, it is going to be very difficult for the Government to get rid of me and I am probably going to end up in the system – as a Government employee.

2095 **Hon. J J Bossano:** Mr Speaker, I understand where the hon. Member is coming from because that is what he said during the Election campaign was going to happen, that would ruin Gibraltar and, having made those crystal ball predictions, he is trying to do everything in his power to be able to say ‘I told you so before the Elections’.

2100 I know what he is up to – but the answer is he is wrong. He is wrong like he was wrong in counting the list because he cannot say the bulk of them are in the public sector, having just acknowledged that there are over a hundred in the private sector and that if you take the structured employment that was already there, and the fact that we inherited 331, the reality of it is that the new entrants from the labour pool is minimal. If there are a total of 400 I doubt if there as many as 40 that have come in through that – so it is not true that the 5,000 public sector jobs are going to be filled from the 40 people that have come from the pool of the unemployed.

2105 **Hon. D A Feetham:** You seem to know what the motive behind my question is but you are masterful in not answering the question.

2110 Now, the question was very simple – what is your Government Department’s criteria for taking somebody from the unemployment list and saying ‘you are the lucky guy, we are now going to be placing you in Mr Linares’s Department’. What is the criteria?

Hon. J J Bossano: The answer to that is something that I have already told him at least three times, Mr Speaker.

2115 I do not know how many times he can ask the same question to get the answer because he just rephrases the question and adds adjectives like ‘you are the lucky guy that I am picking’. Well, perhaps that is what was happening before 9th December, that there was somebody sitting in some Government office picking ‘lucky guys’, and in the run-up to the Election, promising them jobs after the Election!

What is happening now, as I have already explained to the hon. Member, is that, whether it is the public or the private, a pool of names is given and the recipient entity decides who they think is going to be the best guy

2120 to take, and they decide that. I have also told him that no more than 10% of the total, in the private and in the public, that is to say the people that he has mentioned in the Culture, were not people selected as suitable for learning in the Culture or in the Tourism by the people in the ETB. The only selection that is taking place in the TD at the moment – we will be able to do more in the future, because I want to go down that route – the only area where I have got the expertise in the Department to do pre-selection is in the construction industry.

2125 So in the construction industry it is the Construction Officer that used to be in the Training Centre, which is now in the Employment Service, and has got a lot of experience, that assesses the suitability of the potential candidates. In the other areas, when somebody says ‘have you got some trainees that you can place with me?’ we send them a selection of people and they pick who they want... And I have already told him that three times.

2130 **Hon. D A Feetham:** Who picks...

Hon. J J Bossano: The recipient. The entity that is asking.

2135 **Hon. D A Feetham:** Who within the recipient? Is it the Minister that picks them? Who is picking them?

Hon. J J Bossano: To my knowledge Ministers are not involved in interviewing applicants. I do not know whether that is a practice that was there that has now been discontinued.

2140 **Hon. D A Feetham:** Alright, so are you saying that... we are now getting somewhere. Are you saying that, effectively, there is an interview process in the Government Departments so you send them 20 people – they interview all those 20 people – and then they make a decision and that is done via a board. Is that what you are saying to me?

2145 **Hon. J J Bossano:** No, no, I am not saying that because these are not vacancies that are being filled and there is a selection board. They pick people on the basis of assessing if the people are going to benefit from the training.

2150 The hon. Member opposite is *determined* to make believe something invented by him and therefore trying to get me to admit to what he has invented. The answer is he is wrong. His invention is wrong. His prediction was wrong when he said we were going to put 1,100 people in the public sector and ruin Gibraltar. He was wrong then and he is wrong now. And he is still trying to prove the same thing, and time will prove him, as he sees the result and the effectiveness of this, that we are increasing constantly the number of Gibraltarians in the private sector, *not* in the public sector.

2155 **Hon. D A Feetham:** Yes, don’t blow a gasket but are these the same people...

Hon. J J Bossano: I will blow as many gaskets as I want. (*Laughter*). I am entitled to blow gaskets after he welcomed my being here for 40 years. (*Applause*).

2160 **Hon. D A Feetham:** The hon. Member is taking too many legal points. I should have really added a legal caveat at the end of my tribute to the hon. Member this morning!

But are these people, by any chance, card carrying members of the GSLP – those people who signed for the Future Jobs Strategy at GSLP headquarters during the General Election? (*Applause*)

2165 **Hon. J J Bossano:** I do not know whether they are or they are not because they are not selected on that basis but I would strongly recommend to all of them that, if they are not, they should immediately apply. (*Applause*)

2170 **Clerk:** Question 505, the Hon...

Mr Speaker: Would this be a convenient moment for a ten minute break?
The House will recess for 10 minutes.

2175

*The House recessed at 12.08 p.m.
and resumed its sitting at 12.20 p.m.*

2180

HEALTH AND ENVIRONMENT

Barbary Macaque 'threat' Remedial action proposed

2185

Clerk: Question 505, the Hon. S M Figueras.

2190

Hon. S M Figueras: Mr Speaker, can the Minister for the Environment provide details of the action he is taking to deal with the threat the Barbary Apes represent generally and, specifically in light of the many daily complaints communicated to the Opposition by residents in the Gardiners Road area?

Clerk: Answer the Hon. the Minister for Health and the Environment.

2195

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, as explained previously, a plan has been compiled that can take account of the general situation regarding the macaques and will address many of these problems.

In the meantime, responses to call-outs are continuing, as in the past, with management staff trying to move the monkeys away and explaining to residents what action they need to take to discourage them. I would ask the Opposition to pass details of the 'many daily complaints' to Government to ensure that a response is initiated and that a proper record of incidents can be kept.

2200

Hon. S M Figueras: Mr Speaker, I am grateful for the answer and I will certainly pass the message on and enquire as to the specific nature of the complaints and certainly advise them to pass them on. It is just that the complaints we are made aware of are those that are, essentially, duplicates of the many complaints that are already being lodged.

2205

In respect of the specific area of Gardiners Road, which is one that is very much in the limelight because I do not know whether perhaps the Minister will be aware, but there is this group on Facebook called the 'Gibraltar Apes Problem'. I am not certain whether he is a member or not (*Laughter*) – it is apparent that, in this session of Parliament, Facebook will be quite a common feature. I wonder is the Minister aware of the nature and regularity with which complaints are lodged, published or talked about on the forum?

2210

Hon. Dr J E Cortes: Mr Speaker, it is interesting that the hon. Member should have the impression that I frequent Facebook at all. (*Laughter*). However, I am aware of the group and I am aware of the instances.

2215

This is something that has happened for years, in fact probably for decades. Splinter groups of the apes tend to move down into the Trafalgar Cemetery, St Jago's area, on a regular basis – daily basis – and they move through Gardiners Road. So this is a problem that has been witnessed in the past.

2220

In fact, I remember when the Hon. Mr Reyes had an office there as Minister for Culture we had numerous conversations about tackling this. It is a problem which has been tackled as I described and will be caught, we hope, in the general management plan about which I have a question – 509. If he wants to ask any further questions on that, perhaps we can leave it until 509 shortly.

Control of seagulls Management plan

2225

Clerk: Question 506, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for the Environment indicate to this House what action is being taken in respect of the control/management of seagulls and can he confirm whether reports of dead

2230 and injured seagulls recently frequently appearing around Gibraltar has anything to do with the deployment of seagull population control initiatives other than controlled culling?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

2235 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the ongoing gull control programme by local operators is continuing as usual, with much of the time at this point in the season being dedicated to call-outs in built up areas.

In addition, the last phase of a four year programme for the management and control of the yellow legged gull population has only recently been completed by FERA, the UK Food and Environment Research Agency, who were initially contracted by the previous administration for four years. This final phase was conducted through a period of 23 days, with a total of 2,477 seagulls culled and 179 eggs removed.

2240 I can confirm that no control initiatives, other than the properly controlled culling methods, have been carried out, to our knowledge.

2245 **Hon. S M Figueras:** Thank you, Mr Speaker.

Specifically in the area of Schomberg/KGV, we have had representations made to us from residents in the area of the particularly difficult situation in which those residents find themselves, in respect of the, what I understand to be, annual cycle of chicks and that particular aspect of seagull management.

2250 Is the Minister aware of the physical harm with which they are threatened and, in fact, that residents in the area have sustained as a result of that problem in that particular area?

Hon. Dr J E Cortes: Probably more aware than most. Of course, I am aware of the possibility of – I use the word ‘attacks’ with caution, because normally seagulls are trying to scare you off, and it can be quite scary, particularly if you do not have a knowledge of the way they behave. It is very, very rare that they actually have an impact on you but, of course, I am aware this is precisely the reason why culling is carried out now, as it was by the previous administration.

2255 It is a problem in Gibraltar, as it is in many other coastal cities around the world and, obviously, is one that is being tackled. We hope, as I think I may have said in answer to previous questions, we are going to be re-deploying resources that were dedicated by the previous administration to FERA, now that their programme is concluded, to enhance the local programme so that more resources are put into it in the coming years.

2265 **Hon. S M Figueras:** Does the Minister concede that, or rather believe that, it is satisfactory that, in recent weeks certainly, as communicated to us by concerned individuals, the contact number provided for GONHS in the directory, which people have been trying to contact, furiously in certain instances, has provided little more than an answerphone at the end of it, confirming that there will be no one available to take calls on that number for two weeks and offering an alternative number which then turns out to be the number for the Botanical Gardens... at the end of which there seem to be representatives who explain that seagull control actually has nothing to do with the Botanical Gardens!

2270 Now, I am aware, only today, that the number for GONHS is now re-directing, or was certainly yesterday, to the Botanical Gardens: no answerphone. Is the Minister satisfied that the access to experts, or access to people who can help, is satisfactory at this moment in time?

2275 **Hon. Dr J E Cortes:** Mr Speaker, I suspect that, as those calls used to be directed to me personally, when I was working on contract with the Ministry for the Environment under the old administration, as I had been for many years, perhaps the link is still going to my old office. However, I am glad to say that I will be announcing, in response to the hon. Member’s question – the next question, in fact, on an environmental hotline – that this has now been resolved.

2280 **Hon. S M Figueras:** Mr Speaker, in a previous session in this House where we talked about the seagulls – I believe it was the March session – there was reference to there being ‘enhanced resources’ provided to the local culling operation which the Hon. Minister has referred to again in previous answers.

The operation by FERA having been completed, is the Minister able to describe or explain to some detail what these enhanced resources for GONHS, the contractor I understand he identified at the last session, will in fact be?

2285 **Hon. Dr J E Cortes:** Not yet, Mr Speaker. These are issues that are being considered and will be discussed with the operators, but we are not...

I have some personal ideas, through my own experience in the matter but, certainly, we have not yet decided exactly how this will work but, no doubt, when the decision is made I will be more than happy to share that with the Members opposite.

2290 **Hon. S M Figueras:** Mr Speaker, is the Minister aware of any secret weapons, explosive, natural or otherwise, that GONHS may have been deploying in the last few weeks in the control of the seagull population?

2295 **Hon. Dr J E Cortes:** No, I am not, Mr Speaker.

I do not know what the hon. Member is referring to. I am aware that, as part of their programme this year, FERA, together with GONHS, were testing the use of laser, which is obviously not an explosion, it is a visual disturbance at night to nesting gulls which had the desired effect of displacing them from their nests. Therefore, if this happens regularly enough, particularly in the cooler period of the night, it could decrease nesting success.

2300 It may be, if sounds have been heard, that that could be FERA who do use shotguns and that may explain if any explosive sounds have been heard. That would be the FERA operation which, like in years past, have had shotguns licensed appropriately and that may be if some sounds are being used. Other than that, I have no knowledge.

2305 **Hon. S M Figueras:** Mr Speaker I am fully aware that I may be letting the cat out of the bag and that there is a question in the Order Paper on cats later on but to let the secret out, the 'secret weapon' which has been referred to us in the Opposition, is the use of a hawk by members of GONHS.

2310 Is the Minister able to provide us with any further information in relation to this?

Hon. Dr J E Cortes: Yes, Mr Speaker. Sorry, I thought as he said 'explosions'... I was thinking of noise.

Yes, the use of falconry has now been carried out for five or six years and the falconers are licensed under the Nature Protection Act, as are the birds in question: and they are used to disrupt, again, disrupt the nesting of gulls.

2315 We all know how gulls do not like the presence of birds of prey so there are two purposes here: either a hawk is flown, then the gulls are displaced and, the more disturbance, the less likely they are to succeed in the nesting. But also in built up areas where they cannot use rifles and so on to cull, then the use of hawks is a preferred option, as is the case in other places, for example in airfields in other parts of the world.

2320 **Hon. S M Figueras:** Is the Minister aware – and, perhaps, I am calling upon his expertise when in GONHS prior to his current role as Minister for the Environment – is he aware of any negative effects, any potential dangers, for the population, the community as a whole, stemming from the use of the hawk?

2325 **Hon. Dr J E Cortes:** The community of wildlife?

Hon. S M Figueras: No, the human community.

2330 **Hon. Dr J E Cortes:** Any detrimental effect on the human population: these hawks are this small, I do not think they could carry you away! Sorry, I don't think they could carry the hon. Member away. *(Laughter)*

If he is implying anything else, instead of implying it, if he asks it directly then I will attempt to answer it.

Hon. S M Figueras: Mr Speaker, I was not talking about the British Aerospace Systems Hawk, the training aircraft, the Red Arrows, I was referring to hawks occurring in the natural context.

2335 By my question – and, perhaps, it was a little too general – I was referring to the appearance frequently recently of maimed animals, dead animals, on the road, in terms of the health hazard, in terms of animals falling on you. Perhaps some more details in that respect would be helpful.

Hon. Dr J E Cortes: No, Mr Speaker, certainly not from the use of falcons or hawks. In fact, I think, if they are still using the same bird they used to use when I was involved in the operation, they would be

- 2340 American Harris Hawks, captive, bred for the purpose.
They are specifically trained to attack or catch *only* gulls. They are trained by the operators, who are very well experienced in this sort of matter and they are specifically trained to take yellow-legged gulls. Once they have a specific search image, it is *highly unlikely* they will go for anything else.
- 2345 Any maimed animal or whatever would have to have other –
- Hon. S M Figueras:** Perhaps the Minister will give way... Just to clarify, I am not talking about risks, Mr Speaker, to the human population directly from the hawk but as collateral damage – and I was not even referring to that – but as collateral damage from seagulls being injured, then causing injury or risks to the general population.
- 2350
- Hon. Dr J E Cortes:** Alright. There has been no change in the methods used to the previous administration and I am not wanting to make this a political point, I am trying to stick to the technical aspects. Not from the use of hawks... perhaps if an injured gull, which may be injured by whatever reason, either naturally by one of the wild hawks, for example, or falcons or perhaps as a result of another operation, like shooting or whatsoever: if a gull is injured it might fall on the ground in front of somebody. That might be unpleasant. Those situations have occurred particularly when FERA has been here, with the use of shotguns, and it is regrettable, but that is not going to happen again because they will not be coming back. But certainly not from the use of birds of prey.
- 2355
- Hon. S M Figueras:** Mr Speaker, not meaning to delve into the political pre GSLP-type discussion that we have had very often in this House recently, is the Minister satisfied that this approach, as one of the solutions for the seagull management and control, is an appropriate and perfectly acceptable measure for this Government to undertake.
- 2360
- Hon. Dr J E Cortes:** The hawks? (**Hon. S M Figueras:** Yes.)
Yes, it is not going to solve the problem. It can reduce breeding success in built-up areas, which is a problem because they cannot be approached in any other way, particularly if the nests are not accessible to the operators. Therefore, if it reduces nesting success and does take out certain pairs, then the long term benefit will be that those pairs would not be there next year and perhaps they will be discouraged from nesting in particular areas. It is a legitimate method.
- 2370
- Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister explain whether the hawks would be successful in clearing gulls from the airfield in terms of air safety?
- 2375
- Hon. Dr J E Cortes:** Mr Speaker, how long has the hon. Lady got for this answer?
Yes, the view is, yes. Again, purely on the technical side and from the experience I have in my previous occupation, not to say profession – I hope the profession continues beyond your occupation – there have been initiatives in the past to introduce falconry in the airfield. In fact, the latest initiative was in conjunction with the development of the new air terminal, but the previous Government did not approve those proposals.
- 2380
- Hon. Mrs I M Ellul-Hammond:** Mr Speaker, will the Minister be consulting with air traffic control about the introduction of the use of lasers in order to disperse gulls?
- 2385
- Hon. Dr J E Cortes:** Yes, Mr Speaker.
- Mr Speaker:** The Hon. Daniel Feetham:
- Hon. D A Feetham:** It is just out of interest – the hon. Gentleman and I share an interest – him more than me, obviously, in wildlife, particularly in the Upper Rock, but he may recall the conversation that we had, that the red fox had been re-introduced into Gibraltar. Does he think that the red fox population is going to be impacting on the population of gulls? Is that the idea and can he provide some information to the House as to how he believes the population of red foxes are actually doing since they were introduced?
- 2390
- Hon. Dr J E Cortes:** Mr Speaker, I think next time I will bring a PowerPoint presentation and I am sure

2395 we would all enjoy what I have to say on the wildlife.

It is not particularly... well, it is relevant – the success of the re-introduction programme of the red fox of some years ago is in question. The experts tell me that they are not sure whether it was successful or not so, therefore, I cannot really answer whether there has been any impact or not. It is a matter that will be taken into consideration as we develop an Upper Rock plan.

2400

**Upper Rock feral cat population
Method of management**

2405

Clerk: Question 507, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for the Environment confirm what, if any, action is being taken to control/manage the feral cat population in the Upper Rock?

2410

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, Government is currently considering what action can be taken to deal with this matter since it is committed to the protection of the natural environment of the Upper Rock.

2415

Government is committed to the enhancement of the biodiversity of the Upper Rock Nature Reserve. It is currently considering, in this context, what action can be taken to deal with the feral cat population and, before I am asked any supplementary, the answer is we are *considering* it: we do not at the moment have a defined plan.

2420

Hon. S M Figueras: Mr Speaker, in this context, does the Minister – I suspect he will, but I will ask the question just to be on the safe side – accept that the Barbary Partridge is an iconic species for Gibraltar?

Hon. Dr J E Cortes: Yes, Mr Speaker.

2425

Hon. S M Figueras: And further in that context, does the Minister accept that the feral cat population is responsible for the decimation ongoing of that Barbary Partridge population?

Hon. Dr J E Cortes: Mr Speaker, with this – in replying to the affirmative – I know that the hon. Member next to Mr Figueras shares this concern, as a resident of the Upper Rock.

2430

**Reporting of environmental issues
Hotline and central e-mail address**

2435

Clerk: Question 508, the Hon. S M Figueras.

Hon. S M Figueras: Can the Minister for the Environment confirm whether an environmental hotline and central e-mail has now been established for the purpose of reporting environment related matters?

2440

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I am going to slightly change my prepared answer because of developments today.

2445

I was going to say Government will *shortly* be issuing... I am now going to say the Government will, within the next 24 hours, be issuing a press release that will provide details of the counter address, telephone number and e-mail address that will be provided so that the public can register any environmentally related issues.

2450 The public will also be reminded of the various contact details already at their disposal in respect of specific matters. The press release, as I say, is going to issue very, very shortly.

2455 **Hon. S M Figueras:** Mr Speaker, does the press release cover and, in that event, will do away with the need for the Minister to answer the question in substance; does it cover the response, reaction, action that will be taken in response, to matters lodged with that hotline?

Hon. Dr J E Cortes: Mr Speaker, it is a short press release. I am happy to read it – I am not sure it answers all the questions.

2460 'The Department of the Environment has set up an Environmental Complaints Section for the purpose of providing the general public with a one-stop shop in respect of the reporting of environmental matters. The Section's core function is to gather information received from members of the public and pursue action directly from the respective service providers. A register of all issues raised will be established that will assist with monitoring the services provided. Feedback will be crucial to this process.'

2465 And then it goes on to explain when it will be manned, when there will be an answerphone, the telephone number and an e-mail address.

2470 **Hon. S M Figueras:** Mr Speaker, I am grateful to the Minister for reading the press release, as it does answer a number of questions that I had. However, it omits to deal with one or two particular issues that I would like to raise in addition by way of supplementary.

When will the hotline be manned is one question and, more importantly, perhaps, is what will the public be able to... or what can the public count on, in terms of the response where there is an emergent situation?

2475 **Hon. Dr J E Cortes:** The line will be operational immediately. It already exists. It is just that it has not been publicised, until this press release issues.

2480 The unit that is dealing with this, which is the Environmental Monitoring Unit at New Harbours, will log and refer the complaints to all the respective operators. For example, if there is a complaint to do with gulls then they will call the people for dealing with gulls. If it is a complaint which is more related to the Environmental Agency, they will continue with their numbers and so on but then they will be directed to the Environmental Agency or they will take the call and process it themselves.

Obviously, it is a new system which, as it develops, will mature, but the intention is that anybody who has an environment related concern will have one point of reference.

2485 **Hon. S M Figueras:** I commend the speaker for establishing the system because it is certainly something that there is no doubt the public will be able to avail itself of and benefit significantly from.

2490 However, there is one omission in the answer which I would just like to probe that little bit further, which is what will happen in the emergent situations where there is a current emergent need for some kind of assistance by the relevant officer? I know that officers have been loath in the past to be available on a 24-hour basis, to publish their mobile phones even, but I just really wish to put on record the concern of some residents that there is little or no response in specific instances of danger.

Hon. Dr J E Cortes: Well, it really depends on what it is. What is 'urgent' is hard to define: something that is clearly urgent and, in other cases, it is more a matter of opinion.

2495 Certainly, the 24 hour on-call Environmental Agency Officer will remain. The Police is always a point of contact that furthers contact. Those things will all remain and, as I say, as we develop this system and see what problems there are then, hopefully, we will be able to, as I say, develop it and improve it, but all the existing emergency support for environmental matters, which *essentially* is the Environmental Agency – they remain in place.

2500 **Hon. J J Netto:** Can I ask, in order to try and clarify some of the things that the Hon. Minister has said, because he did say that the environmental hotline would be based in New Harbours, where the office is of the environmental monitors? Now, to my recollection, they normally work normal working hours, but what happens, for instance, where someone is calling to the hotline after normal working hours or even the silent hours? How is this system going to work?

2505

Hon. Dr J E Cortes: At the moment there will be a voicemail that will operate.

2510 Clearly, the options that are being considered is whether, during the silent hours, the call could be diverted, for example, to the Environmental Agencies call or to the Police but that is something that we are considering at the moment. This is not meant to replace any emergency situation, this is meant to provide people with ongoing concerns a point of contact and we will develop it and, hopefully, it will be an improvement.

2515 **Hon. S M Figueras:** Mr Speaker, just one supplementary, I hope, because I really hate to labour the point. It is just that the Hon. Minister has said that, initially, the hotline will be a voice message. Now, in emergent situations who will be on hand to listen to the voicemail to determine whether or not it is an emergent situation, in the first place?

2520 **Hon. Dr J E Cortes:** As I said, this is not supposed to be dealing with emergency situations. I understand the concern. I have not heard the message yet, but it can be made clear in that, that emergencies can be referred elsewhere or we re-direct. I will take that up right away.

Clerk: Question five...

2525

**Beach refurbishment programme
Details of work and cost
Revised schedule**

2530 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, before we move on to the next Question, with your indulgence, perhaps we can move back to Question 487/2012, where the Hon. Mr Bossino asked me about a discrepancy on the schedule that I handed him and the hon. Members opposite.

2535 Just to say that I have had the situation rectified. Essentially, there was a misalignment on the right hand side of the schedule that had the figures mismatching with the items. I have shown the revised schedule to the hon. Gentleman: he is satisfied that it is now correct.

I am grateful to the hon. Member for pointing it out and I now hand over the revised schedule to the hon. Gentleman opposite.

SCHEDULE TO QUESTION NO 487/2012**Beaches Expenditure 2012 (FROM JANUARY TO 13TH JUNE 2012)**

	LITTLE BAY	CAMP BAY	EASTERN BAY	WESTERN BEACH	SANDY BAY	CATALAN BAY	ALL BEACHES	TOTAL
EQUIPMENT		£399.00					£2,604.82	£3,003.82
REPAIRS	£53,706.14	£26,438.20	£1,741.24		£6,303.14	£1,206.00	£1,321.10	£90,715.82
GENERAL				£20,000.00			£2,507.55	£22,507.55
SERVICES	£10,000.00	£300.20	£275.00		£540.00			£11,115.20
MATERIALS	£31.50			£535.00			£6,997.26	£7,563.76
TOTAL	£63,737.64	£27,137.40	£2,016.24	£20,535.00	£6,843.14	£1,206.00	£13,430.73	£134,906.15

The following are some of the extraordinary works/services included within the above schedule:

1 Lifeguard uniforms	£2,507.55
2 Repairs to lifeguard boats	£900.00
3 Repairs / servicing of outboard engines	£421.10
4 Binoculars for LGs	£299.50
5 First order of 1st Aid stock for LG posts	£1,298.50
6 Repairs to LG posts switches and sockets	£209.93
7 Disabled toilet fittings Camp Bay	£399.00
8 Painting of pools at Camp Bay and Little Bay and necessary repairs	£28,001.84
9 Erection of new railings on bottom two tiers at Little Bay and extensive repairs to damaged promenade sections	£50,492.50
10 Beach lighting at Little Bay	£10,000.00
11 Pinewood planks to repair walkways (Eastern Beach, Catalan Bay, Western Beach)	£385.00
12 Relocation of Western Beach toilets (These works are to be charged as part of the reclamation programme)	£20,000.00
13 Repairs to verandas and beach access stairs at Eastern Beach facilities	£1,741.24
14 Transportation of LG post from W. Beach to Sandy Bay and placing on location	£540.00
15 Sandy Bay umbrella store, wooden stairs and closure of the concrete access ramp	£6,303.14
16 PVC cladding of toilets at Catalan Bay North	£1,206.00
	£124,705.30

Point no. 10 represents an approximate cost as GibElec still have additional associated works which need to be verified.

We have also been furnished with a new lifeguard boat store at Eastern Beach, capable of holding two vessels mounted on their corresponding trailers. This structure has been constructed as part of the on-going refurbishment and beautification programme of Eastern Beach. We have no costing for these works.

Hon. D J Bossino: Mr Speaker, just to point out, for the sake of the record and, therefore, for the sake of *Hansard*, I think, if my memory serves me correctly, the £399 expenditure, in fact, relates to disabled toilet fittings at Camp Bay and not to repairs to LG posts, switches and sockets, which I think is the explanation which the Minister on his feet offered to me.

Mr Speaker: Well, I think the *Hansard* will disclose that, but the Minister at this stage rose to rectify the answer given to Question 487 with an amended schedule.

Hon. N F Costa: That is correct.

Mr Speaker, the hon. Gentleman states the position correctly. The amount relates to disabled toilet – Camp Bay – fittings. As a result of the misalignment, I thought it related to item 6, which were repairs to lifeguard posts. Now that the schedule has been revised, it does correctly refer to disabled toilet fittings at Camp Bay.

I am grateful to the hon. Gentleman.

**Barbary Macaque Management Plan
Re-drafting and re-costing**

Clerk: Question 509, the Hon. S M Figueras

Hon. S M Figueras: Mr Speaker, my last question for the Hon. Minister.

2565 Can the Minister for the Environment now state, following his planned meeting between last month's session of Parliament and the present one, whether the Barbary Macaque Management Plan has now been re-drafted and re-costed and can he give an indication as to why this exercise has been necessary?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

2570 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, work is still in progress. The exercise has been necessary in order to extend the plans and incorporate elements that were discarded by the previous administration and include new elements brought on board by additional expert advice.

2575 The Barbary Macaque Management Plan is currently being re-drafted with international NGOs, sorry, and with input from international NGOs and Professor Agustin Fuentes, following his recent visit, and will be discussed with local experts before it is adopted.

2580 The re-drafting will include a re-costing exercise. I hope this process will be complete by the end of the summer. The exercise has been necessary due to shortcomings of the former management regime under the previous administration which was under-resourced and under-supported. This meant, for example, a lack of supervision at the sites, a lack of interpretation, no support for research, failure to discourage illegal feeding, lack of financial support to improve facilities at the site for the monkeys and visitors, slow or non-existent decision making.

Hon. S M Figueras: Mr Speaker, I am grateful.

2585 The Minister explains that the BMP – and I make no apologies for any innuendos that may come out of that – but he refers to re-costing of the BMP, that previously it was under-resourced and that there were failings under the GSD Administration.

2590 One would imagine that if the re-costing exercise is revealing, or certainly it was clear to the Hon. Minister that it was under-resourced before, that there is going to be a need for more resources going forward. Is the Hon. Minister able to give an indication of those resources that will be required and, further, whether provision for that has been made by the Government already?

2595 **Hon. Dr J E Cortes:** No, Mr Speaker, I am not able to say what resources are going to be needed and, therefore – I am just trying to remember – provision has not been made for the *full* Plan because we still do not know what provision we will require.

2600 **Hon. S M Figueras:** Mr Speaker, the Hon. Minister having understood, for as long as he had been involved in GONHS in a professional context, prior to taking up his role as the environmentalist Minister for the Environment, one would imagine that a certain provision *would* be made, on the basis that there is an understanding that some extra resources will be required and even though the exact number is unknown as yet because the re-costing exercise is taking a long time to be done, that some provision would be made. Has none at all been made or has some of it been included?

2605 **Hon. Dr J E Cortes:** Mr Speaker, I think this discussion should be more appropriate during the Budget session, when I will have the information at hand and not rely on memory as to whether or not a token or otherwise... I would rather, and I would be happy to discuss this at the appropriate time. I do not have all the information available.

2610 **Hon. S M Figueras:** I am grateful for the confirmation that he does not have the information available and I look forward to discussing the matter at the relevant session, as he says.

Now you mentioned that there has been consultation with many NGOs, international, and that there will be consultation with local experts' as well. Could the Minister confirm whether there has been cost involved to the Gibraltar Government or to GONHS in respect of the advice received by all those NGOs, including Professor Fuentes?

2615 **Hon. Dr J E Cortes:** Mr Speaker, the only costs that one could relate directly or indirectly to this was the fact that I met with the Born Free Foundation and the International Primate Protection League in London as part of a visit to different environmental departments and organisations, so it would be my travelling costs for

that.

2620 Professor Agustin Fuentes had his flights and accommodation – I think it was for two nights – paid for his visit, but he is not charging any fee for this service.

Hon. S M Figueras: I am grateful and I commend the Hon. Minister for being able to leverage that kind of resource on a *pro bono* basis. It is certainly welcome.

2625 However, have any local experts, of which there are some certainly, been consulted during the re-drafting, or would they only be consulted once it is completed?

Hon. Dr J E Cortes: They have been consulted during, and they will be consulted at the latter stages of, the drafting. In other words, the revised draft that Professor Fuentes will provide will be presented to local experts before the final version is presented to Government.

2630

Hon. S M Figueras: Mr Speaker, I expect the re-drafted plan will be circulated in a round-robin-type exercise, as was the case (*Laughter*) with the World War II Blast Wall.

2635 However, would the Minister be able to enlighten us as to the identity of the local experts who have been involved, if it will not take too long?

Hon. Dr J E Cortes: Yes, certainly. The local experts who have been involved include... Let me just think. Apart from GONHS, which has several, Mr Brian Gomila, whom I assisted at the time of the previous administration in getting funding for a Masters. I have not yet spoken to John Fa, but I will be doing so. I was hoping to be able to visit him, but time did not allow. So, apart from those, within the Natural History Society... I am just trying to think. Other people who have an interest in the Upper Rock have also been consulted, but at the moment I think the only name I can remember is Brian Gomila.

2640

Hon. S M Figueras: One final supplementary, which may inevitably lead to another one or two: the Hon. Minister mentioned illegal feeding as one of the failings of the previous administration, and one would assume that, being a failing, it is one of the matters that are being dealt with actively in the newly being re-drafted plan, which is still under consideration. Is the Minister able to provide this House with a little more information as to how they propose, how he himself would propose, or GONHS or whoever the NGOs are, to deal with this particular matter moving forward?

2645

Hon. Dr J E Cortes: On dealing with illegal feeding? Again, it is a complex issue which will involve the co-operation of different users of the Upper Rock so, at this moment, I would just like to say that there are ideas on how this could be done but, certainly, there is a law that has to be enforced and we hope that all – we *know*, in fact, that all – the stakeholders will be happy to go along with it.

2650

2655 Obviously, there will always be individuals who will choose to do differently – individual tourists who might want to feed monkeys and so on – but, hopefully, we will be able to control that by supervision at the site, and so on, but as I say, it is a developing process.

I cannot really say any more because I cannot be held to any more, because we are still developing the programme.

2660

Hon. S M Figueras: Granted, Mr Speaker, but in relation to... and in the avoidance of doubt in respect of the identity or nature of the stakeholders in this particular process, will the Government be consulting the public in relation to those measures in relation to the feeding, given that the public themselves are users of the facilities?

2665

Hon. Dr J E Cortes: Mr Speaker, the public has been consulted in relation to the Upper Rock management, which is a parallel process to the Barbary Macaque. There have been representations made by the public on the Barbary Macaque, and those are being shifted sideways to be part of this process, yes.

The answer is, yes, they have been, and any other comments will always be more than welcome, either directly to my office – or even on Facebook.

2670

Hon. Deputy Chief Minister: Mr Speaker, I have the honour to move that this House do now adjourn until three o'clock.

Mr Speaker: Is that convenient to all the hon. Members?
This House will adjourn until 3.00 p.m. this afternoon.

The House adjourned at 1.00 p.m



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 6.18 p.m.

Gibraltar, Thursday, 21st June 2012

The Gibraltar Parliament

The Parliament met at 3.00 p.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Questions for Oral Answer

CHIEF MINISTER

Mr Albert Poggio
Consultancy arrangement and remuneration

Clerk: Answers to Questions continue.
Question 563, the Hon. D J Bossino.

5 **Hon. D J Bossino:** Can the Government say how long it envisages that the consultancy arrangement with Mr Albert Poggio will endure and the remuneration he receives?

Clerk: Answer, the Hon. the Chief Minister.

10 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, as to how long the consultancy arrangements with Mr Albert Poggio will endure, this question was answered in the answer to Question 350/2012 and I am surprised that the hon. Member has not appreciated that.

As to remuneration, the answer is that the sum paid, as provided for in answer to Question 350/2012, is exactly the same as was agreed by his Party Leader in the agreement of 25th March 2011.

15 I am nonetheless happy to give the information, which is that the sum of £65,000 per annum is paid to Mr Poggio under that consultancy arrangement.

20 What I will say, Mr Speaker, given the plethora of questions from the hon. Members of the Opposition on this matter and on this gentleman, is that I share the views expressed by the now Leader of the Opposition, that Mr Poggio has done a tremendous job over many decades and we are delighted that he continues in his role. I would for myself, Mr Speaker, add that Gibraltar owes Mr Poggio a debt of gratitude of immense proportion for the work he did in 2002 in defeating the joint sovereignty proposals.

25 **Hon. D J Bossino:** Mr Speaker, does the Government at this stage have a firm view as to the continuance of the consultancy arrangements, once the current arrangements are concluded – I believe it would be around about 2013?

Hon. Chief Minister: Not at this stage, Mr Speaker.

30 **Hon. D J Bossino:** And does the Government have a view, at this stage, at what stage in the future it thinks that there ought to be a conversion – if a conversion there is to be in the future – between the responsibilities currently being carried out by Mr Canessa as Director of the London office which, as he explained on the last occasion, are administrative in nature and those currently being undertaken by Mr Poggio, which are purely political in nature?

35 **Hon. Chief Minister:** Mr Speaker, that is not a question of at what stage it would happen; it is a question of whether it will *ever*, in fact, happen.

40 **Hon. D J Bossino:** Yes, I am thinking particularly of the current beneficiary of the consultancy arrangement with Mr Poggio, given the wealth of experience, and both direct experience and because of the contacts that he has with various MPs. Presumably there is going to be at some point a hand-over to somebody else. It may not necessarily be a person who is currently charged with the administrative responsibilities of the London office; it could be, and hence the question in relation to convergence, but the Chief Minister said that that may not necessarily converge, but whether it is convergence or whether it is, at some point in the future, a handing over to somebody else – Mr Poggio is of a certain age – does the Government have a view in relation to that, as to how the transition, if you like, is going to take place?

45 I am just concerned that we have Mr Poggio, who has, as I said earlier, a wealth of experience and information at his fingertips, which he ought to be, I think, in a position to hand over to somebody else in the, I would have thought, not-too-distant future.

50 **Hon. Chief Minister:** Well, Mr Speaker, if Mr Poggio has the same attitude to life that the present Minister for Employment has, it may be that we are lucky enough to have him around for many years (*Interjection*) – for many years, although I think he is quite a bit younger than the present Minister for Employment. So it may be that we have him around for quite a bit of time still, and that would be a very good thing, for the reasons that the hon. Gentleman has touched upon – the level of contacts that Mr Poggio has.

55 I think to an extent that is to underestimate what Mr Poggio does. Mr Poggio is not just a 'Rotadex' of contacts of friends of Gibraltar. There are certain things that Mr Poggio does for Gibraltar in London which relate to the abilities that Albert Poggio has, not who he knows, and those issues I think are issues that are or those things that he does because of who he is, not issues that are as simple as handing over a list of contacts or introducing people to a new man in London.

60 So I think it is an issue which the hon. Gentleman can rest assured the Government is fully aware of, and I
am sure the previous Government was fully aware of. It is not as easy to resolve as simply converging the role
of one party at the London office with Mr Poggio's role, in the hope that from there will emerge a successor
to Mr Poggio. I think there is much more to it than that and, therefore, it is not something which we can easily
debate across the floor of the House. There are many intangibles, many soft issues here that are not just
65 resolved by the transfer of contacts.

Hon. D J Bossino: Yes, just as a point of clarification, Mr Speaker, I did specifically mention the contacts
he would have available to him, as well as his experience.

70
Moroccan Workers' Hostels
Closure and transfer of residents

75 **Clerk:** Question 564, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Chief Minister state if it is the intention of the Government to close
the two existing Moroccan Workers' Hostels and to transfer the current residents onto a ship which will be
anchored by Coaling Island and, if so, by when does the Government intend to do this?

80 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, this is an issue that has been discussed with the
representatives of Moroccan workers. There is no fixed plan in this respect at this stage.

85 I would also add, Mr Speaker, that it is not a ship which was being considered, but a floating hotel that
might have been considered and is in the process of discussion.

Hon. J J Netto: Mr Speaker, I am grateful for that answer.

90 The Chief Minister has actually said that it is something which is being considered – presumably
something that, perhaps, the Government is pursuing, with a view to try and get this floating vessel, as he
calls it, and thereby close the two existing hostels. Could the Chief Minister provide a kind of dateline upon
which he would like this discussion to come to an end, with a view of carrying out the Government policy?

95 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman prefaces his question with a lot of assumptions,
including that it is Government policy to do the things that he suggests.

It is not an issue of Government policy. I told him that we are discussing with the Moroccan Workers'
Association and the Moroccan Community Association a possibility which is similar to the issue that he has
raised in his question.

100 It is not a vessel that we are talking about, but a floating hotel. A floating hotel is not a ship. In other
words, it cannot sail. It has to be towed and anchored and set almost in stone in a particular place, until it is
once again pulled to another location for future use. In any event, it would not be a long-term solution. What
we are talking about here is having to deal with issues at the hostels and in the period whilst you construct
something else, etc, having a better facility than the ones that are presently available.

I am sure the hon. Gentleman knows why this issue arises.

105 **Hon. J J Netto:** Mr Speaker, if I may, could I ask the Chief Minister whether in the process of this
discussion which is taking place... does he envisage the discussion to finalise perhaps within the next three to
six months and, therefore, at the end of those three to six months, the Government may be able to proceed
with this particular policy?

110 **Hon. Chief Minister:** Mr Speaker, I confirm to the hon. Gentleman, this is not an issue of policy. This is
an issue of having to deal with a problem.

Now, it is very likely that in the next three to six months, perhaps even within the three months, this issue
will have been resolved, because it does involve... I am not saying negotiation, because negotiation means

115 one thing; I am saying discussion – and I am saying that advisedly – with the Moroccan Community Association and with the Moroccan Workers' Association, to see whether they feel that this is something that they can get comfortable with.

120 The hon. Gentleman needs to ensure that he does not overlook why this issue arises. Of course, he and I would probably be very easily in agreement that the existing workers' hostels are not necessarily as one would wish them to be. They are not of a standard that one would wish to be providing. I have visited the workers' hostels, without advising that I would be on my way to visit it, to see it as it is. He and I will, I am sure, agree that we should be, if possible, providing better. This is one potential way of providing better whilst a new solution is provided.

125 But he will, know, Mr Speaker, that the reason that this is urgent is because the Government when he was a member of it, just over a year ago, entered into an agreement to vacate the Buena Vista Hostel not later than 30th June 2012, but did nothing to relocate the people who live there. It is not possible to build a hostel in 20 minutes. It is not possible to build a hostel in six months and, therefore, if the Government is going to be not in breach of its obligations under this agreement – which I can tell the hon. Gentleman in the next six days, I reckon we *will* be in breach – if we are not going to be in breach of this agreement, then we need to provide an interim solution, whilst new facilities are provided for. Hence why this has been put on the agenda.

130 It is only because the agreement signed by the GSD on 12th April 2011 with BV Homes provides in clause 2A(3) that the Government will give vacant possession of the workers' hostel at Buena Vista by 30th June 2012.

135 **Hon. J J Netto:** Mr Speaker, I agree obviously with the hon. Gentleman that you cannot build a hostel in 20 days.

140 Given that that is moving ahead as a possible option, to try and provide what he calls floating vessels, I presume that he must have in his mind an idea at least who will conduct the administration service on behalf of the Government. Will it be conducted in-house or will it be outsourced to the private sector to do the administration of this floating vessel on behalf of the Government?

Hon. Chief Minister: Mr Speaker, there are a number of different options being considered in respect of how that might occur.

145 I am sure that what he would agree with me would be the best solution would be (a) the one that is more financially advantageous to the Government, whilst (b) using those Government resources that are already available in-house to the Government for the administration of the current Government hostels to the best possible use.

150 **Hon. J J Netto:** Yes, Mr Speaker, no doubt about that; but one of the things that I am interested in knowing is that who will be – in this likeable scenario that the Chief Minister is referring to – the one setting the level of rent, hypothetically speaking, that the Moroccans will have to pay in this floating vessel? Will it be the Government setting the level of rent that the Moroccans will have to pay in this new hostel, if I can call it that, or will it be a private sector company? That is what I...

155 **Hon. Chief Minister:** Mr Speaker, I think what the hon. Gentleman is trying to get to is what will the level of rent be? What I am quite happy to tell him is that we are not envisaging that Moroccan workers, or other users of Government workers' hostels, should be paying more if they are existing tenants of the Government, under the existing arrangements, than they were paying to date.

160 Mr Speaker, this is about getting the Government out of the bind in which it finds itself because, a year and a half ago, his administration signed an agreement to vacate a hostel by 30th June and did nothing about relocating the people who were there.

Hon. J J Netto: Mr Speaker, I am grateful for the guarantee that the Chief Minister gives in relation that this is not an exercise to increase the rent *per se* to existing Moroccans who are living in the current hostels.

165 But if I can ask one further clarification: obviously, Moroccan nationals – I am not talking about the Moroccans who are naturalised, but Moroccan nationals *per se* – they do not have the opportunities like we Gibraltarians have – at least those who live in Government properties – that whenever we become unemployed, we get rent relief to the extent that sources of incomes are taken into account in the formulation that we apply in the Ministry for Housing.

170 Now, my concern, which is the kind of clarification I am trying to seek from the Chief Minister, is that if we were to have a situation in the future, whereby a Moroccan worker, because of the employer he is employed by, he is made redundant, and he happens to be living in these floating vessels, will the Government take into account some form of rent relief just in the same way as we Gibraltarians have a form of rent relief which is applied in Government properties? Will the Chief Minister look into that?

175 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman said 'Moroccan nationals' – and I know what he means because that is a constituency he has shown concern for before – it is not just Moroccan nationals but any nationality of worker that happens to be in the hostel: predominantly, I accept they are Moroccan nationals.

180 Mr Speaker, this is a situation that the present Government finds itself in because of something done a year and half ago by the previous administration.

185 I might ask him – rhetorically, because he is not here to answer questions – what was he doing to protect people in that hostel before 8th December who were going to find themselves in this situation? As I cannot ask him the question – because I am here to answer questions and not ask them, I will not – but I will say to him that he can have the confidence that the position as it was in at 8th December, under the regime that he was responsible for, or was part of the administration that had responsibility for it, in respect of nationals of any state who are resident as workers in a Government hostel who become redundant, will continue to be the case. So we will not change it from the position as it was, when he was in Government for 16 years.

190 **Hon. J J Netto:** Mr Speaker, I appreciate that.

195 That was the situation on 8th December, but what I was trying to elaborate was that, in a new situation, in a new environment, where he takes decisions as a Government and, if he outsourced the whole administration of this service, the new private sector company may not have the same attitude as a Government – whether it is his present Government or the previous Government – in relation to matters like rent relief, when a Moroccan or any other non-EU national who is in a hostel...

195 This is what I am trying to get: whether, if the Government wishes, as a matter of policy after them, whether to outsource administration to a private company that the Government, as a Government, will ensure that there is that kind of protection as existed today and before.

200 **Hon. Chief Minister:** Mr Speaker, I think that the hon. Gentleman and I are not on a different wavelength, but we have not quite understood each other, and I think I can now see where he is going.

205 Whether it is a private entity that the Government uses in part or in whole to help us to administer these arrangements, if they are entered into after the discussions et cetera, the regime that that entity would apply will be the regime that the Government wishes applied. The regime that the Government will seek to have applied will be the regime exactly as it was as of 8th December 2011, so he can have the comfort that the position will be exactly the same in respect of people who become redundant, as might have been the case when he was in administration.

Hon. J J Netto: Okay.

210 **Mr Speaker:** The Hon. Isabel Ellul-Hammond? No?

215 **Community Care payments**
Discussion with Moroccan Workers' Association

Clerk: Question 565, the Hon. J J Netto.

220 **Hon. J J Netto:** Mr Speaker, can the Chief Minister state if he has had any request by the Moroccan Workers' Association to have a meeting with him in order to discuss, amongst other things, the Community Care payments?

Clerk: Answer, the Hon. the Chief Minister.

225 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, I have met with the Moroccan Workers' Association on at least two occasions since the General Election, the last as recently as 7th June. I have discussed with them many issues.

I have also met on a number of occasions with the Moroccan Community Association. I have also discussed with them many issues.

230 Community Care, Mr Speaker, is an independent charity, registered under the Charities Act. The Government does not have any standing to discuss matters related to Community Care in any authoritative manner.

235 **Hon. J J Netto:** Mr Speaker, of course the Government has not got any standing in relation to Community Care payments, but that does not stop the Chief Minister from standing up in Parliament and actually stating whether he has discussed the issue in this particular case, as he mentioned, the Moroccan Workers' Association, and for him to express a view in Parliament.

So my question to him is whether he has a view on the matter, regardless of the fact whether there is any standing or no standing between the Government and Community Care.

240 **Hon. Chief Minister:** Mr Speaker, this is an issue which is sensitive and I am quite happy to have a conversation with the hon. Gentleman afterwards, if he likes.

245 But the position of the Government, is (a) that the Government is only answerable in Parliament for the things for which the Government is responsible, and the Government is not responsible for Community Care, which is an independent third party charity; (b) Mr Speaker, I think if the Hon. the Leader of the Opposition were here today, he would be urging him to leave it at that because I am not going to be getting up in Parliament to give opinions on who should or should not be receiving Community Care, because it is an independent third party charity.

250 I hope the hon. Gentleman understands why I am giving him the answer I am giving him and why I am quite happy to have a discussion with him later, if he wishes.

Hon. J J Netto: Yes, I will take the offer up.

255 **Moroccan workers long-term resident in Gibraltar
Entitlement to Minimum Income Guarantee**

Clerk: Question 566, the Hon. J J Netto.

260 **Hon. J J Netto:** Mr Speaker, can the Chief Minister state if his Government intends to provide Moroccan workers who are residents of Gibraltar and who have been working in Gibraltar for the last 25 to 40 years with the Minimum Income Guarantee?

265 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 567.

270 **Unemployed Moroccan workers in Gibraltar
Entitlement to Social Assistance Benefit**

Clerk: Question 567.

275 **Hon. J J Netto:** Mr Speaker, can the Chief Minister state if his Government intends to provide current unemployed Moroccan workers who have lived and worked in Gibraltar for between 25 to 40 years, and other Moroccan workers who may become unemployed in the future, with the Social Assistance Benefit payable by the Department of Social Security?

280 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman will be delighted to know that the position remains exactly as when he was the Minister responsible.

285 **Hon. J J Netto:** Mr Speaker, that is not the question I am asking for.

It is not a question whether I am delighted or not delighted that the position is now as it was when the GSD was in Government. I am asking the Government whether they intend to allow Moroccan workers who have lived between 25 and 40 years with the Social Assistance Benefit – obviously when they become unemployed – and with the Minimum Income Guarantee, as when they are 60 years of age. That is the question and this is what I am trying to get an answer from the Chief Minister. So I would be grateful if he can address that issue.

Hon. Chief Minister: Mr Speaker, the position is that we will not be changing the eligibility criteria that he set out when he was a Minister, or that was in place when he was a Minister for many years.

295 I am sure that that will be something that the hon. Gentleman will be happy with – unless he was not happy with the regime that was in place whilst he was a Minister.

Hon. J J Netto: Mr Speaker, I think I have understood the Chief Minister to say that he would not change the eligibility criteria. I think he said that.

300 My understanding, from recollection, in regard to the eligibility criteria for the Minimum Income Guarantee, is that it has to be (a) any person who is residing in Gibraltar or who has either a certificate of permanent residence or indefinite residence; or (b) who holds a resident permit which, at the date of issue of the current permit, was valid for a period in excess of one year.

Now, if he is telling me that that criteria has not changed, and that criteria remains valid today because nothing has changed, as he has said, it seems to me that Moroccans may be entitled because, nowadays, Moroccan nationals do have a renewable five-year residence permit, which is renewable every five years, despite the fact that they have been here now for 40 years.

So if I am correct, will that mean then that they are eligible to apply for the Minimum Income Guarantee?

310 **Hon. Chief Minister:** Mr Speaker, I am not the person who makes assessment as to who is or is not going to be eligible, but the eligibility criteria that the hon. Gentleman has read out, as I understand it, is the correct one.

I am not going to answer his hypothetical case of a Moroccan national who might be entitled, because there may be many other criteria of such a particular Moroccan national which might take him out of other eligibility sub-criteria. But given his understanding and my position as set out before, that the eligibility criteria have not changed, I will let him make up his mind for himself.

315 I will tell him that there are very few people now who have been here for 25 to 40 years who have not been naturalised. The ones who have not, either have not been in good standing for a particular reason or have not applied to be naturalised.

320 Mr Speaker, I think he can work out for himself what I am saying.

Hon. J J Netto: Mr Speaker, generally speaking, what the Chief Minister seems to be saying is that nothing has changed. We are carrying the same policies that were introduced by the GSD Government.

Now, they are a party who accused the GSD of being some kind of a right-wing Conservative party. Instead we have a Socialist Party along with a Liberal Party. Does the Chief Minister, as a Socialist, have a view as to whether it is morally correct that unemployed Moroccan workers who have been living probably on average 35 years, some even 40 years... that they should not be entitled to Social Assistance because he can argue that he has a Conservative right-wing thinking, like the GSD has, but he cannot argue that, as a Socialist, he has no moral regard for unemployed Moroccan workers, that they should not be entitled, when they become unemployed, to Social Assistance? Does he have a view, as a Socialist?

330 **Hon. Chief Minister:** Mr Speaker, I do not think the hon. Gentleman understood what I told him.

First of all, I do believe that the hon. Gentlemen are all part of a right-wing Conservative clique. I do not always see them as conspiring, but they are all the right-wing Conservative clique come together under the

335 banner of a party. (*Interjection*)

But they used to say, when they were on these benches, that actually they were the only Socialist Party in Gibraltar, *inter alia* praying in aid the presence of the hon. Gentleman amongst their ranks as evidence of the fact that they were a Socialist Party (*Interjection*) because he had at one stage been a trade unionist.

340 So, Mr Speaker, you see, the position is this: the Minimum Income Guarantee was set up by the hon. Gentlemen when they were in Government. They set out an eligibility criteria. The eligibility criteria is not changing. Our allegation that they are a right-wing Conservative clique has nothing to do with the Minimum Income Guarantee; it has got to do with many other things.

345 But, in this instance, Mr Speaker, if he had worked out what I told him, he would have worked out that in that sort of example – and I am not the one to determine eligibility, because somebody else looks at a particular case and applies the criteria to it – the person would have been entitled to the Minimum Income Guarantee.

So, as a Socialist, which I am very sure I am, Mr Speaker, the person would not be left without an income, because they would be receiving the Minimum Income Guarantee.

350 **Hon. J J Netto:** So has he said that they will be getting the Minimum Income Guarantee? Were those his final words?

Hon. Chief Minister: Mr Speaker, I am not in Parliament to assess for him what the hypothetical individual that he proposes is or is not eligible to. I have confirmed to him that the eligibility criteria is as he set out and I have confirmed to him that it has not changed since he was there.

355 What *has* changed, Mr Speaker, is the period of the permits which are granted. Therefore, Mr Speaker, given that the periods are likely to now bring people within the eligibility criteria, the person who determines eligibility (**Hon. J J Netto:** Yes.) will be giving an answer to that hypothetical Moroccan worker which, in my view, is very likely to be in the positive. But there are other sub-criteria which may take a particular individual out of eligibility, whilst allowing it to another – other income etc.

360 So, Mr Speaker, in those circumstances, that hypothetical individual, given only the characteristics that have been put out there by the hon. Gentleman, without addressing the other criteria, would likely be told by the person who *does* assess eligibility that he would be receiving the amounts. Therefore, Mr Speaker, as a Socialist, I have no concern for the hypothetical unemployed Moroccan that the hon. Gentleman has posited in his example.

365 **Hon. J J Netto:** Can I, just for the sake of clarification – I think it is important that when we are talking about criteria or the criteria that I set out, that was a criteria in the context of the Minimum Income Guarantee, but the criteria for the Social Assistance, which is not something which was introduced by the GSD Government – in fact it was introduced by the GSLP Government – is a different kind of criteria.

370 In those criteria for Social Assistance, it makes it very, very clear... well, not just to Moroccans but to any other nationality, if I remember right – certainly from memory, all other non-EU nationalities, but it may even go to the extent of saying, all other, even European, nationalities – so I just want to make it clear to him that, when I was speaking before about criteria, I was talking about criteria of the Minimum Income Guarantee, which was something which was done by the GSD Government, but the criteria for eligibility for Social Assistance was something that was done between 1988 and 1996. There it is very, very clear that, under that criteria, unemployed Moroccan workers would not be entitled to Social Assistance.

375 This is why I am asking the question – obviously, I was trying to separate the two issues, but the Chief Minister has answered the two questions together.

380 Now, given that for Social Assistance, to allow Moroccan workers to get Social Assistance if they become unemployed, the criteria, which is an administrative criteria and not by legislation... it would require a policy decision of the Government. Therefore, can I put it to the Chief Minister, whether he would look at the criteria for Social Assistance, in order to allow what I would call long-term workers, regardless of nationality, who have lived and worked in Gibraltar for considerable periods of time to be entitled to this kind of benefit? Surely he must agree with me that this would be something that he could look into as promoting equality in Gibraltar and fairness – there is no doubt about that. It is a glaring omission as far as inequality and fairness.

385 We are talking about people who have worked probably 35 to 40 years. They have paid the same level of social insurance as we pay, the rest of us in the community, and the same level of taxation that we pay in the rest of the community, but they have not enjoyed those benefits. I am sure, or at least I hope, that the Chief

390 Minister would think in the same way as I do and allow them even to get not just the Minimum Income Guarantee, but the Social Assistance.

Hon. Chief Minister: Mr Speaker, I understand the second part of the hon. Gentleman's question is now just about the Social Assistance.

395 Mr Speaker, the hon. Gentleman was in government for 16 years, pretty influential. He was the one that they held up as evidence of the fact that they were socialists, so I would have thought that he had quite a lot of influence in the previous administration. So, Mr Speaker, given that, I am surprised that he is left to put it to the leader of the party that he recognises introduced this system between 1988 and 1996 to now consider amending it in a way that he was not able to collectively convince his colleagues of the right wing conservative coalition that they make up to amend in the time that they were in government.

400 Mr Speaker, I will tell him this, that there are already criteria which would make that sort of individual eligible, in some circumstances, to receive Social Assistance payments.

So, Mr Speaker, what I will answer substantively to his question is that I will consider it, which is what he has asked me to do.

405 **Hon. D A Feetham:** Yes, will the former Liberal, now Leader of the Gibraltar Socialist Labour Party and Leader of the Liberal Socialist Alliance on that side of the House, not agree with me that, in fact, when one talks about the rights of individuals and when one talks about the rights of Moroccans, which is the example that my hon. Friend has asked questions about, we talk about evolution of those rights, and that simply because we may have taken a particular position when we were in government and that they took a position during eight years that they were in government, it does not mean that the position needs to remain static, that either we on this side of the House cannot change our previous policies, nor that they on their side of the House have to follow our lead?

410 Has he got any plans for looking at this and making sure that Moroccans have greater rights in the areas that my hon. Friend has asked him questions about?

415 **Hon. Chief Minister:** Mr Speaker, I wonder whether the former Socialist and then Labourite, and now Social Democrat could not have had the patience to wait (*Interjection*) for the next question to get up to ask something. But, then again, Mr Speaker, impatience is what has put him where he is.

420 Mr Speaker, I would have thought that it would have taken longer than the four hours that Mr Caruana has been absent from this Parliament for the hon. Gentleman to try to distance what he obviously now sees as *his* party (**A Member:** Hear, hear.) (*Applause*) from the 16 years of hard work of his former – his *current*, sorry – leader.

425 Mr Speaker, the hon. Gentleman, Mr Netto, whom I actually have never myself accused, nor do I, because I consider that he is part of that rightwing Conservative coalition, believe has ever been right wing. I believe the Hon. Mr Netto is only and can only ever be described as being left wing... has asked me to consider something and I have told him at the end of my answer that I will.

The hon. Gentleman, perhaps in his impatience, did not hear that and now wants to ask me to consider something which I have said a moment before sitting down I will consider. So there you are, Mr Speaker, I am going to consider it.

430 Therefore, for him to get up and ask me would I have any plans to do something which I have just agreed to consider, is for him to afford me a level of intellectual ability to consider and plan so quickly, which even my worst enemies do not ascribe to me, although he sometimes considers me to have an ability to connive even beyond that which I have.

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Cordoba Agreement Policy re implementation

440 **Clerk:** Question 568, the Hon. D A Feetham.

Hon. D A Feetham: Yes. Will the Chief Minister state what is his Government's policy in relation to those aspects of the Cordoba Agreement which remain to be implemented?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman has referred to press release 110/2006 of the GSLP Liberal parties, which sets out the position of the parties now in Government. I also refer the hon. Gentleman to the third paragraph of page 15 of the GSLP Liberal manifesto.

Hon. D A Feetham: I think that is, with respect to the hon. Gentleman, a totally unacceptable answer on something as important as this. I do not want to have a spat with the hon. Gentleman so early in questions, or at all; all I want is to elicit information and for the hon. Gentleman to answer that in a way that does not demean this Parliament.

Now, could he please state, for the benefit of all those listening, what his Government's policy is in relation to those aspects of the Cordoba Agreement that remain unimplemented, please?

Hon. Chief Minister: Mr Speaker, yes. I do not know why it is that a two-sentence answer to a one-sentence question is considered demeaning, but Mr Speaker, my policy is as set out in press release 110/2006, which sets out the position of the parties now in government and is more particularly set out on page 15, third paragraph of the GSLP Liberal manifesto.

Hon. D A Feetham: Let me ask some more specific questions, given that he is referring to a 2006 press release, which I think is absolutely outrageous as an answer to a question, a quite legitimate question, by me in this House.

What is the party opposite's policy in relation to the Schengen arrangements, as set out in the Cordoba Agreement – in particular, obviously, the advance Schengen entrance and the deferred Schengen exit control?

Hon. Chief Minister: Mr Speaker, I know that for him it is outrageous that somebody should continue to hold, in 2012, the same views that they held in 2006 because, for him, views are things which are obviously fluid enough that he can go from one party to another without any concern.

Mr Speaker, our position on those issues is exactly as set out in that press statement, which specifically addressed those issues.

Hon. D A Feetham: He obviously seems to be concerned with providing me with the actual answer in this House. I do not know why.

Is the position this: that the party opposite will not abide by those parts of the Cordoba Agreement relating to the Schengen arrangements? Is that the position?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman thinks I am not providing him with the answer in this House. It must be that he does not think he is in this House to ask the question and I am not in this House when I am giving the answer. I am in this House, giving him the answer, which is that the position is not as he sets out, necessarily; it is as set out in the press release.

I am quite happy for him to say that he wants to read the press release and ask me more questions about it next time, if he wishes. The position is very clearly set out in our press release of 2006. We are consistent in our policy position and, Mr Speaker, if the hon. Gentleman needs to refresh his memory, it is fair enough, he can go and check it if he likes. I am quite happy to recess for five minutes, if he wants.

Hon. D A Feetham: Mr Speaker, on a point of order – and again, I am trying to keep temperatures to a reasonable level in this House – I am not here to ask questions on a press release. I am here to ask questions on Government policy.

It is not right for this Government, or for the Chief Minister, to refer me to a press release that was made public in 2006. It simply is not. It is a derogation of the Government's duty to this Parliament and to the people of Gibraltar for the hon. Member to respond in that particular way and, given that the hon. Member was swept to power by 350 votes on arguments about transparency and more democratic accountability, I do think it is outrageous that the hon. Gentleman should give me the answer that he gives me.

Hon. Chief Minister: Mr Speaker, in answering that point of order, I would say this: the hon. Gentleman is not entitled, under the rules of the House, to ask questions about things that are public, but has asked us

500 what the Government policy is, and he might not have known that our policy was as set out in our Opposition statement.

505 What I have confirmed to him, Mr Speaker, in this House, so that he has the benefit of it, is that the Government's policy is as set out in the statement that we provided in 2006. Mr Speaker, the hon. Gentleman can now go and read the policy statement of 2006 and he will have an answer. It is not a derogation, Mr Speaker, to stand up in this House and refer somebody to a document that contains the policy very clearly and very explicitly set out.

I would say two more things, Mr Speaker. First of all, transparency and accountability is not about being forced at the whim of an Opposition Member to read out one's press releases because he wants you to read them out to him –

510 **Hon. D A Feetham:** I didn't ask you to read them!

Hon. Chief Minister: – because he decides that that is what today transparency and accountability means to him.

515 Second, Mr Speaker, thank you very much for having recognised that we were swept to power on 8th December 2011 (*Interjection*) because, at the last session, his previous... his *current* leader, sorry, said that we had just 'inched' our way in, but I prefer the description that he has very kindly now afforded us.

520 **Mr Speaker:** Unlike a court of law, the Speaker has no power to judge the quality of an answer given. The Speaker can judge the quality of the questions put, but not the answers given.

As long as the answers given comply with the practices and procedures, the Speaker has to accept the answer. The answer given by the Hon. the Chief Minister on three occasions to three different questions refers the questioner to two public documents. If that is his answer, that is his answer.

525 **Hon. D A Feetham:** Mr Speaker, does the Chief Minister think that Spain's non-compliance with part of – because there are obligations on the Spanish side that have not been complied with on certain aspects of the Cordoba Agreement – does he think that is a good thing or a bad thing for Gibraltar?

530 **Hon. Chief Minister:** Mr Speaker, there are aspects of the Cordoba Agreement that Spain has not yet complied with.

Mr Speaker, one would expect that parties who sign up to international agreements comply with the obligations which are extant on them under those international agreements, or go back and discuss with the parties who are signatories to those agreements why they do not wish to comply and try to renegotiate those parts of the agreement that one does not wish to comply with. One should not simply not comply with agreements.

535 That is the position of the Government and I am sure that he will want to agree with that.

540 **Mr Speaker:** Before the hon. Member asks, may I just correct terminology on my part in my earlier ruling. I referred to two public documents, but they are not strictly public documents; they are documents in the public domain. A press release by any political party nor a manifesto is not a public document as such, but documents in the public domain. I just stand corrected.

Hon. Chief Minister: They are both, Mr Speaker, as you know, available on our websites and very easily accessed.

545 **Mr Speaker:** Yes, but they are not public documents as issued by the Government as such; they are documents in the public domain.

The Hon. Daniel Feetham.

550 **Hon. D A Feetham:** I will come back to the point that I was making before but on another question.

So, is it the Government's policy that, from now on, Members of the Opposition ought to look at the GSLP website, and if the information is on the GSLP website they will not answer any questions on Government policy? Is that the position?

555 **Hon. Chief Minister:** No, Mr Speaker. I know that the hon. Gentleman, when things are not convenient to him, would like to change reality.

560 The reality has been, for the past 30 or 40 years in this House, that if information is publicly available one is not entitled to ask about it. But, of course, Mr Speaker, the hon. Gentleman's question was what was the Government's policy, and he was entitled to ask about that because the Government had not made a policy statement on these issues, so I have told him that the Government's policy is as set out in the press release. That is why I have referred him to the press release. I know that he might tremble at the thought of having to click on *gslp.gi* – but look, it's not so bad!

Hon. D A Feetham: Yes, the internet surfer; he is more attune with internet surfing than I am.

565 He said before that countries must comply with their international obligations, when I asked him about whether he thought Spain's non-compliance was a good thing or a bad thing. If Spain were to comply with their side of the Cordoba Agreement, would a GSLP Government comply with our side, which are contingent on their compliance?

570 **Hon. Chief Minister:** Mr Speaker, I did not say that Governments had to comply with their obligations; I said that Governments had to comply with their obligations or go back to the parties with whom they had signed agreements and attempt to renegotiate those parts with which they were not comfortable, but that parties should not be able to simply not comply with their obligations.

575 Mr Speaker, in case he wants to look it up, this is the concept of *pacta sunt servanda* under public international law.

The question that he poses, Mr Speaker, nonetheless, is hypothetical and, under the Standing Orders of this House, I am not required to answer hypothetical questions.

580 **Hon. D A Feetham:** So is he happy with the position that if Spain were to comply with those parts of the Cordoba Agreement that it needs to comply with, the only party that would be non-compliant would be his own GSLP Government, bearing in mind that, of course, it does not seem likely that the tripartite talks will be revived and that the hon. Member will be able to go back and renegotiate the Cordoba Agreement?

585 **Hon. Chief Minister:** Mr Speaker, now the hon. Member is going from hypothetical question to hypothetical assumption, something which I am also, I think, not required to deal with, because it all deals with hypotheses.

Mr Speaker, I will tell him this: I thought tonight he was holding brief for the Leader of the Opposition, not for the Minister of Foreign Affairs of Spain. I am starting to get confused!

590 **Hon. D A Feetham:** The hon. Gentleman does not need to give me or my party any lessons in defending the interests of Gibraltar. Let me remind the hon. Gentleman that it was the Leader of the Opposition who actually very successfully stood toe to toe against both the United Kingdom Government and the Spanish Government on the Joint Sovereignty Agreement.

595 Let me remind the hon. Gentleman that it was *this* party, not *that* party, that introduced the new Constitution to Gibraltar, a Constitution that the hon. Member now says provides the people of Gibraltar with the maximum level of self-government short of independence.

Let me remind the hon. Member that it was *this* party that managed to obtain undertakings from the United Kingdom Government that it would not enter into a process, let alone any agreement, in relation to Gibraltar with which the Government of Gibraltar is not content.

600 Is it not the case that the hon. Member has a problem with the Cordoba Agreement because, in 2006-07, the hon. Members opposite essentially told the people of Gibraltar that they were not going to be abiding by the Schengen arrangements, amongst others – the others were the Permanent Joint Liaison Committee and I think there was something else that they were not going to be complying with in relation to the Cordoba Agreement – and that the reality of the situation is that that is not beneficial for Gibraltar to have a situation where a Government of Gibraltar unilaterally turns round and says, 'We are not complying with this international agreement that has been reached between the Government of Gibraltar, the United Kingdom Government and the Kingdom of Spain,' and that it is just another example of the philosophy underpinning the party opposite, or the parties opposite, which is confrontation rather than seeking normality in relations between ourselves and our neighbours, and the proverbial sticking two fingers up at Spain rather than finding

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sensible solutions and sensible agreements that benefit both sides of the frontier.

Hon. Chief Minister: Mr Speaker, I forget which party the hon. Gentleman was in in 2007, but it is a matter of historical record so I am sure I can check.

Mr Speaker, the policy of the Government is not to capitulate when Gibraltar is put under pressure. Let me remind the hon. Gentleman that it was the Hon. the Leader of the Opposition who has the distinction of being the only politician in Gibraltar's history to have told a Spanish audience that he would consider recommending to the people of Gibraltar in referendum an Andorra-style solution.

Hon. N F Costa: Shame! Shame!

Hon. Chief Minister: Rent-a-mob!

Let me remind the hon. Gentleman, Mr Speaker, that the memoirs of a Minister for Europe recently published suggest that similar suggestions were made to him at the time, in 2001, before the joint sovereignty proposals were concocted, and that, therefore, those might have been the very kernel of the proposals that the hon. Gentleman now tells us the Leader of the Opposition went toe to toe with the United Kingdom and Spain on and won.

Let me remind the hon. Gentleman, Mr Speaker, that I thanked Albert Poggio, in answer to the first question I was asked today, for the immense gratitude that the people of Gibraltar owe him, advisedly, about how *he* helped to ensure that we defeated the joint sovereignty proposals.

Let me remind the hon. Gentleman, Mr Speaker, that there is nothing better, when one is Chief Minister – as the now Leader of the Opposition, then Chief Minister, had in the Hon. the Minister for Employment – to have a Minister or a Leader of the Opposition who was so staunch and so clear on the fundamentals that one could go to the United Kingdom and clearly say, 'Well, look, guys, I'd do it, but Bossano won't wear it,' and that that was the happy situation in which the hon. Gentleman took on 'the United Kingdom and Spain' for having given life to the Andorra-style solution that he might have proposed to Peter Hain.

Mr Speaker, let me remind the hon. Gentleman that it is not his party that selected the Constitution or imposed the Constitution or brought the Constitution, but it was the people of Gibraltar who selected that Constitution in the referendum.

Let me remind, Mr Speaker, the hon. Gentleman, although he does not like to hear it, that what I said at the United Nations is not what he says I said. I asked the Committee to tell us whether or not they believed that this Constitution delivered the maximum possible level of self-government to the people of Gibraltar, and if it did not, to tell us why it did not.

So, Mr Speaker, it is all with the hon. Gentleman – 'let me remind, let me remind, let me remind' – but he does not like to be reminded himself.

It is all with the hon. Gentleman, Mr Speaker, how staunch a defender of the interests of Gibraltar the Hon. the Leader of the Opposition is today because he comes to praise him, allegedly, not to bury him; but in previous years he might have said the opposite.

Let me remind the hon. Gentleman, Mr Speaker, that I am not here to answer hypothetical questions, so all the ifs and all the buts that he puts lead to a question which does not require an answer in this House.

Let me suggest to the hon. Gentleman that he consider two things. Is he saying that the people of Gibraltar, apart from having built a terminal that has cost us about €83 million, should also build *el voladiso* in Spain? And is he saying, Mr Speaker, that he is one of those Gibraltarians who will be delighted to show his passport to a Spanish Civil Guard once he is in Gibraltar in order to get the permission of the Spanish Civil Guard to continue to walk along his homeland? But, then again, *he* is not here to answer questions, thank God. *I* am here to answer them; *he* is here to ask them.

Hon. D A Feetham: Yes, the hon. Gentleman questions what party I was in in 2007. Well, I suppose that, not long ago, being a member of the GSLP and being Leader of the GSLP was but a twinkle in his ambitious Liberal eye because, of course, he started off being a member of the Liberal Party.

I wanted to avoid these type of exchanges with the hon. Member, because I wanted to concentrate just simply on the issues, but it is very difficult with the hon. Member because he continuously degrades the quality of the debate in this House by constantly personalising the debate and constantly referring to the political past of Members on this side of the House.

Let me read to him an interview that he gave with a mutual friend of ours, Dominic Searle from the

Gibraltar Chronicle (Interjection) and I quote:

‘We are condemned, if we choose the GSLP, to confrontation with Spain.’

It is a question that he was asked.

‘Of course, nothing could be further from the truth. I also think that we need to be diplomatic in the way that we deal with our neighbours and that banging the drum does not unnecessarily assist us to progress in our relationship with them.’

Does the Chief Minister think that, in the first seven months of *his* Government, he has not condemned us to confrontation with Spain, that he has not been undiplomatic and that he has involved himself in a great deal of banging of the nationalistic drum, and does he think that that is to the benefit of Gibraltar?

Hon. Chief Minister: Mr Speaker, I am relaxed about how history is going to judge these debates and, therefore, the person who one day reads *Hansard* – I know he and I probably read it, but then again, we don’t matter – will see that all the suggestions and innuendos about who was in what party when, all of that came first this afternoon from the benches of the Opposition. (**A Member:** Oh!)

So, Mr Speaker, with that relaxed view of what history will determine about whether or not it is I or anybody else who degrades the quality of debate in this House, let me answer the hon. Gentleman by telling him that I am very satisfied with the way that this Government has dealt with all matters since it was elected on 8th December, in particular our relationship with Spain.

But, Mr Speaker, I recognise, from what he is telling me, that it appears that he would have taken a different attitude to somebody saying ‘*Gibraltar español!*’ Mr Speaker, maybe he might have said, ‘Okay’; not me, Mr Speaker.

It may be that he might have taken a different attitude to that same person saying, ‘*El chiste ya se acabó*’ – the joke is over. He might have said, ‘Okay’; I say, ‘The joke’s on you, mate.’

If that is banging the nationalistic drum, if defending my country and my people is banging the nationalistic drum, well, Mr Speaker, he and I have very different interpretations of what banging the nationalistic drum is.

I do not believe that we are condemned to anything other than to success under this Government, both in our relationships with Spain and with the many other kingdoms and republics around the world, in particular, Mr Speaker, our best friend in the world, the United Kingdom.

British Gibraltar territorial waters Incursions by Guardia Civil

Clerk: Question 569, the Hon. D A Feetham.

Hon. D A Feetham: Would the Chief Minister please state how many incursions have occurred into British Gibraltar territorial waters by the Guardia Civil each year since the Nature Protection Act was introduced in 1991, excluding innocent passage, on a year-by-year basis?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this Question together with Questions 570 to 573.

Royal Gibraltar Police Enforcement of Nature Protection Act

Clerk: Question 570.

720 **Hon. D A Feetham:** Can the Chief Minister confirm that his Government has not, whether directly or indirectly, or in any way, urged or suggested to the RGP that it enforce the Nature Protection Act in any particular way and that neither is he, in his capacity as Chief Minister, aware of any such suggestion to the RGP from the Convent?

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**British Gibraltar territorial waters
RGP actions re Spanish fishermen**

730 **Clerk:** Question 571.

Hon. D A Feetham: Will the Chief Minister please state how many warnings, reports for process and arrests have been made or issued by the RGP, on a yearly basis, in relation to Spanish fishermen's activity in British Gibraltar territorial waters since the Nature Protection Act was introduced in 1991?

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**British Gibraltar territorial waters
Arrest warrants issued to Spanish fishermen**

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Clerk: Question 572.

Hon. D A Feetham: Will the Chief Minister please state how many arrest warrants have been issued on a yearly basis against Spanish fishermen for illegal fishing in British Gibraltar territorial waters since the Nature Protection Act was introduced in 1991?

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**Government announcements
Facebook**

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Clerk: Question 573.

Hon. D A Feetham: Will the Chief Minister accept that important announcements such as the tearing up of the 1999 Fishing Agreement should be made in this Parliament and not on Facebook?

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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, in relation to Questions 569 and 571, I now hand the hon. Member a schedule with the information requested.

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ANSWER TO QUESTION 569

Guardia Civil incursions into British Gibraltar Territorial Waters:

2002 - 5 recorded incursions
2003 - 7 recorded incursions .
2004 - 8 recorded incursions .
2005 - 3 recorded incursions.
2006 - 1 recorded incursions.
2007 - 5 recorded incursions.
2008 - 4 recorded incursions.
2009 - 0 recorded incursions.
2010 - 82 recorded incursions
2011 - 280 recorded incursions
2012 up to the 15 June 2012 – 161 recorded incursions

Answer to Question 571

2008/9 no warnings, report for processes or arrests were made.
2009/10 One Spanish National was arrested for fishing whilst using breathing apparatus at Rosia Bay and for being in possession of two illegal nets.
2010/11 Two hundred and four Spanish Nationals were reported for process for fishing from the beach and all persons were cautioned for the offences.
2011/12 Forty six Spanish Nationals were reported for process for fishing from the beach and all persons were cautioned for the offences.
1 April to 19 June 2012 fifteen Spanish Nationals were reported for process. Twelve of these persons were reported for process for fishing from the beach and all persons were cautioned for the offences. Three fishermen were reported for process for using illegal nets and are currently being judicially processed.
The above statistical data is for the period 1 April to 31 March.

In addition, the following fishing "incursions" have been recorded by the RGP since 2004 and were reported to the Cofradia by No. 6 in accordance with the fishing agreement between the Govt of Gibraltar and the Spanish Fishing Cofradia. In this context, when the data was recorded, an "incursion" was an "incursion" in breach of the 1999 agreement. There are no records of data available prior to 2004.

In 2004, 114 fishing incursions were recorded.
In 2005, 228 fishing incursions were recorded.
In 2006, 122 fishing incursions were recorded.
In 2007, 105 fishing incursions were recorded.
In 2008, 75 fishing incursions were recorded.
In 2009, 33 fishing incursions were recorded.
In 2010, 9 fishing incursions were recorded.
In 2011, 12 fishing incursions were recorded.

I must tell him, Mr Speaker, that Spanish fishermen in British Gibraltar territorial waters – it is important that he remember this – has been interpreted to include individuals of Spanish nationality in Gibraltar fishing from Gibraltar, either from the beach or elsewhere.

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In relation to Question 570, Mr Speaker, I can confirm that the Government has not directly or indirectly, or in any way, urged or suggested to the RGP that it enforce the Nature Protection Act in any particular way, and I can confirm that I am not aware, in my capacity as Chief Minister or otherwise, of any such suggestion to the RGP from what the hon. Gentleman generically calls 'the Convent'.

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In answer to Question 572, Mr Speaker, I can confirm that no warrants of arrest have been issued against Spanish fishermen for illegal fishing in British Gibraltar territorial waters.

In answer to Question 573, Mr Speaker, no announcement as to the 1999 Fishing Agreement was made on Facebook. The premise of the question is therefore flawed.

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Hon. D A Feetham: I note that the figures do not go further back than 2002. Is that because the figures are not available pre-2002 because, in actual fact, I think, from recollection, from my time as Minister for Justice, I think I have seen figures pre-2002.

Hon. Chief Minister: Mr Speaker, I have asked for all the figures available and, as he can imagine, it is

an issue as much of interest to the Government as it is to him. I am told that this is what is available.

If more information is brought to me – and I understand that in the time available what I have been given is what is available in data form; it may be that it is possible to extrapolate for earlier years what data is available into a manageable form – then I am quite happy to share it with him in the next few days because, if it is going to become available, it is going to become available very shortly.

But this is what I have been given as being available. I would not want the House not to have this information. I think it is important information and it helps us to consider the debate. He should, of course, know – if he is talking about 569 – he should know that I have sought from a number of sources that information, not just, for example, from the Port Department but also from the RGP and other sources.

In relation to 571, Mr Speaker, the information there relates to breaches of the 1999 agreement, as it was interpreted at that time and that if something was in keeping with the 1999 agreement it would not have been recorded as an incursion.

Hon. D A Feetham: Could he repeat for my benefit the answer to the question about Facebook, please. I was going through the schedule and I did not quite catch that.

Hon. Chief Minister: Of course, Mr Speaker.

No announcement as to the 1999 Fishing Agreement was made on Facebook. The premise of the question is therefore flawed.

Hon. D A Feetham: Does he agree that the first time that any Government Minister announced or spoke publicly about whether the Government would be adhering to the 1999 Agreement since the General Election was on 11th March, when the Hon. the Minister for Health, Mr Cortes, answered questions from Mr Kaelan Joyce on Facebook. Does he accept that?

Hon. Chief Minister: Mr Speaker, that may very well be the case but that is not to make an announcement.

Hon. D A Feetham: Does he accept there is a distinction between a manifesto commitment and the actual announcement of the Government having complied with the manifesto commitment? I note, for example, that the Deputy Chief Minister is phenomenally fond of coming out with a press release listing the many manifesto commitments that they have complied with.

Does he not accept that there is that distinction?

Hon. Chief Minister: Mr Speaker, I am here for information to be elicited on behalf of the Government not to give opinions about distinctions between announcements and when something is in a press release.

You see, Mr Speaker, our position has been, and is, that we stick to our manifesto. That is what our policies are and I have set out on a number of occasions that this policy is set out in our manifesto, so anyone who knows us knows that our manifesto are our policies. We do not change our policies the day after the Election, as some might.

So, Mr Speaker, I think the position was very clear to everyone.

Hon. D A Feetham: With respect to the hon. Gentleman, look, the Government is constantly boasting about its manifesto commitments that it has been complying with and every single time the hon. Gentleman, Mr Garcia, issues a press release that seems to be a ticking of a box, that is one more manifesto commitment.

Now, does he not accept that, in relation to something as important as the 1999 Agreement, there was at least an obligation on the Government to make some kind of announcement, preferably in this House that, from this day on, the Government is not abiding, or has directed that no one abides, by the 1999 Agreement. Doesn't he agree with me about that?

Hon. Chief Minister: Mr Speaker, I do not accept that what he calls the 'tearing up' of the 1999 Agreement is something of the importance that he tries to give it today in this House for his self-serving purposes because although, of course, that was a very important plank of policy on which we were elected, which was clearly set out in our manifesto, it was so clearly set out in our manifesto that unless the hon. Gentleman is saying that I should have asked the town crier to take our manifesto on 9th December, stand at

the Piazza and make and read it out in the form of an announcement... well, Mr Speaker, that is our manifesto, those are our policies.

But, look, I have told the Hon. the Leader of the Opposition in this House and he was here, so he must have heard it, but I know that he wants to have the debate *himself* on the issue now that Mr Caruana is not here. I have told him that my view, and any independent third party legal observers' view' would be that (a) that was not an agreement and (b) it was void *ab initio* because it offended the constitution and the rule of law.

Hon. D A Feetham: I am not here to defend the 1999 Agreement or debate the 1999 Agreement. We had a debate about that.

We are actually looking at the process that led us into the mess that we are in *now*. That is what I am asking questions about.

Now, let me just take the hon. Gentleman through the chronology. The hon. Gentleman opposite got elected, got elected... (*Interjection by the Chief Minister*). I will ask him a question, I'll ask him... he seems to be unduly angry today and it really does not suit him to be angry. He is actually much more effective when he is his jokey self. Let me just give him that advice. (**Hon. Chief Minister:** He is much more effective when he is quiet!). Alright, but you have to listen to me and you have to answer my questions. Let me take you through the chronology and I will then ask you the question.

The hon. Gentleman opposite got elected into Government on 8th December. Nothing happens in terms of the way the police enforce the Nature Protection Act, absolutely nothing, until Mr Kaelan Joyce, on 11th March asks Mr Cortes, 'Look here, nothing has happened about this. The police continue to enforce the 1999 Agreement in exactly the same way as prior to the General Election. What is going on?' The hon. Gentleman, Mr Cortes, says 'No, no, no, we have directed the police to do *x y* and *z*' – and all hell breaks loose.

Now can the hon. Gentleman tell me what was different from Election time to when Mr Cortes made his comments on Facebook. What was different, or what was done differently by this Government that was occurring or what was being done differently in Gibraltar than what was being done prior to the General Election?

Hon. Chief Minister: Mr Speaker, I am not going to fall into the hon. Gentleman's web because I am not going to base my answer on the false chronology that he has set out.

First of all, there is no 'mess', there is not 'all hell breaking loose' although, clearly, the hon. Gentleman's premise is to try and prove that the answer I gave our mutual friend Mr Searle is contrary to what is happening and therefore he needs to build up, at whatever possible loss or damage to Gibraltar there may be, that it is the Government of Gibraltar that is somehow to blame for what is happening at sea.

Mr Speaker, first of all, anybody who has been observing British-Gibraltar territorial waters for the past 14 days would not describe what is happening there as a 'mess' or as 'all hell breaking loose'. Second, Mr Speaker, the hon. Gentleman obviously does not like my interventions in the Spanish media but clearly follows them. He will know, Mr Speaker, that when I appeared on a television programme late in the evening on a Saturday from the north of Gibraltar, an intervention which he described as not statesmanly because his definition of statesmanly is the only one that matters in his world – so be it. What was said on that programme was that Gibraltar was divided on the issue because *they* – the GSD, Mr Caruana in particular – had brought the Fishing Agreement to the House and were defending it. Today he says he is not defending the Fishing Agreement. (*Interjection*) Well, Mr Speaker, he might like to know that the Spanish media do not take that approach – the mere fact that he is asking these questions is being referred to in the Spanish media as him and his party continuing, as they had set out to do last time, to defend the 1999 Agreement in this Parliament.

Well, Mr Speaker, so be it. That is what they are elected for. They are elected to defend in this Parliament the things which they believe are right and if they did an agreement in 1999 as a Government, although he then, although he does not like to be reminded, was a member of *this* party not of *that* party, but they did an agreement in 1999. Well, look Mr Speaker, so be it. Let them defend it, but let them at least have the political integrity to say that they are defending it.

And, Mr Speaker, if Gibraltar is divided on the subject because *they* are taking the same line as Señor Landaluce and as the Palacio de Santa Cruz and as Mr Margallo, (**Members:** Oh!) look, so be it, Mr Speaker. Spain...

It is a shame indeed, Mr Speaker, but so be it. It is a shame that Gibraltar is divided but they are the ones dividing and so be it!

But, look, Mr Speaker, Spain is divided on the trilateral because the *Partido Socialista Obrero Español* – the PSOE – presently the Opposition, in many instances continues to defend the trilateral and says only that it was suspended because the now Leader of the Opposition, then Chief Minister, wished to bring sovereignty into the discussions. Mr Speaker, our position on that is well known, and I am not going to repeat it here because, if I repeat that, why should I not repeat our press release of 2006?

I do not recognise *any* of what the hon. Gentleman wants to set up as the hypothesis into which he draws me for an answer, which will give him the self-serving result that he is seeking. For us the position is so naturally and intuitively clear that we have made the position known, in Gibraltar in this Parliament, in Gibraltar in our manifesto, in Gibraltar in press releases, in Gibraltar in Facebook, in Gibraltar in face-to-face contacts with people that we meet and explain our policies to; and, internationally, as well.

We do not mind defending the position that we have taken, that the 1999 Agreement is void *ab initio*, that it is contrary to the rule of law and contrary to the Constitution. Why doesn't he want to get up and say that he is defending the 1999 Agreement? Let him have the courage of his convictions and say to this House that he sides with Margallo and Landaluce and Arias Cañete, and everybody else – there is no shame in that. If you believe it, you believe it!

Hon. D A Feetham: Mr Speaker, he really has learned well at the feet of the master, Mr Bossano, because he really does not give me a straight answer to a question. (*Interjection by the Chief Minister*)

But, Mr Speaker, he knows as well as I that, in 1999, I was not a member of the party opposite and I was *not even in Gibraltar*. But let me tell you – because I was in the UK, as he often is very fond of actually pointing out – let me tell you one thing, that if, in 1999, I had considered the terms of the 1999 Agreement and if I were to be intellectually honest with myself, I would have come to the conclusion that the principles underpinning the 1999 Agreement were good for Gibraltar. And they were good for Gibraltar not least because, in fact, they were the same principles underpinning enforcement of the 1991 Nature Protection Act from 1991 to 1995 or 1997, five of whose years Mr Bossano was Chief Minister of Gibraltar; and, of course, as a good socialist, I would have supported, actually, yes – the principles underpinning the 1999 Agreement are good for Gibraltar because it is simply a re-statement of what was happening when Mr Bossano was Chief Minister of Gibraltar.

He says that I criticise him for being unstatesman, well look, I criticised him for being unstatesman for criticising Mr Caruana on a Spanish programme, that he has done twice, without Mr Caruana being there, and I tell him again in this House to his face that that is unstatesmanlike and it is not about – I can defend the 1999 Agreement but we have already *had* a debate about the 1999 Agreement – but let me tell him this, that I do not say that the 1999 Agreement, and the Leader of the Opposition does not say, that the 1999 Agreement was the only way that you could skin this particular cat. No, that is not what we are saying. We would not have resiled from the 1999 Agreement because we would not have touched something that was not broken. But there are other ways that he could have dealt with the problem, but what you do not do is make an announcement on Facebook! What you certainly do not do is not give any kind of advance notice to the people that had been affected by this. Now let me ask him this – did he actually talk to the mayors of La Linea or Algeciras, or the fishermen, or did he, more importantly, communicate to the Convent so that the Convent could communicate, or to the United Kingdom Government, so that the United Kingdom Government could communicate to the Spanish Government that *your* Government was, from a particular date, not going to be abiding by the 1999 Agreement. Now, did he do that?

Hon. Chief Minister: Mr Speaker, I did not know that the hon. Gentleman had, as his main constituency of support, Spanish fishermen. Alright, well let me try and answer the many points that the hon. Gentleman has made in the lead-up to his question, as follows: Did I communicate to the Convent etc, etc?

Mr Speaker, I believe and I have a lot of respect for the people who make up what the hon. Gentleman generically calls 'the Convent': not enough of them, because I think if there were more of them here it would be even easier to interact with a Government as open and transparent as ours is... I have a lot of respect for them and, therefore, I believe that they will have read our manifesto. Therefore, they will have had communicated to them not just that but so many of the other things that were going to happen on the new dawn of 9th December. They certainly were ready for so many of the other things that we were ready to do on that day.

A Member: So?

Hon. Chief Minister: Mr Speaker, I believe that I communicated with the Convent by way of the manifesto. That, and so much else, and everybody else who read the manifesto can understand Mr Speaker that our manifesto, excellent document that it is, leading manifesto ever to have been presented to the people of Gibraltar that it is, has been read far and wide, well beyond the frontiers of Gibraltar.

Mr Speaker, I have just bought – and I do not usually share my purchasing foibles with all Members of the Parliament – but I have just bought – and it has been an ambition of mine for many years – the 20 volume Oxford Dictionary, and I bought it Mr Speaker just before Oxford University Press decided that they were never going to print it again. This is the last edition: from now on they will only be available on CD-rom. I will allow the hon. Gentleman to come to my office to peruse the definition of ‘announcement’, if he wishes. It does not mean what the hon. Gentleman would like it to mean for the purpose of this question.

When you repeat something, you are not announcing it Mr Speaker. So, is it, Mr Speaker, that the hon. Gentleman does not just introduce us to a new constituency that is relevant and has to be consulted in Gibraltar when the Government of Gibraltar determines what it is going to do with Spanish fishermen. Is it that he is introducing us to a new concept of Damascene conversion: you see, a Damascene conversion usually happens in the future. One has a Damascene conversion as one goes forward, but the hon. Gentleman is now telling us that he *would have had* a Damascene conversion (*Laughter*) if he *had* read the 1999 Agreement at the time. An Agreement which the party of which he was then a member – unless he allowed his membership to lapse when he was in the United Kingdom, but he came back to form part of its Executive as if he had been a member throughout – was then totally against, and the party which is he is *now* a member, was totally in favour of.

Is he telling us that this historic Damascene conversion, or Damascene conversion in reverse, would have meant that if he could make a quantum leap he would have made the political leap four years before he did. It is a fascinating concept, Mr Speaker. There are better theologians among us than me, who might want to consider it in careful detail, but what really, Mr Speaker, is worthy of analysis is the fact that anybody who *is* intellectually honest, and has, not just first year legal training, A level legal training – I do not know whether they do GCSEs, Mr Speaker, GCSE legal training – would know from a cursory perusal of the 1999 Agreement that it is an ‘agreement’ in inverted commas, because it is not signed by anyone, it is a statement by a particular government. It is clearly a document, a policy, that the law of Gibraltar should be broken, by a certain class of people, at a certain time, in a certain place, in a particular way, by the use of nets more than 225 metres from the shore after that date in 1999.

Mr Speaker, that is to drive a coach and horses through the concept of the rule of law. It is to drive a coach and horses through constitutionality and, Speaker, the thing I find most troubling is that (a) he who took an oath for four years not just like I have taken in all the time that I have been in this House, but like only three people have taken – the Hon. the now Leader of the Opposition, himself and the Hon. Mr Licudi, not just to demean ourselves for Queen and country but actually to uphold the rule of law, an oath beyond the oath that normal parliamentarians take, should be defending not just *today* the 1999 Agreement, but say that he would have defended it *back in 1999*, that is, Mr Speaker, difficult, if not impossible, for me to reconcile with what is my reality. But the hon. Gentleman may have another reality, and he might want to explain it to us, but perhaps somewhere else, Mr Speaker, because here he is to ask questions and not to explain reality.

And (b), Mr Speaker, the other thing that I find difficult to comprehend, and I consider dangerous is that anybody who has *glanced* at the United Nations Convention on the Law of the Sea, who has looked both at the Montego Bay version and the 1958 version, who understands customary international law and how it applies to the seas around any territory, not even necessarily anything other than a territory, will know that, from time immemorial, the territorial waters around the shoreline were three miles, based on the cannon-shot rule, and this 1999 Agreement, beyond being a breach of the rule of law, beyond being unconstitutional, actually creates a regime that might be interpreted by our enemies falsely – let me put down that marker – falsely, even though they allowed it to happen for the twelve years they were in Government since it was signed, and I say falsely, Mr Speaker, in the interests of Gibraltar because it is important that I say falsely, in the interests of Gibraltar, but not because of anything they did, that the territorial ambit of Gibraltar law extended only to 225 metres from our shores.

The danger for Gibraltar in respect of the international legal position and the protection of British-Gibraltar territorial waters, our jurisdiction and control over them, the habitat issue on the East side, and the whole jurisprudence which we defend, and have defended, and every Chief Minister in the history of Gibraltar since the 1960’s when this issue became live, has defended, is clearly imperilled by that. (*Applause*)

Hon. D A Feetham: Mr Speaker, if it were somebody on this side of the House that sought to re-open the debate that we had a month ago we would have been brought to order because the reality is that I have asked different types of questions and the hon. Member is seeking to have a debate on the 1999 Agreement.

I do not mind having a debate on the 1999 Agreement but we have had it a month ago, but I am certainly not going to allow the hon. Member, whatever his platitudes and his speeches, off the hook in relation to how we have got into this mess in the first place. Now, does he not accept that, looking back in retrospect, this issue of the 1999 Agreement and how one tears up the 1999 Agreement – call it a memorandum of understanding or whatever it is that you wish to call it – but it has not been dealt with well by the Government side because, for example, you could have actually called in the Mayors of La Linea and Algeciras, the fishermen, in the same way as you are having discussions with them now, because you are having those discussions with them now, and say to them ‘Look here, as from six months’ time the 1999 Agreement is out of the window: we have six months within which to come to an agreement. If we don’t come to an agreement within six months, that is the end of it, chaps.’

Does he not think that is a more intelligent and a more reasonable way of dealing with this particular issue than just simply have Mr Cortes making announcements on Facebook?

Hon. Chief Minister: Mr Speaker, obviously never the twain shall meet.

Mr Cortes did not make an announcement on Facebook and my invitation stands. I am expecting it to arrive – hopefully in the next seven days – I am ‘frasmotie’ with excitement about its arrival and he can come and check the word ‘announcement’. I am sure there will be every possible definition except the one he wants to give it – which is to repeat something that one has already said.

Mr Speaker, he needs to understand that intellectual rigour does not allow somebody to say this memorandum of understanding arrangement policy etc, etc offends the rule of law, let me negotiate with you for the next three months or next six months, or next twelve months how we correct the position. Because then, Mr Speaker, one becomes a participant in the rule of law being broken, that is why, Mr Speaker, our policy, set out in our manifesto, is in explicit terms – it says *immediately*. Because one cannot tolerate a breach of the rule of law if one is committed to the rule of law and constitutionality. One does not negotiate how to redress unconstitutionality or breaches of the rule of law. One may sit down to discuss new regimes, but one cannot perpetuate, if one has any intellectual rigour, such breaches.

But, Mr Speaker, let us take the hon. Gentleman and his example, and apply it to the manner in which the people who he seems to be holding a brief for have themselves torn up the trilateral agreement – ‘torn up’ is a figurative. Unless I missed it, because the *Partido Popular* were elected before we were in post, although they were sworn in more or less on the same day as we were elected. I have not seen any correspondence with the previous administration from the *Partido Popular* saying, ‘Look, chaps, we are thinking of tearing up the trilateral process. Shall we talk about it for three months, or for six?’ No, Mr Speaker, not at all. I will do the Honourable His Excellency the Foreign Minister of the Kingdom of Spain, which I understand is the correct way of referring to a Minister of another country in a Parliament, at least the intellectual honour of saying that he has explained his position. He has said publicly on a number of occasions the trilateral process broke the Spanish dogma on what the position was in respect of recognition of Gibraltar, it elevated it, in his view, to the level of the United Kingdom and Spain and ‘that was anathema and unacceptable to us and the first thing I had to do was to deal with it before, then, writing to Mr Hague, setting out our position in that respect, starting to redress the balance from where the PSOE left us and starting to get the position back for Spain.’

Of course, Mr Speaker, for anybody reading *Hansard* in 20 years’ time, I do not agree with that position, but that is the position that Mr Margallo has put in the public domain. *This* Government in respect of the fishing thingy, the memorandum of understanding, agreement, policy etc, whatever you want to call it, took a very clear position. Breach of the rule of law, breach of the constitution, immediate rescission – set out in our manifesto! If people do not read our manifesto, Mr Speaker, so be it. I read the *Partido Popular* manifesto. The position was set out in their manifesto. Wherever I go, I say that the issue of the trilateral process was set out in the manifesto of the *Partido Popular* and the issue in respect of the fishing agreement was set out in our manifesto. The people of Spain chose the *Partido Popular* manifesto and that has to be respected and the people of Gibraltar chose the *GSLP* Liberal manifesto and that has to be respected.

Mr Speaker, that is the position, so I do *not* accept any of the premises on which the hon. Gentleman wishes to hang his question. Mr Speaker, frankly, we are having this debate not because I want to have it, because he knows that everything we say here is read in the *Palacio de Santa Cruz* and is read in both the party headquarters of the PSOE and the *Partido Popular* and it is demonstrated by the fact that when I was on

1055 that particular programme, the senior *Partido Popular* international affairs adviser said ‘*Caruana ha defendido en el parlamento de Gibraltar el acuerdo de 1999*’ – ‘Mr Caruana has defended in the Parliament of Gibraltar the agreement of 1999.’

1060 So, Mr Speaker, it is up to him. We can continue to have this debate here or, if he likes, despite the many years since we have done this, I will have him downstairs for a beer and we can continue it downstairs. I do not think that they can hear what we say over a lager!

Hon. D A Feetham: Yes, when he said ‘I’ll see him downstairs’, I thought for a moment that he was going to do what the Hon. the Minister for Employment did a number of months ago and invite me to the ante-room of this Chamber –

1065 **Hon. Chief Minister:** It’s unlikely to be a *mano a mano*. Chips and lager, rather than anything else!

Hon. D A Feetham: Well, a glass of wine for me, lager for you. I am partial to wine, rather than larger...

1070 But, look, I have here a dictionary definition of ‘announcement’. It says ‘a notice appearing in a newspaper or public place and announcing something’.

The words that were used by the Hon. the Minister for Health were these, on Facebook:

‘Government does not support the 1999 Agreement and has given a direction to this effect.’

1075 Does he not agree with me that that is an announcement? And does he not agree with me that it is a derogation of everything that is what it is to be parliamentary, to make an announcement of this kind on Facebook, rather than in this Parliament? And does he not agree with me that there is a fundamental distinction between what is in a manifesto commitment and just simply saying to people, ‘No, you read my manifesto,’ and making an announcement about... ‘Well, look, as from this particular date, we have taken this particular position in relation to that manifesto commitment.’

1080 It seems to me that he has a very strange way of dealing with international diplomacy, just simply saying, ‘No, hang on a minute, let the Spaniards read it in our manifesto,’ despite the fact that, perhaps, these individuals – and I am not here to hold a brief for these individuals – I am here to hold a brief for the people of Gibraltar because you have placed us in a monumental mess. That is the reality. And the reality is also that, over the next four years, we will see played out in this House and in politics in Gibraltar a clash of philosophies: the philosophy of this side of the House that says that you fight the battle that is vital to Gibraltar and you do so with intelligence and you do so with reasonableness; and the philosophy going back to the 1980s and Mr Bossano, which basically says that conflict with Spain is the best type of policy with regard to Spain. That is the reality.

1085 Does he not agree with me that that *is* an announcement, and looking back in retrospect, that you should have dealt with this in a different way?

Hon. Chief Minister: Mr Speaker, I know that the hon. Gentleman wants to say the same thing on a number of occasions and he does not get tired of hearing himself, even if we do get tired of hearing him!

1095 Mr Speaker, I may have a strange way of handling international diplomacy, according to the hon. Gentleman. It appears to be as strange a way as the Hon. His Excellency the Foreign Minister of the Kingdom of Spain, who did not follow what the hon. Gentleman believes to be the right model of international diplomacy. He announced, as his party had done already in its manifesto, what *his* view was, in keeping with the hon. Gentleman’s definition of ‘announcement’, in relation to the trilateral and that Gibraltar was Spanish and that this ‘joke’ is over etc. So, Mr Speaker, my definition of international diplomacy appears to be the same as that of the Foreign Minister of one of the major European powers, as Spain undoubtedly is.

1100 Mr Speaker, that may be a clash of philosophies, it actually may be a clash of ideologies, but so be it. That is what Parliament is about: debating those issues and those differences. But what I will not accept, however upset the hon. Gentleman may be in his presentation in order to impress the public, is that John Cortes made any announcement.

1105 I am not going to repeat the invitation to come and look at the definition of ‘announcement’ in my dictionary. It is still there, but if he pushes me, I am going to withdraw it, Mr Speaker, because I am very proud of those volumes that I have bought and do not want anybody just thumbing through them.

Mr Speaker, this is not an announcement. The Hon. Mr Cortes said something on Facebook which was

1110 about having given effect to our manifesto. Our manifesto is clear on all of these issues. I do not consider that we are making announcements when we are giving effect to the things in our manifesto. That is just not the way that we understand it.

The hon. Gentleman seems to want me to get up in this House, or in the piazza, and start reading the manifesto. It will then be set out in stone, he will then have considered it announced, and then we can be repeating it.

1115 Mr Speaker, by the definition of ‘announcement’ that *he* has given to this House, this manifesto has been in the public place, in every letterbox in Gibraltar from which it was not pulled out by people who might not be identifiable. It was read by everybody in Gibraltar who wanted to read the manifesto. It is available online at *change.gi* and at *gslp.gi* and at *liberal.gi*.

1120 I am not going to read from it, Mr Speaker, in order to ensure that everything in it is now deemed announced and only repeated thereafter. It is deemed announced the day that it was published. Otherwise, Mr Speaker, they have to start with ‘It’s time for change’. This manifesto does not contain every commitment we have etc.

1125 Mr Speaker, we made the announcement in exactly the same way as the *Partido Popular* made *their* announcement as to the trilateral. In fact, Mr Speaker, as I referred to the Hon. the Leader of the Opposition, at the last session in this House there were press releases, there were answers to Questions, there were debates, I even think there were motions in 1988, in 1999, in 2000, thereafter. Mr Speaker, the position could not have been clearer. Now what the hon. Gentleman is doing is becoming an apologist for those who might not have read the manifesto and have been caught by surprise. So be it, Mr Speaker.

1130 What we are going to do for the next three-and-a-half years in government, as I have said in every intervention I have made before the Election and after the Election, is always defend the interests of Gibraltar and the people of Gibraltar first and foremost; and second, Mr Speaker, in relations with our neighbour to the north, extend, as we do to every kingdom and every republic in the world, the hand of friendship, co-operation and understanding and, at the same time as I deal with the attacks upon Gibraltar which the Kingdom of Spain unleashes regularly, whether *they* are in government or *we* are in government, with what *they* say is the way that they deal with international diplomacy or what they say is the way *we* deal with international diplomacy, the attacks are constant. We will rebut the attack, Mr Speaker, and at the same time, as we say to Goliath, ‘You are wrong on that,’ we will extend the hand of friendship, co-operation and understanding. That, Mr Speaker, is the best way, in our judgement, to defend the interests of Gibraltar and the Gibraltarian people.

1140 We are very proud of the work that this Government has done on this and every other issue since 9th December.

The hon. Gentleman can now set up another premise to try and ask me another question to try and catch me out on the basis of his hypotheses, which no doubt will delight those who read this *Hansard* or hear this debate from Madrid. Up to him – or we can have that beer.

1145 **Hon. D A Feetham:** If the hon. Member thinks that what he says is in the best interests of everybody in Gibraltar and what *he* says is in the best interests of Gibraltar has to be accepted as gospel as being in the best interests of Gibraltar, or when he says, ‘We have got to defend Gibraltar in this particular way,’ that everybody has to accept that as being gospel, well, he has got another think coming. I am afraid that we will do our duty, as an Opposition, to point out what have been glaring inadequacies, glaring fluffing of lines by the Government, and by the Chief Minister in particular, in relation to how this issue has been handled.

1150 But look, I note, and I am giving him one more opportunity before I sit down –

Mr Speaker: I do not think you –

1155 **Hon. D A Feetham:** – and I do not ask him –

Mr Speaker: Order! Order!

1160 **Hon. D A Feetham:** But he has not answered this question, Mr Speaker!

Hon. Chief Minister: Yes, I have.

Hon. D A Feetham: No, he has not answered.

Mr Speaker: I heard a question, but I may not –

Hon. D A Feetham: What actually has happened? What happened from the day that the hon. Member was elected as Chief Minister on 8th December, to March when the Hon. Mr Cortes made his comments – let's put it neutrally – on Facebook, what actually happens, in relation to the enforcement of the 1991 Act, which was different to the way it was being done before, because even Kaelan Joyce was actually complaining 'nothing is happening'.

The hon. Member may refuse to give me an answer – he has already refused to give me an answer on something as important as the Cordoba Agreement, but that is to the detriment of proper debate, it is to the detriment of the people listening who actually want to know the answers to this question, and it is also to the detriment of the democratic process – and *he* claims to be a defender of democracy in Gibraltar!

Hon. Chief Minister: Look, but Mr Speaker, nobody who is listening is foolish enough to think that what we are doing is in any way affecting the quality of democracy *in any manner* other than to improve it so substantially that the hon. Members opposite now get 10 chances a year to ask this Government questions, when we used to get two or three to ask the hon. Gentlemen questions. (*Applause*)

Nobody who is listening is foolish enough to think that we give less full answers than the hon. Members gave when they were on this side of the House. Nobody who is listening is foolish enough to think that the hon. Gentleman is doing anything other than seeking the immediate oxygen of publicity for his ambition to lead his party and to try and win a General Election.

Nothing that he is doing or saying in the premise of his question is true because, Mr Speaker, just because I do not read out to him the press release from 2006 does not mean I am not giving the information. Nothing about that, Mr Speaker, suggests that I am trying to thwart the democratic process.

Mr Speaker, it is quarter to five in the afternoon on the first day of summer. To have to sit here and listen to this is not to be seriously challenged by an Opposition asking questions; it is to be teased by somebody who is intent on throwing more bait about this Chamber than a Spanish fisherman needs to throw when he casts his nets illegally in Gibraltar waters and, really, Mr Speaker, I am not going to fall for any of that bait.

Hon. D A Feetham: So the answer is that you refuse to give me an answer to a quite reasonable question.

The hon. Member is very good at the wide platitudes and speeches in this House, but the purpose of the process in this House is for us to ask questions. It is a perfectly reasonable question, and the Hon. the Chief Minister has completely refused to answer it.

Hon. Chief Minister: Mr Speaker, I have answered it in a way that the hon. Gentleman does not like, namely we *announced* in our manifesto what our policy was. It was set out previously in answers to Questions and in this House. That would have been communicated to the law enforcement agencies with immediate effect on 9th December 2011, as the regime that now was relevant.

That issue was confirmed by the Hon. the Minister for the Environment in a communication on Facebook, and that is the position. The hon. Gentleman asks me again and again and again the same question, in the hope that maybe, if he shakes the tree enough, an apple might fall, which, if he eats it, might convert him from an electoral frog into an electoral prince, so that he could become the Chief Minister of Gibraltar. Well, it is not going to work, Mr Speaker.

The answers have been given. A proper debate is always a delight for the Government, if the hon. Gentleman wants to put a motion, but in *this* place where we are now on the Agenda, Question Time requires that they seek information. We have given the information. Just because they do not *like* it does not mean that they come back again and again and ask the same question.

Commissioner of Income Tax Arrears agreements

Clerk: Question 574, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister confirm that the Government has instituted a policy to allow

1220 the Commissioner of Income Tax to have discretion to enter into arrears agreements in appropriate circumstances?

Clerk: Answer, the Hon. the Chief Minister.

1225 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, sir.

Hon. D A Feetham: Can he elaborate on the principles underpinning those circumstances in which arrears agreements will be entered into?

1230 **Hon. Chief Minister:** Mr Speaker, that is a matter for the Commissioner of Income Tax because the discretion is his to exercise.

Hon. D A Feetham: Well, not exactly.

In his manifesto, (*Interjection*) the hon. Member... He is talking to the Minister for Justice.

1235 **Hon. Chief Minister:** I am allowed to – (*Interjections*)

Hon. D A Feetham: In his manifesto, he said that this would be limited to circumstances of hardship. That is the principle underpinning the circumstances in which these agreements would be entered into.

1240 Is he now saying that there is a different principle, or no principle at all, because it is the Commissioner who simply exercises discretion and that is it – that the principles are to be determined by the Commissioner of Income Tax?

1245 **Hon. Chief Minister:** No, Mr Speaker, it is none of those. It is that the Commissioner of Income Tax exercises his discretion in cases of hardship.

Hon. D A Feetham: So, effectively, the principle underpinning these agreements is if there is genuine hardship. That is the principle underpinning it.

1250 **Hon. Chief Minister:** Mr Speaker, I really think that the hon. Gentleman needs to give some thought to things. If there is no hardship, then how would the Commissioner of Income Tax have his discretion engaged? Because the individual does not *wish* to pay, and the Commissioner for Income Tax might want to consider whether he allows him to pay in a different way, or not pay at all? It *must* be, Mr Speaker, perforce, a discretion that is engaged on hardship.

1255 If the hon. Member stops and gives it some thought, he might not get up and ask the same question again.

Hon. D A Feetham: I have to say that the hon. Member... It is taking him all of seven months, since he became Chief Minister, to exhibit the kind of characteristics that he was criticising the now Leader of the Opposition when he was Chief Minister, because he is high-handed in the way that he answers the questions. It is a perfectly legitimate question to ask. You *could* have other criteria, other than hardship.

1260 So the answer is, effectively, it is limited to circumstances of hardship – that is the answer, is it?

1265 **Hon. Chief Minister:** Mr Speaker, I do not know whether to take that as a compliment, because the hon. Gentleman spent most of September to December saying that the characteristics he now accuses me of having, which I accused the Hon. the then Chief Minister of having, were the ones required to run Gibraltar effectively and that people should ensure that they voted for him. So I do not know whether he is saying that he is going to go out and campaign for me... I do not know but, frankly, it might be the kiss of death, and that may be the last thing I need.

1270 I have made the position very clear. If you have some intellectual rigour, you will understand that hardship needs to be engaged in these circumstances before a discretion can be exercised. The hon. Gentleman's question is generic. I will give him at least the opportunity of saying that the way that he has phrased his question might engage corporate entities and corporate entities cannot feel hardship, because hardship is an emotion or an issue which is engaged when dealing with human beings. But financial hardship would be something that involves a corporation.

1275 There is no intention, Mr Speaker, on the part of the Government, to ever create a discretion in policy or in statute which can be exercised by a senior civil servant in cases where people have the ability to comply with requirements of the law, whether it is payments or otherwise, and they do not wish to do so with the alacrity that the law requires. That is not something we would ever consider. But where there is hardship, Mr Speaker – and it must be *financial* hardship – then the senior civil servant *should* have a discretion, in our view. The senior civil servant in this instance is the Commissioner for Income Tax, Mr Speaker.

1280 I think it is pretty clear now, unless the hon. Gentleman just wants to have an argument for the sake of having one. Anybody who has seen the *Monty Python* sketch where somebody knocks on the door that says ‘Arguments’ and is told by the person sitting behind the desk, ‘No, I’m afraid this isn’t Arguments,’ and the fellow then says, ‘Yes, it is!’ – ‘No, it isn’t!’ etc... Unless that is what he wants, Mr Speaker, the discretion is for cases of financial hardship, in the case of individuals’ hardship. That is it, Mr Speaker.

1285 That is the position. Why should it be otherwise?

Hon. D A Feetham: The hon. Member is like an onion: you peel away the layers and... you have to peel away the layers before you actually get to the answer.

1290 **Hon. Chief Minister:** I just said this to make him cry, Mr Speaker! (*Laughter*)

Hon. D A Feetham: He started off... At least now I have got the answer, but he could have answered in this particular way at the first attempt.

1295 First of all, the Hon. the Chief Minister started by saying to me, ‘No, no, it’s a matter for the Commissioner of Income Tax.’ Then, when I said to him, ‘Well, actually, your manifesto says that it is going to be limited to circumstances of hardship,’ he said, ‘Yes, yes, it’s hardship.’ (*Interjection*) Then, in the middle of the answer he talks to me about emotional hardship and he ends up by concluding, ‘No, no, no, it only applies to financial hardship.’

1300 I do not want to have an argument with anybody. I have tried to be restrained in the way that I have conducted the questions this afternoon, despite the fact that the hon. Gentleman has peppered his answers with huge amounts of personalisation directed at me. Look, I could have, in fact, at any point mentioned and reminded the hon. Member of the role that he played in my exit from the GSLP and the letters of resignation that *he* drafted –

1305 **Mr Speaker:** Order! Order! Order!

Hon. D A Feetham: – of the then executive members, but I did not, because I want to keep this just simply on the issues. That is all. Nobody is trying to argue here.

1310 **Mr Speaker:** Okay, the –

Hon. Chief Minister: Mr Speaker, if I might just deal with this. First of all, I am not going to get involved in debating *his* version of things that happened many years ago, which is as warped and as thwarted of reality as everything else that he says in this House, about the letters which *he* probably drafted etc.

1315 The hon. Gentleman compares me to an onion. I am not going to compare him to any vegetable in particular. Well, in fact, Mr Speaker, I should probably not go any further in respect of that analogy.

We have made the position very clear in respect of what the discretion is and the Commissioner of Income Tax. He was asking us about the manifesto. The position is clear: the discretion is there – how could it be anything other than hardship?

1320 I think he and I owe the listening public in Gibraltar not to continue to play out those issues which he has with me, which I certainly do not have with him, as the pretext (*Interjection by Hon. D A Feetham*) for every question that we are going to have in this House and every debate that we are going to have in this House. Can he just, please, keep it to asking questions, because, Mr Speaker, I am very keen to keep it to answering questions.

1325 But look, Mr Speaker, if *he* wants to put things, to needle and to push and to suggest que *el que tira la piedra y esconde la mano* and he throws it there and he thinks I am not going to pick it up, Mr Speaker, I will give him back as hard as he throws, but we owe the public to leave those public issues aside, to debate matters in this Parliament with maturity and with respect, and to respect Question Time as what it is and not to turn it

into a debating time.

1330

Hon. D A Feetham: Mr Speaker, I associate myself entirely with the words of the Chief Minister.

Mr Speaker: Thank you.

1335

Hon. D A Feetham: Let's hope that he does as he has so eloquently outlined just a few moments ago.

1340

**Tax breaks
Software/IT and media industries**

Clerk: Question 575, the Hon. D A Feetham.

1345

Hon. D A Feetham: Can the Chief Minister state what tax breaks the Government envisages introducing for the use of Gibraltar as a jurisdiction for research and development in the software/IT industries which are now established in Gibraltar, as well as productions by television, cinema and the music industry?

Clerk: Answer, the Hon. the Chief Minister.

1350

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, when the Government considers it appropriate, we will make *announcements* about tax breaks in this and any other areas.

1355

Hon. D A Feetham: But the Government, in principle, is committed to effectively doing what I have asked him in that particular question, is it not?

Hon. Chief Minister: Mr Speaker, the Government, in principle, is committed to doing what it says about these particular areas in its manifesto, where we have announced our policies in respect of this matter.

1360

Hon. D A Feetham: Can he tell me whether there is any particular timeframe that he has in mind in relation to this particular commitment?

Hon. Chief Minister: Mr Speaker, the only thing I would tell the Minister is that it is usual for announcements in respect of taxation to be made at Budget time.

1365

**Office of Fair Trading
Timeframe for introduction**

1370

Clerk: Question 576, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister state when the Government will be in a position to introduce an Office of Fair Trading?

1375

Clerk: Answer, the Hon. the Chief Minister.

1380

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, one is tempted to remind the House of the answer given by the Hon. the Leader of the Opposition, when he was Chief Minister, about Members of the Opposition not being timekeepers of the Government's manifesto commitments; but so be it.

Mr Speaker, the Government is in the process of drafting the necessary legislation to create an Office of Fair Trading. This will result in a Command Paper being published to allow consultation in respect of the manner of establishment of the Gibraltar OFT.

1385 **Unite and GGCA representatives**
Meetings with Chief Minister

Clerk: Question 577, the Hon. D A Feetham.

1390 **Hon. D A Feetham:** Can the Chief Minister state how many times in an official capacity he has met Victor Ochello of Unite and Michael Tampin of GGCA Prospect?

Clerk: Answer, the Hon. the Chief Minister.

1395 **Hon. Chief Minister (Hon. F R Picardo):** I think it is just GGCA, by the way.

Mr Speaker, it is not possible to provide an accurate number for this question as I have met both Mr Ochello and Mr Tampin on very many occasions indeed since 9th December on official business, either on the basis of pre-arranged meetings or because they have asked to see me at short notice or have attended meetings I have had arranged with others. The non-numerical answer is on very many occasions indeed; but, anyway, who's counting?

1400

Hon. D A Feetham: Has he spoken to either of these two individuals – or have they raised with him, I should say, the use of cadets from the Future Jobs Strategy within the public service? Has that been something that has been discussed at all between you?

1405 **Hon. Chief Minister:** I am not going to come to this House, however transparent and accountable I may be, to tell the hon. Gentleman the content of my conversations with every trade unionist that I meet, but I can tell him, Mr Speaker, as this is a very specific question, that it has not been raised with me at all.

1410

Engagement of private consultants
Details

1415 **Clerk:** Question 578, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister state how many private consultants have been engaged by the Government since 9th December 2011, providing details of the areas where they have been engaged and the cost in relation to each engagement?

1420 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this Question with Questions 579 to 581 and 587 and 589.

1425

Ministerial travel costs
Details

1430 **Clerk:** Question 579.

1435 **Hon. D A Feetham:** Can the Chief Minister provide a breakdown of travel costs of each Minister, including the Chief Minister, on official business since 9th December 2011, giving a breakdown by Minister, the purpose of the trip, the accommodation stayed at by the Minister, the cost of air fares, chauffeur-driven cars, accommodation and subsistence?

1440

Clerk: Question 580.

1445

1450

Clerk: Question 581.

1455

1460

Clerk: Question 587.

1465

1470

Clerk: Question 589.

1475

1480

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, in relation to Questions 578, 587 and 589, I now hand the hon. Member a schedule with the information requested, which is winging its way to him.

In relation to Question 579, the information requested has already been published online on the Government of Gibraltar website.

1485

Mr Speaker, in answer to Question 581, since the General Election, there have been a total of 107 property sales, amounting to £6,322,714.58 for the credit of Government-owned property companies.

1490

ANSWER TO QUESTION 589

Answer to question 578

DETAILS	VALUE
Bathymetric Surveys Camp Bay and Sandy Bay	£ 4,700
Refuse disposal options	£ 33,000
Proposed housing development	£ 4,850
Proposed housing development	£ 4,850
Proposed housing development	£ 9,000
Proposed housing development	£ 7,000
Options for road and tunnel project	£ 22,565
Proposed housing development	£ 8,900
Proposed housing development	£ 4,400
Western Beach reclamation	£ 40,000
Western Beach reclamation	£ 4,500
Western Beach reclamation	£ 7,000
Bathymetric Survey	£ 2,350
Airline business development in Gibraltar	£13,750 pm July – Dec 2012
Dementia Care	£60,000
Gap analysis of Tug & Towage operations within the Port	£29,844.89
Establishment of University in Gibraltar	£25,000
Preparation of tender documentation	
(1) External refurbishment & associated works to New Police Barracks	£4,875
(2) External refurbishment & associated works to Arengo's House	£4,875

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ANSWER TO QUESTION 589

ANSWER TO QUESTION 587/2012

Minister for Traffic, Health & Safety and Technical Services

Date	Purpose of use
15/12/2011	Visit to Gibraltar Car Parks
07/01/2012	Gymnastics Extravaganza, Tercentenary Sports Hall
11/01/2012	Site visit to various Government car parks
01/02/2012	Meeting at Motor Vehicle Test Centre
02/02/2012	Site visit to various Government car parks
13/02/2012	Official Opening of Young Artist Exhibition at Gustavo Bacarisa Gallery at Casemates Square
01/03/2012	Meeting at Finance Centre Board Room in Europort
13/04/2012	Site visit to airport tunnel
14/04/2012	Miss Gibraltar show at St. Michael's Cave
26/04/2012	Malaga airport - Flight to Rotterdam
28/04/2012	Collect from Malaga airport
21/05/2012	Heritage, Education and Tourism talk at John Mackintosh Hall
22/05/2012	Official opening of Spring Art Festival, Gustavo Bacarisa Gallery at Casemates Square
25/05/2012	Jubilee Taekwondo Champions at Tercentenary Sports Hall
07/06/2012	Corpus Christi Ceremony at John Mackintosh Square

Total 15

Minister for Enterprise, Training and Employment:

Date	Purpose of use
08/05/2012	No.6 Convent Place to Bayside School
02/06/2012	Return from UN Decolonisation Seminar at Quito Ecuador - Malaga Airport to Gibraltar
10/06/2012	Residence to Gibraltar airport - 30th Anniversary of Falkland Liberation

Total 3

Minister for Housing and the Elderly:

Date	Purpose of use
23/02/2012	Medallion of Distinction Reception at City Hall
17/03/2012	DSA old time and modern sequence dance club event at Central Hall
22/03/2012	Freedom of the City - Lord Greville Janner at City Hall
29/03/2012	Presentation of prizes in St. Bernard's Club at Community Centre
31/03/2012	CCC Sequence dance club 41st Anniversary Ball at Central Hall
02/04/2012	Launch by Chief Minister of book by Dr. Garcia at the Garrison Library

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CONTD ANSWER TO QUESTION 589

CONTD. ANSWER TO QUESTION 587/2012

Date	Purpose of use
14/04/2012	Miss Gibraltar show at St. Michael's Cave
22/04/2012	Transfer to Gibraltar airport - Jubilee celebrations in London
24/04/2012	Presentation of oil painting of Bishop Caruana in St. Bernard's Club at Community Centre
12/05/2012	CCC Sequence dance club at Central Hall
05/06/2012	Albert Risso House - Jubilee Celebrations
09/06/2012	Transfer to Gibraltar airport - CPA Conference at Edinburgh

Total 12

Minister for Health and Environment:

Date	Purpose of use
12/12/2011	St. Bernard's Hospital taken to Primary Care Centre & KGV
15/12/2011	GHA to Joshua Hassan House
16/12/2011	GHA to Mr Britto's retirement party
16/12/2011	Mr Britto's retirement party and taken to Shop Stewards' Reception at Jumper's Bastion
16/12/2011	Jumper's Bastion to GHA
20/12/2011	St. Bernard's Hospital to Primary Care Centre - Meeting with GPs
21/12/2011	St. Bernard's Hospital to Presentation at KGV Hospital
03/01/2012	St. Bernard's Hospital to the Cathedral of St. Mary the Crowned
16/01/2012	No.6 Convent Place to St. Bernard's Hospital for meetings at office
17/01/2012	Joshua Hassan House to site visit at cemetery and Europa Point
20/01/2012	St. Bernard's Hospital to Parliament
10/02/2012	St. Bernard's Hospital to No 6 Convent Place
14/02/2012	Joshua Hassan House to GHA for meeting
21/02/2012	GHA Office to No.6 Convent Place for meeting
23/02/2012	Joshua Hassan House to GHA for meeting
24/02/2012	St Bernard's Hospital to No 6 Convent Place (La Linea visit)
28/02/2012	Joshua Hassan House to site visit - Master Service at New Harbours

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CONTD ANSWER TO QUESTION 589

CONTD. ANSWER TO QUESTION 587/2012

Date	Purpose of use
29/02/2012	No 6 Convent Place to GHA - meetings
07/03/2012	No 6 Convent Place to GHA - meetings
07/03/2012	No 6 Convent Place to GHA - meetings
09/03/2012	GHA to No.6 Convent Place - meetings
14/03/2012	GHA to No.6 Convent Place - meetings
15/03/2012	Parliament House to GHA - Presentation of donation
19/03/2012	Joshua Hassan House to KGV Hospital and Coaling Island
20/03/2012	GHA to Waterport re:Trees planting ceremony
20/03/2012	GHA to No.6 Convent Place - meeting
21/03/2012	No 6 Convent Place to GHA - meetings
21/03/2012	GHA to John Mackintosh Square - Heritage Trust
04/04/2012	GHA to No.6 Convent Place - meeting
05/04/2012	No 6 Convent Place to KGV Hospital
11/04/2012	St Bernard's Hospital to meeting at No.6 Convent Place
12/04/2012	Joshua Hassan House to GHA - meeting
13/04/2012	No 6 Convent Place return to St Bernard's Hospital - meeting
16/04/2012	St Bernard's Hospital to Ince's Hall - Rock recycle launch
19/04/2012	St Bernard's Hospital to meeting at No.6 Convent Place
04/05/2012	No 6 Convent Place to GHA - meeting
10/05/2012	Joshua Hassan House -Site visit to Master Service in New Harbours
15/05/2012	Joshua Hassan House to GHA re meeting
18/05/2012	Les Miserables Concert at St Michael's Cave
21/05/2012	No 6 Convent Place to GHA
22/05/2012	Parliament House to St Bernard's Hospital
22/05/2012	St Bernard's Hospital to Parliament House
29/05/2012	Joshua Hassan House to GHA -Airport air Disaster Exercise
31/05/2012	Joshua Hassan House to Tercentenary Sports Hall - World Environment Day
01/06/2012	GHA to Clubhouse Project at Toc H
06/06/2012	No 6 Convent Place to GHA
06/06/2012	GHA to No 6 Convent Place - meeting
07/06/2012	Air Quality presentation at Bleak House
12/06/2012	Joshua Hassan House to Upper Rock Royal visit

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CONTD ANSWER TO QUESTION 589

CONTD. ANSWER TO QUESTION 587/2012

Date	Purpose of use
14/06/2012	Meeting at Convent Place and taken to GHA
14/06/2012	Meeting at GHA and taken to Joshua Hassan House
14/06/2012	Joshua Hassan House - visit to Gibraltar Community Projects - Europa Advance Road
	<u>Total 52</u>

Minister for Tourism, Public Transport and the Port:

Date	Purpose of use
19/01/2012	Parliament House to Malaga airport - Fitur / Madrid
21/01/2012	Malaga airport to Gib - Fitur / Madrid
25/01/2012	Europort to Gibraltar Federation Small Business in Irish Town
02/02/2012	Europort office to No 6 Convent Place - Presentation - Upper Rock
03/02/2012	Europort office and taken to Rock Hotel - Bland Group presentation
07/02/2012	Meeting with Minister for Employment at New Harbours
09/02/2012	Europort office to Portland House at Isola's - Gibraltar Ship Arrest Symposium
09/02/2012	Lubrigant Tank Farm - site visit in North Mole
10/02/2012	Europort office to Irish Town - M.H. Bland
13/02/2012	Europort office to No 6 Convent Place for meeting
21/02/2012	Meeting with Deputy Chief Minister and other Ministers at No 6 Convent Place and then transferred to Gibraltar Airport - U.K. Nottingham Road Show and Gibraltar House Airline meeting
26/02/2012	Collected from Gibraltar airport - Road show and airline meetings
28/02/2012	Reception hosted by Vine Trust at No 6 Convent Place
29/02/2012	Europort office to Board of Chamber of Commerce - Lunch
02/03/2012	Gibraltar Crystal Factory at Casemates - Site Visit
05/03/2012	Victoria House
10/03/2012	Collected from Gibraltar airport - Seatrade International, Miami
13/03/2012	Europort office to Funeral
21/03/2012	Europort office to meetings at No.6 Convent Place
31/03/2012	Residence to Air Terminal - BMIBABY inaugural call

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CONTD ANSWER TO QUESTION 589

CONTD. ANSWER TO QUESTION 587/2012

Date	Purpose of use
14/04/2012	Residence to Miss Gibraltar show at St Michael's Cave
18/04/2012	Residence to Business dinner meeting - Palmones 'El Copo' Restaurant
24/04/2012	Europort office to Mons Calpe Suite - UK Gibraltar Tourist Association
24/04/2012	UK GTA - Dinner at Elliots O'Callaghan Hotel
26/04/2012	Europort office to Bruno's Restaurant - Gibraltar Super Yacht Forum
02/05/2012	Inaugural call - Serenade of the Seas, North Mole
25/05/2012	Europort office to Lunch - Literary Festival at Caleta Palace
29/05/2012	Europort office to airport - Airport air Disaster Exercise
11/06/2012	Europort office to Gibdock - Royal visit
12/06/2012	Europort office to North Mole - Royal visit to the Port - Gibraltar Port Authority
13/06/2012	Europort office to Air Terminal - Royal visit
	<u>Total 31</u>

Deputy Chief Minister:

Date	Purpose of use
16/12/2011	Hon Britto retirement at King's Bastion Leisure Centre and Rock Construction Lunch at Latino's in Casemates Square
19/12/2011	CM Christmas reception at The Mount
02/02/2012	Chess Festival at Caleta Palace Hotel
06/02/2012	Site facilities - St Michael's Cave
07/02/2012	Site visit - St Bernard's Hospital at Mackintosh wing
17/02/2012	Collect Simon Hughes MP and Ryan Wain from Gibraltar Airport taken to O'Callaghan Hotel - VIP visit - College of Further Education and St Christopher's School
18/02/2012	VIP visit Simon Hughes MP and Ryan Wain- Rock Tour
19/02/2012	VIP visit - Simon Hughes MP and Ryan Wain transfer to Gibraltar Airport and lunch at Charlie's Steak House at Marina Bay
19/02/2012	VIP visit - Simon Hughes MP and Ryan Wain collected from Elliot's Hotel and taken to Gibraltar Airport
21/02/2012	Site visit Charles the V and Grand Battery
21/02/2012	On site visit to Deputy Governor's House garden

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CONTD ANSWER TO QUESTION 589

CONTD. ANSWER TO QUESTION 587/2012

Date	Purpose of use
05/03/2012	On site visits - Victualling Yard and Dutch Magazine
17/03/2012	Dr Ruth Fox - Parliamentary Commission dinner at Waterfront
18/03/2012	O'Callaghan Hotel / Dr Ruth Fox visit to Parliamentary Commission at Mackintosh Hall
20/03/2012	Collected from O'Callaghan Hotel / Dr Ruth Fox Departure Airport
01/04/2012	Airport Sir Graham Watson arrival and dinner with Chief Minister
02/04/2012	Sir Graham Watson meeting with Chief Minister and Deputy Chief Minister at No.6 Convent Place
14/04/2012	Miss Gibraltar show at St Michael's Cave
17/04/2012	On site visit Upper Rock at pig poultry Farm
19/04/2012	Upper Rock visit - pig poultry farm
28/04/2012	Workers Memorial Ceremony at House of Parliament Lobby
18/05/2012	Taken to Parliament House for Parliament Question and Answer session
11/06/2012	Royal visit at John Mackintosh Square
11/06/2012	Royal visit dinner at Rock Hotel
12/06/2012	Garden Party at the Convent
13/06/2012	Royal visit Air Terminal tour
	<u>Total 26</u>

Minister for Education, Financial Services, Gaming, Telecommunications and Justice:

Date	Purpose of use
21/12/2011	Residence to Ceremonial Opening of Parliament
16/01/2012	Residence to Lunch - HMS Daring at Dockyard
14/02/2012	Old HM Prison (Moorish Castle)
06/03/2012	School visit at St Mary's First School, St Bernard's School, Sacred Heart School, Hebrew School and St Martin's School
07/03/2012	School visit at St Mary's First School, St Bernard's School, Sacred Heart School, Hebrew School and St Martin's School
14/04/2012	Miss Gibraltar show at St Michael's Cave
19/04/2012	Transfer to Gibraltar airport - To attend Gun Salute in UK
08/05/2012	Private dinner at The Mount
10/05/2012	Young Enterprise Awards at Rock Hotel and Lombard Odier 25th Anniversary dinner at Mons Calpe Suite
16/05/2012	Conference in Vienna - Transfer to Malaga airport
19/05/2012	Conference in Vienna - collect from Malaga airport

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CONTD ANSWER TO QUESTION 589

CONTD. ANSWER TO QUESTION 587/2012

Date	Purpose of use
11/06/2012	Official dinner hosted for the Earl and Dutchess of Wessex at Rock Hotel Khaima
12/06/2012	Cable Car Mons Calpe Suite to Parade at Grand Casemates and Convent Garden Party
<u>Total 13</u>	

Minister for Sports, Culture, Heritage and Youth:

Date	Purpose of use
08/01/2012	Residence to Victoria Stadium - GFA football match
19/01/2012	Residence and to La Linea, Palacio de Congresos - Real Balonpedicas Anniversary
21/01/2012	Residence to Central Hall - 100th anniversary of St Joseph's FC
01/02/2012	Ministry of Culture to - Site meeting Upper Rock
08/02/2012	Residence to Ocean Village - GBC Sports Award
09/02/2012	Residence Tercentenary Hall, Boxing
09/02/2012	Ministry of Culture to GibDock - Press call
16/02/2012	Residence to City Fire Brigade & Central Hall (trophies)
21/02/2012	Ministry of Culture to Bleak House Presentation of Certificates to AquaGib employees
06/03/2012	Ministry of Culture to Youth Clubs visit
17/03/2012	Residence to Ince's Hall - Gala night / Drama Festival
27/03/2012	Ministry of Culture to visit to Retreat Centre and Flat Bastion Magazine
28/03/2012	Residence to dinner at Caleta Hotel - Gibraltar International Rugby
12/04/2012	Residence to El Patio/Rock Hotel - Miss Gibraltar dinner
13/04/2012	Ministry of Culture to GJBS visit followed by visit to airport terminal
14/04/2012	Residence to Miss Gibraltar show at St Michael's Cave
19/04/2012	Residence to Gibraltar fashion week party at The Mount
26/04/2012	Residence to Malaga airport - Little Constalation Art Workshop in Genoa Italy

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CONTD ANSWER TO QUESTION 589

CONTD. ANSWER TO QUESTION 587/2012

Date	Purpose of use
30/04/2012	Malaga airport to Gibraltar - Little Constalation Art Workshop in Genoa Italy
02/05/2012	Ministry of Culture to Girl Guides Premises (visit)
08/05/2012	Ministry of Culture to Gibraltar Airport - receiving boys Football Team
16/05/2012	Ministry of Culture to Scouts premises (visit)
17/05/2012	Ministry of Culture to St Theresa's Church - Concert of sacred music
23/05/2012	Residence to Caleta Hotel - dinner - Gibraltar Philatelic Bureau at Nuno's Restaurant
24/05/2012	Ministry of Culture to Book Launch at Garrison Library and Philharmonic concert at St Michael's Cave
25/05/2012	Residence to Ince's Hall - LOL Productions - 'Happy Flying'
31/05/2012	Residence to John Mackintosh Hall - Gibraltar Academy of Dance Production - 'An Audience with the Queen'
01/06/2012	Ministry of Culture to - opening of Strait Games in Algeciras
01/06/2012	Ministry of Culture to site visit to parks around Gibraltar
02/06/2012	Residence to Strait Games in Algeciras
06/06/2012	Residence to Zarzuela at John Mackintosh Hall
08/06/2012	Residence to Urban Dance show at Alameda Open Air Theatre
08/06/2012	Ministry of Culture to presentation of Trophees at Bayside School
09/06/2012	Netball presentation in Boyd's at Kings Bastion
10/06/2012	Residence to The Mount - Rugby - Presentation of Awards
11/06/2012	Residence to John Mackintosh Square for Royal Visit
11/06/2012	Residence to Royal visit dinner at Rock Hotel Khaima
12/06/2012	Residence to Calpe Rowing Club for boat naming by HRH
12/06/2012	Residence to Queen's Birthday Parade at Casemates

Total 39

Contd...

CONTD ANSWER TO QUESTION 589

CONTD. ANSWER TO QUESTION 587/2012

Minister for Equality and Social Services:

Date	Purpose of use
02/02/2012	Visit to adult Disability Centre
26/03/2012	Site meeting at the old RNH hospital
17/04/2012	Transport to Gibraltar airport - Travelling to UK to attend a seminar
04/05/2012	Outing organised by St. Bernadtte's Resource Centre for service users at Granja de Aves, Jimena De La Frontera
10/05/2012	Gibraltar Airport collection
11/05/2012	Gibraltar Airport drop off
01/06/2012	Site meeting at the old RNH Hospital
11/06/2012	Dinner hosted by the Hon the Chief Minister in honour of the Earl and Duchess of Wessex at The Rock Hotel Khaima
12/06/2012	Queen's Birthday Parade at Grand Casemates and Garden Party
13/06/2012	Visit by the Earl and Dutchess of Wessex to the Laguna Social Club and the Laguna Youth Club
<u>Total 10</u>	

Joint use of official cars:

Date	Purpose of use
<u>Deputy Chief Minister & Minister for Health and Environment:</u>	
24/02/2012	La Linea Mayor visit (From No.6 to several locations)

Deputy Chief Minister and Minister for Tourism, Public Transport and the Port:

27/04/2012	On site visit at Air Terminal
<u>Total 2</u>	

1510

CONTD ANSWER TO QUESTION 589

Answer to Question 589

(a) Contracts over £2,000 awarded by direct allocation.

	Description	Company	Date	Value
1	Emergency works Main Sewer Collapse	Precise Civils	10.12.11	£77,323.92 (to date)
2	Emergency works Main Sewer Collapse	Wastage Products Ltd	10.12.11	£72,103.92 (to date)
3	Emergency works Main Sewer Collapse	Portman Ltd	10.12.11	£20,116.25 (to date)
4	Emergency unblocking/desilting of foul sewer and culvert at North Front	Wastage Products Ltd	May 2012	£8,890.00
5	Emergency repairs to stormwater systems Europa Point	Precise Civils	Feb 2012	£2,150.00
6	Emergency repairs and improvements to Frontier Fence	GJBS	May 2012	Pending valuation
7	Urgent resurfacing of holding area by frontier east gate	AMCO	March 2012	£18,203.83
8	Highway maintenance, repairs and resurfacing works – Holding over the contract previously awarded until new tender.	AMCO	March 2012	£179,018.54
9	Western Beach – Car park platform reclamation	CK Transport	May 2012	£140,000
10	Urgent installation of Fire Alarm System - Port	Gibtel	Feb 2012	£5,705
11	Inspection/Audit of Gibraltar Port Operations and infrastructure	Noble Denton	-	£5,000

CONTD ANSWER TO QUESTION 589

Answer to Question 589

(b) Contracts over £2,000 awarded by Tender

SERVICES TENDERS

Tender:	Security Guards at Tourist Sites
Contract Period:	13/02/12 – 12/02/14
Company:	Bland (OSG), Cloister Building, Irish Town
Value:	£134,352.00 p.a.
Tender:	Security Joshua Hassan House
Contract Period:	01/02/12 – 31/01/14
Company:	Detectives & Security (Int) Ltd, Suite 1, Leon House, Secretary's Lane
Value:	£43,652.28 p.a.
Tender:	Summer Nights
Contract Period:	09/05/12
Company:	Casemates Tenants Association
Value:	£39,840.00
Tender:	Art, Design, Printing and Supply of an EU Funding Newsletter
Contract Period:	08/02/12 – 07/02/14
Company:	Roca Graphics Ltd, 21 Tuckey's Lane
Value:	£2,540.00 p.a.
Tender:	Combined Business Insurance Policy for KBLC
Contract Period:	21/03/12 – 20/03/15
Company:	Westmed Insurance Services Ltd, Regal House, Quensway
Value:	£25,000.00 p.a.
Tender:	Collection & Treatment of WEEE, Heat, Pump, Batteries Fire Ext & other Equipment
Contract Period:	19/12/11 – 18/12/15
Company:	Metalrok Ltd, 64 Devil's Tower Road
Value:	Framework Contract with Schedule of Rates. Unable to give value as this is dependant on volumes

Contd...

CONTD ANSWER TO QUESTION 589

Answer to Question 589

SUPPLY TENDERS

Tender: Blocks and Bricks
Contract Period: 10/04/12 – 09/04/14
Company: Gaggero Cemats & Building Supplies, 7/9 Halifax Road
Value: Framework Contract with Schedule of Rates. Unable to give value as this is dependant on volumes

Tender: Ironmongery
Contract Period: 01/05/12 – 30/04/12
Company (1): EJ Hammonds & Sons Ltd, Unit 52, New Harbours
Company (2): Euroship Supplies, Unit 7, Industrial Park
Company (3): Gaggero Cemats & Buildings Supplies, 7/9 Halifax Road, North Front
Company (4): Interbuild, 12 New Harbours
Value: Framework Contract with Schedule of Rates. Unable to give value as this is dependant on volumes

Tender: Paint & Paint Accessories
Contract Period: 01/02/12 – 31/01/14
Company(1): Corner Shop Ltd, Unit 5A, 30 Devil's Tower Road, P.O. Box 77
Company (2): D & H Ceramics, 60 Devil's Tower Road
Company (3): Interbuild, 60 Devil's Tower Road
Company (4): Marr Co Ltd (T/A The Paint Shop), 4005 Eurotowers, Europort Road
Value: Framework Contract with Schedule of Rates. Unable to give value as this is dependant on volumes

Tender: Protective Clothing
Contract Period: 29/06/12 – 28/06/12
Company (1): Cotton Leisure, Unit 14, Block 5
Company (2): Euroship Supplies Ltd, Unit 7, North Mole Industrial Park
Company (3): Gaggero Cemats Home & Building Supplies, 7/9 Halifax Road
Company (4): Portman Ltd, Unit F17, Europa Business Centre
Company (5): Stitch & Print, 12A Renown House, Laguna Estate
Value: Framework Contract with Schedule of Rates. Unable to give value as this is dependant on volumes

Contd...

CONTD ANSWER TO QUESTION 589

Answer to Question 589

GOVERNMENT CLEANING SCHEME CONTRACTS

- | | | |
|------------------------------|---|---|
| 1. City Fire Brigade | - | Awarded to Environmental Support Services Ltd in the sum of £2,537.60 per month in April 2012 for 1 year. |
| 2. Post Office & Mail Centre | - | Awarded to JFM Shine Cleaning Service in the sum of £2,548 per month (Winter Hours) and £2,392 per month (Summer Hours) in May 2012 for 1 year. |

Other Contracts (by Quotation)

- | | <u>Reason</u> |
|--|---|
| 1. Purchase of Air Conditioning Units for new offices of Gibraltar General Support Services Ltd – R & J Refridgeration - £3,700 – March 2012 | Urgency |
| 2. Purchase of Site Lab Analyser and Accessory Kit for Department of Environment – Severn Trent Services Ltd, UK. In the Sum of £13,794 – March 2012 | Specialist Equipment
only one supplier |
| 3. Purchase of Specialist Site Sampling Equipment for Department of Environment – Niton UK in the sum of £19,995 – March 2012 | Specialist Equipment
only one supplier |
| 4. Purchase of CCTV Monitor for Port Authority – Hammonds Ltd in the sum of £2,059 – April 2012 | Urgency |
| 5. Purchase of Lifeguard Boats (3) and Beach Trolleys (3) – Altimore Trading Co Ltd in the total sum of £5,730 – June 2012 | Urgency |
| 6. Creation of television advert for anti-fouling campaign – Word of Mouth in the sum of £2,500 – May 2012 – 3 quotes obtained | Urgency |

1520 **Hon. D A Feetham:** In relation to the travel costs of Ministers, I did actually look at the website, and the
information provided on the website only went up, I think, until March. Is he certain that that is the position at
the present moment? For example... and I do not know... An interesting question would be whether the
1525 obligation of the Government to provide the information is at today's date or at the date that the question was
actually asked. But is he saying that the information, for example, in terms of the cost of the hon. Gentleman's
visit to the United Nations, is also now currently on the website?

Hon. Chief Minister: Mr Speaker, I do not know whether the information relating to my trip to the
United Nations is on the website. I know that when the costs are invoiced and they are processed for payment
and the payment is made, those costs are then put on the website. Whether that is happening now on a
1530 quarterly basis, because of the new arrangements that we have as to purchasing and travel, I do not know the
answer to that and I am quite happy to find out. It may be that there is now more information on than when he
checked when he asked the question but still not information which is correct for the past four weeks or five
weeks because of the way that the billing happens.

The hon. Gentleman will know that I used to ask these questions when I was in Parliament and that, very
1535 often, two or three months after a trip had occurred I would be told by the then Chief Minister, 'Well, look,
yes, I did go on that trip but we don't yet have the final costs in because we haven't had the invoices
processed for payment.'

What is processed for payment is reflected online as paid and as cost incurred. So, Mr Speaker, if he wants
to review what those costs are on the website and then ask us questions about it, or if he wants to call me in
1540 my office, Mr Speaker, I will always take his call if he is concerned that there may be something... Perhaps
not immediately – I may be negotiating with Spanish fishermen! If he is concerned that there is a cost which
might have been incurred which is not up on the website, I am happy to look at it but, as far as I am told, Mr
Speaker, all of that information is now, when processed, put up.

1545 **Hon. D A Feetham:** Is there any reason why, at this particular session of the United Nations, the Hon. the
Chief Minister also travelled with, from the photograph I saw, Michael Llamas, Clive Golt, Gareth Flower,
Ernest Gomez and also the Deputy Chief Minister; and does he think that so many people going on a trip of
this nature provides the taxpayer value for money, though the necessity issue probably answers the question
1550 about the taxpayer getting value for money.

Hon. Chief Minister: Yes, Mr Speaker, I do, but I am very disappointed that we took that many people. I
was very keen to take one more. I extended an invitation, as the hon. Gentleman knows, to the Leader of the
Opposition to travel with us, and he refused the invitation for reasons that I think *he* should be allowed to deal
1555 with, not us.

I considered everybody who came on the trip to be central to the trip. The cost of travel, he will be
delighted to know, is per individual about a third of what it was when the Hon. the now Leader of the
Opposition used to travel, because we shop around for our tickets and, therefore, taking a larger number has
cost much less than it would have under the old regime.

Mr Speaker, I think it is very important in the way that this Government is going to continue its fantastic
1560 international diplomacy, to engage with the United Nations, also with the Chief Legal Officer, to engage with
the Deputy Chief Minister, because we met also, he will know, with the UK mission representative in New
York. We met with other individuals from the Committee of 24 as we progress our policy, Mr Speaker, of
expanding representation of Gibraltar at that august body, including taking young individuals and pursuing
the possibility of legal challenges etc.

1565 Mr Speaker, I am now paid to make these judgements. I made it; I think it was appropriate. I wish I could
have taken one more. I hope I can take one more in October. That is the way that we believe that we best
defend the interests of the people of Gibraltar at the United Nations.

1570 **Hon. D A Feetham:** Yes, he does not appear to have liked my comments about the way that he conducts
diplomacy. There is no need for the hon. Gentleman to be offended by it; I did not mean it in an offensive
way.

But is it the intention, in the future, of the Government to be taking as many as, effectively, six individuals
to the United Nations? Is that the policy for the future as well?

1575 **Hon. Chief Minister:** I am sorry to tell the hon. Gentleman, and disappoint him, but he is not able to offend me.

But anyway, Mr Speaker, the position of the Government has been explained on a number of occasions and I am surprised that he is asking me about it. Our position is to take many more Gibraltarians to the United Nations to expose them to the work that the UN does. So, not only am I intending to take my Press Officer, my Chief Legal Officer, my Deputy Chief Minister, my Chief Secretary etc, for all the reasons that that is important, Mr Speaker; I am also intending to take young people from the comprehensive schools at a time which does not interfere with their exams, which now, unfortunately, every year seems to include exams in June, whether one is in what we might have called the third form or the fifth form. I am intending to take, if other NGOs want to take up the offer, other NGOs both to the C24 and to the Fourth Committee. The issue this time was to engage with the secretariat in order to open up those possibilities for Gibraltarians.

1580 Mr Speaker, I think this is one of the real clashes of philosophies, if he wants to call it that – I call it a clash of ideologies – between the two parties. We believe in the value of addressing the United Nations and engaging with the United Nations, and that, Mr Speaker, is what the people of Gibraltar have chosen, because we specifically set that out in our manifesto. Sorry – I should have said *announced* in our manifesto.

1590 **Hon. D A Feetham:** Yes, I doubt whether we will be quibbling about clashes of philosophy in relation to how many people travel to the United Nations. (*Laughter*) When I spoke about the clash of philosophies, I was speaking about something a little bit more fundamental than that.

1595 Mr Speaker, I also am very grateful to the Hon. the Chief Minister for the answers in relation to the official cars. Is his Government continuing with the policy that was in place when we were in Government in relation to how official cars are actually booked out to Ministers, which is through the Chief Secretary's Office; or has he set up a different criteria for the booking of cars for Government Ministers?

1600 **Hon. Chief Minister:** Mr Speaker, the way that cars are booked for Ministers I do not think is one of the big ideological differences between us. As I understand it, this was the mechanism that was in place and the information has come from the Office of the Chief Secretary, because that is where the central booking system is for Ministers' cars.

1605 **Hon. D A Feetham:** So, effectively, the system in place – because, of course, this is an asset at taxpayers' expense, effectively, the use of an official car – was that one had to make an official request to the Chief Secretary's Office for the use of the official car for a particular function or in a particular way. Is he saying that continues to be the position today?

1610 **Hon. Chief Minister:** Mr Speaker, I am in the happy position of not having to do any bookings for an official car, as the hon. Gentleman will know, but I am reliably informed by all my colleagues that that is the position that is in place, or the standard that is in place, namely that one fills in a form and submits it to the Chief Secretary, and that is how one obtains a vehicle if one is a Minister.

1615

**GDC employees
Representations re grievances**

1620 **Clerk:** Question 582, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister state whether he has received any representations or requests for a meeting concerning any grievances by GDC employees; and if so, by whom and when were the representations or requests for a meeting made?

1625 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I have been requested by Unite to meet in respect of some issues arising at the GDC.

The request for the meeting was made by one of the GDC shop stewards some two or three weeks ago for

1630 a date to be fixed as soon as possible after they send me the list of issues for discussion, which I might add, Mr Speaker, has not yet been received by me.

Hon. D A Feetham: No, I appreciate what he is saying, that the list of issues has not been received by him.

1635 He may have heard some of the exchanges between myself and the Hon. the Minister for Employment, Mr Bossano and, effectively, there are two issues. The principal issue is the issue of the inability, as a consequence of a policy that has been instituted by Mr Bossano, of GDC employees and Civil Service employees who were formerly GDC employees not being effectively able to compete for the posts that are GDC posts, or formerly GDC posts, whether they be within the Civil Service that those posts were formerly GDC, or within the GDC, and the GDC employees at the time, through their union, felt that not allowing cross-promotion prospects was a unilateral variation of their contract.

1640 I note that on 27th January 2012 a letter was written on behalf of the union and it was copied... It was a letter written to Brenda Cumbo, and it was in fact copied to you, the Chief Minister of Gibraltar. It followed a letter of 26th January, which was to Mr Bossano, copied to the Deputy Chief Minister, and it said this:

1645 'This has obliged many affected members who required further clarification of their terms and conditions to take a decision under duress.'

1650 – because Mr Bossano was only giving up to 27th January in order to make the decision as to whether to stay in the Civil Service or to cross over to the GDC, or vice versa.

1655 'The fact that their genuine and reasonable request for further information and time to consider the same had been dismissed out of hand and without even the courtesy of a written reply has left many of the said members very distressed. Many of these members feel that they have been bullied into making an abrupt decision and go forward in an atmosphere of uncertainty, distrust and fear.'

Mr Speaker: I think there was –

1660 **Hon. D A Feetham:** Will the Chief Minister join with me to condemn any conduct, whether it be from his Government or wherever it may be, that effectively makes GDC employees feel as if they are moving forward in an atmosphere of uncertainty, distrust and fear and that they have been bullied into making decisions that are important to their future?

1665 **Hon. Chief Minister:** Mr Speaker, I will discuss with Unite what *they* consider to be the issues in relation to the GDC when they give me a letter telling me what they think those issues are, not on the basis of what the hon. Gentleman tells me *he* says the two issues are.

Mr Speaker, he has had the debate on this letter and all the rest of it with Mr Bossano on a number of occasions in this House, but there are many other things that we could debate. He could bring a motion for things, if he wants to debate them. This is Question Time, to elucidate information.

1670 Mr Speaker, my position is that I will meet with Unite to discuss the issues in respect of the GDC, such as they may be, whether they are the ones the hon. Gentleman has mentioned or others.

1675 Frankly, it was this Government, when in Opposition, that circulated a leaflet saying 'Ban the bully' because we believe that bullying has no place in the workplace. Mr Speaker, we believe we achieved that on 9th December and we will soon be bringing to Parliament, as soon as we are able, the laws on banning bullying in the workplace, which would, in effect, outlaw all the sort of behaviour that the hon. Gentleman is saying is referred to – not that I recognise that any behaviour of that sort has occurred since 9th December.

1680 **Spanish-national public sector workers
Grievances re terms of engagement**

Clerk: Question 583, the Hon. D A Feetham.

1685 **Hon. D A Feetham:** Can the Chief Minister state whether there has been, or whether he has received, any representations or requests for a meeting concerning any grievances by Spanish nationals engaged in the

public sector about their terms of engagement; and if so, by whom and when were the representations or requests for a meeting made?

1690 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, no such representations or requests have been received.

1695 **Hon. D A Feetham:** Is the hon. Member aware – or the Hon. Chief Minister, I should say – is he aware of a discontent within certain Departments, one of them being the Care Agency, and in particular amongst... The employees who feel most vulnerable are, in fact, Spanish nationals in respect of the renewals of their contracts, which include... I will read the clause to the hon. Gentleman. I quote:

1700 ‘You agree, pursuant to section 63B of the Employment Act, to exclude and waive all claims in respect of rights under the provisions of sections 59 and 64(2) of the Employment Act to have this agreement renewed upon expiry. Please note that this extension of employment does not give rise to an expectation of permanent employment at the expiry of the term.’

1705 **Hon. Chief Minister:** Mr Speaker, I am aware of that concern. It was raised with me and with the hon. Lady, the Minister for Social Services, by officers of Unite. Those clauses actually come from contracts and renewal letters which were in place when what he likes to call *his* Government was in office before 9th December, and Mr Speaker, as a result of representations from Unite, both of those clauses have been removed from contracts going forward.

1710 **Hon. D A Feetham:** Yes, well, I congratulate the Chief Minister in relation to that. (*Interjection by the Hon. the Chief Minister*) No, these particular clauses may have been included in first contracts, not in second contracts.

1715 Can he confirm this: that there is no general policy, by the Government that he leads, of effectively – I am looking for a less emotive word, but none comes to mind – the culling of Spanish workers from the public service in order for them to be replaced by Gibraltarian labour? Can he say that there is no such policy?

Hon. Chief Minister: Mr Speaker, is the hon. Gentleman seriously alleging that the Government of Gibraltar will put itself in breach of the Treaty of Rome? I am sure he is not. There will never be any discrimination on the grounds of nationality in *employment* by this Government.

1720

**Public sector
Grievances re terms of engagement**

1725 **Clerk:** Question 584, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister state whether he has received any representations or requests for a meeting concerning any grievances by workers engaged in the public sector about their terms of engagement; and if so, by whom and when were the representations or requests for a meeting made?

1730

Clerk: Answer, the Hon. the Chief Minister.

1735 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, other than in respect of the answer given already in respect of the GDC, let me assure the hon. Gentleman that, as I am sure was the case before the Election, the Office of the Chief Minister receives almost daily representations of grievances by workers engaged in the public sector. I deal with all of those that have an industrial relations aspect, and the Chief Secretary or the Head of Human Resources deal with any which involve administrative concerns.

1740

**Spanish mayors
Discussions re Gibraltar issues**

1745

Clerk: Question 585, the Hon. D A Feetham.

1750

Hon. D A Feetham: How many times has the Chief Minister met a mayor of Spain since the General Election where he has spoken about issues affecting Gibraltar, identifying the mayor, the location of the meeting and the date?

Clerk: Answer, the Hon. the Chief Minister.

1755

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, all meetings I have had with any Spanish mayor have been disclosed in the media.

1760

Hon. D A Feetham: Does he not have the details in front of him so that he can at least account to the Opposition in this House by providing the answer to the question in this House? Or is it again evidence of a change of practice by the Government, by the Members opposite, of effectively not answering the question and referring to press releases or information that is in public... (*Interjection*)

Surely the hon. Gentleman must recognise that he is, here, accountable to this Parliament and is, here, accountable to us on this side of the House. Does he not have the figures there with him so that he can provide me with the answer?

1765

Hon. Chief Minister: Mr Speaker, I am really quite taken aback by that question, for this simple reason. When I read this, Mr Speaker, I thought the hon. Gentleman was trying to get me to disclose any secret meetings I might have had with any Spanish mayor and account for a secret meeting: 'Ah, so you met Mr Bosch, who is the Mayor of San Roque, and you didn't say that you were doing so. What did you talk about? Why didn't you publish it?'

1770

Mr Speaker, I did not *imagine* for one moment that what he wanted was that I should bring a list of the... from memory, I think it is two or three occasions I have met Miss Araujo; on one occasion I met Mr Bosch; I think on two occasions I have met Mr Landaluce. If what he wants is a list and then he wants to go through the list and say, 'What did you talk about on the Thursday that you met Landaluce? What did you talk about on the Friday that you met Araujo?' I do not think that is the sort of debate that Parliament is about. I do not consider that is what openness and transparency and accountability to the Opposition is about.

1775

The hon. Gentleman knows, because he is deemed to have access to the media, all the occasions on which I have met Spanish mayors. He knows from the media what it is that I have discussed with them. If he wishes to ask me *anything* about that, I am quite happy to disclose information or have a debate with him about it, but if what he is saying is, 'You've got to come with a list,' he knows what the information is, because it is not being hidden, it has all been disclosed.

1780

What he cannot do, Mr Speaker – what he *cannot* do, Mr Speaker – is ask me about things which are in the public domain and force me to bring a list of things which are in the public domain. Otherwise, Mr Speaker, his next question could be, 'Will the Hon. the Chief Minister say how many press releases the Government has issued since 1st January?' and I will be forced to come to this House and say – 'I don't know; Mr García is now in charge, so there are many – Three hundred and fifteen since 1st January up to the date of the question.'

1785

That is publicly available information. That does not mean that I am not accounting to the Opposition. I would not be accounting to the Opposition if there had been a meeting with a Spanish mayor that has not been disclosed and I am trying to hide it, but that is not the situation. That is not how I do business, Mr Speaker. I am *totally* accountable, I reflect in the media any of these meetings, and the hon. Gentleman is free to ask me about those meetings and I will answer.

1790

Hon. D A Feetham: Mr Speaker, the hon. Gentleman is not here to speculate about the purpose of my Question. That is not his job. Indeed, he talks about debate: the purpose of Question Time is not, as he has emphasised on a number of occasions, to have debates. It is about me asking questions and him providing me with the answer.

1795

Does he really expect me to effectively collate every single article – *every* single article – that comes out in the *Chronicle* (*Interjection*) – *every* single article that comes out in the *Chronicle* (*Interjection*) – and say, ‘Alright,’ and then not be able to ask a reasonable question about, ‘Well, look, how many times have you met the mayors of these –

Hon. Chief Minister: Point of order, Mr Speaker.

Mr Speaker: Order! Point of order.

Hon. Chief Minister: Standing Order 17.(1)(xv) provides that:

‘a question shall not be asked seeking information set forth in accessible documents or ordinary works of reference.’

Therefore, Mr Speaker, given that I have confirmed to him that I have not had any meeting which has not been disclosed in the media, the Question seeks information which is set forth in accessible documents or ordinary works of reference. That is why I am refusing to answer it.

But, Mr Speaker, I am saying that if he wants to ask me about the substance of those meetings, which he must have followed like every other member of our community, I am happy to engage with him on those issues.

Hon. D A Feetham: Mr Speaker, it is just simply not acceptable to have a situation where you are expecting somebody to effectively collate every single article that has come out (*Interjection*) and then, because you can collate every single article (*Interjection*) that has come out, on that basis I would have to collate every single article in four years’ time, over four years, and say, ‘Right, well, there have been 19 meetings with mayors on the other side of the border.’ I do not think that that is a proper interpretation of Standing Orders, with respect to the Chief Minister.

It is not a difficult question. He has proved true to form yet again, because the Hon. Chief Minister... It is not only on this particular question, but it is on other questions during this session of Parliament. He had refused to answer perfectly reasonable questions, indicating that I should go back to 2006, rather than indicate what Government policy is on something as important as the Cordoba Agreement. If today was a test of his democratic credentials, then I am afraid that he has failed them abysmally.

Hon. Chief Minister: Well, Mr Speaker, today was a test of *his* industry. He has failed it abysmally, because he has shown how lazy he wants to be. He does not want to research (*Interjections*) what the policy is; he wants it *en bandeja*, on a tray. He does not want to go back to the policy statement of 2006; he does not want to read the manifesto. He wants me to get up in this Parliament, as if I did not have better things to do, and read him a press release and read him my manifesto. He does not *want*, Mr Speaker, to engage on the substance of what I discussed with the mayors. He wants a list, Mr Speaker. That is what he is reduced to, Mr Speaker. He is asking for lists. That is the Opposition that Gibraltar will have if he succeeds in his ambition and becomes the Leader of Her Majesty’s Loyal Opposition, because I do not think he will go much further than that.

Mr Speaker, Parliament is to debate issues, not to provide lists. We are trying to give agility to this Parliament so it becomes about debate. Every time they ask for something which is statistical information, we either say it is available online or we provide it and we say, ‘Look, we didn’t used to ask for this. We are providing it to you now. It will be available online from now on.’ Why, Mr Speaker? Because this place has to be a place of substance. *They* did not provide the information, so we had to ask for it and our substance had to come from the information gleaned as a result of a question. *They* have the benefit, Mr Speaker, of a Parliament now that is so open and transparent that the Government puts the information on its website, he can go download it, put his feet up, read it and come up with a political question based on the statistics that are available online.

What I am *not* going to do, Mr Speaker, and what none of my colleagues in Government are going to do, and what none of the public servants of Gibraltar are going to do for *him* is what *he* says *he* is not prepared to do, which is to keep a list. So it is too good for Daniel Feetham to keep a list and make a note; somebody else should do it for him, and I should be the one to do so.

Mr Speaker, he got it wrong. On 9th December, *I* became the Chief Minister, not him! (*Applause*)

Mr Speaker: Ruling on the point of order: the question is perfectly valid to ask the question that it does pose, but the answer is:

‘... all meetings I have had with any Spanish mayor have been disclosed in the media.’

That is the answer and, again, looking at the Standing Order cited by the Hon. Chief Minister, which is 17

—

Hon. Chief Minister: 17.(1)(xv).

Mr Speaker: Sorry, 17.(1) and it is subtitle (xv)... go back to it. I am sure the hon. Member knows where I am referring to:

‘The right to ask questions shall be governed by the following rules, as to the interpretation of which the Speaker shall be the sole judge’

— and (xv) says:

‘a question shall not be asked seeking information set forth in accessible documents or ordinary works of reference.’

The question has been asked and the answer refers to the accessible documents where the information is contained and, really, no matter how unsatisfactory the hon. Member may consider the position to be, that is the answer and the Standing Orders do cover that.

Hon. D A Feetham: Yes.

Mr Speaker, the hon. Gentleman has made a number of statements. If he got to be Chief Minister, quite frankly, I fancy the chances of many other individuals. That is —

Mr Speaker: Order! (*Interjections*) Order! Order! Order! (*Interjection by the Chief Minister*)

Hon. D A Feetham: But, Mr Speaker —

Mr Speaker: Order! I think... Exactly. Let’s stick to the questions, please.

I think if we are going to get down now to descend into whether the Hon. Chief Minister is good enough to be Chief Minister or not, that is really not the subject of the debate.

Hon. D A Feetham: Mr Speaker, I hope that what is good for the goose is good for the gander, ((*Interjection*)) because —

Mr Speaker: It will be.

Hon. D A Feetham: Yes, because his answers have been peppered with a number of almost Hollywood-style comments and personalisations, and I have been very restrained in the way that I have conducted myself during this session.

What about... and I hope that he does not get unnecessarily angry by this question, because he has got a... (*Interjection by the Chief Minister*) Unfortunately, he seems to be very angry today. (*Interjection by the Chief Minister*) What about the meeting that he had, from my reading of the *Gibraltar Chronicle*, in Algeciras with Landaluce, where they met by chance and had a coffee? Was that one of these meetings that he expects me to read about and that would have been included here? Did he discuss anything about Gibraltar then?

Hon. Chief Minister: Mr Speaker, it is a meeting with a mayor disclosed in the media. It was disclosed not just in the *Chronicle*, but in other sources of information, so what is the issue?

Mr Speaker: May I again interject over there?

Following on from my ruling, the answer being the meetings were disclosed in the media, we also, in this

1910 House, do have a practice that we do not necessarily believe and accept *everything* that has been reported in the media so, to a certain extent, it may not be enough to say they are disclosed in the media and then turn round and say ‘Don’t believe everything in the media.’

Hon. Chief Minister: But I specifically said that they have all been disclosed in the media. (*Interjections*)

1915 **Hon. D A Feetham:** The Hon. Mr Speaker makes a valid point, because, for example, one of the meetings that I was thinking about was this particular meeting. It could be completely and utterly fictitious that he has had that particular meeting with somebody in Spain, or it may be true.

1920 What the Hon. the Chief Minister is asking me – effectively, is establishing as a practice in this House – is for me to take my cue, or my party to take its cue from whatever Mr Reyes here writes, or whatever Dominic Searle or whatever GBC might care to report upon, and I do not think that it is satisfactory that... If that is the quality of the democracy that the hon. Gentleman stands for and wants to reduce proceedings in this House to, that is *his* position; we take a different position altogether.

Hon. G H Licudi: That is why we are here and you are there.

1925 **Hon. Chief Minister:** Mr Speaker, they take a different position altogether from 9th December, because he was in this House before and he knows what the position was.

1930 Mr Speaker, we have answered questions from the Hon. the Leader of the Opposition, who is not here today, who has referred us to statements in the *Chronicle*, whether written by Mr Reyes – who I recognise now at the Bar of Journalists in this House – or any other member of the media who has reported on them, and the Hon. the Leader of the Opposition is himself – and I have been given to describe him as empirical, but he is himself – not too grand to ask a question based on something he has read in a newspaper and to ask me about it, and *Hansard* will show that he has done so on *numerous* occasions since 9th December. What is wrong with that, Mr Speaker? Absolutely *nothing* is wrong with that.

1935 Mr Speaker, *every time* that we come to this House, the hon. Gentleman wants to say ‘That is the quality of the democracy; this is a U-turn Mr Speaker.’ If he wants to do that, Mr Speaker... I am not going to give him any political advice, because (a) he would not take it, and (b) I do not want to help him in his political endeavour. But one thing I will say is that politicians who cry wolf at every session of a Parliament will, in 48 months’ time, have been heard so often that, when they might have something serious to say, people will just say, living in a free society as transparent, open and democratic as it is, ‘*Ahi está Feetham otra vez, diciendo que no estamos en una democracia*’ – ‘There is Feetham again, saying that we are not in a democracy’ – and that, Mr Speaker, just will not make any sense. It will not ring true to anyone who has lived through the past 16 years and the most recent six months, because the quality of Gibraltar, Mr Speaker, I am delighted to say, has improved no end since the new dawn that broke on the morning of 9th December when the GSLP Liberal parties formed Government for the first time in 16 years. (*Applause*)

1945 **Hon. D A Feetham:** I have to say that not even Steven Spielberg holds a candle to the hon. Gentleman in the Hollywood style of the way that he answers some of these questions and the speeches that he actually gives.

1950 Can the hon. Gentleman at least help me with this: how many times has he met with mayors on the other side of the border to discuss the fishing dispute? Or is that something else that I have got to look up in the media?

A Member: Yes, yes.

1955 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman can call me Spielberg, or he can call me any of the other great directors that one would recognise. It really belies his own position when he gets up and he says, ‘Oh, you’re so Hollywood,’ and then he compares me to a Hollywood director. It is obviously he who is being Hollywood, and what the hell does... What on earth, Mr Speaker... (*Laughter*) What on *earth*, Mr Speaker, does Hollywood have to do (*Interjection*) with a serious debate in this Parliament – at Question Time, which should not be an excuse for debate, where information should be elicited which is not already in the public domain – at now twenty-to-six in the afternoon on the first day of summer?

1960 Mr Speaker, I am prepared to be here, answering questions which elicit information, for as long as the

1965 hon. Gentleman likes, but what I am *not* going to do is stand here to do the hon. Gentleman's work for him. On every occasion that we have discussed issues relating to fishing, the matter has been *reported*, Mr Speaker, as far as I am concerned. So, Mr Speaker, when I discuss issues related to Gibraltar, if the topical issue is fishing, then fishing will have been discussed. I have discussed those issues, on every occasion where it has been relevant, with the mayors.

1970 Mr Speaker, why does the hon. Gentleman want me to come here with a list? How does it advance his understanding of the issues to have a list of when fishing was discussed or was not discussed? What on earth, Mr Speaker, has that got to do with parliamentary democracy? That has got to do, Mr Speaker, with parliamentary listing, which is not what I am here for.

1975 **Hon. D A Feetham:** I will take my own counsel on what information I believe to be necessary (*Interjection*) for the proper conduct of our functions as an Opposition. The reality is that the hon. Member *yet again* is refusing to answer my question, so I will not pursue it.

Hon. Chief Minister: I am not refusing to answer his question.

1980 The hon. Gentleman has to get it into his head just because he does not get the answer that he wants does not mean that the Government is refusing to answer his question. He is just trying, Mr Speaker, to create this premise that the Government refuses to answer questions, because then he may be able to go out of here and issue one of his press releases that says, 'They say they're transparent, they say they're open, but they don't answer questions' when, in fact, the question has been answered, it has been answered clearly. The fact is that it is not only *him* that knows every occasion on which I met a Spanish mayor and discussed the fishing; the whole of the community will have known through the media – which is the expression of communication through which politicians communicate with members of the public – on which occasions I met with a Spanish mayor and on which occasions I discussed fishing and other matters.

1985 So it is not a question, Mr Speaker, of allowing him to get away with the suggestion that one is refusing to answer. One has *answered fully*. The information is in the public domain. He knows where it is; he just does not want to go and get it, Mr Speaker. His parliamentary laziness is not going to be visited on this Government as an absence of transparency and accountability. He is paid by the public to do a job. Let him compile the information which is in the public domain, if he wants it, and let him not accuse the Government of refusing to answer, when it clearly has.

1995 **Mr Speaker:** Since there was no – (*Interjection by Hon. D A Feetham*)
Order! Order! Since there was no question the last time round, I must assume there is no further question. We move to the next question.

Clerk: Question 586, the Hon. D A Feetham.

2000 **Hon. D A Feetham:** It is *his* laziness that got him into an awful lot of trouble in recent years – *his* laziness.

Hon. Chief Minister: Mr Speaker –

2005 **Hon. D A Feetham:** But I will ask more questions.

2010 **Hon. Chief Minister:** Mr Speaker, on a point of order, the hon. Gentleman is here to ask questions, not to make reflections on any individual. He has just made a reflection about what he says is my laziness. If he wants, Mr Speaker, he can elaborate on that. If he does not, well, in keeping with your ruling and the rules of the House... but here we are to ask and answer questions and nothing else, and he needs to be a little bit less upset, a little bit more calm, and just carry on.

2015 **Mr Speaker:** The Hon. the Chief Minister did say, or use the words the Hon. Daniel Feetham's 'parliamentary laziness'. He did say that, so I understand what prompts that response, but the hon. Member has not referred to the Hon. Chief Minister's *parliamentary* laziness but has directed it at his personal laziness, so let's draw a distinction there. Is it necessary to preface the question with 'laziness'?

Hon. D A Feetham: No, of course, and I will accept your ruling.

2020 **Mr Speaker:** Thank you.

Then please proceed with the Question. Question 586, was it? Yes.

2025 **Kingdom of Spain
Representations**

Clerk: Question 586.

2030 **Hon. D A Feetham:** Has the Chief Minister received any representation, directly or indirectly, from or on behalf of, the Kingdom of Spain on any issue since the General Election, identifying the issue and the person or persons making the representation?

Clerk: Answer, the Hon. the Chief Minister.

2035 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, the Chief Minister has received many representations, directly and indirectly, on behalf of the Kingdom of Spain and other kingdoms and republics around the world, as I am sure was the case before the General Election of 2011 in respect of previous incumbents of the post of Chief Minister. It is neither possible nor appropriate to provide a list of all those contacts.

2040 The hon. Gentleman can, nonetheless, rest assured that none of the contacts involves the sovereignty of Gibraltar or any issue which touches and concerns any aspects of the sovereignty of Gibraltar.

2045 **Hon. D A Feetham:** Yes, I am not asking about representations from any other country, apart from the Kingdom of Spain, and I am asking about representations from the Kingdom of Spain which obviously relate to representations that the hon. Gentleman may have received on behalf of the central government in Madrid, whether it be directly or indirectly. If it had been directly, I think that we would have found out, but has he received any of that kind of representation, and can he elaborate upon that in this House today?

2050 **Hon. Chief Minister:** Mr Speaker, as I have said, I receive very many such representations from central and non-central governments or entities in the Kingdom of Spain. Mr Speaker, that is, as I understand it, absolutely normal.

2055 It is a very fluid process and, Mr Speaker, I do not think it is appropriate, given what the issues that are being discussed are in those sorts of contexts, that we should be discussing those issues across the floor of the House. If the hon. Gentleman has anything in particular in mind and he wants to raise it with me when we are having that beer, if he ever takes me up on it, then I am happy to discuss it with him.

Hon. D A Feetham: I am sorry, but why is it not appropriate for you to provide me with the information?

2060 Given that you accept that there have been representations on behalf of the Kingdom of Spain at the level that I have outlined, why is it not appropriate for him to actually provide me with that information? Unless, of course, what he is saying to me is, 'Look, I have received representation about a particular aspect. I don't want to prejudice how that aspect might actually go, and therefore I don't want to provide you with the information. I am prepared to provide you with the information via a different source.'

2065 But then there might be other types of representations that might be perfectly disclosable in this House. I just don't understand why. Can he elaborate on that?

2070 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman needs to listen to what I have said. I have said that it is neither possible nor appropriate. You see, Mr Speaker, this is a very fluid process. Although the hon. Gentleman has said certain things about the way we conduct international diplomacy, the fact is that there is very fluid communication between governments where it is not at a press-release level. Of course, there is. There was, of course, before 9th December as well. It is good that there should be after 9th December as well and it should endure, and there was before 1st May 1996 and there was before whatever happy date it was in March or May 1988 that we first took office.

2075 Mr Speaker, that is the case. It is constant, it is daily, Mr Speaker, and a list is not kept of every communication, because phone calls come in and you are told *x* wants you to know *a*, *b*, *c*. You may wish to know *w*, *x*, *y*. That is what it is like, Mr Speaker. A list is not kept; therefore a list cannot be given, Mr Speaker. If it could be given, Mr Speaker, I do not think it would be appropriate to give it across the floor of this House.

2080 I would be perfectly happy, Mr Speaker, were it possible to keep a list, which it is not, to say, 'Look, let's establish a convention: whoever is the incumbent will share with the Leader of the Opposition that impossible-to-create list of communications with the Kingdom of Spain and such of the other kingdoms as there may be.' I believe there should be a status like the status of privy councillors where, despite the political divide, people at the top of Opposition and Government are briefed on everything in case a disaster happens tomorrow and our roles are reversed – and I mean a natural disaster, which causes there to be a need for people who are not in government to take over. It could happen, Mr Speaker. Every nation prepares for it, but it is just not possible, Mr Speaker, because it would mean that one would have to have a notebook and a pencil, not just at the level of Chief Minister but at many other levels, to give an answer which is correct, and it is not possible to give that information, Mr Speaker.

2090 **Hon. D A Feetham:** Could he at least answer this: have there been any representations, either directly or indirectly, on behalf of the Kingdom of Spain in relation to, for example, the trilateral process or the Cordoba Agreement?

Hon. Chief Minister: What did you say?

2095 **Hon. D A Feetham:** The Cordoba Agreement.

Hon. Chief Minister: Mr Speaker, not that I know of, not in respect of those two issues in particular. There have been no communications that have been brought to my attention. Those communications we have had to read in the pages of *ABC*.

2100 **Hon. D A Feetham:** And has he, through the medium of Her Majesty's Government, attempted to open a line of communication in relation to those particular two issues that I have outlined, or is he quite content with just simply the position the Spanish Government has taken, that is announced publicly, and does not intend to pursue anything further in relation to those two areas that I have mentioned?

2105 **Hon. Chief Minister:** Mr Speaker, I think it is a matter of public record, and he should know that this issue has been raised with His Honour His Excellency the Minister for Foreign Affairs of the Kingdom of Spain by the Foreign Secretary in correspondence in consultation with the Government of Gibraltar. That much is also known.

2110

Defence Lands Adviser post Successful applicant

2115

Clerk: Question 588, the Hon. D A Feetham.

2120 **Hon. D A Feetham:** Has the post of Defence Lands Adviser been filled, and who is the successful applicant?

Clerk: Answer, the Hon. the Chief Minister.

2125 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, the post of Defence Lands Adviser has been filled by Mr Michael Crome.

Hon. D A Feetham: Yes, Mr Michael Crome is the individual that he knew about, who had been associated with this particular post in the rumours that we spoke about a month ago, that he confirmed that he

knew about.

2130 **Hon. Chief Minister:** Well, it appears that he was, Mr Speaker, but he is also the person whom the board unanimously agreed was highly suitable for appointment to the post and who outshone by far the other candidates.

2135 That board, Mr Speaker, was made up by the Financial Secretary, the Human Resources Head of Department, a Senior Executive Officer of the Human Resources Department, who were, I think, a very strong board to determine those issues in respect of the seven applications that were received, one of them having been withdrawn before interviews were held.

2140 **Hon. D A Feetham:** He does not think there is any coincidence at all, or that... Effectively, there is a rumour around town that Mr Crome has been promised the job by the Hon. the Chief Minister – that is doing the rounds – that in fact there is a rumour that the gentleman is saying, ‘The job is mine’ and, lo and behold, he, in fact, is the successful applicant? He does not think there is anything...

2145 **Hon. Chief Minister:** Mr Speaker, if I went on rumours like that, I would have been doing a different sort of Opposition from the time I was elected in 2003 to the time we became the Government in 2011.

Mr Speaker, what the hon. Gentleman is doing in his question is calling into question the integrity of the Financial Secretary, the Head of the Human Resources Department and a senior executive officer of the Human Resources Department. This is a very strong board, Mr Speaker, to consider and make recommendations on all of the applicants.

2150 I do not know what people may have said in the street, Mr Speaker. I know what is reported to the Government and I do not act on rumours, Mr Speaker – I act on facts.

2155 **Gibraltar Health Authority management
‘Unfit for purpose’ comment**

Clerk: Question 590, the Hon. D A Feetham.

2160 **Hon. D A Feetham:** Will the Chief Minister advise the House as to what action the Government has taken, or plans to take, against those parts of the GHA management which, in the run up to the General Election, he described as – and I quote – ‘unfit for purpose’?

Clerk: Answer, the Hon. the Chief Minister.

2165 **Hon. Chief Minister:** Mr Speaker, I will answer with Question 512.

2170 **Gibraltar Health Authority appointments
Breach of established procedures**

Clerk: Question 512, the Hon. Mrs I M Ellul-Hammond.

2175 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does the Minister for Health concur with the article by his party chairman in the *New People* newspaper on the week of 17th May 2012, stating that the GHA Chief Executive Officer – and I quote – ‘has been appointing and promoting people within the Health Service without adhering to the established procedures and in breach of the requirements to have these appointments and promotions approved by the Governor’; and, if so, can the Minister give us examples of such alleged behaviour by the GHA’s Chief Executive Officer?

2180 **Clerk:** Answer, the Hon. –

Hon. Dr. J E Cortes: Mr Speaker, can I ask that a similar Question to the previous one, number 514, be taken at the same time?

2185

**Gibraltar Health Authority
Management structure**

Clerk: Question 514, the Hon. Mrs I M Ellul-Hammond.

2190

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health tell us how the GHA's management structure will be changed during this term of office and when the top management posts will be filled by locals, as per the GSLP's manifesto commitment?

2195

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer Question 590 and then my hon. Friend will answer the other two, but Mr Speaker, I just wanted to reflect that so much for not asking questions based on what might appear in a newspaper, eh?

2200

Mr Speaker, I am entirely confident – (*Interjection*) Congratulations, well done! Mr Speaker, I am entirely confident that all matters relating to the GHA are being actioned entirely appropriately by the Hon. Minister for Health, including any issues relating to the fitness for purpose of any part of the structure of the GHA that we inherited when we were elected on that happy day on 9th December 2011.

2205

Mr Speaker: The Hon. Minister to answer the two questions. We will take the supplementaries together.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, I will first answer Question 512.

2210

Mr Speaker, for the record, the article in question is not attributed to any author, and therefore it cannot be assumed to have been written by anyone in particular.

There are, allegedly, issues which were identified in 2010 concerning the way in which certain appointments which occurred during the time of the previous administration were processed. There are also concerns regarding a number of direct appointments that were made without any selection procedures, allegedly on the instructions of the then Chief Minister, with the agreement of the then Minister for Health. These and other procedures are being looked into.

2215

In respect of Question 514, the review of the management structure is ongoing and, once complete, an implementation plan will be developed.

2220

Hon. D A Feetham: Mr Speaker, I happened to look, before I asked this particular question, to the dictionary definition of 'unfit for purpose', and the definition is 'unqualified, incompetent or incapable of doing the job.'

If what he was saying before the General Election was that the GHA management was unfit for purpose, unqualified, incompetent or incapable of doing the job, does he not agree with me that it is incumbent on the Government to, as quickly as possible, root out that cancer within the GHA management because it is unqualified, incompetent and incapable; and what drastic actions is he taking in order to effectively deal with this?

2225

Hon. Chief Minister: Mr Speaker, the hon. Gentleman will know that the Home Office in the United Kingdom some years ago was described as being unfit for purpose, (*Interjection by Hon. D A Feetham*) and there I do not know whether anybody set out the dictionary definition as the hon. Gentleman has, but so be it.

2230

The fact is, Mr Speaker, that based on what has been published in the newspapers, a question has been asked, and based on what was said during the Election campaign a question has been asked.

First of all, Mr Speaker, as the hon. Gentleman knows, we are not answerable in this House for the things that we said during the course of the General Election campaign. We are answerable in this House for the things we have done since 9th December. But, Mr Speaker, I want to commend the Hon. the Minister for Health for not acting on rumours and saying in his answer that all of these things are *alleged* and that they are being investigated.

2235

What I did, Mr Speaker, was, I think, absolutely appropriate. You see, it *did* require drastic action. The

2240 people accepted the proposition. They took the drastic action of changing the Government and they put in place a Chief Minister who appointed, as Minister for Health, somebody eminently qualified, competent and capable to deal with all the issues that arise.

A Member: Hear, hear.

2245 **Hon. D A Feetham:** I have to say that that answer takes the biscuit in the entire proceedings of this afternoon. Absolutely right? He is thanking the Minister for Health for not paying attention to a rumour that his own Chief Minister started, because the comment about being 'unfit for purpose' was a comment made by the Chief Minister himself, not by anybody else.

2250 **Hon. Chief Minister:** On a point of order, Mr Speaker, the rumour is that which the hon. Gentleman, the Minister with responsibility for Health, has referred to in the article. That is the rumour. Of course, Mr Speaker, I accept that I said what I said during the Election debate, although I am not answerable for it in this House, but I have answered the question, Mr Speaker. The rumour that I was referring to is the one that the hon. Lady refers to in the article which the hon. Gentleman has referred to as allegations.

2255 **Hon. D A Feetham:** Now that he is Chief Minister of Gibraltar, does he think that the GHA management is unqualified, incompetent and incapable of doing the job, which is the definition of unfit for purpose; and can he perhaps provide to this House an outline why he regards the GHA management as being unqualified, incompetent and incapable of doing the job?

2260 **Hon. Chief Minister:** Mr Speaker, he does hold brief for the strangest people.

Mr Speaker, perhaps he does not recognise it, because he was never in a collegiate Cabinet Government, but I am not the Minister for Health. I defer on all such matters to a man who is qualified, competent and capable to assess what – on the... I think it was the Monday – he inherited as his ministry and to determine what should be done in respect of management, nursing and every other aspect of that ministry.

2265 Mr Speaker, frankly, in a situation like this, it needs a different mindset to be able to understand how things are done. We said many things about the way that the Hon. the Leader of the Opposition ran government when he was Chief Minister. None of them have been said behind his back; we have said them all. There was an instance, Mr Speaker, when a previous Minister for the Environment referred to a decision taken as not having been taken by him, but having been taken by central Government, meaning the Chief Minister. Mr Speaker, there is here no central Government. This is a Cabinet, Mr Speaker, of colleagues working together and respecting that each of them have a different expertise and have different responsibilities and I can think of nobody better to have appointed from these 10 men and women here than John Cortes to be the Minister for Health and to make those determinations and fix all of those problems which we identified before 8th December and after 8th December – you know, all those things that were quietly hidden under the carpet so that nobody might see.

2275 **Hon. D A Feetham:** Is the Hon. the Chief Minister now resiling from his opinion that the GHA management, on 9th December, was unfit for purpose?

2280 **Hon. Chief Minister:** Mr Speaker, I know that one is entitled to indulgence, but the hon. Member has had his question answered. The Hon. the Chief Minister said what he said before 8th December and he is saying what he is saying today about how he dealt with it as soon as he became Chief Minister – namely, I had a set of concerns, as Leader of the Opposition and as a citizen, and I dealt with them, Mr Speaker, by appointing the man who I know is best able to deal with those issues as Minister for Health.

2285 If he, Mr Speaker, allows the biscuit to move slightly to my right, he might get some answers of substance on the issues which relate to management, but if all he wants to do, Mr Speaker, is get up here and throw out mantras that he associates with politics, like 'U-turn', 'non-democratic', 'unfit for purpose', then he can carry on because there is no chance of getting to the beach this afternoon, so we may as well call it a day and carry on listening to the same question over and over again.

2290 **Hon. Dr. J E Cortes:** Mr Speaker, if I may just add –

Hon. D A Feetham: Well, no. He has answered the question. Now let me – (*Interjection*)

2295 Look, there is huge distinction between ‘having concerns’ – and let’s face it, no system works perfectly and there are always likely to be concerns about the way that systems actually work. There are concerns at the justice system, there may be concerns with the GHA, and it is right that there should be vocalisation of concerns because it is a very important organization for the people of Gibraltar and for this community. But there is a huge distinction between having concerns and coming to office and appointing the Hon. Mr Cortes –
2300 for whom I have a lot of respect – as the Minister for Health and saying, ‘Look, could you please deal with these problems?’ and quite another to describe the GHA management as ‘unfit for purpose’, the definition of which is ‘unqualified, incompetent, incapable of doing the job.’

Does he not agree with me that the reality of this situation is that when he made those comments, the hon. Gentleman was just simply pandering to a certain sector of the GHA that was not content with the GHA management and that he overplayed his hand by describing the GHA management as ‘unfit for purpose’?
2305

Hon. Chief Minister: He has overplayed his hand now, Mr Speaker, because now he has specifically asked me what I was thinking when I uttered those words *before* 9th December – something for which I am certainly not answerable in this House. But look, given that there is no chance of getting to the beach, it is six o’clock in the evening, let’s just make the rules a little bit elastic. I do not resile from anything I said before the General Election because I was not pandering to anyone. That is not the way I do politics, although it may be the way that others do.
2310

So, Mr Speaker, I do not agree with the premise of his question, but I gave him a hint, which he did not want to pick up. Okay, I will be more explicit. (*Interjection by Hon. D A Feetham*) Yes, indeed, that and everything else.
2315

When the Home Office in the United Kingdom was described as not fit for purpose, on the appointment of a Minister – not on the occurrence of a General Election, on the appointment of a Minister – from the same government that had a previous Minister, that new Minister did not sack everyone in the Home Office. He did not close it down because it was unfit for purpose. He started the process of making the changes necessary to *make it* fit for purpose. That, Mr Speaker, is what I am delighted to say is the process that began on 9th December when I became Chief Minister and the following Monday, when I advised His Excellency the Governor that Her Majesty’s Government of Gibraltar, in respect of health matters, would be advised by Mr John Cortes as Minister. That is the process that began fixing the broke GHA that we inherited from the hon. Gentleman – not the lady, another gentleman, because they were not all here, but from the hon. Member’s party when they were in government. That is what you do when things are unfit for purpose: you fix them, you make them fit for purpose.
2320
2325

Thank you, Mr Speaker, to the hon. Gentleman. At least there is one issue on which we agree: he accepts that he has the utmost respect for the person I have appointed to start dealing with that matter and fix it. If we could get on to the supplementaries of Questions 512 and 514, then perhaps he might get a *flavour* of what those changes may be.
2330

Hon. D A Feetham: If he wants to change places with the Speaker of the House, he is perfectly welcome to.

Hon. Chief Minister: Mr Speaker, I do not know whether that is a question, an invitation, or what it is. I do not know why it is he makes that remark. I think it is totally unnecessary. I think I have answered the question that he put, and it was in the negative and I therefore suggested that we should be moving on in order to advance the substance of the debate.
2335

Mr Speaker: I think the Hon. Isobel Ellul-Hammond has a supplementary, at least one.
2340

Hon. Mrs I M Ellul-Hammond: Thank you, Mr Speaker.

Mr Speaker, the Minister for Health has had five months since I last asked him about the GHA management restructure in which to look at the whole organisation and consult with UK experts and locals to decide on its restructure as per his answer to Question 74 in January’s meeting. Is the Minister in a position now to state how you will make the GHA management more functional and effective?
2345

Hon. Dr. J E Cortes: Mr Speaker, first of all I have to thank both the Leader of the Opposition and the

Hon. the Chief Minister for their words of admiration and support, particularly –

2350 **Hon. D A Feetham:** I am not the Leader of the Opposition!

Hon. Dr. J E Cortes: Well, I think the Leader of the Opposition... Sorry, *Acting* maybe. (**Hon. D A Feetham:** Acting, yes.) The person who, in the Opposition... the Hon. Mr Feetham, who says he has great respect for me, thank you very much, and I would like to thank the Chief Minister for saying such kind words about me. I think he is a great Chief Minister, too! (*Laughter and applause*)

2355 It started this morning with the Hon. Mr Feetham thanking Mr Bossano. I have got to do this now at the end of the day. We all love each other so much!

2360 The past five months, six months, have revealed to me the web of complexity that the Gibraltar Health Authority is and the web of complexity that managing an organisation that I have inherited involves. I will have, I suspect, rather a lot to say about a lot of that during my Budget speech, so I can keep you in suspense, Mr Speaker and colleagues, until then.

2365 I have, indeed, given a lot of thought to the management structure and the process is not yet complete. There are other things that are going to be happening to allow me to have a fuller picture of the way I want to proceed and, as I said in answer to my question, the review of the management structure is ongoing. Once complete, which I suspect will probably be some time towards the end of August, beginning of September, an implementation plan will be developed and announced, but I do not want to go into any details at this point because, again, I am still developing the plans.

2370 **Hon. D A Feetham:** Does he agree with the Chief Minister that, from what he has found out since he has actually been in office, the GHA management that he inherited was unqualified, incompetent or incapable of doing its job?

2375 **Hon. Chief Minister:** Mr Speaker, come on. The hon. Gentleman should know better than to do that. I did not say any of those things. I said 'unfit for purpose'. He has gone to the dictionary, he has found that definition, and if he wants to say that that is what it means, it is a matter for him. I have not seen the dictionary, but I will take him at least on his word for that, but not for much more. (*Interjection by Hon. D A Feetham*)

What he can put to the hon. Gentleman –

2380 **Hon. D A Feetham:** I will rephrase my question.

Hon. Chief Minister: – is that I said it was 'unfit for purpose', then the hon. Gentleman can take it from him that that is what unfit for purpose means.

2385 **Hon. D A Feetham:** He is the Chief Minister of Gibraltar, not the Speaker of the House, but I will happily rephrase the question: does he agree with the comments made by the Chief Minister since he has been in office, or what he has found, that the GHA management is unfit for purpose?

2390 **Hon. Dr. J E Cortes:** Mr Speaker, the hon. Member should perhaps check my Facebook page tonight.

Hon. D A Feetham: I am not on Facebook, I'm afraid.

2395 **Hon. Dr. J E Cortes:** Mr Speaker, any review of management will involve a consideration of the fitness for purpose of the management and it is not until that responsible review is completed that I will be able to reach any conclusions about that and many other facts and take an informed opinion on the way forward.

Hon. D A Feetham: If I may say so, that is a perfectly reasonable answer. (*Interjections*)

2400 **Mr Speaker:** The Hon. Isobel Ellul-Hammond.
Do not allow the Chief Minister and the Acting Leader to interrupt...

Hon. Mrs I M Ellul-Hammond: Yes, they are having a good private conversation

2405 **Hon. Chief Minister:** *[Inaudible]* over a beer... *[Inaudible]* *(Laughter and interjections)*
Hon. Mrs I M Ellul-Hammond: Mr Speaker –

Hon. Chief Minister: If it's only one beer, fine –

2410 **Hon. Mrs I M Ellul-Hammond:** No, it's a bottle of wine for my hon. Friend!

A Member: A bottle of wine?

Hon. Mrs I M Ellul-Hammond: Well, a glass of wine.

2415 **Hon. D A Feetham:** A glass of wine.

Hon. Mrs I M Ellul-Hammond: Mr Speaker –

2420 **A Member:** I'll have a *[Inaudible]* of whisky!

Hon. Mrs I M Ellul-Hammond: – as a supplementary question to Question 512, I am aware that Dr. McCutcheon did receive an apology for the said article in the *New People*. Is the Minister concurring, then, with the article in question, or is he distancing himself from such allegations?

2425 **Hon. Dr. J E Cortes:** Mr Speaker, I am not aware of any apology that anybody may have received – I would just like to say that from the start. I am doing neither. I have said that there have been allegations which are being investigated.

2430 **Hon. Mrs I M Ellul-Hammond:** So the Minister, Mr Speaker, is at present concurring with the article until further –

Hon. Dr. J E Cortes: No, I –

2435 **A Member:** It is being investigated.

Hon. Dr. J E Cortes: There have been allegations, which were identified in 2010, concerning the way in which certain appointments occurred and so on, as I said earlier. There have been other allegations regarding selection procedures which have allegedly nothing to do with the Chief Executive but with the then Chief Minister, and these and other procedures are being looked into.

2440 That is what I said in the answer and that is what my answer remains.

2445 **Procedural**
Adjournment motion passed

Hon. Chief Minister (F R Picardo): Mr Speaker, I have the honour to move that the House do now adjourn to Friday, 22nd June at 3.00 p.m.

2450 **Mr Speaker:** I now propose the question, which is that this House do now adjourn to Friday, 22nd June 2012 at 3.00 p.m.

I now put the question, which is that this House do now adjourn to Friday, 22nd June 2012 at 3.00 p.m.

Those in favour. (**Members:** Aye) those against. Passed.

2455 **Hon. D A Feetham:** Mr Speaker, this is a vote on the adjournment, but is there any reason why... and I notice that it has happened now twice – last time round and this time... Is there any reason why we are adjourning until 3 o'clock tomorrow and we cannot adjourn until half past nine tomorrow to continue with the

questions?

2460 **Hon. Chief Minister:** Mr Speaker, I understand it was on the timetable. The hon. Gentleman will know that the Civil Service finishes work at 2.30 pm, so in the interest of the Government doing as much work as possible from eight to two-thirty and then having a short lunch break before coming here to continue with the Question Time, I think it makes perfect sense, Mr Speaker.

2465 I may add, without revealing any confidence, that the hon. Gentleman met with me and the Deputy Speaker in my office some time ago. We discussed issues relating to timetabling. The hon. Gentleman and the Leader of the Opposition were going to, I believe, write to me and to the Deputy Chief Minister, and we have not received any document in respect of such timetabling, so we are proceeding on this basis, which I think is the best, which is what we discussed with him and the Leader of the Opposition at the time, Mr Speaker.

2470 **Hon. D A Feetham:** Well, no, I do not recall that those were the discussions. I do not want this to be... What we discussed was, and we agreed, that we would deal with parliamentary sessions within the two days – it would start on the Thursday and would end on the Friday – and that Thursday afternoon would be the Chief Minister's Question Time.

2475 The problem that we have with Parliament being adjourned to the Friday at 3.00 p.m. is that invariably what happens is that we then have adjournments to the week after and, in fact, on the last occasion we had the Wednesday, the Thursday afternoon, the Tuesday of the week afterwards and also onto the Friday, and we take the position that it is certainly in the best interests of how we conduct proceedings in this House to attempt to deal with parliamentary questions and answers over two days.

2480 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman will know that when we were sitting on that side of the House we did not have any say on when things would happen; nor would we have been told until the end, perhaps, of this Question Time when the Budget might have been, let alone be given notice of the fact that Parliament is going to meet on the third Thursday of every month, that it is not going to meet at nine, it is going to meet at 9.15am when we open, and had known, as from yesterday at least, if not this morning, that it was going to come back on Friday at three.

2485 So, Mr Speaker, I think we are doing much more than we need to do to accommodate the hon. Members, but if what the hon. Gentleman is saying to me is that he wants to come to Parliament *less*, he needs to understand that he is paid by the people of Gibraltar to come to Parliament to ask questions, and if we wanted to open ourselves up to scrutiny for an hour a day he might want to come on the 20 working days a month, and that is his obligation. It is a matter for him what he does.

2490 The position is, Mr Speaker, that we are adjourning to three o'clock tomorrow – we have got very few questions left – in order to try and deal with Question Time and wrap it up tomorrow.

2495 Last time, Mr Speaker, he will know that when we came back the following week we came back because Ministers were travelling, not because Question Time was getting too long. It was as a result of a travel schedule.

But I take on board the fact that he wants to come to Parliament *less*, he wants to appear here in exercise of his function – which he has been elected to discharge by the people of Gibraltar – *less*, for whatever reason it may be.

2500 **Hon. D A Feetham:** I think that the hon. Gentleman is being very ungenerous, but then again I would not expect any kind of generosity emanating from the hon. Gentleman.

2505 It is not that I want to come back to this House *less* – it is not about that; it is about a more efficient way of dealing with questions and answers. I thought that, given this new policy that the Government has introduced, they would listen to the Opposition's views in that regard, and I believe that it is actually more efficient to deal with questions and answers over two days, rather than doing it over three or four days. But, look, if these changes are artificial and the hon. Gentleman is not going to be taking into account our views and he is going to be characterising our genuinely expressed views as a desire on our part not to come to this Parliament as many times, that is up to him.

2510 **Mr Speaker:** But is it –

Hon. Chief Minister: Mr Speaker, what is artificial about the fact that Parliament is meeting every

2515 month? What is artificial about the fact that when we met, Mr Speaker, he and the Leader of the Opposition were going to write to us with what they thought was the best way to deal with it (*Interjection by Hon. D A Feetham*) and he has not, and they have not written to us, Mr Speaker.

2520 Therefore, if it is working well, we are going to continue working as it was working, (*Interjection by Hon. D A Feetham*) which is Thursday and Friday – and last time, Mr Speaker, when it spilt over, it spilt over because Ministers were travelling. So, Mr Speaker, either he does not like to work on Friday afternoons (**Two Members:** Yes!) or what is it that he is talking about? (*Interjections*)
Mr Speaker, I have moved the adjournment.

Mr Speaker: Order!
Yes, exactly, and I –

2525 **Hon. Chief Minister:** I have moved the adjournment.

Mr Speaker: Order!

2530 **Hon. Chief Minister:** What is the position?

Mr Speaker: It is not at all usual to have a debate on a motion for an adjournment. In fact, it is the first time, almost eight years down the road and (**A Member:** Eleven!) the third-from-the-last sitting... It is the first time it has had a debate. It is not usual to have a debate.

2535 The Hon. Daniel Feetham asked why three o'clock and the Hon. the Chief Minister has given his explanation for three o'clock. I hear what was said, but these are matters best dealt with behind the Speaker's Chair, not on the floor of the House.

I have put the question, I have heard the voices, and I declare the motion as passed.

This House will now adjourn to Friday, 22nd June 2012 at 3.00 p.m. I look forward to seeing all of you then.

The House adjourned at 6.18 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 6.57 p.m.

Gibraltar, Friday, 22nd June 2012

The Gibraltar Parliament

The Parliament met at 3.00 p.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

PRAYER
Mr Speaker

Questions for Oral Answer

HEALTH AND ENVIRONMENT

Gibraltar Health Authority
Mandatory registration of doctors

Clerk: Sitting of Parliament, Friday, 22nd June. Answers to Oral Questions continue.
Question 510/2012, the Hon. Mrs I M Ellul-Hammond.

5 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health tell us how the new mandatory GMC registration of all doctors in the GHA will work?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

10 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, Government is giving urgent attention to a review of the medical regulatory framework for Gibraltar, as the current legislation is largely unworkable.

As stated in my reply to Question 276/2012, contact is being established with the GMC. In order to make such discussions fruitful, we have now begun a process of reviewing the legislation and making it more practicable, a necessary step in being able to move this commitment forward.

15 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, the Minister suggested in March, in answer to Question 276, that in a couple of months' time 'if you ask me again, I will have some indication as to information', so could the Minister supply us with a little bit more information as to timescale and the detail in the document?

20 **Hon. Dr. J E Cortes:** Mr Speaker, the problem has been that, as we have tried to move this forward, we have come across quite a large number of – how shall I put it? – quite a large number of provisions in the Medical and Health Act which are difficult to implement. They are a result of, possibly, implementation of EU regulations without them having been dovetailed to existing local legislation and there are a large number of issues which need to be altered. We will have to make considerable amendments to the Act before we can move forward in how we regulate doctors.

25 I have about two pages to justify what I have just said – I am not going to, on a Friday afternoon, read them all unless I am asked to do so, but it does require the actual Act being amended and that is what is holding us back. We are having legal draftsmen looking at it and we will be doing this in parallel with talking with the GMC. There is not much point in talking with the GMC when the local legislation is, actually, so confused.

30
35 **Gibraltar Health Authority
Consultants' contracts**

Clerk: Question 511, the Hon. Mrs I M Ellul-Hammond.

40 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health tell us if he is now in a position to sign a GHA Contract with the consultants and what features will the contract include?

Clerk: Answer the Hon. the Minister for Health and the Environment.

45 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, the Government is in the process of finalising a new offer to the consultants.

Contact on this has already been initiated with the consultants in advance of formal negotiations. As negotiations have not been completed, it would not be appropriate to disclose any specific features.

50 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, when will the consultants be presented with the draft contract to consider and then to negotiate with yourself?

In answer to Question 274 in March you stated that 'the draft contract is now ready and we hope to be starting negotiation within a number of weeks only.'

55 **Hon. Dr. J E Cortes:** Yes, indeed.

We have had the first contacts with the consultants on an informal basis so we can identify the main issues that we think both sides have to tackle, which is helping us tweak the contract a little bit further, with their full knowledge. This tweaking should not take long but I am not going to commit myself exactly to how long or short that is going to be.

60 So the process has started, but we have not actually presented a formal contract because we are trying to pre-empt possible difficulties so that our formal negotiations will be able to proceed much more smoothly and I can say that we are making progress.

65 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister confirm that, as from the end of July, all hospital doctors are to enter Provident Fund 2 and the 25% gratuity for contract workers will be replaced by a 10% employees' contribution and 10% employer's contribution into this Government Pension Fund, with a net effect of a reduction of between 15 and 20% salary for the contracted consultant?

Hon. Dr. J E Cortes: Mr Speaker, this is part of the tweaking that I have been referring to.

70 **Hon. D A Feetham:** Can you give more information about the tweaking?

In what direction is the tweaking going to be? Is the tweaking going to be in the direction of retaining the 25% of gratuity or is the Government, as a matter of policy, committed to the transfer of consultants from the 25% gratuity to the Provident Fund No. 2 Pension Scheme?

75 **Hon. Dr. J E Cortes:** If it is a matter that is actually in discussion, I do not think it is appropriate to publicly announce the way these discussions may or may not go, so I am afraid that I am not able to give that information.

In any case, I do not think – well, it could be a legitimate supplementary but, as I say, and as I answered in the main answer, it would not be appropriate to disclose any specific features.

80 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the implementation date for the end of July?

Hon. Dr. J E Cortes: As I say, we are holding informal negotiations in advance of formal negotiations and, therefore, we do not have an agreed implementation date.

85 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, are you considering how the hospital doctors who are still on contract, how they will recover the loss of pensions for the years they have already worked?

90 **Hon. Dr. J E Cortes:** Mr Speaker, I repeat – these are matters which may or may not be under discussion and I am not going to reveal this because it could compromise the outcome of these discussions. I do not think I can be expected to give that information at this point in time.

95 **Hon. D A Feetham:** Can I ask the hon. Gentleman if there any consultants who refuse to sign a contract which they consider to be a variation of their existing arrangements, in particular in relation to pensions? Because the Minister will appreciate that actually moving from a situation of a 25% gratuity to the Provident Fund No. 2, with contribution by the employee of 10% and the employer of 10%, does have a material effect on what that consultant is actually going to be getting at the end of the day.

Now, can he confirm to this House today that if there is a consultant who does not want to shift to new arrangements that he is not going to be forced to do so?

100 **Hon. Dr. J E Cortes:** Mr Speaker, I have learned a number of things in the last few sittings in Parliament, the first in my life, and one of the things I have learned is that I do not need to answer hypothetical questions, and that is very clearly a hypothetical question!

105
**Gibraltar Health Authority
New Hospital appointments**

110 **Clerk:** Question 513, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health advise when the third Consultant General Surgeon, and Associate Specialist Orthopaedic Surgeon, two A & E non Consultant

Hospital Doctors or NCHDs and two General Medical NCHDs Consultants are expected to be in post?

115 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Yes, Mr Speaker, successful candidates are expected to commence in the following posts as follows:

120 Third Consultant General Surgeon – Monday, 3rd September, 2012

Associate Specialist in Orthopaedics and Trauma – same date, 3rd September 2012, subject to a written acceptance of the offer of appointment – there has been a verbal acceptance, we are awaiting, and at the time this was drafted it was imminent.

Non-Consultant Hospital Doctors in Accident & Emergency – both commenced employment on Wednesday, 6th June 2012

125 Non-Consultant Hospital Doctors in General Medicine – Monday 6th August this year and Monday 13th August respectively.

130 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the third General Surgeon Consultant who is starting employment on 3rd September the one who was selected as the first choice after the interview process?

Hon. Dr. J E Cortes: Mr Speaker, I do not get involved in the selection process. I do not have that information, I would need notice. I honestly have no idea; I do not get involved, as Minister, in the selection of clinicians. (*Interjection*)

135 Yes, indeed Mr Speaker, as has been pointed out – and I am grateful – presenting information as to what choice you were on a selection panel might be something that is not correct to present, in any case, but I am glad to say that, regardless of that, I just do not know the answer.

140 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, I was just under the impression, as a Chairman of the GHA Board, he would have been given that information: in fact, it outlines in the Board's documents, of the last GHA Board, that the Consultant General Surgeon, Mr Ezzat Tadros would have been commencing employment on 9th July and I wondered if the Minister could verify that I have heard that a third Consultant General Surgeon who had originally accepted the job has now declined because of the conflict in the contract details, and seeing that the Minister has presented us with a new date which is different to the one in the Board papers – my query is – is it still Mr Ezzat Tadros or is it a new Consultant from the interview process?

145 **Hon. Dr. J E Cortes:** I believe it is Mr Tadros but I would need to confirm that. But that is the name that certainly rings a bell.

150 I do not know where the hon. Lady has got her information, nor do I need to know, but certainly the name rings a bell but I would have to confirm that – I believe it is Mr Tadros. It could be that Mr Tadros, or whoever said they were coming in July for personal or other reasons may have postponed until September, which is a perfectly legitimate and normal thing to happen when somebody is moving home to take on a new job. I do not think that we need to get any implication necessarily out of the change of date.

155 **Hon. D A Feetham:** Well, you see, the information that the Opposition has, and remember that, perhaps, the same people that used to come to them when they were on this side of the House, now come to us, at College Lane.

160 May I ask the Hon. Minister this – the information that we have is that this particular surgeon was offered terms which included the 25% gratuity and he accepted the job, and in fact he had made arrangements to come to Gibraltar on those terms and, all of a sudden, the Government then decided, well no, now we are going to be moving and shifting to a situation where you have a Provident Fund No. 2, with a 10% and a 10% by the Government and that in those circumstances, this particular chap said 'Well, no. Look, you are unilaterally varying the offer that was made.' Does the Hon. Minister know anything about that at all?

165 **Hon. Dr. J E Cortes:** Mr Speaker, nobody could have ever have come to me while in the Opposition, as I have never had the distinction of being in Opposition.

It would seem to me that if that was the case and it is the same Mr Tadros, then obviously he is happy to accept, so I do not have anything further to add to that.

Certainly, one has to bear in mind that I suspect – in fact, I *know* – that the vacancy was advertised some time last year, before there were any changes in pension. I do not know whether that has had any effect but, again, I have not been asked about individual conditions of employment of specific people – I have been asked when are these people starting.

If the Opposition wants to know specific details, if I am asked the question I can provide them, but I do not want to delve into my memory because then I can be accused of misinforming the Parliament and the Opposition is trying to get me to go into memory over things that I have not prepared, so I have to qualify all these points that I have, in good will, wanting to respond. But if there are specific details that are wanted of this third Consultant General Surgeon, other than to celebrate and congratulate us all in the fact that he is going to be starting, if I have notice then I will provide the information. I am not going to speculate any more.

Hon. D A Feetham: Yes, but it is not a question of celebrating. We celebrate the fact that, yes, we have a Consultant Surgeon. It is the fact that what we have, and I do not think it is this particular surgeon, it is the person that actually accepted the job prior to this particular gentleman...

Now, of course, he is responsible as the Minister for Health, for general policy within the Health Service. Can I ask the hon. Gentleman to perhaps make enquiries about this? Because if you have a situation whereby a surgeon has been offered a job on particular terms and, all of a sudden, when the guy has already made the arrangements – and this is coming from very good sources to the Opposition – then there is a change – well, it does not appear to be proper management, and the question I am asking – will the Hon. the Minister for Health at the very least make enquiries about that? If that is the position, at least make sure that it does not happen in the future, and that people's terms are not varied in the future?

Hon. Dr. J E Cortes: Again, Mr Speaker, we are assuming that this surgeon is not the same surgeon as before without me having had notice to check whether it is or it is not, even though, as Chairman of the Health Authority, I do not think it is correct that the Chairman of the Health Authority should decide what surgeon is or is not selected when it is a clinical appointment and therefore, we are speculating.

Ask me a specific question and I will give a specific answer. I cannot answer that question.

Hon. D A Feetham: I have asked you a specific question, and with respect this is not about clinical decisions. (Interjection) It is about a decision that has been taken by the organisation that you head, as a Minister.

Now, the information that *we* have – and I appreciate the hon. Gentleman has said, 'Look, I do not have the information in front of me' – the information that we have is that the job was offered on specific terms, it was accepted on specific terms, it was varied after this gentleman had actually made arrangements to come to Gibraltar, and then he said, 'Look, I am not interested in coming.'

All I am asking is – I do not want to be controversial – will the Minister, at the very least, just check that, to see whether that is the case, so that in future, we do not have situations where people's terms are varied *after* they have been offered and accepted a particular job? That is all. I am asking whether he will *look* at it.

Hon. G H Licudi: Mr Speaker, the hon. Member has said that he has not got the specific information and he would need notice. But the hon. Member opposite is presumably talking about contractual arrangements. The issue would be determined by whether a contract has been signed or not. If the contract has not been signed, and then someone does not wish to come and accept a contract on the terms that it is offered – and without wanting to go into speculation, and I am not talking about this particular case – but the hon. Member says this must not happen in the future. Well, what is going to happen in the future and what is always going to happen is that, at some stage, a specific contract with specific terms is going to be offered for signature, and upon that contract being signed, then there is a contract of employment. That will be the basis upon which the employment takes place.

I do not know what has happened in this particular case, but there is nothing to change. That is the procedure and that is what is going to continue in the future.

Hon. D A Feetham: With respect to the hon. Gentleman, that is *precisely* what should have happened now! This gentleman, the information that we have is... (Interjections) Of course! If you make an offer to somebody and somebody accepts it, well, that is the end of the matter. You do not vary it afterwards.

Now, all I am asking is will the Hon. Minister make enquiries to check, so that this does not actually

225 happen in the future? You may say that, in the future, people will just be offered a contract: well, look, they may be offered a contract, as this man has been offered a contract, but the terms have been varied after he has accepted it.

I am asking him, will he please look into it?

Mr Speaker: Order, order.

I will allow the Hon. Minister to answer that. Can I just assist him in narrowing the discussion?

230 I think the question boils down to, from the Hon. Daniel Feetham, would the Minister look into the matter? At that point, I think the question stops there.

The rest of the... what is the opposite of preamble? The suffix to the question – ‘so that this does not happen in the future’ – all that is subject to facts being established, which the Minister says he has not established. I think that is what the Hon. Gilbert Licudi was saying.

235 **Hon. G H Licudi:** Yes, that is precisely the point. But we can go further, Mr Speaker.

One thing is establishing the facts and if the hon. Member had asked a factual question, then the hon. Member on this side of the House will check the facts and will establish the facts; but then the hon. Member goes further than that and says ‘so that it does not happen again’ – suggesting that what has happened is improper.

240 We do not accept for one moment that what has happened is improper, and we are certainly not going to go into legal arguments as to whether offer, acceptance, at what point, contractual and all that. The hon. Member says, ‘This should not happen’, but we do not accept that anything inappropriate has happened, so if the issue is only establishing facts, then we are happy to do that.

245 **Mr Speaker:** I think that helps everyone.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, does the Minister meet with his executive regularly – on a weekly basis, for instance – on update of matters?

250 **Hon. Dr. J E Cortes:** Mr Speaker, that is *no way* a supplementary to this Question!

However, I will tell the hon. Member that I have regular meetings with members of the executive on an ongoing basis, in which they update me on matters that I need to be updated on. I am not the kind of Minister or Chairman that interferes in the minutiae unless, of course, I have to get involved, out of interest or sense of duty but, of course, I have regular contact with the executive.

255 But I do not need to answer that, but I thought I would offer the information. Of course I meet with them!

Mr Speaker: I agree that supplementary was not in accordance with the rules – a question which arises from an answer given – but the hon. Lady having asked it, the Minister could have declined to answer, but having answered it, well...

260 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, I am very grateful for that and very grateful to the Minister for that.

265 I just wanted to establish that the relationship is there, obviously, and if he was aware that, among GHA management, they feel there has been embarrassment caused in their dealings with the Consultants and with the offers made to certain hospital doctors and the contract conditions having changed from a 25% gratuity on termination into the Provident Fund 2 – and the sense that contracts have been changed unilaterally, without consultation. Is he aware that the GHA management is concerned and has felt embarrassed in having to deal with a change in contract and terms, when jobs have been offered to certain hospital doctors?

270 **Hon. Dr. J E Cortes:** Who says that?

Hon. Mrs I M Ellul-Hammond: GHA management and the Medical Directorate.

275 **Several Members:** *Who?*

Hon. Dr. J E Cortes: Mr Speaker, is the hon. Lady asking me whether the Medical Director is

concerned? (*Interjections*)

280 **Mr Speaker:** Order! Order!
The Hon. Minister is answering and I am trying to hear.

285 **Hon. Dr. J E Cortes:** I met with the Medical Director this morning at 9 o'clock, and he certainly did not express any such concern to me – and I do not have to answer that question.

Hon. D A Feetham: Well, I have had concerns expressed to me by a renowned Consultant in the hospital. I know that the hon. Gentlemen are going to be bringing whistle-blowers' legislation to this House, so I do not have to reveal the source, but he is a renowned consultant within the hospital, and he has told me that he feels very concerned that his contract... that the GHA is attempting to change his contract unilaterally.
290 Does he know about any concerns from Consultants in that regard?

Hon. G H Licudi: The hon. Member will reply to the question, but on the point on whistle-blowers' legislation which the hon. Member has said, that is indeed the case, but the hon. Member need have no concern in relation to that because, unlike the previous administration, where there *was* retaliation against employees where concerns were raised, we do not take that stance. We actually welcome employees coming to us and raising concerns about matters which affect the workplace.
295

So quite apart from the protection, which the whistle-blowers' legislation will provide to employees who disclose, in the public interest, certain matters, we actually welcome employees coming forward with matters of public interest and which concern the Government.
300

Hon. D A Feetham: I am glad that the hon. Gentleman feels that way, but I have to say that, given the way that a number of individuals have been treated and heads have been chopped off, (*Interjection and laughter*) I have to say that often it reminds me of the words of *Alice in Wonderland*, 'They are awfully fond of beheading people around here. There is little wonder there is anyone left alive.'
305

Hon. Dr. J E Cortes: Mr Speaker, yesterday the hon. Member was accusing us of not chopping off enough heads! (*Laughter*)

310 Answering the point about 'renowned consultants', there are many Consultants renowned in other ways, because I have regular contact with them, in fact on a regular basis in my office, and some of them actually remarked that, after years of work, it was the first time they had ever been into the Minister's office, I must say.

I am aware of concerns, which is precisely why we are having informal discussions, prior to placing a *fait accompli* contract in front of them, so we can address any concerns that there may have been.

315 Mr Speaker, I can actually say that, for the first time in many, many years, I am certainly making a concerted attempt to have the Health Authority properly run.

A Member: Hear, hear.

320

**Accident and Emergency self-referrals
Average waiting time**

325 **Clerk:** Question 515, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain the A & E procedure for patients when they self-admit for accidents or emergencies and what the average waiting time to be seen is?

330 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, the process is:

(1) attended by receptionist between 8.00 a.m. to 8.00 p.m., Monday to Friday; out of hours and weekends, this is covered by nursing staff;

(2) personal details obtained and, if there are no injuries, noted;

(3) seen by the triage nurse, who asks what is wrong, does the observations; then there is a triage which gives a number or category.

Bloods may be done by the senior nursing team if placed in the triage, and then referred to doctor with the triage category.

Then depending on the category, we adhere as much as possible to the NHS Standard Waiting Times which are:

Code Red (category 1) to be seen immediately – no waiting;

Code Orange (category 2) to be seen within 10 minutes;

Code Yellow (category 3) to be seen within 60 minutes;

Code Blue (category 4) to be seen within 120 minutes;

Code Green (category 5) to be seen within 240 minutes.

Obviously that is the upper limit. The attempt is to see them earlier than that.

I am still not satisfied that the system I inherited is working well enough and, together with the A & E Committee, I am looking at ways of further reducing waiting times. Factors which have been identified to me and which have been tackled include:

λ bed occupancy problems – nowhere to put the patient – which have been addressed with Calpe Ward and other initiatives;

λ A & E doctors staffing numbers which have been increased by one. There are now 7 for the first time.

λ design changes in the A & E which have been suggested and are now progressing; and

λ the Medical NCHD levels which have been increased.

Hon. Mrs I M Ellul-Hammond: I am grateful for that.

Mr Speaker, is a receptionist in the waiting room at *all* times, in order to reassure patients and manage them?

Hon. Dr. J E Cortes: I am sorry, I did not hear....

Hon. Mrs I M Ellul-Hammond: The receptionist – is she or he in the waiting room at all times?

Hon. Dr. J E Cortes: Mr Speaker, there is a receptionist who is employed from 8.00 a.m. to 8.00 p.m., Monday to Friday. That is a situation that has been inherited and we are looking at whether we need... or how we are going to improve that situation. Whether they are at reception all the time or occasionally take comfort breaks or otherwise... I am not there.

It seems to me that I am almost expected to be baby-sitting every employee in the Health Authority. With 1,000 employees, I probably have to be in this Parliament for longer than the Hon. Mr Bossano to be able to achieve that. *(Laughter and applause)*

Primary Care Centre repeat prescription service Procedure

Clerk: Question 516, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health tell us how the GHA's new repeat prescription service at the Primary Care Centre, which does not require taking up an appointment with a GP, will work?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, we are currently considering the different models of repeat prescription and the requirements of such a service. A working

group, comprised of General Practitioners, staff from the Prescription Pricing Advisory Unit and members of the primary care management team is carrying out the study, in keeping with our manifesto commitment of involving clinicians in developing policy and procedures.

I have already expanded the prescribing role of Nurse Practitioners, which will be implemented very soon. This was, Mr Speaker, gazetted last week, so Nurse Practitioners will now be able to sign prescriptions, which is the first step in moving this forward.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, is the Minister suggesting that perhaps a Nurse Practitioner will be assigned to just dealing with repeat prescriptions?

Hon. Dr. J E Cortes: Once again, we have a working group which involves clinicians who are coming up with their recommendations. Nurse Practitioners will now be able to form part of the solution, but they will not necessarily be the only solution, and I cannot commit myself to what exactly the outcome of this will be.

I am not going to impose a programme on anybody, without first giving this working group, which has broad representation, the opportunity to come up with what they think will work best in the environment in which they work.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, does the Minister have an idea when the working group will be coming up with a proposal?

Hon. Dr. J E Cortes: No, sir.

Hon. Mrs I M Ellul-Hammond: And, finally, Mr Speaker, does the Minister know if they will be considering extending the repeat prescription system that exists for children with chronic conditions who attend specialist clinics at St Bernard's Hospital?

Hon. Dr. J E Cortes: Mr Speaker, that again is a complex supplementary, because there are all sorts of matters there. I have not got a view or information on that, I am awaiting that this working group responds on all matters.

If there is a particular concern regarding children, then I will make sure that the working group places that on their agenda.

GHA Finance & Procurement Directorate New HEO in post

Clerk: Question 517, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health advise when the new HEO for the Finance & Procurement Directorate of the GHA will be in post?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, the closing date for applications for various vacancies at the HEO grade, including the HEO for the Finance & Procurement Directorate of the GHA, was Friday, 15th June. An interview board will be convened in due course.

GHA Procurement and Stores Concerns, risks and implications

Clerk: Question 518, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, as part of the GHA's Director for Finance & Procurement's report for the GHA Board on 31st May, under 'Procurement and Stores Restructure', he states, and I quote:

'Stock control, security and the frontline management in stores continue to be very serious concerns and a risk (that if not addressed permanently) could have serious financial and patient care implications.'

Can the Minister for Health tell us what the risk, financial and patient care implications are and how he will be addressing them?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, the GHA stores have long suffered from inadequate resourcing and failure to address longstanding problems. This includes both Human Resources and Information Technology.

In the 21st century, the lack of a computerised stock system could result in supply failure with consequent results impacting negatively on patient care. Staff need to be supported by up-to-date systems and with this view, the GHA has completed a full review of the stores function and is now proceeding with its implementation.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister give us details of the review, please?

Hon. Dr. J E Cortes: First of all, Mr Speaker, I will say that the deficiencies were identified during the term of the previous administration. I do not have all the details here, but it will include re-grading of some of the staff involved in the running of stores, and introducing a number of systems which will allow stock control and cross-checking to be improved.

Once we have been able to solve the Human Resource aspects, then, as part of the general thrust to include Information Technology, we will be moving towards Information Technology as a way of stock control.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister confirm if he will be employing more individuals for that Department?

Hon. Dr. J E Cortes: Mr Speaker, as I recall, the Department is wider than just the stores and it is also the administration that goes into it. We are going to be re-designating the responsibilities and gradings within the stores themselves and providing more support.

So indirectly... although perhaps not actually on the ground, as there should be more human resources that will be dealing with stores, but that might not necessarily mean that there are going to be more people actually in the stores putting or taking things off the shelves, because the resource limits also have to do with how that is administered.

Occupational Therapy Outstanding repairs/refurbishment in properties

Clerk: Question 519, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health state how many outstanding reports there are, originating from the Occupational Therapy Department, for repairs/refurbishment to be undertaken in: (a) Government flats; (b) co-ownership flats; and (c) private sector properties; and the cost of the works and equipment per report?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, I must point out that Occupational Therapy (OT) does not involve itself in the actual repairs or refurbishment, but in assessing and

recommending environmental alterations in response to disability.

500 Part (a): the first part Government flats, there are 36 jobs on the Housing Agency list that have been subcontracted out and are being processed. This means that their OT reports are up to date and the equipment/fittings required have been ordered.

505 Eight more cases have been identified as pending by OT and have been highlighted to the Housing Agency, awaiting a plan of action; nine other cases are being processed by the Housing Agency; 14 new cases have just been sent to the Housing Agency and these are completely new referrals.

The total, adding that up, stands at 67. The oldest cases stretch back to 2009.

510 The community waiting list for assessment now stands at a different 41 cases. This does not include, either, Albert Risso. To summarise these, there are 17 cases identified from the beginning of the occupation of this building as having environmental issues. These have now had OT reports carried out and these have been handed over to JBS, who have been commissioned to carry out these works.

515 Some new referrals to Albert Risso are now included in the 41 in the community waiting list.

There is at present no system for refurbishment of private or co-owned properties.

Regarding costs, as the requests are outstanding, there are no costs available. Costs will be available once the work has been carried out.

515 **Hon. J J Netto:** Mr Speaker, just for the sake of clarification, when the Minister speaks about 41 on the community waiting list, is he referring to houses which are in the co-ownership scheme?

520 **Hon. Dr. J E Cortes:** No, Mr Speaker, these are not related to where they are, but related to the list that the OT has waiting for assessment out in the community. Those have not been divided into your categories.

The ones I divided into categories are the actual outstanding jobs. These 41 I have added for your benefit are ones that have not yet been processed and therefore I have not recorded them as outstanding.

Clerk: Question –

525 **Hon. J J Netto:** Can I ask a further supplementary question?

For the sake of clarification, when the Hon. Minister speaks about costs, is he referring just presumably to the cost involved by way of purchasing equipment, but not necessarily the cost by way of alteration in particular Government property or any other property outside?

530 So is he clear? When he talks about cost, he is separating the purchase of equipment, either for medical or disability issues, against construction costs for alteration of a property. Can he make that clear?

535 **Hon. Dr. J E Cortes:** Mr Speaker, the question that has been asked by the hon. Member: what I have said is that the question was on *outstanding* reports, therefore if they are outstanding, the works have not been completed, so I do not know the costs.

I will put it back to the hon. Member that if he wants to distinguish between equipment and refurbishment, then if he asks that in the future, once the jobs have been done, then I could attempt to get the information divided out but really; it is not up to me but up to him, because he has, after all, asked the question.

540 **Hon. J J Netto:** I think that the hon. Gentleman also mentioned, if I understood him correctly, that there were a number of reports which have been outsourced, not necessarily to the Housing Works Agency. I think he mentioned something to that effect. What I would like to clarify: whether if some works have been outsourced for the works to be carried out outside the Housing Works Agency; if that is the case, to whom has the work gone – to JBS or to somebody else?

545 **Hon. Dr. J E Cortes:** Mr Speaker, in the answer I was very specific to say that it was Albert Risso House which were cases that we thought needed to have fairly rapid assistance and those were handed over, according to the information I have been provided, to JBS.

550 **Hon. J J Netto:** So, do I take it, then, that all the reports that there are, are either already done, prepared and have been channelled across to the Housing Agency, done by the OTs, in the OT Department of the GHA, all refer to Government flats? No OT report may refer to a co-ownership, perhaps somebody living in Gib V or in Harbour Views or Montagu Gardens. Are we saying that all those reports, *all* of them, are in relation to

people who are living in Government flats? Is that the case or not?

555 **Hon. Dr. J E Cortes:** Mr Speaker, I am assuming that if they are jobs that have been given to the Housing Agency, that would be correct. That is an assumption; I can go back and check it, to see whether the information is not as clear as has been presented here. It certainly does not include... In fact I did say, yes, I did say it – that at present there is no system for the refurbishment of private or co-owned properties based on OT reports. So I did say that.

560 So you are correct, these must be houses, yes.

Hon. J J Netto: I am not quite sure that is necessarily in place. I do recall that there were referrals in my time, certainly, of people who needed alteration, I think it was in Gib V, Sir William Jackson Grove, so there is a system in place – not an elaborate system, I would say, but certainly there was a system of getting a report and getting the works done.

565

Hon. Dr. J E Cortes: Mr Speaker, I have dealt with at least one, but they are on an *ad hoc* system, based on urgency of need, yes. Rather than a routine system, it is one which is considered on its merits but, yes, in that respect, yes, not a system but there are possibilities of making exceptions.

570

**Gibraltar Sponsored Patients
Assistance from Gibraltar House, London**

575

Clerk: Question 520, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health tell us how the Gibraltar House in London will be improving the way it assists Gibraltar Sponsored Patients?

580

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, currently the role and duties performed by the Gibraltar House in London remain unchanged. They continue providing the ongoing service to some of our sponsored patients, such as paying some sponsored patients and escorts their maintenance and travel allowances, liaising with the Gibraltar Sponsored Patients' Office with regard to patients' issues, visiting patients in hospital when requested by the Gibraltar Sponsored Patients' Office.

585

We are looking at increasing those resources, so that more time can be dedicated to these needs.

590

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister elaborate on what he means by 'increasing resources'?

Hon. Dr. J E Cortes: Mr Speaker, this is not finally decided, but we are looking at the possibility of having a dedicated officer to deal with sponsored patients which would mean that it would be this person's, or one whole person's equivalent, duties to deal with these issues, which would give them more time and set up a better relationship with the patients and their relatives to the point, perhaps, of not having necessarily the relatives coming to the Gibraltar House to get their allowances: perhaps they could visit Calpe House or some of the hospitals or the hotels in which they are staying.

595

So, basically, it is giving more time to being able to give assistance to our patients and the relatives, who are usually going through quite a stressful and worrying time, to be able to give a little more support than they are getting at the moment.

600

605

EQUALITY AND SOCIAL SERVICES

610

**Gladys Perez Centre
Opening times and services offered**

Clerk: Question 521, The Hon. Mrs I M Ellul-Hammond.

615

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services tell us how often the Gladys Perez Centre opens, what services are offered from there and by which organisations?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

620

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the Gladys Perez Centre opens seven days a week throughout the day. It is used by various organisations.

The fundamental principle for the majority of these groups is discretion and anonymity and I therefore do not feel it appropriate to disclose further details in Parliament.

625

Hon. Mrs I M Ellul-Hammond: Mr Speaker, is the Minister suggesting that it is mental health-related charities only that use the Centre?

Hon. Miss S J Sacramento: Absolutely not.

630

I do not know how the hon. Member could have jumped to that conclusion. Perhaps if she were to listen to the answer, as opposed to maybe – **(Members: Ooh!)** It is a broad answer: perhaps I would invite the hon. Member to read between the lines and, of course, it is, as I said, sensitive groups who use this location.

635

Hon. Mrs I M Ellul-Hammond: Mr Speaker, seeing that playgroup at baby time and lunch club playgroup use the Centre on Fridays from 9.30 in the morning to 2.30 p.m. and the breast feeding group 'Baby Steps' also use it, could health related charities also use the Centre to hold their support group meetings on days or at times when it is not being used by mainly mental health users?

640

Hon. Miss S J Sacramento: Mr Speaker, I repeat the Centre is not mainly used by mental health users. Again, I do not know how the hon. Member jumps to that conclusion. I have had no requests for use of the Gladys Perez Centre: in any event, it is now fully booked, Mr Speaker, and that is the position.

645

Hon. Mrs I M Ellul-Hammond: Mr Speaker, I understand that Breast Cancer Support Gibraltar was told by yourself and by your PA on several occasions that they could not hold their once-a-month evening support group meetings for breast cancer sufferers and survivors at the Centre. Can the Minister confirm that if an hour once a month in the evening *is* available that a health related charity could use the Centre to support sufferers of their disease?

650

Hon. Miss S J Sacramento: Mr Speaker, the hon. Member seems to have been misinformed. I had a telephone conversation with someone from that charity who asked for the use of the Gladys Perez Centre on a specific date at a specific time, and that allocation was already used by another society. Any society who may seek the use of the Centre is free to contact me in the same way as that society contacted me, Mr Speaker.

655

Hon. Mrs I M Ellul-Hammond: So, Mr Speaker, can the Minister confirm then, that this charity can get back in touch with yourself and the PA to request a suitable time once a month, in order to hold support group meetings.

660

Hon. Miss S J Sacramento: Mr Speaker, I should have said that they are, of course, free to contact my Department, as opposed to myself directly, but again I repeat, this is in relation to a request months ago and I have not had any requests since, Mr Speaker.

Any request will depend on the availability of the location at the time of the request.

**Patients with medical conditions or urgent need
Breakdown and location**

665

Clerk: Question 522, the Hon. J J Netto.

670

Hon. J J Netto: Mr Speaker, given the information provided in answer to Question No. Written 94/2012, can the Minister for Social Services provide a breakdown of those persons with Alzheimer's and Dementia, other medical conditions, and those with an urgent need, who are currently in St Bernard's Hospital, John Cochrane Ward, the KGV Hospital, the Jewish Home and in the community?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

675

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, on the basis of the answer to Question 94/2012 (which was in relation to those waiting for a place at Mount Alvernia), the following is a breakdown of people in St Bernard's Hospital, John Cochrane Ward, KGV Hospital and the Jewish Home with Alzheimer's and Dementia and other medical condition and those with a high need of social care. Of course, there is a slight variation to the figures which were provided in response to Question 94 last month, as the information now provided relates to the *current* position, as is requested. I now hand the hon. Member the information.

680

ANSWER TO QUESTION 522 OF 2012

	Alzheimer's/Dementia	Other Medical Conditions	Urgent Social Care
St Bernard's Hospital	15	12	27
John Cochrane Ward	20	11	0
KGV Hospital	15	7	22
Jewish Home	1	2	0
Community	8	9	9

685

Hon. J J Netto: Mr Speaker, I am grateful for the information, but one of the things that is obvious that has dawned on me just now, is that I left out Calpe Ward, obviously. I do not know whether she has the information available now or whether I will just simply write to her and she may be able to provide me with that information.

It is just, if she has not got the information now, she has not got the information, and it is a question of simply writing to her subsequently.

690

Hon. Miss S J Sacramento: Mr Speaker, no I do not have the information because the question was not asked but the same statistical information, I would be happy to provide it if the question is put to me.

695

**Hospital for Alzheimer's and Dementia patients
Staffing requirements and cost**

Clerk: Question 523, the Hon. J J Netto.

700

Hon. J J Netto: Mr Speaker, given that the Government has made a decision to revert back to having a 66 bed hospital for Alzheimer and Dementia sufferers, as answered in Question 273/2012, has the Government now received from the senior management of the Care Agency the proposed extra staff requirement needed and, if so, could the Minister for Social Services provide a breakdown of the numbers and grades involved and the cost of employing the new staff?

705 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, it is not true to say that the Government has made a decision to revert to a 66 bed residential unit for Alzheimer's and Dementia.

710 What I said in response to Question 273/2012, which was at the time, in March 2012, that instead of working from the 80 plan, which was the plan that the construction company were working from at the time that we took office, we in principle at that time, reverted to the initial plans, which had been prepared by the architects for the previous administration, as in the first set of plans. Those plans were for a 66 bed unit where, in fact, 58 beds were for Alzheimer and Dementia.

715 I then went on to say that the plans needed to be considered by an expert in Dementia design and we were waiting for the expert to tell us whether the layout was acceptable or not.

720 The Government has commissioned an expert on Dementia design to advise and revise plans on the suitability of the building, its layout and occupancy so that when residents are admitted to the Dementia Unit they can enjoy a building which is fit for purpose and complies with minimal useable space guidelines for an existing building and includes recreational space. We are waiting for the final revised plans. The staffing requirements will be provided as soon as the bed occupancy is finally agreed.

725 **Looked after children
Training programme**

Clerk: Question 524, the Hon. J J Netto.

730 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if further progress has been made in finding suitable training programmes for the remaining five Looked After Children referred to in Question 171/2012, and, if so, what the training will consist of, when the training will start and who will provide such training?

735 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

740 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, this question now applies to four Looked After Children – the reason will be explained to the hon. Member on a confidential basis. Of these, one child has been successful at interview and will commence employment on 21st June. Well, has commenced already – this was drafted a few days ago. The details of this are being provided to the Opposition on a confidential basis.

745 With regard to the remaining three Looked After Children referred to in Question 171/2012, I can say that progress has been made in finding suitable training programmes. A pathway has been established between Social Services and ETCL and interviews have been secured for two of the Looked After Children. Further details in relation to this, again, are provided to the Opposition on a confidential basis.

750 **Hon. J J Netto:** Generally speaking, Mr Speaker, I am grateful for that answer. It seems that we have had some progress, at least certainly in the number of them, but it seems that we are a little bit stuck, perhaps, with one particular person... oh... okay, Mr Speaker.

755 **Persons in the community with debilitating diseases
Details and care provided**

Clerk: Question 525, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, given the information contained in answer to Question No. 399/2012, which states that there are 19 persons with a debilitating disease in the community, can the Minister for Social

760 Services state how many have (a) a mild and (b) an acute condition and of those with an acute condition whether they are receiving any help from the Care Agency in the form of carers and other services?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

765 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the 19 people referred to in Question 399/2012 with debilitating diseases in the community all have chronic conditions. Further information is provided on a confidential basis.

770 Fifteen are receiving help from the Care Agency in the form of social work, domiciliary care hours or payments for domiciliary care. 4 are not receiving any support from the Care Agency at the present time because no referrals or requests have been received.

**Care Agency residential homes
Recordable acts of violence**

775

Clerk: Question 526, the Hon. J J Netto.

780 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if there have been any recordable acts of violence in any of the Care Agency residential homes, since this question was asked in Question No. 402/2012, and, if so, could the Minister provide a breakdown showing the date of the incident or incidents, whether the incident or incidents were between children or between children and staff and whether, as a result of the incident, medical attention was required either in the Home or in the Hospital and for what purpose?

785 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, since the question was asked in Question No. 402/2012 there have been seven incidents. I now hand the hon. Member the requested information.

790 None of the incidents resulted in the need for medical attention and it must be noted that while these incidents are recorded as 'acts of violence' they were all mild and within the realms of acceptable adolescent behaviour, mirroring sibling rivalry.

ANSWER TO QUESTION 526 OF 2012

Date	LAC to LAC	LAC to Staff	Medical Attention/Residential Home or Hospital	What purpose
21.05.12	Yes		No	
25.05.12	Yes		No	
30.05.12		Yes	No	
02.06.12	Yes		No	
03.06.12	Yes		No	
04.06.12	Yes		No	
05.06.12		Yes	No	

**Care Agency Looked After Children
Details of absconding**

795

Clerk: Question 527, the Hon J J Netto.

800 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if any Looked After Children in any of the Care Agency residential homes have absconded since this question was last asked in Question No. 404/2012 and, if so, state how long the absconding lasted, whether the absconding was in Gibraltar or Spain,

and whether any of these children have a track record of engaging in acts of violence against any other children or staff members?

Clerk: Answer the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, since this question was last asked in Parliament there have been several incidents of absconding, involving two Looked After Children. I now hand the hon. Member the requested information and, in addition to this – to these incidents – there is also the issue of the 17 year old from the Republic of Guinea, as explained in last month's session, Question 404/2012.

ANSWER TO QUESTION 527 of 2012

Name of LAC	Date	Length of time LAC absconded	Any track record of violence towards staff or LAC	Absconding in Gibraltar or Spain
A	6 th June 2012	2 hours	Yes	Gibraltar
B	10 th June 2012	56 hours	No	Gibraltar
A	12 th June 2012	5 hours 5 minutes	Yes	Gibraltar
B	14 th June 2012	30 hours 25 minutes	No	Gibraltar
B	16 th June 2012	34 hours 25 minutes	No	Gibraltar
B	18 th June 2012	5 hours 10 minutes	No	Gibraltar
B	19 th June 2012	Still missing	No	Gibraltar

Hon. J J Netto: Mr Speaker, on a supplementary question for the sake of clarifying something from the list that the hon. Lady has provided for, there is one particular incident, which is incident B, if I can call it that, where the length of the absconding lasted 56 hours. Now, that is quite a considerable period of time, if I may say. Given that length of time, did it trigger perhaps that to try and find that particular child, the Care Agency had to call upon the police to assist in searching around Gibraltar, because certainly it was in Gibraltar – can she perhaps elaborate on that?

Hon. Miss S J Sacramento: Mr Speaker, I can confirm that the Care Agency have called upon police in this situation and although this child is recorded as having 'absconded', because that is a technical term used, the child nevertheless is in contact with both the Care Agency, the parents and other children in care. It is just that the child is not returning to the home at night, but the Care Agency are aware of the whereabouts, the police know where this child is.

Hon. J J Netto: Just for the sake of clarification, so I can get a grip on this because, again, there is a repetition in listing the information provided from child B. It mentions that he is still missing, as from 19th June – I do not know whether this has changed or has not changed, or if this is relating to the information that the hon. Lady has just provided when she stood the last time. Can she perhaps clarify for my benefit?

Hon. Miss S J Sacramento: Mr Speaker, as I understand it, this Looked After Child has been in touch today, this morning: in fact, I understand that she had a meeting at the Care Agency this morning. I checked

just before coming and I understand that she has been in today.

So, even though this was prepared yesterday so that it was as accurate as possible, she has been at the Care Agency premises today. Mr Speaker, and I am, given the sensitivities of this situation, I am now loathe to provide further details of this matter in Parliament – I am happy to discuss it with the hon. Member on a confidential basis.

I do not think that there is much to be gained from giving further details, particularly not today.

Hon. J J Netto: Yes, by all means because there are some questions in the back of my mind which I still need to try and take into account in relation to this so, yes, I am grateful for the offer by the hon. Lady because certainly I will want to take it up.

**Care Agency
2012 training programme**

Clerk: Question 529, the Hon J J Netto.

Hon. J J Netto: Mr Speaker, given that the Care Agency now has the new training programme for this financial year, will the Minister for Social Services kindly provide a copy to the shadow Minister?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, this question has already been asked in Written Question 92/2012 and a written response provided.

Rule 17(v) of the Gibraltar Parliament Standing Rules and Orders precludes the same question from being asked if the answer was provided within the preceding six months.

Hon. J J Netto: Mr Speaker, given that we are talking about quite a relative unimportant issue, like a training programme, I just wonder why the hon. Lady feels so compelled to quote Standing Orders, as some kind of a defence as if the issue in hand is something so terrible (**A Member:** The rules.) – so terrible about it. The question is, if I can refer to the written answer in which she says ‘this is an internal document’ and therefore she will not provide a copy. Now...

Hon. Miss S J Sacramento: Point of Order, Mr Speaker.

If the hon. Member is going to read my response then I think he should read the *whole* of the response where I actually – I will read it myself, and it says:

‘I would agree to show this to the hon. Member in confidence.’

I think, Mr Speaker, as a Point of Order and for the sake of completeness, everything should have been read.

Hon. J J Netto: Mr Speaker, there is no point in reading the whole of the answer because, actually, all we are talking about is four sentences – it is not an issue. The answer she provided was:

‘I can confirm that the Care Agency has now prepared the new training programme for the period 1st April 2012 to 31st March 2013. This is an internal document, not a public document, and as such I will not make a copy available. I would agree to show this to the hon. Member in confidence.’

Now, the reason why I asked an oral question, as opposed to a written question this time around, is because, personally, I am not satisfied with the answer given in the written answer. I am not satisfied because, yes, of course, it is an internal document, like all internal documents which is being prepared to by every single....

Hon. G H Licudi: Mr Speaker, Point of Order.

Is the hon. Member dealing with the substance of the question or dealing with the Point of Order? A Point of Order has been made and it has to be addressed, rather than going into the substance of the question. If the question is out of order, it is out of order.

Mr Speaker: No but I imagine you are answering the Point of Order taken by the Hon. Minister.

Hon. J J Netto: No, I was not talking about the Point of Order.

Mr Speaker: Well, in that case, I am afraid I must interrupt the hon. Gentleman.

The Hon. Minister has cited Standing Order Rule 17(v) and that is what the Standing Order says. She cannot be faulted for citing Standing Orders.

The Standing Order in question says:

‘The question shall not refer to any debate that has occurred or answer that has been given within the preceding six months.’

Now, I understand the answer to Written Question 92/2012 from the Hon. Minister was that she is not content to hand the document to the hon. Member but was willing to allow him sight of the document. That was the answer given.

Hon. D A Feetham: Yes, strictly speaking, Standing Orders say you cannot ask questions within six months and the Hon. Minister is right about that. Very often we waived – I am talking on the Standing Order, sorry on the Point of Order – very often, on both sides of the House – we have been in Government, and now them – Ministers do not take those kind of points, particularly now when we have, as well, Parliament on a monthly basis, it becomes much more difficult not to ask a question that has not been referred to in the previous six months.

Look, she is right. If she does not want to provide the answer, that is the end of the matter.

Hon. G H Licudi: Mr Speaker, it is not a matter of not providing the answer. The answer *has* been provided: that is the whole point.

The question has been asked and the answer has been provided. What the hon. Member has said is that he is not satisfied with the answer, but the point that the hon. Member makes about monthly meetings and an element of flexibility – generally the issue does not arise. The issue is overcome, because when Question Time is used for the purposes that it is normally used, which is to elicit information, when information is elicited, for example, as at a particular day when a question is asked in January, then the information may be different in February, so the same question might be asked in respect of the period up to February. So, it might be phrased in the same way or very similar way, but it is not exactly the same question.

Mr Speaker: A different context.

Hon. G H Licudi: It is a different context, and a different time period might appear, so that issue does not really arise in respect of monthly meetings.

The issue here is that exactly the same question has been asked in one form, and now the hon. Member wants to ask it in a different form because he is not satisfied with the answer. It is not that the answer has not been given, the answer has been given and that is the answer that stands for the record.

Mr Speaker: I think that we need not debate this too much, because I think the Hon. Daniel Feetham has conceded...

Hon. J J Netto: Just to make a very small point...

Mr Speaker: No, would you allow me, please, to make my point.

The Hon. Daniel Feetham has conceded the point in that so I really do not think we need to trouble ourselves with a further debate on that.

Yes, there has been a degree of flexibility, the view I have taken over the years, and I have conducted

myself in terms of Standing Orders, is unless the infringement is so gross, I have tended not to intervene, allow the question to be put, or allow the point to be made. Only if a Member on the other side has raised the issue, then I have had to step in with some sort of ruling. That is the flexibility area.

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In this case the hon. Lady has specifically invoked the rules and the rules are clear there for everybody to see and my view is she will have to stand on that rule.

Hon. Miss S J Sacramento: Mr Speaker, may I add to that, that I did in my previous....

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Mr Speaker: May I just say, there is a danger – I do not wish to – there is a danger if I allow the hon. Lady to have her say I will have to allow somebody on the other side to have a say, as well, and I do not think... we are quite deep into Friday afternoon.

955

**Multi-Agency Child Committee
Issues presented at April and May meetings**

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Clerk: Question 530, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services state if the multi-agency Child Committee has met in the months of April and May, and if it has, could the hon. Lady state what specific issues were discussed, inclusive of the issues discussed at the meeting of 13th March?

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Clerk: Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the multi agency Child Protection Committee did not meet in the months of April or May 2012.

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As stated in response to Written Question 89/2012, the Child Protection Committee met on 13th March 2012 and a response relating to the specific issues detailed at that meeting has been provided.

Rule 17(v) of the Gibraltar Parliament Standing Rules and Orders precludes this question from being asked if the answer was provided within the preceding six months.

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Hon. J J Netto: I think that I understood the hon. Lady as saying that details of 13th March are being provided for. I cannot recall from memory now what sort of details she gave me, certainly not in the context of information that has been provided by her to previous meetings. For instance, information provided by her on the Question Written 46/2012: she does provide a fair amount of information as to the kind of issues that were discussed at the meeting on 29th November. Certainly on the meeting of 13th March she has not provided that kind of information, hence the reason why I am asking the information.

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So, I just wonder whether the hon. Lady, given that at least we have the meeting of 13th March, not obviously the ones of April and May, which have been cancelled for whatever reasons, could she provide the same kind of information as she has provided Parliament before?

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Hon. G H Licudi: Sorry, is the hon. Member asking for the same information in respect of the March meeting or other meetings?

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Hon. J J Netto: The hon. Lady has said, if I understood her correctly, that the meetings scheduled for April and May have been cancelled for some reason, so obviously the meeting has not gone ahead. Obviously, there is no discussion at those meetings, therefore removing April and May out of the question... The only meeting that I am aware of that *has* happened is the meeting of 13th March, and if that is the only meeting that has happened, part of my question is can I have the same kind of information that she has provided Parliament, when I have asked this question before, which is Written Question 46/2012?

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Hon. Miss S J Sacramento: Mr Speaker, the reason that the hon. Member knows that there was a meeting of the Child Protection Committee on 13th March is because this was part of my response to Written Question 89/2012. Therefore, Mr Speaker, I am, once again, seeking to rely on Rule 17(v), in that the

question relating to the meeting of 13th March has already been asked, and has already been answered.

1000 The answer to that question was that the meeting was not a public meeting, and given the sensitivity of the child protection issues discussed, it is not felt appropriate that these should be made public without the consent of the Committee, Mr Speaker.

The position today is the same, because it is the same answer to the same question that was put to me last month, Mr Speaker, in relation to the same meeting – the meeting of 13th March.

1005 **Hon. J J Netto:** Mr Speaker, the hon. Lady herself has said, in her contribution just now, that I found out about this as a result of a different question. So, whatever form, shape or manner upon which I may have found out that there was a meeting on 13th March, it is neither here or there. The issue at stake here is that I am asking in Parliament that, given that I have found out, even if it was in part of another question that she was asked in, whether she can give me the information over the *issues* that were discussed, as she has provided that kind of information to a previous question – I do not know whether it was five or six months ago. I am asking for the same treatment as she afforded me at the beginning of Parliament, when Parliament was constituted after the Election.

1010 Is she now saying to Parliament that she is going to be looking more at Standing Orders to deny and degrade the quality of parliamentary discussion in this Parliament, so that I do not get information to be able to scrutinise her, on the basis of Standing Orders, or is she going to provide me with answers which she has already provided me at the beginning of this Parliament? Is it going to be a question of allowing a mature democracy for people to be able to listen to the debate, or are we going to be quoting Standing Orders every five seconds?

1020 **Hon. G H Licudi:** I am not sure, Mr Speaker, where the hon. Member was for the last four years. Certainly, in the four years that I was sitting on that side, specifically the same position that the hon. Member was and the sort of treatment that we were given on that side, and the sort of answers. We have adopted a very, very different policy, as the hon. Member knows, and I will not rehearse the arguments that were across the floor of this House [*inaudible*] yesterday, in respect of the quality of democracy and the quality of parliamentary debate which exists now in Gibraltar, and in which the hon. Member is very well aware of, given that he is here today on the... is it the fourth or fifth time of this year? – when on previous years, we never were afforded the opportunity of being in this Parliament on four or five occasions. So let not the hon. Member give us lectures on the quality of parliamentary debate and the sort of information that is given, because that was, as I understood yesterday, well sorted out in the debate in one of the questions.

1025 The position with this particular question, Mr Speaker, is that the hon. Member *did* ask, in the Written Question, what specific issues arose in respect of that particular meeting, and the answer that was given was in respect of the meeting on 13th March. The meeting was not a public meeting and given the sensitivity of child protection issues discussed it is *not* felt appropriate that these should be made public without the consent of the Committee.

1030 And what the hon. Member is now asking is (*Interjection by Hon. J J Netto*) can the hon. Lady state what specific issues were discussed, inclusive of the issues discussed at the meeting of 13th March. Well, in respect of the issues discussed on 13th March, the answer was already given: it was not a public meeting, and there are sensitive issues.

1035 One would hope that the hon. Member, having sat on this side of the House – not just on this side of the House, but having done the job that the hon. Lady is now doing – that he would understand the sensitive child protection issues which arise.

1040 **Hon. Miss S J Sacramento:** He said it last month.

1045 **Hon. G H Licudi:** As I understand, he conceded the point on a previous occasion last month, in respect of a different matter, that he understands specifically that, in respect of the job that he used to do and in respect of the job the hon. Lady *now* does, there are sensitive issues on which there cannot simply be a public debate, because of the child issues that arise. Given that that is the position, that he asked previously and he was told for this reason he cannot be given details of the issues, and he has now asked again for details of the issues, that is why the answer has been given.

1050 It is not a question of degrading parliamentary debate or anything like that. The question has been asked and answered already and the position today is exactly the same as it was when the question was answered.

Mr Speaker: I think the position is fairly clear. The substantive question comes in two parts: one asks for the outcome of the discussions at a meeting which were presumed to have been held in April and May and also re-visits the issues discussed at the meeting of 13th March.

The answer is very clear: there was no meeting in April or May and therefore that does not arise. On 13th March, there was a Written Question put to the Minister, No. 89, which refers specifically to the meeting of 13th March and a response was provided in writing and that has been read out again today.

That, in my view, clearly falls within Rule 17(v). It is exactly the same position as the previous question, the previous ruling.

Hon. J J Netto: Mr Speaker, I cannot accept the fact (*Interjection*) that they are now saying that they cannot provide the information of the meeting of 13th March because there are so many sensitive issues and that therefore they do not want to put such sensitive issues in the domain of Parliament and hence the public at large, which may connect those issues with those particular children. Well, it is not a very good argument to say that, because the hon. Lady, when I asked the original Question 46/2012 –

Hon. G H Licudi: Mr Speaker, I will not go there again, as I said earlier. The hon. Member is now getting into the substance of the question, when the Hon. Mr Speaker has ruled that the question cannot be put.

Mr Speaker: Well, I was not going to allow the hon. Gentleman to go into the substance of the question, but I would give him the courtesy of hearing him – albeit perhaps slap him down, but I will hear him!

Hon. J J Netto: Mr Speaker, the point I am trying to labour on is on the issue that they are trying to say the matter for discussion in the multi-disciplinary Child Protection Committee is so sensitive that we cannot provide it, and I am saying it just does not *stand*, the argument, because the hon. Lady *already*, in the previous question, has provided me with information.

All I am saying is, if she felt that it was so sensitive that children could be identified, then why did she give me the information on Written Question 46/2012?

Now, anyone who looks at *Hansard* and looks at the answer that she gave me will see that you cannot identify any particular children as a result of the answer she gave me. What is happening here, Mr Speaker, is what I said before. The hon. Lady is simply degrading the quality of discussion in this Parliament, simply by keeping me uninformed from my duties and my responsibilities to be able to scrutinise her. That is all she is doing, by quoting Standing Orders and by trying to provide this information. She has already given me the information *before*, so there is no question of sensitivity!

Mr Speaker: I appreciate that the hon. Member is not satisfied with the answer given to the Written Question. I appreciate that, and the dissatisfaction arises from a previous course of dealing (**Hon. J J Netto:** Exactly.) which was different. I appreciate that part of it.

But, looking at Rule 17(v), the question relating to 13th March was put in Written Question 89 and a particular answer was given – however unsatisfactory the hon. Member may consider the answer to be, in the light of previous dealings. But looking at it from Rule 17(v) today, sitting where I am, I have to take the view, a question was asked and answered, however unsatisfactorily, in the last six months, and I cannot really allow it to be re-visited.

Hon. D A Feetham: No, no, I quite understand. The problem that we have here, of course – and, of course, we must accept Mr Speaker's ruling in relation to this – is that there appears to have been two answers, one in March and one earlier. So, of course, my hon. Friend, Mr Netto, goes back to not the March one, but to the earlier one. He is going back to that one and the quality of the answer that was provided, where more information was, in fact, provided than in the March answer. Look, it raises the interesting question of when you have inconsistent answers! Which one is the answer that the Hon. Ministers would like?

But Mr Speaker has ruled and that is the end of the matter.

Mr Speaker: I hope that Members appreciate that is the view I should take.

Hon. D A Feetham: Absolutely, and that is the end of the matter.

Mr Speaker: Can we move on to the next question –

1110 **Hon. G H Licudi:** Sorry, can I just clarify something in respect of what the hon. Member has just said.
It may be that he has not fully understood what his colleague has said. It is not a question that there had been inconsistent answers in respect of the same subject matter. The previous answer was in respect of something different – in respect of a different meeting. We accept that a question was asked in respect of a meeting earlier in the year, and was answered in a particular way and a question was then asked in respect of another meeting and was answered in a different way.

1115 So to the extent that there is inconsistency, it is not in respect of inconsistency on the same question, (*Interjections*) but the same *type* of question. We accept that –

Mr Speaker: Order, order.

1120 **Hon. G H Licudi:** We accept that that is the case. A view was taken in January as to the appropriateness of answering a question in a particular way and then a different view has been taken, as from March, as to the appropriateness, given the issues that arise in this particular case.

1125 The hon. Member may be not content, not satisfied, with the quality of the answer, but I just wanted to set up that chronology, to the extent that the hon. Member can say there has been an inconsistency in an approach. Well, yes, on reconsideration of the issues that arise, and in respect of a different meeting –

Hon. J J Netto: No, it was the same type of Committee meeting –

1130 **Hon. G H Licudi:** No, in respect of a different meeting, a different view was taken by the Government, and that is the view that was taken, so I just wanted to clarify that issue of inconsistency, just for the hon. Members –

1135 **Hon. D A Feetham:** No, I think that is, in fact, a fair and accurate reflection of the situation. What we would say is there may well have been different meetings, but there is a change of policy in respect of the same type of meeting from January to March, and hence the questions that my hon. Friend has actually asked and that is why he has been critical of the approach.

Mr Speaker: I think we can move on to the next Question now.

1140

HOUSING AND THE ELDERLY

Empty flats awaiting repairs/reallocation Details

1145

Clerk: Question 531, the Hon. E J Reyes.

1150 **Hon. E J Reyes:** Can the Minister for Housing state how many flats are currently empty and awaiting repairs, giving a breakdown in respect of Pre-war and Post-war flats, flat size composition, the dates as from when these flats have been empty and the category/type of repairs which are required to be undertaken before they may be reallocated?

1155 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

I may supply general information as the schedule goes round and say that up to 134 flats are currently empty and awaiting repairs.

ANSWER TO QUESTION 531

Up to 134 flats are currently empty and awaiting repairs.

Table 1 shows the number of empty flats for cleaning/refurbishment (post and pre-war) by room composition.

Table 2 highlights the number of empty flats per year and room composition. Specific dates per flat cannot be provided.

The following table provides the required breakdown:-

Table 1 - By room composition (post and pre-war)

Category Type					
Composition	Refurbishment Technical Decision		Cleaning		Total
	Pre-War	Post-War	Pre-War	Post-War	
6RKB		1			1
5RKB	3	1			4
4RKB	16	10	1	2	29
3RKB	20	33	1	1	55
2RKB	17	14			31
1RKB	4	10			14
Sub-Total	60	69	2	3	134

Table 2 - Empty flats awaiting refurbishment/cleaning per year

	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	TOTALS
6RKB							1					1
5RKB		2	1								1	4
4RKB	9	11	3	4	1	1						29
3RKB	10	34	6	1		2	2					55
2RKB	8	15	4	2					2			31
1RKB	2	7	2	1						1	1	14
TOTAL	29	69	16	8	1	3	3		2	1	2	134

1160 **Hon. E J Reyes:** Mr Speaker, in respect of the section within my question that said 'the dates as from when these flats have been empty', can the Hon. Minister enlighten me a bit further because I see, from the year there, is that the only amount of information he is able to provide in respect of dates?

1165 **Hon. C A Bruzon:** We are hopeful that the hon. Member will accept a date by year, because going into details would require a vast amount of work and I am hoping that the Member will accept it in that format.

Hon. E J Reyes: Mr Speaker, it is not just my accepting it; it is, as well, the electorate at large speculate a lot on the amount of time that the flats have been lying empty.

1170 For example, sir, when we look here at, let us just say, 2011: the 69 flats, it could well be that a bulk of them just came into the repair market after the summer recess more into the last quarter, whereas if one is talking of the first quarter of 2011, then a period of more than 12 months have passed. Therefore, from whatever side of the House, one could start at least to raise a bit of concern, in saying 'Are the works being undertaken within a reasonable period of time? Does it require greater manpower, or not?' It does not allow me sufficient information to be able to analyse and perhaps even recommend and have a discussion across the floor of the House, whether the kind of manpower of the Housing Works Agency is sufficient or it just does not meet the demands of the tasks that need to be undertaken.

1175

1180 **Hon. C A Bruzon:** I can assure the hon. Member that I will go back to my staff and enquire if they can provide more details, but at this stage I would not like to promise in Parliament that this will actually happen; but I will certainly go back to them and ask.

The Hon E J Reyes: Thank you, Mr Speaker, sir, and I think the Hon. Minister may have even picked up... It is not the first time I have brought this question in of the dates, so he can take it as a cue, as well.
1185 But on this side of the House, we will be continuing very much down that line of questioning in the coming months.

Hon. S M Figueras: Mr Speaker, just one further supplementary. Just perhaps the Hon. Minister is able to provide some clarification.

1190 Looking at Table 2, the empty flats awaiting refurbishment/cleaning per year, is it...? As an example only, in 2002, there is the number 1 in the row of the 5RKB. Does the Minister know whether this means that there has been a 5RKB property empty since 2002 and it has not yet been dealt with? Is that what that means?

Hon. C A Bruzon: That is exactly what the information says, yes, Mr Speaker.
1195

Health and Safety in Housing Unsafe dwellings

1200 **Clerk:** Question 532, the Hon. E J Reyes.

The Hon. E J Reyes: Can the Minister for Housing state how many reports of unsafe dwellings are currently pending and how many of these require urgent decanting due to Health and Safety considerations?

1205 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Yes, Mr Speaker, there are no unsafe dwellings pending which require decanting due to Health and Safety considerations.

1210 **Hon. E J Reyes:** Mr Speaker, I just want to clarify something.
There are no reports of unsafe dwellings: if the answer is zero, then obviously it follows there are none on the grounds of Health and Safety. There could be some that can be classified as unsafe dwellings, but do not fall under the category of Health and Safety. Can the Hon. Minister clarify that one for me?

1215 **Hon. C A Bruzon:** The question has been answered exactly as it has been answered.
I will repeat it: there are no unsafe dwellings pending which require decanting due to Health and Safety considerations.

1220 **Hon. E J Reyes:** No, Mr Speaker sir, my question reads differently. My question is how many reports of unsafe dwellings are currently pending – part (a) – *and* how many of these require urgent decanting due to Health and Safety?

1225 Perhaps next time I can word them as subparagraphs (a) and (b); but using, I think, a commonsense English interpretation, it is how many reports of unsafe dwellings are currently pending and if there are any, how many of those are then due to Health and Safety considerations?

Hon. C A Bruzon: Mr Speaker, last month we had exactly the same question and I answered it in exactly the same way, and the hon. Member accepted it.

1230 It would be helpful, maybe, if he feels that he can be more specific in the way he asks the question, I will be happy to do my utmost to supply the information.

Hon. E J Reyes: Yes, I know Mr Speaker, but when one then looks back with a bit more time in your hands, so as not to delay unnecessarily on a Friday afternoon, to which the hon. Member and I seem to have

been relegated at Question Time now, because of the very scarce presence of press and so on, hence the concerns that we express about Friday afternoons –

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Mr Speaker: There are people at the beaches listening to us, I am sure!

Hon. E J Reyes: No, but because I have had time to reflect upon it, that is why I am pressing a bit more on it now. But I accept that the Hon. Minister has been provided with that information and he now knows what I am trying to get at.

1240

Either I re-word it or he bears it in mind next time round at Question Time that it does say ‘and therefore from that number’. If it is zero, then it follows that it has to be zero; but you could have a category, you could have one or two dwellings unsafe, none of which then fall under Health and Safety, but –

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Mr Speaker: I think it would be helpful in future to break them down into (a) and (b), to make it clear that there are two aspects involved.

Hon. E J Reyes: Yes, I will take your advice, Mr Speaker, thanks.

1250

Clerk: Question –

Mr Speaker: The Hon. Jaime Netto.

Hon. J J Netto: Can I, just for clarification purposes really, when we are talking about decanting someone for Health and Safety considerations, normally we tend to think, in our own mind, that it may be that the structure of the building is a bit unsafe, hence you have got to move the person who is living in that flat out. Will he go beyond that in the sense of saying – and I am talking from experience here – that it is not just sometimes the structure of the building which may be unsound, for which you have to decant somebody; sometimes it could be faulty electricity? To an extent, faulty electricity...

1255

1260

I remember one particular time, many years ago, that I had to decant – which is the only way a Minister can do, decant on Health and Safety – because electricity was in such a condition and as soon as the report landed on my desk, I had to take urgent action, obviously.

So can I, for the sake of clarifying it in my question, when we are talking about the parameters of what constitutes Health and Safety conditions for decanting purposes, does the electricity – or can I put it, the danger of an accident due to electrical fault or because there may be water penetration which is close to a live cable of electricity – that would also constitute part of the Health and Safety for the purpose of decanting somebody?

1265

In other words, if the Housing Inspector, one of your members of staff comes and tells you, ‘Look, the electrician was there doing a report and I am passing it to the Minister, because there is danger of an accident and there may be little children’, that would also form part of the consideration for decanting?

1270

Hon. C A Bruzon: I would probably need notice of that question, but I will do my best to explain that, if there are serious dangers to Health and Safety, because the building is going to collapse because of structural issues, the Housing Department would not hesitate and decant the family immediately.

1275

The level of dangers through electrical problems is relative and therefore, if there is a faulty switch with a bit of water, they will go straight away and maybe do something and help the family out.

So if the Member will accept that explanation –

Hon. J J Netto: I accept it only to the extent that while I accept that there may be a minor electrical matter, that is not a good grounds for decanting somebody.

1280

What I am referring to is that we are not dealing with that sort of small scale of electrical fault; I am talking about a major scale which may constitute an accident for which could sometimes risk the life of a person, of a sitting tenant there. So it is a different category to the normal...

That is what I am trying to get to.

1285

Hon. C A Bruzon: There is no doubt in my mind that if the electrical problem is so huge that it constitutes, as you are hinting, a risk to the life of the person, then they would be decanted immediately. You

have my word on that.

1290

**Government rental flats
Pending/incomplete repair jobs**

1295

Clerk: Question 533, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing state how many jobs are currently listed as pending/incomplete in Government rental flats, giving a breakdown of internal and external repairs, as well as stating the general nature of the works and by whom these are being carried out, broken down into categories of both Pre-war and Post-war housing stocks?

1300

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1305

Minister for Housing and the Elderly (Hon. C A Bruzon): Yes, Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

As the information reaches the Opposition Members, I can say, by way of explanation, that there are 640 internal jobs currently listed and there are 3,243 external jobs currently listed.

ANSWER TO QUESTION 533

I submit a reply to this question primarily broken down by (a) internal jobs and (b) external jobs, as follows:

- (a) There are 640 internal jobs currently listed as pending within the Housing Works Agency. These jobs are categorised as follows:-

Work Category – Internal Repairs	Pre-war	Post-war	Total
Bath for shower conversion	1	20	21
Bathroom Unit replacement	3	39	42
Carpentry repairs	25	107	132
Cleaning of flat	9	3	12
Drains, rodding and cleaning	1	2	3
Emergency repairs	5	19	24
Masonry repairs	12	52	64
O/T Repairs/refurbishments	2	45	47
Painting	5	80	85
Plumbing repairs	15	155	170
Refurbishment – empty flats	8	34	42
TOTAL	86	556	642

- (b) There are 3243 external jobs currently listed as pending to be carried out by external works contractors. External jobs vary in nature ranging from repairs to building fabric, to waterproofing/roofing. It is impossible to deliver a detailed categorisation of all 3243 jobs. The following condensed categorisation applies:

Work Category – External Repairs	Pre-war	Post-war	Total
External Building Contractors	532	1930	2462
Windows Replacement Contractors	92	689	781
TOTAL	624	2619	3243

1310

**Housing allocations
Flats becoming empty**

Clerk: Question 534, the Hon. E J Reyes.

1315

Hon. E J Reyes: Can the Minister for Housing state how many flats have become empty and made available for reallocation since his answer to Question No. 416/2012?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1320

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, a total of 50 flats have become empty and made available for reallocation.

1325

Hon. E J Reyes: Mr Speaker, I do not know if the Hon. Minister could or could not have this information at hand. Fifty flats have become empty. I have not given him due notice enough to have the answer, because I said they have been made available for reallocation. Some of those, am I correct in assuming, could have been passed onto the list that is already awaiting cleaning and so on? He wouldn't, by sheer coincidence, happen to have some further information available, would he?

1330

Hon. C A Bruzon: I am happy to explain that these flats are literally ready to be allocated. The keys have been handed over and it is a matter of the Housing Manager and myself looking at whose turn it is next to get a flat and the offer of allocation will be made.

1335

Hon. E J Reyes: Sorry, I am grateful for that, Mr Speaker.
It is just because of my initial concern that, in 2012 alone, there are, according to the answer to Question 531, unfortunately, 29 flats that have become empty and not yet available – beyond the Minister's control, sometimes the condition it would have been left and so on. So having seen the number 50 here, for a split second, I said that number could have increased by 200% and it was a bit of a shock.

1340

Hon. C A Bruzon: Well, you are making me think on this one. You may have a point and I will double-check, just to be 100% sure that these 50 are literally ready to be allocated.
I will check on that and let you know.

1345

Hon. E J Reyes: I am so grateful, Mr Speaker.

Hon. C A Bruzon: My understanding is that they are ready, but I will double-check.

1350

**Applications for housing
Homeless persons**

Clerk: Question 535, the Hon. E J Reyes.

1355

Hon. E J Reyes: Can the Minister for Housing confirm, further to his answer given to Question No. 421/2012, how many applications for housing from homeless persons are currently being dealt with, giving a breakdown of dates as from when these applications were made?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1360

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

ANSWER TO QUESTION 535

A total of 19 applications for housing from homeless persons are currently being dealt with.

The breakdown of dates as from when these applications were made is as follows:

June 2008	1
June 2010	2
October 2010	1
November 2010	4
December 2010	1
March 2011	1
May 2011	1
January 2012	2
March 2012	3
April 2012	2
May 2012	1

The information is not too complicated, but I will give some of it orally.

A total of 19 applications for housing from homeless persons are currently being dealt with and the details in terms of dates, the hon. Members opposite will see in the schedule that is now in front of them.

Clerk: Question 536, the Hon. E J Reyes.

Mr Speaker: No, the Hon. Jaime Netto.

Hon. J J Netto: Sorry for the delayed reaction!

As a matter of interest, when we are dealing with homeless persons, or persons who claim to be homeless, can the Minister for Housing perhaps explain to us what procedures are in place to ascertain the veracity, if I can call it that, of a genuine case of someone who is homeless, as opposed to someone who claims to be homeless but is not necessarily homeless?

In other words, what internal procedures does the Ministry for Housing have, to try and detect the genuine, the *bona fide* cases to the ones who are not genuine and *bona fide*?

Hon. C A Bruzon: A couple of comments I could make on that, Mr Speaker, and that is inspectors are empowered to knock on the door, in case this gentleman is staying with relatives – just to make sure that this gentleman is not staying in a house with relatives.

There is terminology which the hon. Member may remember from the time when he was Minister for Housing, where a person is ‘technically homeless’ and is not literally living in the street, so some of those would come under that category.

Other than that, I am not sure if I would like to volunteer more information without being 100% sure. There is, of course, the evidence provided sometimes by social workers. These people go to see social workers, and they can come to us and inform the Allocation Committee that these people are a real social case and they really have nowhere to live, so obviously we try to fast track them and help them.

Hon. J J Netto: I am grateful, Mr Speaker.

**Government rental flats
Pending repairs completed**

Clerk: Question 536, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing state how many tenants, since his answer to Question 422/2012, have had their pending repairs completed in respect of Government rental flats, giving a breakdown of how many were internal and external repairs and broken down into the categories of both Pre-war and Post-

war housing stock.

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1405

Minister for Housing and the Elderly (Hon. C A Bruzon): Yes, Mr Speaker, the schedule that is now being handed over is a very simple schedule, so even though they are getting a schedule, I would like to read out the information orally.

1410

Since the collective answer given to Question 422/2012 there have been a total of 116 tenants that had 162 jobs completed as follows: Pre-war, completed jobs 15, number of tenants 14; Post-war, completed jobs 117, number of tenants 102.

A total of completed jobs 132; and the total number of tenants 116.

ANSWER TO QUESTION 536

Since the collective answer given to Question No.422 of 2012, there have been a total of 116 tenants that had 132 jobs completed, as follows:

INTERNAL

	Completed jobs	No. of tenants
Pre-War	15	14
Post-War	117	102
TOTAL	132	116

No external jobs have been completed since Question No. 422.

1415

Hon. E J Reyes: Yes, Mr Speaker, I am grateful for that.

I note in the answer that the Hon. Minister has had to say that no external jobs have been completed since Question 422. Does he have any information that would enlighten us as to why no jobs have been perhaps completed? Perhaps some have been started and not completed – it would help to build up a better picture.

1420

Hon. C A Bruzon: Yes, absolutely.

External jobs, as the hon. Member will understand, take much, much longer than small internal jobs, so it is precisely since that question was last asked, that no jobs have been completed.

Work is certainly being done, but during the last three or four weeks, no external jobs have been completed.

1425

Hon. E J Reyes: And I know I have not given due notice, Mr Speaker: he would not happen by chance to know how many new external jobs have at least been commenced, additionally?

1430

Hon. C A Bruzon: No.

Hon. E J Reyes: Acceptable, Mr Speaker.

Hon. C A Bruzon: I would need notice of the question, Mr Speaker.

1435

**Government housing stock
Tenants requiring work done**

1440

Clerk: Question 537, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing state how many tenants are currently listed as requiring

works to be done by Government as landlords, broken down into categories of both Pre-war and Post-war housing stock?

1445

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, a total of 1,987 tenants are currently listed as requiring works to be done by Government as landlords, of which 297 reside in Pre-war flats and 1,690 reside in Post-war flats.

1450

**Government rental flats
Internal and external repairs completed**

1455

Clerk: Question 538, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing state how many jobs, since his answer to Question 423/2012, have been completed in respect of Government rental flats, giving a breakdown of how many were internal and external repairs and the nature of the works undertaken, broken down into categories of both Pre-war and Post-war housing stocks?

1460

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1465

Minister for Housing and the Elderly (Hon. C A Bruzon): Yes, Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

The actual total of jobs is 305 completed in respect of Government rental flats.

ANSWER TO QUESTION 538

A total of 305 jobs have been completed in respect of Government rental flats.

Out of this total, 295 jobs were internal jobs completed by the Housing Works Agency and 10 were external jobs completed by the Ministry for Housing. These are further broken down as follows:

1470

Work category – Internal repairs	Pre-war	Post-war	Total
Bathroom unit replacement	-	5	5
Carpentry repairs	6	30	36
Cleaning of flat	2	16	18
Drains, rodding and cleaning	1	7	8
Emergency repairs	14	102	116
Masonry repair	1	5	6
Other – asbestos removal	-	-	-
Painting	-	10	10
Plumbing repairs	6	86	92
Refurbishment – empty flat	-	4	4
TOTAL	30	265	295

Work category – External repairs	Pre-war	Post-war	Total
General	-	-	-
Drains	1	2	3
Lifts	-	7	7
TOTAL	1	9	10

Hon. E J Reyes: Thank you for that information, Mr Speaker. I am prompted by this comprehensive answer.

1475 The Hon. Minister has listed here 'lifts' and I can see that there are seven falling under Post-war. May I pose to him as a question, could he please look into this further, when he returns back to his Ministry on Monday morning, that in the new Mid Harbour housing estate, I think it is Bow Wave House – it is a particular block there and it has got two lifts, one of which was broken down for a small period of time. Some tenants classify it now as having been 'repaired', because the lift does actually reach up to only certain floors, but those who live on the higher floors classify it as still 'pending repairs'.

1480 Perhaps I will find a minute next week and drop a nice cordial note to the Hon. Minister, but it is one of those categories that, in my experience, having been a Minister on that side of the House, your technical officers say, 'Yes, that job was given out and has been ticked as completed,' but it has not quite been fully completed. So, in case I am slightly delayed next week due to other personal family duties I may have, the
1485 Hon. Minister may want to, during the course of Monday morning, just hint to someone that can they please check out that, because it does affect the quality of life, when someone can only get the lift up to a given floor and have to walk the next steps. When you get to our age, every step seems like a mountain, rather than a hill!

Hon. C A Bruzon: Yes, I will do that Mr Speaker.

1490

**Government housing stock
New jobs requiring work**

1495 **Clerk:** Question 539, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing state how many new jobs have been added to the list requiring the attention of the Housing Ministry, since the answer given to Question 424/2012, stating the
1500 category of work required to be undertaken and broken down into categories of both Pre-war and Post-war housing stock?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1505 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, I now hand the hon. Member a schedule containing the information requested.

There are, in fact, a total of 494 new jobs that have been added to the list, of which 96 are external and 398 are internal.

See next page for Schedule:

ANSWER TO QUESTION 539

A total of 494 new jobs have been added to the list of which 96 are external works and 398 are internal works, as follows:-

External Works			
Work Category	Pre-War	Post-War	Total
Window, Shutters	5	31	36
Plumbing	7	11	18
External	8	23	31
Letter Boxes	-	11	11
Total	20	76	96

Internal Works			
Work Category	Pre-War	Post-War	Total
Bath or Shower conversion	-	1	1
Bathroom Unit replacement	-	7	7
Carpentry repairs	9	29	38
Cleaning of flat	5	9	14
Drains, rodding and cleaning	1	6	7
Emergency repairs	21	103	124
Masonry repair	4	17	21
Letterbox repairs	-	3	3
O/T Repairs/Refurbishment	-	7	7
Painting	1	20	21
Plumbing repairs	6	138	144
Refurbishment – Empty flats	2	9	11
Total	49	349	398

1510

**Government housing stock
Jobs contracted out and cost**

Clerk: Question 540, the Hon. E J Reyes.

1515

Hon. E J Reyes: Can the Minister for Housing state how many jobs have been contracted out, stating the date, type of work, estimated cost and to which companies by the Housing Ministry, since the answer given to Question 425/2012 and broken down into categories of both Pre-war and Post-war housing stock?

1520

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, I am trying to hand over the information to the Members opposite. The information will be found in the schedule, which is making its way to my hon. Friend. May I say that, since the answer to Question 524/2012, the Housing Ministry has contracted – *(Interjection)* 425, yes, I beg your pardon. Six jobs have been contracted out.

1525

See next page for Schedule:

ANSWER TO QUESTION 540

Since the answer given to Question No. 425 of 2012, the Housing Ministry has contracted 6 jobs as follows:-

Date	Work Category	Estimated Cost	Company	Type of Housing Stock
16/05/12	Duct Panel Repairs	£820	Skybridge	Post-War
21/05/12	Plumbing repairs	£700	Skybridge	Pre-War
24/05/12	Flooring repairs	£785	Skybridge	Post-War
29/05/12	Flooring repairs	£185	Skybridge	Post-War
30/05/12	External repairs	£1640	Gemini	Post-War
01/06/12	External repairs	£130	Gemini	Post-War

1530

Hon. E J Reyes: Mr Speaker, would the hon. Member happen to have any additional information? I see that flooring repairs, repairs to two particular items there, happen to be in Post-war housing stock. My imagination went to Pre-war and I was thinking of the old type of wooden floor that woodworm or whatever could have got the better part of it, but Post-war tend to be a more solid concrete type of thing. Does he happen by mere chance to have any information of what it was about?

1535

Hon. C A Bruzon: I really do not have any more information on that, Mr Speaker. All I can say is that we have attempted at least to give a general explanation as to the jobs in question and that 'flooring repairs' mean 'flooring repairs'.

1540

If the hon. Member wants more details, I can certainly try to provide them for him, but here unfortunately I cannot.

1545

Hon. E J Reyes: I am grateful, Mr Speaker. If I do wish to take it up further, I shall obviously have to give due notice.

Thank you.

1550

**Co-ownership housing estates
Meetings with Management Companies**

Clerk: Question 541, the Hon. E J Reyes.

1555

Hon. E J Reyes: Can the Minister for Housing state if he has, since his answer to Question 426/2012, held meetings with any management companies of co-ownership housing estates, in order to address any new or ongoing concerns?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1560

Minister for Housing and the Elderly (Hon. C A Bruzon): Similarly to the answer given last month, Mr Speaker, no member of any such management company of co-ownership housing estates have approached me for such a meeting.

1565

Hon. E J Reyes: Yes, Mr Speaker, I do not doubt what the Hon. Minister says; it is just that I wonder why it is that when committee members of management companies tend to bump into me in some areas, they say to me, 'Oh, I will keep you informed in the future, because I have requested meetings, to look at a particular issue...' The last one that was brought to my attention, it seems that in a particular co-ownership estate, when there are these unfortunate and sudden power cuts, it seems to be affecting some type of machinery and it is just costing them an arm and a leg now to repair it, because they have got to bring in technicians and so on.

1570

It could well be, Mr Speaker – and I am going to give the Minister the benefit of the doubt – that I know what it is like in committees: they discuss it and no-one has quite got down to asking for a meeting. If I do get

some more detailed information, would it be acceptable to the Hon. Minister that I then write to him directly and perhaps we can both expedite this matter?

1575 **Hon. C A Bruzon:** Absolutely, Mr Speaker, I would be grateful if he did that or ask for the persons involved to write to my secretary. But I would be happy either way.

1580 **Housing Agency employees
Retirements, transfers and new engagements**

Clerk: Question 542, the Hon. E J Reyes.

1585 **Hon. E J Reyes:** Can the Minister for Housing state how many employees have retired or been transferred from the Housing Agency, since his answer to Question 430/2012 and how many new employees have been engaged by the Agency, since that date, in accordance with the agreement reached between Government and the unions?

1590 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Yes, Mr Speaker, no employees have retired or been transferred from the Housing Agency since my answer to Question 430/2012 and no employees have been engaged by the Agency since that date.

1595 **Hon. E J Reyes:** I am grateful for that, Mr Speaker, but last time this question was posed and I was given the due schedule that in fact actually gave me then the breakdown of who had been transferred and who had actually retired, I took it that the Hon. the Minister for Employment was also going to get slightly involved, to see what the agreement with the unions had been, because there was an agreement that whereby after so many number of people had exited that Department, there had to be some recruitment. I note that no-one has been taken in, so the Housing Works Agency, of whom I have hinted that we both have to be on the lookout, in case they are not quite producing as much as we would like them to: I feel that they are now suffering from depleted human resources. So one cannot really ask them for a greater output if the actual resources available to produce those repairs and so on have been depleted, rather than being met in accordance with the agreement.

1600 **Hon. E J Reyes:** I am grateful for that, Mr Speaker, but last time this question was posed and I was given the due schedule that in fact actually gave me then the breakdown of who had been transferred and who had actually retired, I took it that the Hon. the Minister for Employment was also going to get slightly involved, to see what the agreement with the unions had been, because there was an agreement that whereby after so many number of people had exited that Department, there had to be some recruitment. I note that no-one has been taken in, so the Housing Works Agency, of whom I have hinted that we both have to be on the lookout, in case they are not quite producing as much as we would like them to: I feel that they are now suffering from depleted human resources. So one cannot really ask them for a greater output if the actual resources available to produce those repairs and so on have been depleted, rather than being met in accordance with the agreement.

1605 Is the Hon. Minister aware if the contract has been looked into and, if it has not, can I at least have an assurance from him that he will look into what the arrangements were with the unions, so we keep that part of the bargain and numbers be employed accordingly?

1610 **Hon. C A Bruzon:** Mr Speaker, far be it for me to delve into the shoes of the Hon. Joe Bossano, Minister for Employment, who is not here today. I am sure he would have been able to give you information on that, but the answer that I have given is exactly reference the question that I was asked. That is all I think I need to say on the matter.

1615 **Hon. E J Reyes:** Yes, that is acceptable, Mr Speaker, but would the Minister then take it upon himself, with his colleagues, to look upon the number of people who have been transferred or retired from the Housing Agency, so that Government's part of the bargain is then kept?

1620 Can he at least assure this side of the House that he, in a collegiate manner, will look into that with his colleagues?

Hon. C A Bruzon: Mr Speaker, the actual performance of the employees of the Housing Works Agency is improving and they are performing really well. All I can say is that any reference made by the hon. Member – I forget the phraseology he used – reference any lack of performance or inability, because there is too much work for very few employees, I can assure him that they are all fully employed and it is only when certain jobs are beyond their ability to perform, that we would bring in small companies to do certain jobs.

1625

Hon. E J Reyes: Yes, Mr Speaker, for the sake of any doubt, I am not criticising the efficiency levels of the Agency. What I am hinting at is that if the human resources side of the Housing Agency has diminished, then one could not, at any stage, try to say to them, 'Look, why isn't your output greater?'

What I have asked the hon. Member is would he, together with whatever other corresponding colleague of his should get involved, look at that agreement the Government has with the employees of the Housing Agency, as done for the unions, that for every so many number of employees that have left the Agency, either through retirement or transfers, that x number of people would be employed in their place so that there is an agreement on manning levels. Can he at least say to us now that he will take it upon himself to be looking into that matter?

Hon. C A Bruzon: Mr Speaker, the actual workforce is exactly the same as it was when the question was last asked and I am sure, on this side of the House, we would be happy to provide information when it is asked, showing the details of the question.

I cannot now provide any further information – we would need notice of the question – and I think if I may suggest it, Mr Speaker, that question, if it is to do with employment, should be directed to the Minister for Employment, Mr Bossano.

Hon. J J Netto: Could I ask a supplementary question, does the Hon. Minister know whether, as from the 9th December, any member of the Housing Works Agency has retired?

Hon. C A Bruzon: That information has already been given in the House last month. The answer is yes.

Hon. J J Netto: Does he know, from the top of his head, what the figure might be? Is it more than ten, less than ten?

Hon. C A Bruzon: There was a specific question asked last month and Mr Reyes has the information. I think it is less than ten, definitely. It was one or two...

Hon. E J Reyes: Mr Speaker despite my bump of information, having been the last set of Hansard, I seem to have left it in my sitting room at home. I apologise for that.

I accept that there has been no-one retiring or transferring out since the last Question Time. What I was asking the Hon. Minister was, could he please take it upon himself to take on board with whatever other ministerial colleagues he needs to, that seeing that there exists – and it was acknowledged last time round, as well – there is an agreement that after so many people leaving the Agency, they would be replaced by a number, whether it is, whatever the ratio was, whether it is six have left, two or three would be taken on or whatever, and last time round, Government confirmed to us that no-one new had been taken on and, a month later, no-one new has been taken on. I am of the opinion that there is a hole there.

Someone should be taken on and they can look into it so that the whole process of advertising, selection and so on, commence and if we wait for another month to be able to pose a question for the Hon. Minister of Employment then it is the Housing Works Agency that lose one month's work.

I was just asking in a nice cordial, collegiate approach if he can take it upon himself. If he doesn't want to

Mr Speaker: It doesn't seem to have bothered the other contracting party it seems, anyway. If they have depleted numbers, it doesn't seem to have bothered the other contracting party, but ...

Hon. J J Netto: Can I ask one question. Does the Hon. Minister know, since 9th December, if anyone has been employed into the Housing Works Agency?

Hon. C A Bruzon: Mr Speaker, I would be grateful if you would give me notice of that question. I think I partly answered it last time, but ...

**Government housing list
Breakdown of allocation requirement**

1685

Clerk: Question 543, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing state how many applicants are presently on the Government's housing waiting list, giving a breakdown of their housing allocation requirements.

1690

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Hon. C A Bruzon: Mr Speaker I will now hand the hon. Member a schedule containing the information requested. Without going into the details of which, they will soon see in front of them there are 1,677 applicants on the Government's housing waiting lists.

ANSWER TO QUESTION 543

There are 1677 applicants on the Government's Housing Waiting Lists. The breakdown is as follows:

WAITING LIST	
1RKB	801
2RKB	56
3RKB	109
4RKB	86
5RKB	9
6RKB	3
TOTAL	1064

PRE-LIST	
1RKB	448
2RKB	40
3RKB	70
4RKB	43
5RKB	10
6RKB	2
TOTAL	613

1695

**Government housing list
Numbers allocated a flat**

Clerk: Question 544, the Hon. E J Reyes.

1700

Hon. E J Reyes: Can the Minister for Housing state how many applicants on the Government's housing waiting lists have, since his answers given at the last Question Time, been allocated a flat, giving a breakdown of the size of the home and indicating whether these have been assigned following the advice of the housing allocation committee?

1705

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Hon. C A Bruzon: Mr Speaker, I will now hand the hon. Members another schedule containing the information requested.

1710

For the benefit of those listening on Radio Gibraltar, let me say that a total of twenty applicants on the Government's housing waiting lists have been allocated a flat.

See next page for Schedule:

ANSWER TO QUESTION 544

Twenty applicants on the Government's Housing Waiting Lists have been allocated a flat. The breakdown of the size of home is as follows:

1RKB	2
2RKB	3
3RKB	13
4RKB	-
5RKB	1
6RKB	1
TOTAL	20

All flats have been assigned in accordance with established procedures.

1715

**Government housing list
Names removed as result of home purchase**

Clerk: Question 545, the Hon. E J Reyes.

1720

Hon. E J Reyes: Can the Minister for Housing state how many applicants on the Government's housing waiting list have since his answer given at the last Question Time, been removed from the waiting list due to purchasing their own homes?

1725

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Hon. C A Bruzon: Mr Speaker, three applicants have been removed from the waiting lists due to purchasing their own homes.

1730

**Government housing stock
Asbestos in flats**

1735

Clerk: Question 546, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Housing state from the housing surveys carried out on Government flats, how many such flats have asbestos therein and of those, how many have asbestos that needs to be removed due to the fact that they have been tampered with and could be releasing airborne fibres?

1740

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1745

Hon. C A Bruzon: Mr Speaker from the housing surveys carried out in Government flats to date, all asbestos found has been safely removed and replaced with other safe materials. I apologise to the hon. Member for one item of the answer that is missing, which is how many such flats. I will get that number for him as soon as possible.

1750

Hon. J J Netto: I am grateful, obviously, that at least the hon. Gentleman has acknowledged the fact that a part of the question has not been answered and he is more than willing, so I am grateful for that.

So there is a number, which we will find out what is the total number, of surveys which shows from 2006 how many Government flats have got asbestos and now we know from the other part he has answered that, at the moment, there isn't any Government flat which there may be asbestos which has been tampered with

because all such flats which have asbestos which has been tampered with, all the works have been carried out. Is that correct?

1755 **Hon. C A Bruzon:** That is correct, Mr Speaker.

1760 **Government housing stock**
Elderly persons requesting installation of shower unit in flats

Clerk: Question 547, the Hon. J J Netto.

1765 **Hon. J J Netto:** Mr Speaker, can the Minister for Housing state the number of elderly persons who have requested the installation of a shower unit in their flat and the date on which the appropriate report was made to the reporting office?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly .

1770 **Hon. C A Bruzon:** Mr Speaker I will now hand the hon. Member a schedule containing the information requested.

ANSWER TO QUESTION 547

As the hon Member has not specified a date and reliable data is not available prior to the onset of the Housing Works Agency, the figures provided are from the 4th February 2011 to date.

Date Reported	No. of reports
February 2011	5
March 2011	3
April 2011	5
May 2011	3
June 2011	0
July 2011	1
August 2011	3
September 2011	2
October 2011	11
November 2011	8
December 2011	2
January 2012	7
February 2012	1
March 2012	7
April 2012	10
May 2012	2
TOTAL	70

1775 **Hon. J J Netto:** I noticed that, as part of a previous answer, the Hon. Minister for Housing gave to my hon. Friend, the Shadow Spokesman for Housing, Mr Reyes, in relation to Question 427/2012 – I don't know whether he has got that information there available to him – but within that he said that works pending by the Housing Works Agency, and within the information there, bath or shower conversions, he gives a breakdown which is Pre-war one, Post-war 24 and a total of 25.

1780 Now if my recollection is correct, 427/2012 must have been the May sitting of Parliament. With the information that the hon. Gentleman has provided me, there is a total of 70. In other words, between May and June the figure has gone up between 25 and 70. Now it seems to me like a discrepancy: I don't foresee elderly people in their houses sitting on the edge of their sofas, listening to us and running to the reporting office for housing for a conversion from a bath to shower. So can the hon. Member explain this huge gap, or increase, of 25 from the last month to 70 in this month?

Hon. C A Bruzon: No, Mr Speaker, I have no explanation.

1785 These are the facts as they have been presented to me. Did the hon. Member refer to a previous question that has been answered already.

Hon. J J Netto: Yes.

1790 **Hon. C A Bruzon:** If you could repeat that number, I will certainly investigate.

Hon. J J Netto: It is Question – I mean I can do a photocopy, there is nothing – 427/2012, which is the main sitting of Parliament and there they provided, among many other things, information on works which are *pending* to be done and for bath to shower conversion: it said one Pre-war, 24 Post-war, total 25.

1795 Now, when I look at that figure and compare it with the figure that he has just given me, the total is now 70. So, in other words, it has gone from 25 to 70 in the course of four weeks. It is extraordinary, really: there must be an explanation because it is just not reasonable to expect that so many elderly people might have rushed in four weeks to do this. It is just not reasonable, so there must be an explanation for this.

1800 **Hon. C A Bruzon:** Yes, I believe there is, Mr Speaker, because word – good news travels fast, not just bad news – and people are cottoning on to the idea that the Government is doing such a wonderful job and this is literally the truth... (**Several Members:** Hear, Hear!) We are getting more requests for these jobs to be done. This is what we are doing and that is why the number has increased, Mr Speaker.

1805 **Hon. J J Netto:** Well, Mr Speaker, despite what the hon. Gentleman said, that good news spreads fast, you will forgive me for saying that no matter how much the good news is for the elderly in terms of shower conversions, there must be another explanation than ‘good news’.

1810 What I am asking the hon. Gentleman is that, given the more than 100 percent jump in-between one month and another, there must be an explanation, not by him, but obviously the people in the reporting office or the technical offices and the Department and that needs explaining. So all I am saying will he go back and find why there is such a huge increase between one month and the other. That is all I am asking.

1815 **Government housing stock**
Repairs and refurbishments for Occupational Therapy Department

Clerk: Question 548, the Hon. J J Netto.

1820 **Hon. J J Netto:** Mr Speaker, can the Minister for Housing provide the total number of reports originated by the Occupational Therapy Department in relation to outstanding repairs or refurbishments of Government housing stock, the date on which the Department requested the works and the estimated cost per request?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1825 **Hon. C A Bruzon:** Yes, Mr Speaker; I will now hand the hon. Member a schedule containing the information requested. The general answer is that there is a total of 86.

See next page for Schedule:

1830 **Hon. J J Netto:** Mr Speaker, is there any explanation for the difference in figures between the figures that the Hon. Minister provided me with now, as opposed to the figures that the Minister for Health provided me before in Question 519/2012?

1835 If I understood the Minister for Health correctly, he said that – in terms of Government flats we are talking about here, we are not talking about the whole community – there were 36 flats, sorry 36 reports, there were eight pending, nine minor, 14 new cases and a total of 67. That is the figure he gave me.

Now, the Minister for Housing is giving me a figure of 86, so is there any reason why we have different figures because, as I understand it, the reason why I am asking the question is because, as I understand it,

when a request is made it goes to the OT Department in the Health Authority. The relevant occupational therapist goes to the site and looks at the needs and necessities of the particular person and, over a period of time, does the report and the report is then sent to Housing at a certain point in time.

So, all I am trying to understand in my mind, how does the process work because the two figures ought to reconcile somehow and it seems that... Can the Minister provide...

ANSWER TO QUESTION 548

As the hon Member has not specified a date and reliable data is not available prior to the onset of the Housing Works Agency, the figures provided are from the 4th February 2011 to date.

Date	No. of reports
February 2011	2
March 2011	1
April 2011	2
May 2011	2
June 2011	1
July 2011	1
August 2011	2
September 2011	1
October 2011	14
November 2011	4
December 2011	8
January 2012	7
February 2012	5
March 2012	25
April 2012	2
May 2012	6
June 2012	3
TOTAL	86

The estimated cost of each request is approximately £2,000.

Hon. C A Bruzon: Yes, Mr Speaker, the figures should reconcile if we are talking about exactly the same period of time. But the specific question that I am being asked and the answer I am giving is from February 2011 to June 2012. We made that the starting point because there was no date suggested by the hon. Member as to from which date should we start looking into our records.

So, obviously, the answer that I have given is from February 2011 to June 2012. I would not be at all surprised if the information given by my colleague – (*Interjections*)

Mr Speaker: Order, Order.

Hon. Dr. J E Cortes: If I may just say that...

Mr Speaker: The Hon. the Minister for Health.

Hon. Dr. J E Cortes: There has been no attempt on our side to – well, let me put it this way, we may be speaking about different timeframes. If what the hon. Member wants is a specific timeframe, a current timeframe, then perhaps he could be more specific as to what that timeframe is and perhaps the numbers could reconcile although, obviously, we will have to look into the system and see if these figures that I gave are generated by the Occupational Therapy side, not by the Housing side.

I am sure we can come up with a co-ordinated figure but we weren't asked to co-ordinate and we don't have a similar timeframe.

Hon. J J Netto: But, Mr Speaker, my question to both Ministers is very clear. It is not about timeframe, it is about outstanding work.

It is not a question of saying from February to March or March to April, it is about outstanding work. So

the question is clear: outstanding work. My question to the Health Minister was how many of those reports which are outstanding (a) go to Government property, (b) to co-ownership and (c) to the private sector because only the OT have the complete picture of the whole of Gibraltar.

1870

I cannot ask that same question to the Minister for Housing because the Minister for Housing can only answer the question for Government flats. Now when I compare, when I am asking the same question and I compare the figure provided by the Minister for Health and I compare it against the figure provided by the Minister for Housing, there is a difference. There must be a reason for it, obviously, and I am trying to suggest, given that there is no timeframe, why is it that we have got different figures. That is what I am trying to establish.

1875

Hon. C A Bruzon: Mr Speaker, the question does ask for the date and my starting date was –

1880

Hon. J J Netto: The *[inaudible]* was asked –

Hon C A Bruzon: Yes, that is right.

Hon. J J Netto: – but not outstanding works.

1885

Hon. Dr. J E Cortes: Yes, but, Mr Speaker, if the dates that the Hon. Minister's Department has started this process is February, that may not be the same date in which the Occupational Therapy Department *(Interjections)*

1890

Mr Speaker: Order, Order.

Hon. J J Netto: If the hon. Member will give way, it doesn't work like that, the system.

The way the system works, even when the Occupational Therapy do pass the report to the Housing Ministry, whenever the work starts the OT staff is aware that the work is starting and is ensuring, on-site, that the work is being carried out in accordance with the specification of the OT. In other words that the craftsman is not putting the handrails at a length or a distance which does not go in conformity with that, so there is a hand in glove approach between the work on site by the OT and the people who carry out the housing.

1895

So it isn't that they are not aware: they are aware because they are there at the time at which it is happening, so it cannot be on the basis of what the Hon. the Minister for Health has said. There must be another explanation and we need to establish why there is a difference.

1900

Hon C A Bruzon: Mr Speaker if we look at the question, as it was asked, and the answer as it has been given, the question if I may repeat it, Mr Speaker, for the sake of clarity:

1905

'Can the Minister for Housing provide the total number of reports originated by the Occupational Therapy Department –'

Hon. J J Netto: No, no, no!

Hon. C A Bruzon: Excuse me.

1910

'– in relation to the outstanding repairs or refurbishment of Government housing stock, the date on which the department requested the works and the estimated cost per request?'

Now the answer that I have not read out but which the hon. Members opposite have access to, says:

1915

'As the hon. Member has not specified a date and reliable data is not available –'

– at least to me, anyway –

1920

'– prior to the onset of the Housing Works Agency, the figures provided are from 4th February 2011 to date.'

So the answer is that which we have given. If there is a difference, it is because I am trying to provide the answer giving a starting date. It does not say that there weren't any reports before that, but that is my starting

point.

1925 **Hon. J J Netto:** The question is the reported date of outstanding works but, in any case, Mr Speaker, given that, even on the assumption of what the hon. Gentleman has said, given that he is basing the total of 86 as from February, then he should have been even *less* than the amount of the figure that the Hon. the Minister of Health has given me, even on that basis.

1930 But the premise is wrong because it is not 'on the date', it is the amount of outstanding works, so the point I am trying to accept and I don't necessarily want an answer now, all I am trying to say as a form of a question is that, somehow, perhaps because there is no communication between Housing personnel staff with the OT staff, what has happened here is that the Hon. the Minister for Health has gone to his department, he has got information, as has been compiled there, the Minister for Housing has got information from his staff that was compiled there, but there is a lack of communication between the two because it is exactly the same question, so can I ask both Ministers whether they can find what is the difference, why do we have a different figure?

1940 **Hon. Dr. J E Cortes:** Mr Speaker, if there is a lack of communication, it is a lack of communication in the system that has been inherited from – (*Interjections*) Yes, it is absolutely true. (*Interjections*)

Mr Speaker, I am sure there is a clear and logical explanation for the fact that the figures differ, although they differ by – how many? 86 versus 67, which is a difference of what, 19? It may be that the 17 Albert Risso flats, which were not included in the 67, are on the Housing Agency's records, which would make a difference of one or two, which I think is fairly acceptable when you are looking at two sets of data, so maybe that is the explanation.

1945 **Hon. J J Netto:** In the previous question, the hon. Member said he was not going to answer a hypothetical question. Now he is putting his answer on the basis 'maybe'. Well maybe means a hypothetical scenario which may or may not happen and I am not interested in maybe's. What I am interested in is fact. So can the Hon. Minister try and establish the fact on the basis of what is the real situation and not on maybes and hypotheticals.

1950 **Hon. Dr. J E Cortes:** Mr Speaker, I don't know whether the Standing Orders allow for hypothetical answers or not.

1955 **Mr Speaker:** They do.

Hon. Dr. J E Cortes: They do. Then my hypothetical answer stands. (*Laughter*)

1960 **Mr Speaker:** Unfortunately there is nothing in the Standing Orders which covers the answers.

Hon. J J Netto: Well, Mr Speaker, if it is a hypothetical answer, could the Hon. Minister at least go back to his Department and ensure that the hypothetical answer is the correct answer.

1965 **Clerk:** Question 549...

Mr Speaker: The Hon. Mrs I M Ellul-Hammond.

1970 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, seeing that these repairs are mainly health related and, therefore, potentially urgent, how are they prioritised on the list for housing repairs and refurbishment? Is it by date, is it by urgency: what is the system?

Mr Speaker: The Hon. the Minister for Health.

1975 **Hon. Dr. J E Cortes:** Mr Speaker the hon. Lady should be careful when she says that they are 'urgent'. Some of these repairs have been there – repairs or alterations – since 2009, so I don't know whether they are urgent now, but they weren't urgent then! I just needed to point that out.

1980 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, I asked if they could potentially be urgent and what was the system of prioritisation. Was it by date or was it by urgency? I therefore infer from your answer that *perhaps* the 2009 report was not based on 'urgent', as urgent as somebody who reported it last year, and maybe the repair has been done.

1985 **Hon. Miss S J Sacramento:** Mr Speaker, as Minister with responsibility for equality, which would include disability, I have been dealing with the Ministry for Housing in relation to any outstanding works relating to the Occupational Therapy reports. I am aware when I made the enquiry some months ago that there were numerous works outstanding, the bulk of them dating to 2011, 2010 and there were some dating back to 2009. In fact, there were some dating back even later but I understand that those have been addressed and therefore they will not be reflected in these figures.

1990 As I understand – (*Interjection*) Well, yes, Mr Speaker, and unfortunately some people have died whilst they have been waiting for their outstanding OT work to be undertaken. But as I understand it, Mr Speaker, the backlog that was in place when we came to office, especially in relation to the conversion of baths to showers, as I understand it, has all been dealt with. Therefore, in my capacity as Minister for Equality, we have been working towards introducing a system that would prioritise all OT reports and that is the answer to that question. Yes, they are given priority.

1995 **Mr Speaker:** The Hon. the Minister for Health.

Hon. Dr. J E Cortes: Mr Speaker, if I may ...

2000 **Hon. D A Feetham:** Mr Speaker, there have been now three answers by three separate Ministers of a question... (*Interjections*)

Mr Speaker: Yes.

2005 **Hon. D A Feetham:** You talk about Standing Orders. If there is an answer, then that is the answer, otherwise the entire team opposite is going to be commenting on this!

2010 **Mr Speaker:** Well, I accept that there have been answers by three different Ministers to the question and I did give it some thought, but one must bear in mind the question is posed in a manner, for example, started by the Hon. Jaime Netto, where he refers to discrepancies between information given by one Minister and the other Minister, so there has to be a degree of answering by two Ministers at the very least.

2015 With respect, you cannot accuse – I use the word guardedly – 'suggest', there is a discrepancy between two Ministerial answers and not allow both Ministers the opportunity to answer, so that will explain why there is a multiplicity. But I am not in any way curtailing the supplementaries. All I am doing is allowing the answers to enable a supplementary to take into account as, indeed, the Hon. Jaime Netto has been able to do, which is take into account the discrepancies and formulate supplementaries.

The opportunity will be given to all Members on this side to formulate as many supplementaries as they like but it would help, I think, to have the answers and to formulate the supplementary.

2020 **Hon. G H Licudi:** Mr Speaker, in any event, it is not understood what the nature of the complaint by the hon. Member is.

2025 If you have more than one Ministry involved and more than one Minister having information which is relevant to the question that is being asked, it is perfectly proper and possible and, as I understand it, within the rules, subject to any ruling you might make, for one Minister to give part of an answer, another Minister to give part of an answer and, in this particular case, we have got a third Minister who has specific responsibilities for disability, having relevant information.

So what is it, we don't give answers or we give too many answers with too many Ministers answering the questions? (*Applause*)

2030 **Hon. D A Feetham:** The hon. Gentleman should calm down and not get so excited. (*Laughter*).

Mr Speaker: Order.

2035 **Hon. D A Feetham:** We have had... There is a discrepancy between the answer given by Mr Bruzon with the answer given by Mr Cortes. Mr Bruzon has answered, Mr Cortes has answered, Mrs Sacramento has answered. Now *you* have made a contribution. The hon. Lady... and, in actual fact, none of those contributions have answered the question that the hon. Lady Mrs Ellul-Hammond has actually asked, because she has asked the question, well, how are these jobs actually prioritised?

2040 What you have done is, you have given vent to party political propaganda about, well, 'these are outstanding since 2009, 2010' and you have not answered the question, which is how are these jobs actually prioritised? The point I was going to make is, well, look, there have now been three Ministers that have effectively made contributions in answer to the question and none of them have answered – and we are now on the fourth. (*Interjections*)

2045 **Mr Speaker:** Order, Order.

Hon. G H Licudi: Mr Speaker, the answer has been given.

2050 We have the typical situation here, where the hon. Members opposite get up and complain about the answer not satisfying what they might want to hear and they say 'You have not answered.' Well, the answer has been given and, in respect of more than one Minister getting up and making contributions, we have now had three Members – there are seven Members, well, rather there are six Members there – half of the Opposition has contributed in this particular question. You often have situations where you have one Member of the Opposition asking a question and then a separate Member of the Opposition asking a supplementary. That is what has happened here... (*Interjections*)

2055 The hon. Lady on the Opposition benches has got up and the Hon. Minister for Social Services has felt it appropriate that it was her answer that ought to be given. I honestly can't understand what the hon. Member is complaining about – and now it seems we are going to have a *majority* of the Opposition contributing to this debate, with the hon. Mr Bossino...

Mr Bossino, I give way to you.

2060 **Hon. D A Feetham:** No, look, I am sorry,

Hon. G H Licudi: You see, Mr Bossino is dying to get up, so I give way to him! I have given way to Mr Bossino.

2065 **Hon. D A Feetham:** Oh, so you are trying now... (*Interjections*)

Mr Speaker: Order, order!

2070 Is it suggested that the Opposition is not being given an opportunity to ask questions. That cannot be the complaint.

2075 **Hon. D A Feetham:** What I am suggesting is that, in fact, there has been a question, it has now been answered by three Ministers, none of which have in fact answered the question that the hon. Lady has asked. Now we are moving to the fourth opportunity on the other side, none of which have answered the question, all of which have entered into this political discourse about these works dating back to 2008 or 2009, or 2010 or 2011, but none of them have answered the question. Of course, we have been waiting patiently on this side of the House for an answer and we have heard, now, three different contributions: none of them have answered and I think that the hon. Lady is entitled to insist, as she was going to, before Mr Cortes was, again for the fourth time, going to answer on that side, to say, 'Look, please could you answer my question'. That was a supplementary that she was going to ask.

2080 **Hon. G H Licudi:** Mr Speaker, I was on my feet when the hon. Member interrupted what I said when I was on my feet, that I was giving way to the Hon. Mr Bossino, who was dying to get up and clearly contribute to the debate. So I again give way to the Hon. Mr Bossino, even though I was rudely interrupted by Mr Feetham.

2085 **Mr Speaker:** Order, order.

Let's not start describing contributions. Does the Hon. Damon Bossino wish to say anything regarding the

[inaudible] debate? Not into the question. Let's look at the position here.

2090 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can I reiterate a supplementary question.

Mr Speaker: I will allow you to deal with that in a minute.

2095 I am just dealing with the procedural aspects, to the extent that the question and this line of questioning now refers to discrepancies between different Ministers' answers, which is clearly what the question is about, with respect, I must allow both Ministers to answer the question.

Hon. D A Feetham: But you have

2100 **Mr Speaker:** And I have, so that cannot possibly be the complaint.

Now, the Hon. Minister for Equality – and do forgive me for not remembering the title – there was a question on prioritising and, in that respect, the hon. Lady answered what she sees the manner of dealing with the issues. She has chosen to refer to outstanding issues going back to 2009/10. That may be regarded – and I am forming no view on that, it is not my job to form a view – as a political answer but that is the hon. Lady's answer in terms of prioritising. Whether we like it or not, that is the answer.

2105 Now, as I say, it is not for me to judge the quality of the answer but, in answer to the prioritising question, that is the answer which came forth, that is her answer.

I was just going to allow the Hon. Dr. Cortes, the Minister for Health, to answer because we are still talking about prioritising and the numbers and I will give the Opposition opportunity to come back and either criticise the answers or to ask further supplementaries. I will ask and allow the Hon. the Minister for Health.

2110 **Hon. Dr. J E Cortes:** Mr Speaker to do our arithmetic, I am going to repeat so that we are clear. The Hon. the Minister for Housing has 86 on his list. I mentioned 67 plus 17 in Albert Rizzo. If we are to assume – it is an assumption and we will look into it – that we add the 17 plus the 16 we get 84 and 86 and it is very possible that there may be one or two which may have been completed in the time that our two data sets were collected.

2115 What I am saying is that the figures, if we look at it like this, may not be as inconsistent and, if I may, Mr Speaker, I just want to say one more thing. I am now after, I think, five sessions beginning to thoroughly enjoy sitting in Parliament and I will prove that I have become part of the fold by saying four words in a minute... Any implication by the Opposition that this Government gives less importance and less urgency to refurbishing habitation for disabled people is no more and no less – wait for it – than 'the height of hypocrisy'. The first time I have ever said that, Mr Speaker.

Mr Speaker: The Hon. Isabel Ellul-Hammond.

2125 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, if I may just reiterate the question: what is the process at the moment – and I directed this question at the Minister for Housing – for prioritising requests for Occupational Therapy repairs or refurbishments to Government housing?

2130 **Hon. C A Bruzon:** The answer is that we prioritise all requests and that, without trying to be too political, Mr Speaker, we have dealt with quite a large backlog that we have inherited. All those have been completed. They were completed, they are already completed now: there are a total of 24 bath to shower conversions that we are still working on and all of them have been prioritised.

2135 However I will concur 100 percent with my hon. Friend and colleague, Samantha Sacramento, that we give top priority to people with special needs. That is my answer, Mr Speaker.

Hon. J J Netto: Can I ask a supplementary question?

Mr Speaker: Yes.

2140 **Hon. J J Netto:** Mr Speaker, regardless of whether the number of outstanding jobs to be carried out is 86 or 67, or anything in between, can I ask the Minister for Housing, whatever the figure is, whether these works will be carried out within the next three months?

2145 **Hon. C A Bruzon:** I cannot answer that question exactly. We dealt with this last time in Parliament: I am not a believer in giving periods like three months or six months, or one year. My answer would be that I would give top priority to any request from any tenant with a job that has to be done to be done as soon as possible.

2150 There are sometimes problems when we have to wait for materials to arrive. That happens, not all the time, but it does happen. There are some showers that are waiting for a small additional component that has not arrived but we are doing our *utmost*. Not only have we cleared the backlog that we inherited but we are literally working round the clock to ensure that elderly people and people with a disability have these conversions done as soon as possible.

2155 **Hon. J J Netto:** With respect to the Hon. Minister, he has already conceded the fact that these are urgent works. Nobody is disputing that the nature of this type of work, either for medical reasons or for issues of disability, there are urgent reasons... So I cannot accept, on the basis of that, that he does not know when the works will be carried out because it is quite simple for the Minister to go back to the Housing Agency and to his officials, to be able to know whether the work has been already categorised as 'urgent', they are now scheduled to be carried out by the Housing Works Agency within the next three months, the next six months, the next twelve months or, in other words –

2160 **Hon. C A Bruzon:** Will the Gentleman give way, please?

2165 **Hon. J J Netto:** Yes, I will.

2170 **Hon. C A Bruzon:** Mr Speaker, I have not said that I don't know that the works have been carried out. The works are definitely being carried out and I have not said that they are going to take a year: I was giving an example, maybe a bad one, that I am not a believer in putting a timeframe, 'you must do this within a three month period'. No, you must do this *as soon as is possible*. That is what I am trying to say. Please don't misquote me.

Mr Speaker.

2175 **Hon. J J Netto:** Accepting that, and even accepting the fact that some of the equipment are specialised equipment, therefore you have got to accept that this equipment will come from further afield and, obviously, that is delay... I accept all of that but, having accepted all of that, at the same time we do realise that, for medical or disability issues, the nature of this kind of works are urgent. If we know they are urgent, then we know the officials in the Ministry for Housing in the City Hall will issue instructions to the Housing Works Agency for the works to be scheduled in an urgent manner so, therefore, if everyone accepts the premise of my question, then the Minister should know, all things being equal, whether equipments are coming or not, whether this work, whatever the figure, will be done in the next three months or not, because the foreman and the people who are managing the housing would say: 'Well, knowing the schedules, Monday, so many tradesmen will go to do this job and so many tradesmen to that job and the following week...' There is a schedule and, if there is a schedule, they know what the workers will be doing on this week, on this month, the next month and the next month.

2185 Therefore, there is an answer to the question. He may not have it there with him, I accept that, but he can go back and find out whether the outstanding work will be done in the next three months, the next six months, the next twelve months. That is my question.

2190 **Hon. Dr. J E Cortes:** Mr Speaker, Government is dealing with a backlog and I know we are being criticised for going back in time but this is a reality. The flagship block for the elderly, Albert Risso House, has seventeen cases identified from the beginning of the occupation, because Occupational Therapy was not properly consulted and they couldn't even get into their showers.

We are dealing with backlogs. We have got to deal with backlogs, as well as the current things. The implications that I am hearing today are totally unacceptable, Mr Speaker.

2195 **Hon. J J Netto:** Yes, but that doesn't answer the question.

Mr Speaker: The Hon. Daniel Feetham. (*Interjection by Hon. Dr. J E Cortes*)

(*Interjection by Hon. J J Netto*) Order. The Hon. Daniel Feetham.

2200 **Hon. J J Netto:** Point of order, Mr Speaker. It is not for members of the Government to tell the Opposition what questions to ask.

Mr Speaker: The Hon. Daniel Feetham.

2205 **Hon. D A Feetham:** Yes can I return back to the question of the priorities because I haven't quite understood the answer and I think you know we are not trying to score political points here (**Several Members:** No!)

2210 Look, Mr Speaker, Mr Linares ought to give me the courtesy of allowing me to answer the question. (*Interjection*) Sorry, ask the question, I beg your pardon, because there are constituents out there who are may be waiting for jobs and they would like to know the criteria for determining the order of priority.

2215 The answer the Hon. the Minister for Housing gave was, as I understand it, this: we prioritise all of them. Now you can't, with respect, prioritise all of them because you are not *prioritising*, you are dealing with all of them equally. Then he said we prioritise – which was what the hon. Lady said – we prioritise special needs. Now, I understand that, you prioritise special needs –

Hon. G H Licudi: And the elderly.

Hon. D A Feetham: Well, elderly, that is the... (*Interjection*) I didn't quite hear that.

2220 **Mr Speaker:** Order, order. I think it would be helpful if the members on this side did not engage in a debate from a sedentary position.

Hon. D A Feetham: Yes, otherwise I am not going to finish.

2225 **Mr Speaker.** We won't hear the question. (*Interjection by Hon. G H Licudi.*)

Hon. D A Feetham: Mr Licudi, if you can allow me to... I haven't given way.

2230 I am going to ask the question. Now, prioritize special needs and the elderly. Are all the others effectively dealt with say, for example, by how old the request for the work is? Is that how they are dealt with, because there has to be a criteria in relation to that, or is it dealt with, for example, by reference to the urgency of the work, the nature of the work and the nature of the person? That's what we are trying to just find out because there are, obviously, going to be people out there who are waiting for works who will find that information of interest. I mean, it is nothing controversial.

2235 **Hon. G H Licudi:** [*Inaudible*] been waiting for three years. You were there. Mr Speaker, the answer is very simple and I know that the hon. Member didn't want to give way and then they complain about quality of debate in Parliamentary democracy and all that and I would have thought, as a matter of courtesy –

2240 **Hon. D A Feetham:** I was about to ask the question.

2245 **Hon. G H Licudi:** Well the only reason I wanted the hon. Member to give way was because he was reciting what the Hon. the Minister for Housing had said and was setting out the wrong information and although we were from this side of the House urging him to correct and I understand the comment by the Hon. Mr Speaker that we should not engage in debate across this House. That is why I asked the hon. Member to give way, so I could correct the information that he was giving in respect of what the Minister for Housing has given.

2250 The answer has been given in respect of the priority, which is what the question is about, and the question answered was that works will be done 'as soon as possible' and that means that priority is given but, as the hon. Members have also said, there is a backlog and there has been a backlog, which was inherited, and had to be dealt with. And we recognise the urgency of these works and priority has been given on the basis of the answers that have already been given and that is the state of play.

2255 **Hon D A Feetham:** With respect, you have not answered the question! I quite understand that you are dealing with, you are giving priority, to the elderly and special needs. That I understand, but in relation to the others, yes there is a backlog, now how are you dealing with the backlog. Are you dealing with the backlog in terms of the oldest first, or are you dealing with the backlog – that's what I am asking, it is a perfectly reasonable question. Now of course if you don't want to answer you don't have to, I mean yesterday there was a plethora of questions that weren't answered by those on that side of the House, starting by the Chief Minister. (*Interjections*)

2260

Mr Speaker: Order, order.

2265 **Hon. G H Licudi:** Well, no, Mr Speaker, there wasn't a plethora of questions which were not answered, there was a plethora of questions, perhaps unnecessary questions, which *were* answered and the hon. Members did not like the answers! It is too bad if they don't like the answers but they get the answers that we want to give, not necessarily the answers that they want to hear.

Mr Speaker: Anyway, as I see it, a question has been put. I ask the Minister, does he wish to answer?

2270

Hon. C A Bruzon: May I try to answer the Member opposite. The system that we have in place has been explained to the best of our ability. That category of people who do not come under the heading of special needs or the elderly will be looked at in terms of the chronology of the request. That is the simple answer.

2275 **Hon D A Feetham:** I am extremely grateful, because that is the answer.

Mr Speaker: Okay, I take it there are no more questions. Are there any more supplementaries on that line of questioning?

We can move to another question, another subject altogether.

2280

TRAFFIC, HEALTH & SAFETY AND TECHNICAL SERVICES

2285 **Frontier crossing** **Average waiting times since Question 437/2012**

Clerk: Question 549, the Hon. D J Bossino.

2290 **Hon. D J Bossino:** Can the Minister for Traffic, Health & Safety and Technical Services provide this House with details of the average waiting time it has taken vehicular traffic to cross the frontier since Question 437/2012 was asked.

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

2295 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the information requested by the hon. Member is contained in a schedule which I now hand over to him.

See next page for Schedule.

Answer to Question 549 of 2012

VEHICLES LEAVING GIBRALTAR

2012	No. of days with ...		Days with Queues		
	No Queues¹	Queues	Av Waiting Time	Highest Average	Lowest Average
May	3	28	36 mins	91 mins	12 mins

¹ "No Queues" means that 4-lane queues were not in operation in Gibraltar.

**Frontier crossing
Average waiting times before Question 437/2012**

Clerk: Question 550, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Traffic, Health & Safety and Technical Services provide this House with details of the average waiting time it took vehicular traffic to cross the frontier, broken down on a monthly basis over the twelve months preceding the answer to Question 437/2012.

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the information requested by the hon. Member is contained in a schedule which I now hand over to him.

See next page for Schedule.

Answer to Question 550 of 2012

VEHICLES LEAVING GIBRALTAR

	No. of days with ...		Days with Queues		
	No Queues ¹	Queues	Av Waiting Time	Highest Average	Lowest Average
2010					
December	5	26	25 mins	40 mins	11 mins
2011					
January	6	25	23 mins	24 mins	17 mins
February	1	27	27 mins	30 mins	21 mins
March	0	31	29 mins	31 mins	21 mins
April	0	30	30 mins	33 mins	28 mins
May	2	29	27 mins	29 mins	22 mins
June	2	28	28 mins	29 mins	16 mins
July	4	27	29 mins	31 mins	19 mins
August	10	21	25 mins	28 mins	22 mins
September	6	24	27 mins	24 mins	37 mins
October	5	26	24 mins	26 mins	21 mins
November	8	22	25 mins	45 mins	10 mins

¹ "No Queues" means that 4-lane queues were not in operation in Gibraltar.

**Government tender advertised on 11th May
Nature of consultancy services sought**

2320 **Clerk:** Question 551, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Traffic, Health & Safety and Technical Services provide details of the nature of the consultancy services it is seeking pursuant to the tender issued by the Government, as advertised in the *Gibraltar Chronicle* on 11th May 2012.

2325 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the tender notice issued on 11th May 2012 is an invitation for expressions of interest from consultants to assist the Government in the development of a new sustainable traffic, transport and parking plan for Gibraltar.

2330 Consultants will be pre-qualified based on a set of selection criteria and the successful ones will then be invited to submit bids. No further details can be provided at present, as the tender process ended on 15th June 2012 and the assessment and selection process is currently underway.

2335 **Hon. D J Bossino:** As I understood the question, Mr Speaker, the successful tenderer will assist the Government in relation to the formulation by the Government of its traffic plan. Is that the correct

understanding? I assume the answer is going to be yes.

Hon. P J Balban: Yes, Mr Speaker.

2340 **Hon. D J Bossino:** And given... I am trying to marry the information that I am receiving at this session of
the House with the information which the Hon. Minister has provided me in previous sessions of the House
and see how this fits in with the consultation process which commenced and ended in the month of January
2345 and then I was told in February when I asked for the data which his Ministry had collated as a result of that
consultation exercise and the answer was that the data would be produced in a summary spreadsheet which
was, at that stage back in February, being collated and would be finished shortly. Then in March I was told in
this House, Mr Speaker, that there would be a further tier, if you like, to the steps which were being taken by
the Government before getting to the plan which was a user and trip survey, which I understood from the
Minister at the time would have been conducted by his Department by way of a questionnaire to the general
2350 public. In fact, I think there was a resistance to providing the data collated as a result of the public
consultation exercise until the user/trip survey had been completed. Then the next step seems to be the
advertising of this tender and I was unable to ask the question at the last session of the House because the
advertisement had come out the day after the time limit for submission of questions, which was Friday 11th.
So I set out for him in a brief summary the answers that I have received from him since January and I really
2355 want to know how this new development, if you like, fits in to the overall plan.

Hon. P J Balban: Mr Speaker, this is one more step towards our goal, which is the creation of a
sustainable traffic, transport and parking plan for Gibraltar.

2360 As the hon. Member obviously was asking about the user/trip survey, it is once we engage the consultants
for this tender we will obviously be seeking advice from this consultant to be able to formulate the user/trip
survey so we can continue the process.

2365 **Hon. D J Bossino:** Mr Speaker, I don't have the *Hansard* here available with me but I am slightly
surprised by the answer just given by the Hon. Minister because, as I understood it, when I asked him in
connection with the information I was seeking from him as to the data collected as a result of the public
consultation exercise started and finished in January, the reason why he was unable to provide this answer, Mr
Speaker, was because a user/trip survey was currently at the time, i.e. in March, being conducted. So, can I
ask the Minister whether there was a change to that and that was put on hold because the Government decided
to go out to a private contractor in order to assist it – i.e. the Government and its Department – in the
2370 formulation of the traffic plan? There is an inconsistency in the answer they gave in March and the answer he
seems to be giving me now, unless he can clarify the position.

2375 **Hon. G H Licudi:** Mr Speaker, is the hon. Member alleging an inconsistency without knowing, because
he has admitted that he doesn't know what answer was given previously. How can he allege an inconsistency
in those circumstances? I mean if he had *Hansard* and was reading from *Hansard* and saying 'I know that
this was the way this was answered', but he prefaced that by saying 'well I can't remember what he actually
said' but then alleges that there is an inconsistency. As far as we are concerned, there is no inconsistency.

2380 **Hon. D J Bossino:** Mr Speaker, just to clarify the point, I am relying on a note I made of my research and
I was just being overly cautious, simply saying that I won't be able to *prove* to the House at this session, that I
have that I can show and quote chapter and verse the Minister's reply at the time but my note which is based
on my research having looked at *Hansard* is, I think accurate and the note says, and I stand by what my note
says, was that the user and trip survey was at the time being conducted. Look, the Minister ought to know,
ought to have his own recollection of what he told me at the time and he is dealing with this matter, it is his
2385 Department, he is running the Department, he also has clear in his mind, what the position is. It is as simple as
that and all I am doing is asking for clarification and if the Minister for Justice is happy I withdraw the
allegation of inconsistency I just want clarification.

2390 **Hon. G H Licudi:** No, Mr Speaker, it is not a question of having to withdraw anything and that is not the
point of my intervention but we cannot have questions being asked on the basis 'I recall this, what do you
recall?'. Either something is asked premised on fact or it isn't asked premised on fact and if the hon. Member

is saying, well, this is a fact, this is what I was told, then obviously we accept that will be a proper question, but we don't accept it as a proper question to say well I seem to recall that this happened, what do you recall happened two months ago, or three months ago, or four months ago? We don't believe that was a proper subject of Parliamentary supplementary questions.

2395

Hon. D J Bossino: Mr Speaker, all I can do is stand by my notes at this stage and the Minister did say, according to my note, that a user and trip survey was at the time being conducted and in fact that a public consultation exercise was fluid, it had not closed on 21st January 2012 and those were his answers and in fact the user and trip survey was what was holding back the provision of the details as to the findings of the results of the consultation exercise carried out in January.

2400

That is what I recall, that is what was said, sorry not what I recall but the notes I made as a result of my research of *Hansard*, it is just simply I do not have *Hansard* here in front of me. Now is the Minister willing to answer or not?

2405

Mr Speaker: I think the question is properly formulated. The hon. Member does say, the hon. Member does say that he hasn't got *Hansard* here but his notes reflect what he read in *Hansard*, that is as good as saying this is what *Hansard* says. I mean, ideally, *Hansard* but it is equally good for the hon. Member to say 'these are my notes, this is my understanding of what was said, will the Minister clarify whether the position has changed?' I think that is what the gist of the question is.

2410

Hon. P J Balban: Mr Speaker, the position has not changed. The whole traffic plan, the way it is meant to run is that, once the consultants are actually engaged by way of the tender, they will then provide us with information on how to go about doing the user/ trip survey. That was the plan from the very beginning.

2415

Hon. D J Bossino: Mr Speaker, I find it odd and would ask the Minister why it is that he made no mention whatsoever in any of the previous sessions, particularly when the user and trip survey was first raised by him in the March session of Parliament, that he was going to go to a private contractor by way of tender to assist him in carrying out this user and trip survey. Does the Minister not find that particularly strange?

2420

Hon. P J Balban: Mr Speaker, this is just part of the process. I don't see that this is strange whatsoever.

2425

**Prohibition and Improvement Notices
Number issued in May**

Clerk: Question 552 the Hon. J J Netto.

2430

Hon. J J Netto: Mr Speaker can the Minister for Health & Safety state how many prohibitions and improvement notices were issued in the month of May 2012, if any, broken down by industry group and specify the reason or reasons for issuing the notice in this period which may have brought operations to a halt until the inspector was satisfied that the correct standard had been duly complied with.

2435

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker I will answer this question together with Questions 553 to 555 of 2012.

2440

**Factory Inspector
Number of site meetings in May**

2445

Clerk: Question 553

Hon. J J Netto: Can the Minister for Health & Safety state how many site meetings were held and the advice given by the Factory Inspector during the month of May 2012, stating to which industry group this was given?

2450

**Accidents reported during May
Industry group and details**

2455

Clerk: Question 554

Hon. J J Netto: Mr Speaker, can the Minister for Health & Safety state if there have been any reported accidents during the month of May 2012, showing the industry group involved and stating which ones were reportable, major and fatal, if any?

2460

**Factories Act
Number of inspections and possible breaches during May**

2465

Clerk: Question 555.

Hon. J J Netto: Mr Speaker, can the Minister for Health & Safety state how many inspections during May 2012 did the Factory Inspectors conduct, showing the industry group targeted, whether any possible breach of the Factories Act or any subsidiary legislation by any private company, a Gibraltar Government or MOD workplace may have taken place and whether legal advice is being sought?

2470

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

2475

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the information requested by the hon. Member is contained in the schedules which I now hand over to him.

See next page for Schedules.

Hon. J J Netto: Mr Speaker, could I ask if the Hon. Minister could assist me because, in the first paper, which is the first one which he has provided which has the heading at the top called 'Inspection, Site Visit and Advice', that is the one I am referring to, and I can see, for instance, if you go down to the construction it gives you the figures in January 14, in February 29, in March 38, April 17 and in May 29. Right. If I were to ask him for instance in the month of May for instance, for which there have been 29, of those 29 which have been inspections, which have been site meetings and which ones have been advice. Because I have asked specific questions for those categories but in the presentation of those figures, at least I can't deduce it, so can he assist me on that?

2480

2485

Hon. P J Balban: Mr Speaker, just by the month of May, for example, 29 by the figures that I have been given, it doesn't seem as if I will be able to actually break them down by inspection, site visits and advice. So what I will do is I will ask the Factory Inspectors and I will get them to reply to that.

2490

Hon. J J Netto: I mean my question was very clear. The only thing is that the way the information is compiled does not distinguish the specific categories I have asked. So therefore he needs to break them down in a manner, I mean he can put it in one paper if he wants to but I need to deduce the specific answer, if he wishes to supply the answer in the manner in which I have asked the question.

2495

Now I understand that not only can I do this in the information provided now, but neither can I do it with the information provided last month because the same applies in the same month. So if he is going to go back, for which I am grateful, to the staff to be able to break down the figures so I can have the answers, can he also do it with the figures that he provided me with the previous month.

Answer to Questions 552 to 555

Table HS.1

Monitoring Activities, 2012

Industry Sector	Inspections / Site Meetings / Advice				
	January	February	March	April	May
Electricity Supply/Related				3	
Water Supply/Related					
Shipbuilding/Marine					
Repairs					2
Manufacture		1			
Construction	14	29	38	17	29
Wholesale Trade					
Retail Trade		2	3		
Hotel Trade					
Restaurants, Bar etc				2	2
Repairs Consumer Goods					
Sea Transport Related	1	2			
Air Transport Related					
Road Transport Related					
Post & Communications					
Bank, Finance, Insurance				2	
Public Admin & Natl					
Defence		1			
Police, Security, Fire					
Services					
Sanitary Services				1	
Education					1
Medical & Health Services					1
Other					5
Horticulture					
Unknown					
Total	15	35	41	25	40
<i>Updated</i>					

Source: Ministry for Traffic, Health & Safety and Technical Services

CONT'D ANSWER TO QUESTIONS 552 TO 555

Answer to Questions 552 to 555

Table HS.2

Occupational Reportable Accidents, 2012

Industry Sector	January			February			March			April			May		
	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal
Electricity Supply/Related															
Water Supply/Related	1														
Shipbuilding/Marine Repairs	2			1			1			2					
Manufacture															
Construction	2	1		2			2			6	1				
Wholesale Trade															
Retail Trade															
Hotel Trade	1														
Restaurants, Bar etc							1								
Repairs Consumer Goods															
Sea Transport Related															
Air Transport Related															
Road Transport Related															
Post & Communications															
Bank, Finance, Insurance															
Public Admin & Natl Defence	1			2											
Police, Security, Fire Services															
Sanitary Services	2										1				
Education											1				
Medical & Health Services															
Other															
Horticulture															
Unknown															
Total															
Updated	9	1	-	5	-	-	4	-	-	8	3	-	-	-	-

Source: Ministry for Traffic, Health & Safety and Technical Services

CONT'D ANSWER TO QUESTIONS 552 TO 555

Answer to Questions 552 to 555

Table HS.3

Enforcement Activities, 2012

Prohibition/Improvement Notices Served

Industry Sector	January		February		March		April		May	
	PN	IM	PN	IM	PN	IM	PN	IM	PN	IM
Electricity Supply/Related										
Water Supply/Related										
Shipbuilding/Marine Repairs										
Manufacture										
Construction	1								1	
Wholesale Trade										
Retail Trade										
Hotel Trade										
Restaurants, Bar etc							1			
Repairs Consumer Goods										
Sea Transport Related										
Air Transport Related										
Road Transport Related										
Post & Communications										
Bank, Finance, Insurance										
Public Admin & Natl Defence										
Police, Security, Fire Services										
Sanitary Services										
Education										
Medical & Health Services										
Other										
Horticulture										
Unknown										
Total	1	-	-	-	-	-	-	1	1	-
Updated										

Source: Ministry for Traffic, Health & Safety and Technical Services

- 2500 **Mr Speaker:** Yes, I think the Minister has answered and said he accepts the need.
- Hon. J J Netto:** Can I –
- 2505 **Hon. G H Licudi:** Sorry, I wasn't sure whether there was a supplementary or whether he just asked us to provide the breakdown in the manner of the question asked and then the Hon. Minister said yes, that that information is not provided and we will provide it.
- Mr Speaker:** That is what I understood, yes.
- 2510 **Mr Speaker:** Sorry, I think the question went further than that: could the Hon. Minister provide the same breakdown for the previous month.
- Hon. J J Netto:** Yes, both of them, the one that he has supplied now and that he supplied last month, the presentation is the same and my comments apply both to this month and to last month. The question is exactly the same.
- 2515 **Mr Speaker:** I don't recall, did the hon. Member take issue with the absence of breakdown last month?
- Hon. J J Netto:** No, because –
- 2520 **Mr Speaker:** to be honest ...
- Mr Speaker:** No, I am just trying to recollect, myself.
- Hon. J J Netto:** To be honest with you, there is limited time to be able to absorb in seconds, basically, the amount of information and, once I took it home, I realised that the answer given doesn't provide me with what I have asked.
- 2525 **Mr Speaker:** What I would respectfully suggest to Members asking questions, it might be helpful in future if one emphasises by putting (a); (b) and (c) so, for example, (a) site meetings; (b)... to give the officials preparing the answers a target to aim at.
- 2530 **Hon. J J Netto:** But I have set the questions for the specific answer that I wanted.
- Mr Speaker:** No, I am not criticising the question.
- 2535 **Hon. J J Netto:** You will notice that one was for site visits, one was for inspections.
- Mr Speaker:** I was suggesting a means of –
- 2540 **Hon. J J Netto:** And, of course, I have no control how the information is provided to me. The Government decide how it is going to be presented to me. I can only ask the question, then the Minister has grouped it together and provided the information in that particular manner. I mean, I am not in control how they provide information, all I am asking at least that the answer is there for me to be able to assimilate what I am trying to –
- 2545 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister please elaborate on the nature of the 'major' occupational reportable accident in April of this year within the Education Sector.
- Hon. P J Balban:** Mr Speaker, can the hon. Member repeat the question, please.
- 2550 **Hon. Mrs I M Ellul-Hammond:** Yes, can the Minister please elaborate on the nature of the major occupational reportable accident in April of this year within the Education Sector. This is on the second page of the schedule that you have. It is a table HS.2 and it is the second page of the schedule you have just handed over to us. It reads at the top 'Occupational Reportable Accidents 2012'.

2555 **Hon. P J Balban:** Mr Speaker, once again, I will have to find out from my Factory Inspectors and I will give you further details on that incident.

Hon. Mrs I M Ellul-Hammond: Thank you, I am grateful.

2560 **Clerk:** Question –

Hon. J J Netto: Can I just – yes, Mr Speaker on the same vein as my hon. Colleague, on the second page on reportable accidents there was also in April another major one in relation to the construction industry. Could the Hon. Minister elaborate what was the major reportable accident.

2565 **Hon. P J Balban:** Mr Speaker, I will ask the Factory Inspector to give me further information on the major accident within the construction industry.

2570 **Hon. J J Netto:** Will it be helpful if, once he gets the opportunity to ask his staff, whether he asks them in relation to all the ones which are major, I mean regardless whether they are the construction industry, retail or, you know, whatever it is and then at least we have a notion of whatever is major, as opposed to minor?

2575 **Mr Speaker:** Yes, there was a question: would he extend that offer of information to all accidents classified as major?

Hon. P J Balban: Yes, Mr Speaker.

2580 **Hon. J J Netto:** Mr Speaker, if I could perhaps ask a further question, for clarification purposes, to the Hon. Minister for Health & Safety. I mean, I do like the idea the way, I think in fact I congratulated him last month by listing all industry groups here, it does provide me with an overall view which I, to that respect, find it very helpful. But, can he assist me, for instance because my question does ask for, regardless of whether we are talking about inspections or site meetings or advice, my questions do ask what places are Government and it does ask for the MOD, but is the MOD represented in *any* of these industry groups. That is part of my question but the other part of my question would be whether if we talk about the Government, the Government broken down, as far as work places. For instance if I were to say the Government can be a very wide spectrum which can be from the Housing Works Agency to Education, to Social Services, to the Health Authority, so how could I, in order to assist me, how could I say ‘well yes, does the Housing Works Agency come under the construction industry or does it not’, because what I am trying to get to the bottom of really is how do I know, in all the questions I ask, how the Government, in terms of work places or the MOD in terms of work places are represented in the industry groups? Perhaps if he can enlighten me to that.

2590 **Hon. P J Balban:** Mr Speaker, unfortunately I do not have that information with me so I will try and get the information as quickly as possible, OK.

2595 **Hon. J J Netto:** I am grateful, Mr Speaker.

2600 **EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS AND JUSTICE**

**Childhood obesity
Tackling school tuck shops**

2605 **Clerk:** Question 556 the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker can the Minister for Education say whether, as suggested in the GSLP’s statement of 23rd September 2011 on childhood obesity, reiterated by the GHA’s dietician in a *Chronicle* article on 17th May 2012, the Government will remove tuck shops from schools, or ensure that school tuck shops will provide healthy food and drinks, in order to tackle childhood obesity with the urgency

2610 it claims it deserves?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

2615 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Department of Education is currently conducting a survey of what is sold in school tuck shops, with a view to providing more focused advice to headteachers. Not all schools have tuck shops and, in fact, out of – I have got a list of fifteen schools – eight do not have tuck shops and six do.

2620 These cases where the schools don't have tuck shops, the children tend to bring in snacks from home. The Department for Education is currently looking at the kind of foodstuffs that could be considered as suitable healthy options for children before taking a final decision on the future of tuck shops. The advisory service of the Department of Education will, of course, work closely with the professionals in the GHA's.

2625 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister explain if there will be any further measures introduced to our schools in order to tackle childhood obesity?

2630 **Hon. G H Licudi:** Well, as the answer suggests, we are conducting a survey on this and specifically relating to the issue of tuck shops, which is what the question talks about, but the question generally of obesity, we have said that the advisory service, the education advisors, are working closely with professionals of the departments of the GHA to see what it is that can be done educationally, certainly as far as the schools are concerned. Issues of childhood obesity might go beyond what school professionals can do and, therefore, there is a limit as to how much involvement there is, but there is work that is being done in conjunction with professionals in the GHA specifically to see what it is that the Education Department can do to tackle this problem.

2635 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, will the Government be removing the vending machine of unhealthy snacks at the Primary Care Centre which is right next to the children's play area, which was highlighted by a *Chronicle* letter by Adalisa Iglesias on 25th May of this year, as it sends out the wrong signals in encouraging healthy eating and avoiding obesity.

2640 **Hon. G H Licudi:** Presumably, the hon. Member is referring to a vending machine placed there by the previous administration. I assume that is what she is referring to and that she is suggesting that we remove something that they put in.

2645 This clearly has nothing to do with tuck shops in schools, which is what the question was about. As Minister for Education, which is the basis upon which I am standing here, I simply cannot say, but if the hon. Member is suggesting that the Government should look at removing a vending machine that they put in, for whatever reason they decided to put it in, then I would be happy to discuss that with my colleague, the Minister for Health, and take a view on that.

2650

Special Educational Needs Additional resources

2655 **Clerk:** Question 557, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Education tell us which extra resources will be obtained in order to service the special educational needs of the children in Gibraltar schools.

2660 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, Government has changed the contract status of 16 Classroom Aides to full-time,

2665 therefore increasing the support they provide for children. In addition, some 40 supply Classroom Aides – in fact, it has been thirty-nine supply Classroom Aides – have been recruited, thereby re-populating the existing supply list. In fact when we came into office there was only one person on the supply list, which gave rise to grave concerns and grave issues in providing cover. In fact, cover was virtually impossible.

2670 Twenty further permanent Classroom Aides will be recruited to provide additional support for children with special educational needs. In effect, this results in an additional 28 Classroom Aides, as well as a supply list to provide cover for temporary absence. As I mentioned, I seem to recall at a press conference last week, this represents over a 50 percent increase in the number of Classroom Aides available to schools in Gibraltar. The Behavioural Educational Support Team will also be staffed by three permanent teachers, rather than by supply teachers. This will ensure more stable and consistent support for children with behavioural or emotional problems.

2675 In terms of buildings, there will be an extension built to Notre Dame School this year, which will include three classrooms for the learning support facility and two for special educational needs. This extension will provide much needed extra space. An extra unit at St. Martins will also be built – again, to provide more ample facilities for our special needs children.

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Hon. Mrs I M Ellul-Hammond: I am grateful for that, Mr Speaker, and the increase in human resources is certainly welcome and in extensions to existing school buildings. What about resources in terms of equipment, IT equipment: has that been identified at all?

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Hon. G H Licudi: Well, yes, Mr Speaker one of the issues that has been raised to me – and this does not just affect children with special needs but it affects special needs classrooms as well – was that there were insufficient interactive boards in schools and therefore there was a need to increase the equipment that was available to schools for all children and also for classes dealing with children who had special needs. I can't remember from memory but we certainly approved and gave instructions for additional interactive boards. I seem to recall something in the order of thirty additional ones were ordered and I am not sure whether they have now arrived and are now installed but certainly we approved the provision of additional support.

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There was also a representation made to me by representatives of parents of children at St. Martin's that they would benefit from having iPads due to the interactive nature and also due, particularly in St. Martin's, with the closeness of working in smaller groups with Classroom Aides and with the teachers there. I certainly approved a pilot scheme in order to introduce iPads in St. Martins, with a view to seeing how that worked, particularly with children with special needs, and then possibly extending that to other schools. So in terms of equipment we have already moved in the last six months with additional resources for children with special needs.

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Especially gifted children Level of support

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Clerk: Question 558, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Education tell us how especially gifted children will be supported by the Department of Education.

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Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, schools have received in-service training on gifted children over the last two years and teachers are, therefore, becoming better prepared to support the gifted and help to develop their natural abilities.

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The ongoing training for teachers has focused on the need to employ diverse and flexible strategies that meet the needs of distinct pupil groups and that is generally done with differentiation of the work that is given to specific children. Constant evaluation of these strategies is also a key feature. The advisory service and the

2720 educational psychology service are also involved in providing advice to schools on supporting gifted children.

Let me add, Mr Speaker, in relation to this, that there is a difference – I am not sure exactly what the question is aimed at – between children that may be considered *especially* gifted and children that are talented. There are many talented children in all the schools. They could be talented in sport, they could be talented in music and those are dealt with in the normal course of events during the school and, where differentiation is possible, that is implemented.

Especially gifted children, which is what the question was about, as I understand it, what the hon. Member may say, are in a slightly different category to what normally would be regarded as talented children. The information I have is that there is a process of evaluation which involves the educational psychologist and, at present, there is not a single child which has been identified as being ‘especially gifted’, rather than merely talented and therefore been provided with extra support, as necessary. Teachers, nevertheless, have been provided in-service training to try and identify and then possibly refer the child, should they arise in the future.

2735 **Hon. Mrs I M Ellul-Hammond:** Yes, thank you for that.

Perhaps to clarify, my intention was those who, in some instances, may be fast tracked through the education system because they are perhaps an academic year or two ahead of their peers and I assume that your colleagues within the Department of Education, if that individual is identified, aid that child to go to either a specialist school perhaps in the United Kingdom or here to cater for them specifically, but is hypothetical and, as you said, such an individual has not been identified.

2740 **Hon. G H Licudi:** Mr Speaker, it is hypothetical and I am tempted to say I am not here to answer hypothetical questions, but the hon. Member does make the point of when a child is particularly gifted or talented and may be suitable for that sort of fast tracking what is the policy in that regard and I can tell the hon. Member what the Government’s policy is in that regard.

2745 The Government’s policy is that there are no plans at the moment to accelerate children through the educational system. The advice that I have received is that, educationally, there is no benefit: no educational benefit to the child and it can, in fact, lead to undue pressure being put on a child at an early age to try and compete with much older children. The child might, in fact, have talent beyond the older children but the older children will have maturity and some issues which might not arise in respect of the young child. So, I am advised that, educationally, there is no benefit and the Government has no plans to introduce a fast tracking procedure.

2755 **Homework support groups**
Methodology

Clerk: Question 559, the Hon. Mrs I M. Ellul-Hammond.

2760 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education explain how the homework support groups will work, as per the manifesto commitment.

2765 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

2770 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, it is envisaged that pilot support groups will be started in the next academic year. Preliminary discussions with headteachers have already been held but precise details are still to be determined. I don’t want to be vague but this is something that is being discussed actively between the professionals and the Department and headteachers in their meetings. We have said this is something that we want to do, they have advised us that we should start with pilot groups and they still have to come back to us with details of what precisely is proposed so we can take a final decision. In principle, we want the pilot schemes to start as from the next academic year.

2775 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Minister aware that I believe Bayside and Westside already have a form of homework support group and perhaps that will be taken into consideration and evaluated for this exercise?

2780 **Hon. G H Licudi:** I am not aware specifically of the type of group that is available but it is something which we identified as something that was positive in terms of keeping children in school, wanting to provide them with support, which some children might have support at home, other children might not because of work requirements or for whatever reasons and this is something that we identified as something as being good. We wanted to expand on whatever facilities are available and it is something that we are working on to introduce next year.

2785 **Hon. Mrs I M Ellul-Hammond:** Yes, and finally, Mr Speaker, will the Minister be consulting with the teachers' union on this issue and working together with them?

2790 **Hon. G H Licudi:** Mr Speaker, myself and members of the Department of Education have regular meetings with the teachers' unions at which all issues in relation to teachers arise. But let me say that this is not a matter that should give rise to any undue concern. No teacher is actually going to be forced to stay behind and do extra work beyond the terms and conditions that they have. This will be provided on a voluntary basis.

2795 We have already said that there might be call upon the pool of supply teachers who might want to do this as well. There might be retired teachers who might be interested in this, but certainly I will be happy and will be engaging with the GTA office.

2800 **Schools' maintenance budget
Management by headteachers**

Clerk: Question 560, the Hon. Mrs I M Ellul-Hammond.

2805 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education advise if he has now considered the introduction of maintenance budgets for schools to be managed by headteachers, as per the Government's manifesto commitment?

2810 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

2815 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Government's objective was to create a system for the maintenance of schools which worked on a timely and efficient manner. Its strategy consisted of a two-pronged approach: a dedicated maintenance team; and dedicated budgets to be managed by headteachers.

As already announced, the Government has created a dedicated maintenance team for schools, consisting of eight persons and a foreman. The system is working well. It has also obviated the need for schools themselves to manage their own repairs and maintenance.

2820 As a result and following discussions and agreement with headteachers, the Department of Education has advised that it is best to monitor the present system, before deciding on whether, in fact, there is a need for headteachers to control dedicated budgets for maintenance.

2825 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, so is the Minister now suggesting that perhaps the Government will not be implementing their manifesto commitment which reads:

'Head Teachers will, in addition, have control over dedicated budget which they can use for small scale maintenance/minor works which may be required in their schools.'?

Hon. G H Licudi: Mr Speaker, the manifesto commitment is there for a purpose, and what the hon.

2830 Member cannot do is just look at one line in a particular sentence or in a particular paragraph in the manifesto. It was described in the manifesto as a two-pronged... Well, it was not specifically described as a two-pronged approach, but it was clear that there were two legs to this approach for maintenance. Surely the hon. Member is not urging us to do something which is not necessary and, in particular, the hon. Lady will not be urging us to do something which headteachers might not want.

2835 In fact, we have already discussed this with headteachers, and they have told us that they are happy with the way the present system is working. That is why we have said we need to monitor to see whether in fact there is a need for the second part of the approach.

2840 We have also been told by headteachers that, in fact, they may not be qualified to prioritise and manage these particular works by controlling their own budget, nor would they necessarily administratively have time to take on this additional burden. So what we are doing is listening to the people for whose benefit this was done.

2845 This was not done because the Government thought it wanted to introduce it itself for any reason other than we felt, or suggestions have been made to us, that there were problems with the maintenance of schools and it might be a good idea for the headteachers to control their own budgets and therefore be able to run their own affairs in respect of maintenance. We felt that that was a good idea, but we are certainly not going to force it on people, if they think that the present system is working properly.

2850 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, we welcome that, and we understand what you are saying but, basically, you will not be implementing one of your manifesto commitments.

Hon. G H Licudi: Apart from welcoming and understanding what I have said, the hon. Member has not understood that I have said that we will monitor the present system.

2855 What the manifesto did not say – and the hon. Member has referred to what our manifesto *said* – what the manifesto did not say is that we will have a dedicated maintenance team *and* we will have dedicated budgets by 1st September 2012. It said both – that we would do both – and not by 1st September 2012, but earlier on in this year, a few months ago, we put together a dedicated team for schools. It is a manifesto which sets out a four-year programme. We have four years to evaluate the present system and decide whether that second limb of the two-pronged approach is necessary or is not necessary.

2860 But I can tell the hon. Lady now that if we consider that it is not necessary and if we are advised by headteachers and professionals that there is no requirement *at all*, because the system that we have put together, since we came into office on 9th December, is working so well that it obviates the need for the second limb, I will have no problem at all in standing up in this House or anywhere else and saying that part of the manifesto we will not do, because we do not *need* to do it, because we have done the first part which has worked perfectly well.

2865

Schools' refurbishment programme Projects for this year

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Clerk: Question 561, the Hon. Mrs I M Ellul-Hammond.

2875 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education tell us what projects will form part of this year's schools' refurbishment programme?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

2880 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, apart from the ongoing repairs and maintenance programme, the main projects prioritised by the Department of Education are as follows: an extension to St Martin's Special School; an extension to Notre Dame First School to provide, in particular, an extension to the learning support facility and two dedicated classrooms for special educational needs; completion of extension at Westside School; completion of the ongoing window replacement programme at St Anne's.

2885 Other projects for other schools will also be considered during the course of the year.

2890 **Legal Aid (Fees and Expenses) Rules 2012**
Benefits of recent changes

Clerk: Question 562, the Hon. D A Feetham.

2895 **Hon. D A Feetham:** Can the Minister for Justice state how many (a) people; and (b) unrelated cases have benefited from the recent changes introduced by the Legal Aid (Fees and Expenses) Rules 2012?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

2900 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, four defendants, all linked to one case, have made applications under the recent changes introduced by the Legal Aid (Fees and Expenses) Rules 2012 since its commencement on 20th March 2012.

2905 **Clerk:** That completes Answers to Oral Questions.

Questions for Written Answer

2910 **Clerk:** We now move on to Answers to Written Questions.
The Hon. the Chief Minister.

2915 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to Written Questions W95-W101/2012 inclusive.

Order of the Day

2920

BILLS FOR FIRST AND SECOND READING

2925 **A Bill for an Act to amend the Income Tax Act 2010**
in order to impose tax upon income from certain imported pensions
First Reading carried

The Hon. the Chief Minister to move:

2930 *A Bill for an Act to amend the Income Tax Act 2010 in order to impose tax upon income from certain imported pensions. (B05/12)*

Clerk: Bills, First and Second Reading: A Bill for an Act to amend the Income Tax Act 2010 in order to impose tax upon income from certain imported pensions.

2935 The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Income Tax Act 2010, in order to impose tax upon income from certain imported pensions be read

a first time.

2940 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Income Tax Act 2010, in order to impose tax upon income from certain imported pensions be read a first time.
Those in favour. (**Members:** Aye.) Those against. Carried.

2945

Income Tax (Amendment) Bill 2012
Second Reading carried

2950 **Clerk:** The Income Tax (Amendment) Act 2012.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the Bill be now read a second time and that the Minister with responsibility for Financial Services address this House in respect of the Bill.

2955 **Mr Speaker:** The Hon. the Minister for Finance... for Financial Services, I do apologise.

2960 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, this Bill follows representations made to the Government by the Association of Pension Fund Administrators, representations which were made fairly early on after we were elected into office, and the representations had two limbs to them: firstly, that some pension schemes established outside Gibraltar had, in fact, already been transferred and they may be exposed to a tax charge if the transfer was considered invalid, and that tax charge in respect to the United Kingdom could be as high as 55% of the fund, so there was an exposure in respect of a very few number of imported pension schemes; secondly, that the line of business of pension fund administration which had actually been stopped several years ago because of the possibility of that tax charge and the possibility that the transfers may be considered invalid without specific legislation in Gibraltar to provide for this and it was suggested to us that this was a viable line of business and that Gibraltar generally could benefit and that the pension fund administration industry in particular could benefit. Those were representations that we accepted and I asked for a Bill to be prepared. Following consultation with the industry, we have published this particular Bill which stands before the House today.

2970 The Bill does a number of matters, but in particular what it does is impose tax on incomes by individuals who are in receipt of distributions from imported pension schemes at the rate of 2.5%. It is important to stress that the Bill specifically provides that the source of income which is liable to this tax is income from pension schemes and by clause 2 of the Act, which introduces a new section 14A to the Income Tax Act.

2975 New section 14A(2) would provide that this taxation of income in respect of pensions would only apply in respect of pension schemes which were transferred from another country other than another Member State of the European Union. The Bill provides that the term 'another Member State' has the same meaning as in section 5(8) of the Income Tax Act. Under section 5(8), the meaning of 'another Member State' is a Member State of the European Union other than the United Kingdom. So what this Bill does is permit transfers to be done for pension schemes, normally known as QROPS – Qualifying Recognised Overseas Pension Schemes – from the United Kingdom for them to be managed and distributions to happen from Gibraltar and those distributions would attract a charge of 2.5%.

2980 The Bill also provides for a number of restrictions and requirements in respect of taxation of these QROPS. Firstly, there is a maximum commutation possible of 30% of the fund of a particular individual. Secondly, there is a minimum retirement age of 55 – that is, except in very specific circumstances relating to ill health – and the Bill makes provision that the rules in respect of the pension fund must irrevocably bind the fund in respect of these matters: the commutation; the minimum retirement age of 55; and also a requirement that an imported pension scheme transferred to another scheme outside Gibraltar does not comply with the original requirements; in other words, there is a requirement to actually prevent an importer's pension scheme from then being transferred outside and that prevention restriction must be incorporated in the irrevocable rules that bind the pension fund in question.

2990 It is important to stress, Mr Speaker, that this Bill in no way affects distributions from pensions in Gibraltar and does not affect Gibraltar pensioners at all and the benefits that Gibraltar pensioners receive.

2995 What this does is, in effect, open up a new line of business for pension fund administrators and also create additional income for Gibraltar in the form of taxation which hitherto has not been possible.

I would add, Mr Speaker, that the Bill has been welcomed, when it was published, by the industry and in particular by the Association of Pension Fund Administrators.

I commend the Bill to the House, Mr Speaker.

3000 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

Hon. G H Licudi: Sorry Mr Speaker, there is one particular clause that I forgot to mention. It is an important clause.

3005 There is a provision in the Bill which says that the particular section we are introducing in the Income Tax Act is deemed to come into effect on the sixth day of April 2006, and that is simply to make sure that those pension schemes that have been transferred and have been imported are caught by the provisions of this Bill and therefore those transfers can be considered valid.

3010 The other matter that it is important to stress, Mr Speaker, is that it is the responsibility of the particular pension fund administrator that makes arrangements for the transfer of the pension fund to make sure that they comply with all the requirements of validity. What this does is simply set out the statutory framework to enable valid transfers to occur. Whether the transfer is valid or not is not guaranteed by this Bill; it simply is an enabling provision and the validity of the transfer is the responsibility of the professionals who deal with this, who will have to make sure that they comply with whatever rules and, in particular, the rules of the pension fund.

3015 But in effect we are talking of transfers of QROPS, primarily from the United Kingdom, and it is the new line of business which I think Gibraltar and the industry will certainly welcome.

Mr Speaker: The Hon. Daniel Feetham.

3020 **Hon. D A Feetham:** Yes, Mr Speaker, the Opposition will be voting in favour. It is a Bill that has been drawn by the industry and obviously we will support it.

There is nothing really useful that I can add to what the hon. Member has already said, talking about the merits of the Bill.

3025 May I just ask the hon. Member to clarify this: why do you take the date of 6th April 2006? I know that he has said that to catch those pension funds that have already been transferred; but why the date of 6th April 2006?

3030 **Hon. G H Licudi:** Mr Speaker, that is the date that I was advised we should go back to in order to catch all the pension schemes that have actually been transferred.

Mr Speaker: Does any other hon. Member wish to speak on the general principles and merits of the Bill? Do I take it that is the reply of the mover of the Bill?

3035 **Hon. G H Licudi:** Yes, Mr Speaker, yes –

Mr Speaker: Well, sorry, the mover of the Bill –

Hon. G H Licudi: The mover of the Bill –

3040 **Mr Speaker:** – was the Chief Minister.

Hon. G H Licudi: – was the Chief Minister and I was simply talking of the merits, but I take it that there are no further contributions on our side.

3045 **Mr Speaker:** Does the mover of the Bill wish to reply or add anything?

Hon. Chief Minister: I am grateful, Mr Speaker, but no.

3050 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Income Tax Act 2010 in order to impose tax upon income from certain imported pensions be read a second time.
Those in favour. (**Members:** Aye). Those against. Carried.

3055 **Income Tax (Amendment) Bill 2012**
Committee Stage and Third Reading agreed to be taken

Clerk: The Income Tax (Amendment) Act 2012.

3060 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye!)
3065 The Committee Stage and Third Reading will be taken today.

COMMITTEE STAGE AND THIRD READING

3070 **Income Tax (Amendment) Bill 2012**
Committee Stage
Clauses considered

3075 **Clerk:** Committee Stage and Third Reading, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause: the Income Tax (Amendment) Bill 2012.

3080 **Clerk:** A Bill for an Act to amend the Income Tax Act 2010, in order to impose tax upon income from certain imported pensions.
Clause 1.

3085 **Mr Speaker:** Clause 1 stands part of the Bill.

Clerk: Clause 2.

Mr Speaker: Clause 2 stands part of the Bill.

3090 **Clerk:** The long title.

Mr Speaker: The long title stands part of the Bill.

3095 **Income Tax (Amendment) Bill 2012**
Third Reading carried; Bill passed

3100 **Clerk:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Income Tax (Amendment) Bill 2012 has been considered in Committee and agreed to without amendments, and I now

move that it be read a third time and passed.

3105 **Mr Speaker:** I now put the question, which is that the Income Tax (Amendment) Bill 2012 be read a third time and passed.

Those in favour of the Income Tax (Amendment) Bill 2012; (**Members:** Aye.) Those against. Carried.

3110

Procedural

Clerk: The Hon. the Chief Minister. (*Interjection by the Chief Minister*)

3115 **Mr Speaker:** It is not necessarily... We have moved into Bills now, so... (*Interjection by the Chief Minister*) We cannot go back to Questions.

3120 **Chief Minister (Hon. F R Picardo):** Mr Speaker, on the basis of the comfort of that ruling, I have the honour to move, Mr Speaker, that the House do now adjourn to Thursday, 5th July at 10.00 a.m. and, as I indicated at the Announcements stage of the Agenda, that will be the time when the House will be considering the Appropriation Bill, First and Second Readings.

3125 **Mr Speaker:** I now propose the question which is that this House do now adjourn to Thursday, 5th July 2012, at 10.00 a.m.

I now put the question, which is that this House do now adjourn to Thursday, the fifth day of July 2012, at 10.00 a.m.

Those in favour. (**Members:** Aye.) Those against. Carried.

3130 This House will adjourn to Thursday, 5th July 2012, at 10.00 a.m.

The House adjourned at 6.57 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.00 a.m. – 10.05 a.m.

Gibraltar, Thursday, 5th July 2012

The Gibraltar Parliament

The Parliament met at 10.00 a.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Order of the Day

**Tributes in memory of
former Speaker of the House, Sir Alfred Vasquez, QC
and Mr J E Triay, QC**

Clerk: Sitting of Parliament, Thursday, 5th July.
The Hon. the Chief Minister.

5 **Chief Minister (Hon. F R Picardo):** Mr Speaker, Members gathered here this morning will know that today we were to start what is one of the most important set pieces of the annual life of this Parliament, which was the debate on the Estimates on the Appropriation Bill. It is sadly my duty to come here today to adjourn the House as a result of the passing of two great Gibraltarians.

10 The first, I think, to remember is Sir Alfred Vasquez, who held your Chair for a record period of time and who passed away quietly at home two days ago. I think everybody who came into contact with Sir Alfred knew him to be a positive influence in their lives and all of the people who served in this Parliament with him whom I had occasion to speak with yesterday remembered his time here as Speaker with fondness.

15 And of course, Mr Speaker, the death that led to this adjournment is the unfortunate passing of Mr J E Triay, another very prominent member of our community, a man who held forthright views that he defended honestly and fairly and who is also, as we know, the father-in-law of the Leader of the Opposition, which would have made it impossible for the Leader of the Opposition to have answered today my speech on the presentation of the Estimates.

20 So, Mr Speaker, I think it is appropriate to pay tribute to both of those great Gibraltarians, who have passed away and in that context to adjourn the House.

Before I move the adjournment, I give way, if any Member of the benches opposite wishes to associate themselves with these remarks.

25 **Hon. D A Feetham:** Mr Speaker, we have nothing to add to the Leader of the House's words in relation to Mr Vasquez and also J E Triay. We associate ourselves entirely with the comments of the Leader of the House, and of course, extend our condolences to both sets of families on the very sad loss of both individuals.

30 **Hon. Chief Minister:** Mr Speaker, on that basis I have the honour to move that the House do now adjourn to Monday, 9th July, at 9.30 a.m.

Mr Speaker: I now propose the question which is that this House do now adjourn to Monday, 9th July 2012, at 9.30 a.m.

35 I now put the question which is that this House do now adjourn to Monday, 9th July 2012, at 9.30 a.m. Those in favour; (**Members:** Aye.) Those against. Passed.

This House will now adjourn to Monday, 9th July 2012 at 9.30 a.m.

The House adjourned at 10.05 a.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.30 a.m. – 12.35 a.m.

Gibraltar, Monday, 9th July 2012

The Gibraltar Parliament

The Parliament met at 9.30 a.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Order of the Day

SUSPENSION OF STANDING ORDERS

**Standing Order 7(1) suspended
to lay Reports on the Table**

Clerk: Sitting of Parliament, Monday, 9th July 2012.
Suspension of Standing Orders, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with the laying of Reports on the Table.

Mr Speaker: Those in favour; (**Members:** Aye.) Those against. Carried.

LAYING OF DOCUMENTS

Reports laid

Clerk: Papers to be laid, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I have the honour to lay on the Table the Annual Report of the Gibraltar Police Authority for the year ending 31st March 2012.

40 **Mr Speaker:** Ordered to lie.

Clerk: The Hon. the Minister for Enterprise, Training and Employment.

45 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** I have the honour to lay on the Table the Employment Survey Report, October 2011.

Mr Speaker: Ordered to lie.

50 **Clerk:** The Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Transport and the Port (Hon. N F Costa): Mr Speaker I have the honour to lay on the Table the Report of the Principal Auditor on the Accounts for the Gibraltar Port Authority for the financial year ended 31st March 2010.

55 **Mr Speaker:** Ordered to lie.

ANNOUNCEMENTS

60

Procedural Notice of Questions for 19th July sitting

65 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may just pray the House's indulgence for a moment, hon. Members will know that we have a commitment to have monthly meetings of the House for Questions. The date for the notice to be issued to convene the House for the third Thursday is tomorrow, when the House will still be in this session and therefore not adjourned *sine die*.

70 So the purpose of rising now is to tell hon. Members that there will be a meeting for Questions on the third Thursday at 9.15 a.m., and I will suspend Standing Orders, so that they can ask their Questions after the debates on this Bill; and that they should consider that the seven days or the five days before which they need to put their Questions in will run backwards from 19th July as usual.

75

BILLS FIRST AND SECOND READINGS

A Bill for an Act to appropriate sums of money to the service of the year ending on the 31st day of March 2013 First Reading carried

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Clerk: Bills, First And Second Readings.

85 A Bill for an Act to appropriate sums of money to the service of the year ending on the 31st day of March 2013, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to appropriate sums of money to the service of the year ending on the 31st day of March 2013 be read a first time.

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Mr Speaker: I now put the question which is that a Bill for an Act to appropriate sums of money to the service of the year ending on the 31st day of March 2013 be read a first time. Those in favour; (Members: Aye.) Those against. Carried.

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**Appropriation Act 2012
For Second Reading
Debate commenced**

Clerk: The Appropriation Act 2012.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the Bill be now read a second time.

Mr Speaker, this is my first Budget address as Chief Minister and I have the honour to present the Government's revenue and expenditure estimates for the year ending 31st March 2013.

Mr Speaker, this debate has traditionally also been about more than just numbers; this is a State of the Nation debate. I will therefore also report to this House on the state of the economy and public finances and on the specific Budget measures and some of the projects that the Government will introduce, in pursuance of our manifesto commitments.

Mr Speaker, having been in Opposition for 16 years, it is my pleasure to deliver for a Socialist Liberal Government, a Budget to support working families and the disabled; a Budget to support our youth and our senior citizens; a Budget, Mr Speaker, to encourage business and enhance our public services. In short, Mr Speaker, this is a Budget to deliver social justice and to improve the quality of life of all our citizens whilst making Gibraltar a great place to do business with the world – and that, Mr Speaker, against a backdrop of continued economic turmoil in Europe.

Mr Speaker, no-one in our community can have failed to appreciate the social problems that Europe's economic woes are visiting upon ordinary citizens in economies more mature and diversified than our own. The political and economic problems we are seeing played out on our TV news screens each day manifest themselves dramatically across the continent, when school children in Athens faint because they have not eaten in days – or, without needing to go so far, civil servants not being paid in the neighbouring city of La Línea. What we certainly cannot afford to be is complacent, Mr Speaker, just because we have not seen such problems in Gibraltar. A collapse of the euro, or even the departure from the euro of one or more countries would have seismic effects well beyond any one country or the euro zone. As we have seen, sterling is not immune to the problems affecting the euro or the issues that have affected the dollar. Indeed, when sterling rises against a weaker euro our exposure to exchange rate variances becomes marked. What may be good news for cross-frontier workers who exchange their sterling wages to euro is not so good for retailers who see their goods rise in cost for euro purchasers. So we are certainly not insulated from what is happening in the more troubled economies around us.

But neither must we be cowed. That is why in Opposition, we raised issues about the creeping growth of our nation's gross debt and why we have a clear commitment to deal with gross debt and net debt levels, as we set out in our manifesto – something on which, Mr Speaker, I will have more to say later.

Mr Speaker in doing so, I am conscious that our tenure in office began on the 9th December and that therefore the figures that I will now present to the House represent eight months of activity under the previous Administration and four of ours.

Mr Speaker, Gibraltar's Gross Domestic Product for the financial year 2009-10 was £998 million and the latest figures prepared by the Government's Statistics Office indicate that GDP for 2010-11 was £1.050 billion. The forecast GDP figure for 2011-12 is £1.137 billion, representing an increase for the year of 5.1% in real terms.

Mr Speaker, these GDP figures are broadly in line with our published predictions in 2007, in our manifesto for that election, of economic growth for this period. The Government's comprehensive programme of changes and benefits, as outlined in our manifesto, have been designed to be delivered to our community with an economy that will grow from £1.1 billion to £1.65 billion between 2011 and 2015.

Mr Speaker, this continues to be our prediction of economic growth in Gibraltar, despite the continued European and global economic recession. I am therefore delighted to confirm that our manifesto programme is on track to be delivered as planned. It also shows, Mr Speaker, that once again we have been able, before the election and without access to all the data available, to predict with some accuracy where our economy would be and gives credence to the extrapolations for growth that we have predicted.

Mr Speaker, in terms of public finances, when this Government took office on 9th December 2011, the Government found itself with available Cash Reserves of just £20 million. This was despite the projected recurrent surplus for the year and healthy available Cash Reserves that have been reflected in the Approved Estimates Book for the year 2011-12. It was essential, Mr Speaker, that I put this information into the public domain, so that each and every citizen should understand the reality of the state of our public finances after the election.

It is also important, Mr Speaker, that the public should understand the difference between the economy as a whole and public finances – i.e., the Government's own financial position. An economy

can be growing, as ours is, whilst public finances, if not properly managed, can be under stress. That was the position in Gibraltar on 9th December. Cash advances made to Government-owned companies, which had been projected in the Estimates Book for 2011-12 to end the financial year at zero, had actually risen to some £87 million when this Government took office. Moreover, given the capital expenditure commitments already entered into, these advances were expected to rise further by the end of the financial year, i.e., 31st March this year, to around £100 million.

By way of illustration, during the last two financial years of the outgoing GSD Administration, capital expenditure funded through the Improvement and Development Fund was over £211 million. An additional £139 million of capital expenditure has been funded during these two years through the Government-owned companies. That is a total, Mr Speaker, of £350 million.

Incredibly, Mr Speaker, that is more than the total that was spent by the same GSD Administration in the Improvement and Development Fund capital expenditure in their previous 13 years in office. Such levels of capital expenditure have, of course, as we now know, only been possible through an increasing level of borrowing by the Government. This Administration is not prepared to continue to increase the level of public debt beyond existing prescribed borrowing limits and therefore had to stop work on many capital projects, which were clearly unaffordable without recourse to further borrowing.

That is why, Mr Speaker, our manifesto specifically provided, in clear and unambiguous terms, our approach to the reduction of national debt. Our manifesto provides on page 27 that in respect of gross debt:

'Our commitment is that Gibraltar's public debt will be brought down by half of its current level, whatever the current level is after the election, so that by the time of the next election in 2015 there will have been a 50% reduction. Gibraltar's gross debt is presently stated to be at £480,000,000.00 (almost half a billion pounds).'

In fact, Mr Speaker, as disclosed by the now Leader of the Opposition in the course of the Leaders' Debate on the eve of the election, gross debt on the day after the election was closer to £520 million and that is the figure we are working from – actually £518 million to be precise. In respect of net debt, Mr Speaker, our manifesto also provides that:

'Given that the policy is to have reserves available to meet the current expenditure, the definition of "net debt" introduced in 2009 will be changed so that from the balance of the Consolidated Fund a sum equivalent to 10% of recurrent expenditure will be treated as available to Government as a general reserve and not set off as available to reduce the gross debt to arrive at the hypothetical net figure. The Net Debt on this basis would be £37.7m higher currently, that is £253.5m instead of £216.5m, which is considered a more prudential policy.'

Mr Speaker, that is the process we are committed to and on which we are now embarked and the definition of 'net debt' that the Treasury now work to.

After the 8th December, the situation is now being brought under control, Mr Speaker. Gross Public Debt is now forecast to fall by just under one eighth or by some £68 million during this financial year, from £518 million to £450 million. The Net Public Debt is also projected to fall slightly during the financial year, thereby restoring the Cash Reserves available to the Government to a more prudent level of around £60 million.

Mr Speaker, the budget surplus for the last financial year 2011-12 was originally estimated at around £21 million. Revenue for last year is now estimated to exceed the original budget by around £58 million. The increase in revenue during the year has, to some extent, been due to the unprecedented level of Government's own capital expenditure, some of which ends up back in Government's own pocket by way of PAYE Income Tax and Import Duties; that is to say, the more the Government spends, the more in part that it collects. A further large increase in revenue during the year has been due to the increased level of Company Tax receipts, following the reduction and incidence of our Company Tax. However, this increased revenue stream will need to be monitored closely by the Government to see if the level of such revenue during this first year of the change is indeed sustainable going forward.

Indeed, Mr Speaker, in respect of corporation tax, the Government fully expects that the revenue will be down next year, as the figures for the year just past include some one-off payments arising from the change in systems of corporate taxation and some overstated income by some companies. Import duties have also been higher than expected and therefore very little growth has been built into these figures, as it may not be possible to see even a repeat of those numbers, let alone growth.

As regards Departmental Expenditure, this is now estimated to exceed the original budget by around £16 million. Consolidated Fund Charges, mainly comprising Public Debt Charges and Government Pensions are also estimated to exceed the original budget by some £4 million. Consolidated Fund expenditure for last year now includes a contribution to the Government-owned companies of around £28 million, which was required towards meeting the accumulated *recurrent* annual cash deficits in these companies as at 31st March 2012. The detail of this £28 million is as set out in page 140 of the Estimates Book under Head 44, Mr Speaker, and includes: £6.6 million of built-up recurrent annual losses on the

running of Kings Bastion Leisure Centre, £1.6 million last year alone; £5.9 million of built-up recurrent annual losses on the running of the Gibraltar Bus Company, £2.1 million last year alone; £7.1 million of built-up recurrent annual losses on the running of Gibraltar Car Parks Limited, £2.8m last year alone; and £1.3 million of losses on the running of Gibraltar Air Terminal Limited for a few months this year. The annual running cost may be nearer £3.5 million, although we continue to work to reduce that.

That is to say, in summary, Mr Speaker, that the budget surplus has to be adjusted for the year ended 31st March 2012 to take the above variances into account and therefore produces a real surplus of £31 million.

Mr Speaker, moving on to the Revenue and Expenditure Budget for the current financial year, hon. Members will have noted that the layout of the Estimates Book for 2012-13 has changed in order to more clearly identify the Government Departments under each of the new Ministries. There is also the new Head of Expenditure for Contributions to Government owned companies, which, in order to avoid the situation I have just highlighted, provides funding to cover the estimated net *recurrent* cash deficits of these companies during the year. That means, Mr Speaker, that we will not have the problems I have just referred to again.

Hon. Members will have also noted that all advances to these Government-owned companies have been cleared at the end of the previous year. This has been done by way of the £28 million contribution from the Consolidated Fund that I mentioned previously, and by way of an increase in funding of Government companies from the Improvement and Development Fund from £15 million to £72 million. Last year Mr Speaker, the sum applied in that manner by the previous Administration was £34 million.

Mr Speaker, the Estimates of Expenditure for this Government's first year in office necessarily reflect a significant increase in spending, in order to address the many areas of the Public Service where there has been under-provision in previous years and where there is a clear need for further resources and for the delivery of our manifesto commitments. In particular, *these include our Health Service*, our Social Services, Education and Employment and Training and we have, in the main, identified in the manifesto the people have chosen, where and how those investments will be made in the coming four years.

Already this year in our Health Service, the nursing staff complement is being increased by more than 20, and the Government is looking into the reform and improvement of the Sponsored Patients Scheme, which works for some but often leaves the less well-off in a precarious situation when they are at their most vulnerable and away from home. I do have pleasure, however, Mr Speaker, in announcing an immediate increase of 50% on top of present rates of all sponsored patient payments in respect of sponsored patients who are disabled. That takes effect from today.

As regards capital investment in our Health Service, the GHA budget for works and equipment is being more than doubled to £2 million and this is in addition to an investment of £1 million to replace the entire fleet of ambulances and the necessary spending already announced trying to bring KGV into a more acceptable state, whilst the new facility is readied for occupation. Mr Speaker I will not say that we have inherited a lot of problems in our Health Services – although that is true and no doubt the Minister for Health will elaborate in his contribution. What I will say is that there are many problems inherent in the provision of Health Services for a community our size or indeed any community. Medicine is not an exact science – but our role as politicians in this House is to administer systems and finance to deliver the best possible care in the best and most efficient manner possible.

My view, Mr Speaker, is that there are structural problems in the provision of Health Services in Gibraltar today which are not dissimilar to those that there were in 1996, 1988 and probably in 1972 and 1969, i.e., whenever and despite the changes in Governments and Administrations. But there are problems today that were not there in 1996 and which can be resolved.

So, Mr Speaker, in that context I sincerely do believe that the Hon. Dr. John Cortes, although his doctorate is not in medicine, is exactly the right person to break the back of these perennial issues. His ability to communicate with all members of staff at the GHA is the key to delivering the patient experience that I am sure we all believe this community deserves. That is not to say that there will never be mistakes or people dealt with always perfectly – but that is what we will strive for; and whilst other countries are forced to consider new models for healthcare, we are able to remain committed to Health Services always being provided free at the point of delivery to entitled persons under the Group Practice Medical Scheme.

Our Social Services will also see an increase in staff complement, including the employment of more than 35 additional Care Workers and Social Care Workers and the Domiciliary Care programme is being extended. In that respect, Mr Speaker, I am delighted to have had the opportunity of recommending the appointment of Ms Sacramento to the Ministry for Social Services – something she has taken to immediately, as I knew she had the ability and character for, despite never having previously been a Parliamentarian.

In Education, a further 47 new teachers will be engaged by September 2012, and 29 Classroom Aides will be taken on as part of the fixed complement of the Department. The Scholarship budget will be doubled to around £10 million with all our school leavers with a place in university being fully funded, in

terms of tuition fees and maintenance grants. Postgraduate study will also be granted as a mandatory entitlement as is the case for first degree courses. My colleague, the Hon. Gilbert Licudi, will say more about the detail of that in his contribution later in this debate; as he will of the challenges facing us in respect of financial services and the other areas of his wide responsibilities.

In Employment and Training, the Government's investment in its 'Future Job Strategy' will ensure that our school leavers and university graduates, as well as all other members of our community seeking employment, are given an opportunity to get jobs and an opportunity to contribute to the growth of our economy. Who better, Mr Speaker – I have to be careful not to say too many nice things about him, otherwise he might pull me down – to look after unemployed resident workers than Mr Bossano who has given so much of his life to date to promotion of workers' rights. Already the number of residents in employment is steadily increasing – and I am sure that Mr Bossano will have more to say about all of this during the course of his contribution to this debate.

Despite this increased level of expenditure, Mr Speaker, the Government is projecting a surplus of around £17 million for the year. That is, Mr Speaker, targeted spending to deliver a better, fairer Gibraltar *and* a surplus at the end of it all, in the context also of a reduced gross debt and a reduced net debt based on a more prudent definition, as set out in our manifesto, and all recurrent company expenses paid. Of course, Mr Speaker, we could be less prudent and we could take recurrent company losses off balance sheet and provide for a higher surplus by borrowing more – but we will not do that. We will not fall into that trap.

For this year, Mr Speaker, Government revenues are expected to increase at least in line with GDP growth. However, the Government remains committed to limiting any increases in Government expenditure during our first term in office to below the growth of the economy. That is why we have calibrated expenditure and manifesto delivery as we have. Mr Speaker, the Government is in the process of re-structuring the public finances in order to reflect the many changes that are planned to take place during the lifetime of this Parliament. A few changes have already been made and have been incorporated in these Estimates. For example, the surplus in the Gibraltar Savings Bank will no longer be transferrable to the Consolidated Fund, but will be retained within the Bank to build up the Bank's Reserves. As already explained, importantly, the full effect of any deficits in the Government-owned companies are now fully reflected in the Consolidated Fund Recurrent Expenditure Estimates. Further changes include the planned reforms to the Social Insurance Funds, the expanding of role of the Gibraltar Savings Bank and further policies aimed at increasing available Cash Reserves even further. That, Mr Speaker, is the agenda for change that will be relevant in the life of this Parliament at Budget times to come.

Mr Speaker, in addition to the many Capital Projects which will be funded from the Improvement and Development Fund, as identified in the Estimates Book, the Government's capital expenditure programme for its first term of office includes numerous projects which will continue to be channelled through the established Government-owned asset-holding corporate structure. These include: the delivery of homes partly to be provided under a co-ownership scheme; the development of parks and car-parking facilities; new berthing facilities for locally resident boat owners; the replacement and modernisation of our bus fleet with more environmentally friendly vehicles more apt to our roads and our environment, as well as the renewal and modernisation of the Government's own fleet of vehicles for that purpose on a phased basis; and a beautification programme for all our existing housing estates, including continuing and completing refurbishments at Varyl Begg and Alameda Estate and external cladding in Glacis Estate, Laguna Estate and Moorish Castle Estate – the abandoned estates, Mr Speaker, and as more particularly provided for in our manifesto.

Mr Speaker, one of the biggest capital projects for the Government is the replacement of our three existing power stations. The Government did not consider that the previous Administration's plan to build a new power station at Lathbury Barracks, to run exclusively on diesel-powered engines, was the right choice for meeting Gibraltar's power requirements for the next 30 years. We were committed to any agreements that might have been signed before our election – but when we were elected, there was no binding agreement to build a new facility. The Government is currently finalising a review of a number of alternative options and locations, involving different technologies and financing models, and will shortly be making an announcement on a final decision on the way forward.

Pressure from environmental action groups telling us to decide sooner is understandable; but we must make the right decision not the fastest decision. The Government's choice of energy sources will reflect the Government's commitment to ensure that Gibraltar's carbon emissions are minimised, as well as minimising the noise pollution and emissions that affect many of the residential areas at present, and on both these issues, I am sure both the Minister for the Environment and the Minister for Utilities will have more to say.

I will add this, Mr Speaker: the power station proposed by the GSD Administration would have taken between 36 to 48 months to deliver; for that reason any power cuts in that period from 8th December are for the account of the GSD Administration that did not commission a new power station sooner – having known a decade ago that, by 2010, there would be critical failures in the existing facilities at Waterport –

and not, Mr Speaker, therefore, for the account of the responsible, forward-looking, environmentally conscious Government that is taking steps to ensure the right combination of security of supply, reduction of polluting emissions, noise nuisance and technological future proofing. The Government is also exploring ways of reducing energy consumption and the use of solar energy for street lighting in Government buildings. A number of projects are already in hand in this respect and both the Ministers for the Environment and Utilities will have more to say about that later.

Mr Speaker, the Government is making a significant investment in the public sector. I have said before and I make no apology for saying again, that the public servants I have had the benefit or working with since the 9th December are brilliant Gibraltarians – sometimes failing in delivery, principally not through lack of ability or motivation, but because of under-investment or because they were previously not allowed to do their jobs. As the engine for growth for Gibraltar and facilitators for the private sector, the public sector needs to be adequately resourced and systems of work in the public sector need to be brought up-to-date for the benefit of everyone in our community.

It is appropriate for me to say here, that despite the pay freezes in the UK public sector, and as foreshadowed in our manifesto, Civil Service pay will increase by 2.7% in 2012-13. We also remain committed to a further increase in Civil Service pay of 2.9% almost 3% for the year 2013-14. The Civil Service Review has begun and meetings are held regularly with the Chief Secretary and with me to make sure we get that review right and that we move fast to address the concerns of public sector employees and private sector clients; but Rome was not built in a day and we all prefer strong foundations for this review and not flimsy, quick fixes. But the process continues apace.

In this respect, I want to acknowledge the work of the GGCA, Unite and the GTA in embarking on a process that is fully consultative so that, from the grass roots up, we will have the input necessary to develop a renewed and more efficient public service for our people and our businesses. This is not imposition from the top; this is working together to deliver together. Good progress is being made, in consultation and partnership with the trade unions who, together with the Chamber of Commerce and the Federation of Small Businesses – who we will also be consulting as part of this process – we consider to be our partners in this endeavour.

A start has already been made in the Government's programme of 'e-Government', which will transform the way business is done in and with many areas of the public sector. The Government is committed to promoting as much interaction as possible between the citizen and the Government 'online' and enhancing the access and delivery of Government information and services to citizens and the business community. That, Mr Speaker, is the interface of the future – and I must say that working with our people in the Government's IT Department is one of the things that I enjoy the most. I believe that the citizen has much to gain from the 'e-Government' revolution and that our IT Department has much to give.

In this respect also, the next few months will see the introduction of a modern computerised system at the Customs Department. The business community will see a transition to a modern computerised 'paperless' system, which will provide internet-based processing and clearance of imports and which will simplify Customs procedures and documentation, consistent with international standards and best practice. This ASYCUDA system, as it is known, has been worked on for some time – but was stalled when it was just about to be introduced last year. We have allowed Customs to work hard to ensure that the system was ready to be implemented this year.

It is this type of e-Government revolution that we are embarked upon throughout the public sector that will make it possible for the citizen to interact with Government in the same way as the trader requiring imports or exports will shortly be able to interact with Customs. I want to single out for special mention in respect of the ASYCUDA system the work done by Mr Constantin Ciuta, Costi, as he is known, of the United Nations Trade and Development Office who has been seconded to Gibraltar for two years to make ASYCUDA a reality, with John Rodriguez, the Collector of Customs and his team. John has championed this system and the benefits will reflect well on him and on his Department.

And if I may say so Mr Speaker, I would wish to say something at this point to all Customs Officers. I have many friends in Customs, as I do in other Departments, and I understand the problems that have been allowed to fester in that Department. We are embarked in talking to both unions that represent officers and to unrepresented officers. Customs is not just the collector of much of Government's revenue; it is also a proud law enforcement agency with an increasingly important role to play.

When we were alerted to the dangers arising to officers in the area of the frontier fence, we have acted immediately to re-enforce the frontier and to allow use of batons for protection. Working with officers and listening to officers and believing in the future of Customs as a Department, this Government will support the men and women in that massively important work that they do. In good faith, we can resolve the issues that concern them all and deliver – as ever – a better service to businesses and individuals and better working practices in a modernised working environment for officers. That is the challenge for all of us.

Returning to the public sector more generally, work has also started in other areas of the public sector, including the establishment of a Central Government Counter Office alongside and in conjunction with the expansion of the role of the Gibraltar Savings Bank, which will take on board the needs of Gibraltar businesses and personal users. All of this is designed to make the public sector more responsive to the needs of the public it is designed to serve. The interface between the public sector and the private sector needs to work seamlessly – and that is the area where we will continue to work with unions, federation and Chamber until we get it right.

The Gibraltar Savings Bank will be opening its new main office building in Main Street in coming months. In addition to its banking services for the community, office counters will be provided within the Bank to enable the community to make use of centralised payment facilities for all Government services. More will be announced about the facilities that the Bank will make available to businesses and private citizens alike, when arrangements are finalised.

Moreover, as part of the continuing expansion of the role of the Gibraltar Savings Bank, the range of deposits offered by the Bank will be extended further. The Savings Bank already offers instant access and one month's notice deposits paying 2% interest; three-year Fixed-Term Debentures paying 3.5% interest; five-year Fixed-Term Debentures paying 5% interest; and an 'Accumulator Bond', which pays an increasing level of interest depending on how long the investment is held – from 2% in the first year to 11% in the 10th year. To complement this range of deposits which is currently available, new products and current accounts will soon be available with the Savings Bank. It is expected that these will be in place before the end of this financial year.

I move now, Mr Speaker, to my responsibilities for broadcasting and the media. Last year, Mr Speaker, the previous Administration announced £12 million of funding to move GBC to Rooke. The announcement envisaged Rooke coming into Government hands in the past financial year. That was never going to be realistic; and when it comes to GBC, Mr Speaker, we owe it to the professionals at GBC, as much as we owe it to the public, to be realistic, frank and honest. GBC is an essential part of our community. It comes into its own on important dates in the Gibraltar calendar: Miss Gibraltar; National Day; Election time. What would those occasions be like, without GBC to relay to all those not there in person what is happening 'live'? What would our community be like without a weekday 'Newswatch'?

But Mr Speaker, GBC is at the same time failing our community. Some events that are crying out to be transmitted live, or at least recorded and shown later, never make it to our screens. Yet how can they, if GBC's Outside Broadcast facilities are decrepit and no investment in them has been made in years? Quality of reception is sometimes atrocious – but that is more often than not unrelated to GBC itself and arises from the vagrancies of the various cable networks that operate in Gibraltar.

Mr Speaker, GBC is one of our national treasures, and much as we need it, much as we love it, we also love to criticise it – sometimes fairly; sometimes unfairly. I, Mr Speaker, am a fan of GBC and I make no apology for that. I appreciate the work that the people at GBC do. And I, like the rest of our community, demand more from GBC. What we certainly cannot do is expect GBC to perform without resources. But what we as a community cannot be expected to do is pump in resources without limit to get the same as we had before.

I sincerely do not believe that GBC should be transmitting old series of 'Fishing in Florida' filmed in the 1980s, or some such unwatchable material. Local programming is what GBC is there for and local programming is what the public want. Yet for the past 16 years, it seems to me that GBC has been allowed to fester in a time warp of ancient resources and very large subsidies that are never enough and amount to under-funding.

£12 million to go to Rooke, when Rooke is finally available, is not the answer. Instead, we believe a new model of professional development for staff and of funding had to be found. Perennial problems had to be resolved. Again, Mr Speaker, Rome was not built in a day, but after years in the wilderness, GBC is finally starting to move forward. As a result of additional funding from the Government, the long-standing problem of poor staffing levels has been addressed and a number of additional employees recruited. These have strengthened the radio, news and television departments in particular.

There are still deficiencies in engineering and administration that are being considered. A new Chief Executive Officer (Designate), Mr Gerard Teuma, was appointed in February, and will fully take on the reins of the Corporation next April. However, he is already working towards introducing immediate improvements in programming and internal operations, while identifying solutions to problems that have blighted Broadcasting House, in some cases, for decades.

I want to thank Mr Alan King for the work he has done as CEO. We have already published in full his report into GBC, as we were committed to do. His contract expires next April when the CEO designate takes over. But even in the manner and timing of the appointment of Mr King we believe that there were errors and failures. Appointing Mr King took too long. GBC was without a General Manager for too long and, importantly, through the 2007 General Election that caused the Corporation to be headless for longer than is, in our view, conducive to progress – despite the best efforts of the Quartet of management at the time. A specialist Human Resources firm has now been contracted by GBC, working with management

towards the introduction of internal rules and procedures, which until now have been practically non-existent and which are essential to the modern workplace.

The Government understands that it is the intention of management to complete phase one of this process within this financial year. The Government is also assisting GBC in a temporary refurbishment programme at Broadcasting House, which at present, can best be described as ‘not fit for purpose’. But that is an interim solution. If there is one thing on which we agree with members opposite, it is that South Barrack Road should not be the home of GBC for much longer. Rooke will be, when handed over, an asset of enormous financial significance and for potential economic growth. In the very centre of the western reclamations, we do not believe it should be the new home for GBC. But GBC does need a new home and closer to the city centre.

As a result, GBC and the Government have identified and are presently exploring adapting the Ince’s Hall to be a new media centre for Gibraltar. This will allow for much more modern facilities to be developed in an area much more accessible to the public. Design work is presently being undertaken. This will, of course, require that the Ministry of Culture be found a new home, which will be at City Hall; and the relocation of some of the drama groups that presently occupy parts of Ince’s Hall. The location is perfect to allow GBC greater flexibility in recording and transmitting events from Ince’s Hall and John Mackintosh Hall – not least elections, plays, meetings – exactly what local programming is made of.

The additional funding made available this year, ahead of the proposed move to Ince’s Hall, and the new CEO’s appointment have already allowed a revamp of Radio Gibraltar’s programming, including an improved local news service. Today, *coinciding with this Budget*, GBC Online has also launched an upgraded and greatly expanded local news page, as well as a new Community zone on the GBC website. Dedicated station Apps are also in development. Since March, GBC Television has introduced new programmes and has provided enhanced coverage of local events.

It must be pointed out that television, in particular, is expensive, but I am assured that GBC TV is deploying all resources to ensure the best possible local television can be provided, within the resources available. I am informed, Mr Speaker, that several new series will be screened during the summer, ahead of the autumn schedule being rolled out in late September, which will comprise circa 70% of local programming. GBC management is confident that with additional resources and opportunities, GBC Television, Radio and Online will continue to improve as work now starts in earnest to transfer all services from South Barrack Road to the proposed new media centre in the city centre, which is already in design. This will be for the benefit of Gibraltar’s very patient viewing and listening public, as well as for GBC’s very hard-working and at times unfairly criticised staff.

But that is not enough to really shake up and change the present model of public broadcasting in Gibraltar Mr Speaker. The future funding for the Corporation should not, however, be forever from the public purse if possible. Neither should GBC be funded from advertising given its privileged position as currently the only local broadcaster; although we note the emergence of one internet TV station, Your Gibraltar TV.

That is why, Mr Speaker, we have been in discussions with an international media group and with GBC to develop a new business model for the future. Given Gibraltar’s competitive corporation tax and our tax treatment of royalties, as well as ‘soft’ issues, such as our climate and bilingual population, the Government and the management of GBC believe that Gibraltar could be a very attractive proposition for international media companies to locate the production of music, television series and feature films within the jurisdiction. Hon. Members will know that many other jurisdictions have promoted themselves very successfully for this purpose without having a low rate of tax, beneficial treatment of royalties, the sun and a bilingual pool of labour. The staff of GBC would greatly benefit professionally and I am sure would be very excited at the prospect of being involved in international productions, alongside their continued local output. Local viewers will no doubt also benefit, if our GBC professionals are exposed on a regular basis to international productions.

For that reason, the Government has worked with GBC management to develop a proposed Joint Venture with established professionals in the media industry who would be able to attract the businesses needed to make the venture a success. The process to be followed will require an amendment to the GBC Act in order to allow the Corporation the ability to form part of the Joint Venture. The Government exposure, should the venture proceed, will be to assign to GBC land – initially at no cost, but with a commercial rent to follow later. That property would be contributed by GBC to the Joint Venture, which will then develop a studio to international standards, backed by a full order book for the first year of productions.

The aim is threefold: not just to give GBC staff greater opportunities in the international media exposure and development; but also, secondly, that the revenue from the Joint Venture should become GBC’s sole source of funding, thereby no longer being a draw from the Government’s revenues or, equally importantly, competing in the advertising market with other media and being totally financially independent; and thirdly that the international standard studio facilities should also be available for GBC

productions where necessary. There are draft Heads of Terms proposed and being finalised, although some aspects of these are still subject to negotiation.

For example, amongst other things which are presently being discussed, Mr Speaker, GBC will insist in having a Golden Share or ultimate control or veto over the material produced at the studios on the grounds of public morality, public policy or public interest; and the value of the contribution of the land for the development must be valued and provided for in the balance sheet of the Joint Venture. The CEO and the CEO Designate of GBC and I will soon be starting a process of addressing and briefing the staff of GBC of what the proposal entails and why we believe it is a potential 'win/win' for all parties – in particular the professionals at GBC, the viewer and of course, the taxpayer.

Finally, in respect of GBC, last year we heard all about the investment that the previous Administration was going to make in taking GBC 'digital'. In fact, when we have been elected, we have found out that nothing had been done to fund or progress the change over to digital. The change over to digital is no longer a matter of choice, Mr Speaker. At an EU and international level, we have been parties, via the Gibraltar Regulatory Authority, as the previous Administration was aware, to negotiations which require GBC to shut down its analogue signal by 31st December 2012. On 1st January 2013, these frequencies will be taken over by broadcasters from the Kingdom of Morocco. So the position we have inherited, when we have been elected, is that nothing had been done to change over to digital and if we do not achieve it by 31st December this year, there will be no broadcasting at all from GBC, neither analogue nor digital.

We have had to move fast to rectify this and the Gibraltar Regulatory Authority, as the network regulator, has begun the unenviable task of providing a digital network in record time. We are confident that the mechanisms are now in place to – by the skin of our teeth – manage change over by the required time.

In respect of other media, Mr Speaker, where the Government is not involved in direct subsidy funding as with GBC, the position is going to be clear for this Government. Every media organisation will be treated equally and fairly. There will be no favourites and no subsidised funding of free party political propaganda organs by the Government. Government advertising will be spread equally and fairly.

Mr Speaker, taking my cue from the references I have just made to Rooke in respect of GBC, I am happy to report that we are engaged with the MOD in continued discussions in respect of the lands deal already agreed with the previous Administration. But the most important aspect of those discussions for us is not land, Mr Speaker; it is the people who make up the locally employed civilian workforce of the Ministry of Defence in Gibraltar and their security of employment. Those are our main concerns and we will work hard to protect all posts of employment beyond 2017.

The reductions being visited on the MOD throughout its establishment are brutal. In Gibraltar, we will all no doubt have been heartened to read those parts of the Overseas Territories White Paper which set out the UK's commitment to the defence of all Overseas Territories. That cannot, Mr Speaker, just mean a Forward Mounting Base for operations beyond Gibraltar. The MOD cannot, and I believe does not, believe it can mothball its operations in Forward Mounting Bases and have a caretaker employed to open up when they are needed; nor do I think that any military man needs to be persuaded of that or of the strategic importance of Gibraltar going forward, as threats change and become less certain. That is why we are engaged with the unions, both GGCA and Unite, in working together in our approach to preserve as many MOD jobs as possible, something on which I am sure the whole House will be united and will want to be seen to be united.

Indeed Mr Speaker, in respect of my responsibilities for Industrial Relations, I am delighted to be able to report that my Government enjoys a positive relationship with all unions. With Unite, of which I am a member, I have only recently returned from addressing their policy conference in Brighton where I had a chance of meeting General Secretary Len McCluskey and inviting him to Gibraltar. The Regional Committee – what used to be the District Committee of Unite – meet regularly in my office and we have *ad hoc* meetings when necessary.

Dialogue is the key. We may not always agree on everything – but we always agree to talk about everything to try to avoid disagreement, if possible.

With the GGCA, I maintain also an excellent and close working relationship. The Civil Service Review in many respects engages more aspects of what the GGCA and GTA memberships do than in respect of Unite, which has a wider reach across employers in our economy. For that reason, the GGCA committee and I have resolved to meet regularly – weekly, in fact – to deal with any issues that are being thrown up by the review and to remove any barriers to progressing the review.

The GTA meet more often with the Minister for Education than they do with me – but I, as much as the Minister for Education, are engaged in the 'social partnership' model of industrial relations with this important representative body of teachers' opinions and views. Without imposing our views on anyone, in discussion and consideration we therefore extend the collegiality of inter-ministerial relations to our positive industrial relations with all those representative bodies. And all were encouraging and supportive

of our returning the Workers' Day holiday to 1st May and the grant of the closest long weekend to the end of April to commemorate Workers' Memorial Day: a measure of which we are justly proud.

Mr Speaker, I now turn to the specific Budget Measures.

595 Mr Speaker, in line with the Government's manifesto commitment to encourage and reduce the cost of doing business in Gibraltar, the discount for early repayment of Rates for Offices, Workshops, Construction and Manufacturing Industries, and Transport and Distribution Industries, will be *increased from 5% to 10% with effect from 1st July 2012* – a discount, Mr Speaker, for responsible businesses who pay on time.

600 For new companies starting up business in Gibraltar, there will be *a discount for early repayment of Rates of 50%* for their first year of trading – Rates halved to encourage start-ups; the best incentive for entrepreneurs.

605 In addition to this, the Government has already announced that for bars and restaurants, the discount for the early payment of Rates will be increased by a further 20% to 40% between 1st October 2012 and 30th September 2013 and to 30% between 1st October 2013 and 30th September 2014, in order to assist in the introduction of the smoking ban. This will extend to casinos.

Mr Speaker, Salt Water Charges which currently form part of the General Rates, will be abolished with effect from 1st October 2012. As regards Domestic Rates, Mr Speaker, the discount for early payment will be maintained at 10%. However, domestic rate-payers will also benefit from the abolition of Salt Water Charges, with effect from 1st October 2012.

610 As a consequence of the abolition of Salt Water Charges, there will also be a corresponding reduction in Government House Rents. This is because Salt Water Charges are currently included and collected as part of Government House Rents which are and will remain frozen.

615 In this respect, this Budget will not just deliver this advantage to Government housing tenants, but it will also be good for homeowners, as all homeowners with a mortgage over property in Gibraltar will be eligible for relief. Those who pay mortgage interest over property in Gibraltar, whether they are on the Allowance Based System or on the Gross Income Based System, all will benefit. In order to further assist home owners with the purchase of their homes, therefore, with effect from 1st July 2012, Mortgage Interest Relief under the Allowance Based System will be increased by £50,000 from a maximum today of £300,000 to £350,000 in respect of property in Gibraltar. Tax-payers under the Gross Income Based System will also benefit from a deduction from their assessable income of their Mortgage Interest payments, up to a maximum of £1,000 in respect of property in Gibraltar.

620 As a further measure to reduce the cost of doing business in Gibraltar, electricity and water charges will not be increased. The 3% increase in electricity charges announced by the previous Administration in the last Budget, which was due to have been introduced sometime during last year, will also not be proceeded with. Electricity and water charges will not be increased for domestic consumers either and the Annual Pensioners' Utility Grant, applicable to persons aged 60 years and over, will be increased from £60 per annum to £75 per annum, with effect from 2012.

625 In order to stimulate the retail sector in Main Street and Gibraltar generally and in order to make Gibraltar a more attractive destination for shopping, the following Import Duties will be reduced, with immediate effect as from midnight last night:

- Portable Computers, including Laptops, Net books, and Tablet PC's and Memory Cards will go down from 6% to 0%;
- Perfumes, Beauty and Make-up preparations from 6% to 3%;
- 635 • Televisions from 6% to 0%;
- Hi-Fi and other electronic or electrical audio or visual equipment from 6% to 0%;
- Clothing and Footwear from 6% to 3%;
- Watches from 6% to 3%;
- Jewellery from 12% to 6%;
- 640 • Mobile Phones from 12% to 6%;
- DVD's and CD's from 12% to 0%.

645 These measures are designed to keep Main Street competitive, to maintain and enhance Gibraltar's attraction as a shopping destination and to promote locals buying from local establishments instead of online retailers. We will therefore be keeping a close eye on how prices are affected by these decreases, to monitor whether reductions are being passed on to consumers or pocketed by retailers.

650 Further, Mr Speaker, in order to continue to promote Gibraltar as a place to do high tech business, with immediate effect, import duty on computer software is reduced from 6% to 0% as from midnight last night. Moreover, in order to promote the use of Gibraltar as a jurisdiction for the creation and ownership of intellectual property, the import duty on equipment for production of sound or video recordings in the music, television or cinema industry which may not already be covered by the reduction of rates in respect of hi-fi and electronic goods is also reduced to zero with immediate effect.

In order to promote the use of renewable energy sources and reduce our dependence on fossil fuels in Gibraltar, the import duty on biofuels will be 0%, with immediate effect. Further, in order to promote the

acquisition of hybrid vehicles, the import duty on these when imported via licensed motor vehicle dealers in Gibraltar will go down from 8.25% to 6.25% which is the present rate, depending on cubic capacity, to a flat 2% across the board. *Moreover*, upon registration of a hybrid vehicle, the purchaser will receive £500 cash back – a tax cut and cash-back incentive to purchase hybrids.

I have said already, Mr Speaker, that the Government is looking at such vehicles for its fleet and we hope that this measure will encourage consumers to consider hybrids also; not just because of the saving on fuels, but also because of the savings on import duty and the cash back on registration.

That is not the only measure designed to promote a more environmentally friendly society. Despite the increased use of computers, offices still use very large amounts of paper in this paperless age. Therefore, as from midnight last night, import duty on recycled or approved environmentally friendly or eco-paper – that is, paper from renewable forests – will be reduced from 12% to 0%. Any stationery made predominantly from recycled materials will also not attract any import duties. By taking these items out of the general tariff of import duties, the reduction in the rate is of 12%.

At present, Mr Speaker, vessels with a gross tonnage of less than 80 tons are subject to import duty at 12% and there is no import duty on vessels with a gross tonnage of 80 tons. In order to stimulate the use of Gibraltar by vessels of this ‘superyacht’ category, with immediate effect these vessels will be reclassified into ‘seagoing vessels of over 18 metres in length’ which will not be subject to any import duty. Vessels under 18 metres in length will be subject to an import duty reduction of 50% from 12% to a reduced rate of 6%.

Mr Speaker, in order to simplify the administration of the collection of import duty on cigarettes, the current import duty of £2.48 per kilo is abolished with immediate effect. This is replaced by a corresponding increase in import duty of 45 pence per carton of 200 cigarettes. A further increase of £1.00 per carton will also be effective immediately, bringing the total duty per carton to £9.45. This represents an overall increase in import duty on cigarettes of 10p per packet. Mr Speaker, it is no secret that raising the price of this commodity is as all Members will know, sensitive; but it is the right thing to do in support of our agenda to stop smoking in enclosed public places.

Mr Speaker, the Government is committed to reducing the level of personal tax down to no more than 15% for *every taxpayer* in Gibraltar on the Allowance Based System by 2015-16. As a first step in this direction, the following reductions in income tax will apply, with effect from 1st July 2012. For those taxpayers who have chosen to pay income tax under the *Allowance Based System*, the income tax rate on the first £4,000 of taxable income will be reduced from 17% to 15%. This measure will benefit approximately 4,500 taxpayers. Any taxpayer under the Allowance Based System with earnings of £9,000 or less will not have to pay any income tax at all; a measure, Mr Speaker, that takes even more people out of the tax net than ever before.

This will be done by extending the Low Income Earners’ Allowance. This will affect over 500 of the lowest paid in our economy and will, I know, be widely welcomed by workers’ representatives. Next year, that figure will increase again to £10,000, so that we will take even more of the lower paid out of taxation. Mr Speaker, that will affect an additional 600, based on today’s computations. And further Mr Speaker, as from this year, over 2,600 taxpayers with taxable earnings between the zero income tax threshold of £9,000 and £19,500 will benefit from ‘taper relief’ in order to smooth out their tax liability between income tax bands.

Mr Speaker, since we have been elected, young people who were on what was known as ‘the scheme’ have, as you will know, been put on the minimum wage as part of the Future Job Strategy. That includes disabled people who were on ‘the scheme’ and some who are now in the Future Job Strategy. Mr Bossano will say more about the success of the Future Job Strategy today.

One particular aspect to refer to at this stage is that since we were elected, a disabled person who secures employment no longer has their Disability Allowance removed from them completely – as was the case before. Instead, the Disability Allowance is removed on a staggered basis *and* 25% of it remains payable indefinitely and is not withdrawn. That is progress in the right direction for disabled people and goes beyond even what we set out to do in our manifesto and said that we would do.

And we are going to go even further still, Mr Speaker. As from this year of assessment, the Disabled Individuals’ Tax Allowance under the Allowance Based System will be *extended* to provide an allowance against the earned income of a disabled individual. This additional Earned Income Allowance will be on top of all existing tax allowances on the Allowance Based System and is designed to bring any disabled individual who is in receipt of whole or part of Disability Allowance paid by the Department of Social Security, as provided for in section 7A of the Income Tax (Deductions and Exemptions) Rules 1992 and is in employment *entirely out of taxation*.

All disabled individuals who are in employment will therefore be substantially better off than they were before. And both for those who are in employment and those who retain part of the Disability Allowance despite being in employment, I am delighted to be able to announce adherence to another one of our manifesto commitments, namely, to increase the Disability Allowance by the rate of inflation.

The Disability Allowance was last increased on 1st July 2007 and stands presently at a rate of £304.50 per month. Using the April figure for the Index of Retail Prices since that date, that sum has gone down in money terms by 16%. Applying those figures Mr Speaker, the Disability Allowance will *increase* to £353.22 as from the next payment after 1st August this year.

In addition, Mr Speaker, the import duty on any vehicle which is adapted for the use of a disabled person is hereby abolished. All disabled people in Gibraltar will therefore be better off after this Budget – a real commitment to deliver real change for our disabled people reflected already in our first Budget.

Mr Speaker, it is important to also stimulate the continued refurbishment of our city by property owners, many of whom presently pay tax under the Gross Income Based System. Under the Allowance Based System, a taxpayer who has an interest in a building situated in Gibraltar may claim a deduction from his/her assessable income in respect of approved expenditure incurred on painting, decorating, repair or enhancement of the frontage. Once approved by the Town Planner, this deduction is in the full amount of the spending incurred.

In order to encourage the beautification of buildings in Gibraltar owned by taxpayers who are taxed under the Gross Income Based System and who are therefore unable to benefit from the deduction that is available under the Allowance Based System, I now introduce a deduction from their assessable income up to a maximum of £5,000 in respect of approved expenditure incurred on painting, decorating, repair or enhancement of the frontage or façade approved by the Town Planner. This new tax benefit will be introduced for expenditure incurred with effect from 1st July 2012.

In order to encourage the use of medical insurance, which in some ways relieves pressure on the GHA, with effect from 1st July, the maximum annual tax relief on Medical Insurance contributions, under the Allowance Based System, is increased from £1,120 to £1,500.

This will also be a good Budget for parents of children of nursery school age. The Nursery School Allowance currently stands at £1,023. Taxpayers can claim this allowance in respect of any of their children who are at least three years of age and who attend private nurseries in Gibraltar.

With effect from 1st July 2012, the Nursery School Allowance on the Allowance Based System will be doubled to £2,000 and will be extended for all children of pre-school age who attend private nurseries in Gibraltar.

This Budget will also deliver to pensioners over the age of 60 with non-pension income. An occupational pension approved by the Commissioner of Income Tax payable to a person aged 60 or over is currently taxed at 0%. The pension is nevertheless taken into account for the purpose of establishing the taxpayer's total assessable income, resulting in any income earned in addition to their pension being taxed at a higher marginal rate. All such occupational pensions will now be exempt from income tax altogether. This will mean that pensioners who have to get a job in order to supplement their pensions will benefit from a significant reduction in income tax on such earned income. This measure will be backdated to 1st July 2011.

Under the Allowance Based System, the contributions to Approved Personal Pension Schemes and Retirement Annuity Contracts, as well as the tax relief on such contributions, is limited to the lesser of 20% of earned income or £35,000. With effect from 1st July 2012, although the tax relief on such contributions will remain at current levels, the annual limit or 'cap' on the contributions into such pension schemes will be removed.

Where contributions in any one year are below the maximum tax relief that can be claimed for that year, a 'one-year carry back' facility will be introduced enabling members of such pension schemes to top up any unused tax relief for the year, based on contributions made to the pension scheme during the preceding tax year, provided that no tax relief has previously been claimed in the previous year on those contributions.

On that front, one other issue that featured prominently during the General Election campaign was the future of Community Care. The GSD denied that they had any intention during that campaign of replacing Community Care by making payments through the Government Social Security system. In his New Year Message for 2010, the Hon. the Leader of the Opposition said that Community Care represented:

'a financial time bomb ticking under our children and grandchildren in the future, for which they cannot have recourse to the UK.'

He added that he was:

'not willing to bequeath this potentially lethal legacy of a massive and unaffordable backdated claim to our future generations'.

He said that therefore, in the 2010 Budget, he would:

'introduce significant reforms to protect Gibraltar from this possibility,'

adding that the

‘reform will not result in financial loss to our pensioners or recipients of Community Care.’

780 In fact, in his 2010 Budget Speech, the Hon. the Leader of the Opposition, then the Chief Minister, did not say a word about those significant proposed reforms.

In his 2011 Budget Speech, he said only that as from this year:

785 ‘Community Care payments would become a statutory right and will be paid in conjunction with old age pensions.’

I therefore now call on the Leader of the Opposition to make public in his reply to my speech in support of this Bill in Parliament today, the proposals that he said he was going to introduce in 2010 and which he again referred to in 2011 and the reasoning behind them. If he feels these should not be aired in this Chamber, I invite him to write to me privately and set them out as soon as possible.

790 If these are, as he claimed, capable of protecting all existing and future resident pensioners and giving us better protection from the claims of outsiders, we shall be glad to support them as we have always said we would. That is our style of Government – to seek what is best for Gibraltar and not just insist that we are right. What would be unforgivable is to have such an alternative, if it does indeed exist, and not bring it forward because the GSD lost the General Election.

795 We are committed to renewing the funding to Community Care to make it independent and self-sufficient as it was in 1996 and is not now, but we are prepared to consider the hon. Member’s alternative – if there is one – before we proceed with ours.

Mr Speaker, back to Budget measures. No increases in Social Insurance Contributions will be made this year.

800 But Mr Speaker, the minimum wage was first introduced by the GSLP after we were first elected into Government in 1988. That made Gibraltar an early adopter of the principle of a salary floor, an even earlier adopter of that principle than the United Kingdom, where the concept of minimum earnings per hour was not provided for in legislation until 1998 – a whole decade later.

805 Mr Speaker, in our manifesto we committed to keep the minimum wage under constant review. The statutory minimum wage was last increased on 1st January 2011 from £5.00 per hour to £5.40 per hour. This was announced as part of the 2010 Budget.

The Index of Retail Prices increased during the period 1st January 2011 to 31st July 2012 – 19 months – by around 5.8%. This means that the value of the pay packet of a worker on the minimum wage has decreased in real money terms by an equivalent percentage.

810 With effect from 1st August 2012, the statutory minimum wage will be increased in line with inflation, from £5.40 to £5.70. To businesses, Mr Speaker, this is not a cost in real terms. To working people on the minimum wage, this will be a real increase in real terms! And I know that this measure will be welcomed by workers’ representative groups as we bring the standard of living of the lowest paid in our economy up, in line with inflation.

815 It should not be lost on anyone, Mr Speaker, that the Future Job Strategy makes the Government itself the largest single employer of persons now on the minimum wage, since our election. This increase will therefore also further benefit those on the Future Job Strategy. Those who were previously on the ‘Scheme’, run by the previous Administration, will therefore benefit from their second pay rise this year.

820 Finally, Mr Speaker, before I sit down, I want to thank the staff of the Treasury and the Ministry of Finance and including the Commissioner of Income Tax and his staff and the Financial Secretary for their work on this Budget. As the Hon. the Leader of the Opposition will know, a few words uttered by a politician in this place as a ‘budget measure’ require many calculations in those Departments to work out cost and affordability.

825 I want to thank Mr Dilip Dayaram and Mr Frank Carreras for their work with me and my team of Ministers on this Budget. I should also like to thank all Public Servants of Gibraltar, without whom the machinery of Government cannot operate.

In particular Mr Speaker, thanks to you and to the Clerk and staff of the House for the work you have done in implementing our reform agenda to date, including the monthly meetings and the quicker delivery of *Hansard*.

830 Very special thanks also to all the staff of No. 6 Convent Place; especially the team that works on my floor of the building and keeps me working, smiling and sure that nothing that anyone can throw at Gibraltar will ever get the better of us.

835 Mr Speaker, from the moment that the General Election was announced and our candidates declared, the 10 of us sitting on this side of the House have been a team. We work as a team and we support each other as a team. I do not pretend to be anything other than the equal to all the other Ministers on these benches, even though we all have differing responsibilities.

So I want to thank my ministerial team, all of them: the novice Parliamentarians, the more experienced hands and the most experienced hand, the Father of the House, for their support in the past seven months to the day since, at first light on 9th December last year, we became the Government of Gibraltar. In particular, I want to thank the Deputy Chief Minister for his support at No. 6, where we work together in ensuring delivery of our manifesto commitments.

I should also say, Mr Speaker, that it is one year to the day since I married. Last year, I might not have expected to rise today, on the date of our first anniversary, to move the Appropriation Bill, as a father and as Chief Minister. What a year it has been and what a pleasure it is to move this Bill!

Because, Mr Speaker, this is a Budget that balances the books by filling a £100 million hole in borrowing from some Government companies and settling the outstanding recurrent expenditure of other Government companies. It provides support for the lowest paid in our economy by taking them out of taxation and increasing the minimum wage. It provides incentives for greener living, and promotes and protects disabled people by exempting their earned income from taxation and raising the Disability Allowance.

It delivers tax advantages to a large number of taxpayers and complies with our manifesto commitment to reduce tax on the Allowance Based System, whilst going beyond our commitment to maintain the Gross Income Based System by allowing deductions against income to taxpayers on that method of assessment.

Mr Speaker, this Budget delivers for businesses too. It keeps the Social Insurance burden static – which means it is, in effect, reduced in real terms by the rate of inflation, since it was last raised. It delivers important import duty reductions for the retail industry and it provides for discounts on rates and eliminates the previous Administration's 3% rise in electricity costs.

Mr Speaker, this Budget provides for pensioners by the exemption of pensions from tax computations and for working families by the increase in the nursery allowance and raising the cap on mortgage interest relief.

Mr Speaker, a Socialist Liberal Budget, delivering social justice for our nation. I commend the Bill to the House.

(Applause)

Mr Speaker: The Hon. the Leader of the Opposition.

Leader of the Opposition (Hon. P R Caruana): Mr Speaker, it is an honour for me to rise to deliver my 22nd Budget Speech, of which 16 have been as Chief Minister and, with this one, six from the Opposition benches, all but one as Leader of the Opposition.

May I start, Mr Speaker, by thanking the Chief Minister for postponing this debate, and also all other Members of this House who have extended their condolences, following the death of my father-in-law, J E Triay, last week. In paying my own tribute to him, I would highlight three of his many qualities which stand as a monument to the fine man that he was: he headed a very large extended family and kept it, and every one in it, as one very close family; he was universally respected by his colleagues in the legal profession as a lawyer of huge intellect, integrity, skill and comradeship; and thirdly, he earned and kept the respect of all whom he dealt with in all walks of life – even, perhaps especially, those who disagreed with his views, and with whose views he disagreed.

I have to admit, Mr Speaker, that I had forgotten how easy and different life looks from this seat! When one does not have the responsibility of governing, critical comment is absolutely free of charge. Hon. Members on the Government benches who were in Parliament before, will I am sure already have discovered the difference.

This Opposition will never make political capital against the Government, nor indulge in 'free of charge' critical comment at Gibraltar's expense or without a clear foundation in truth. That said, nor will we allow the Government to equate its own political interests with Gibraltar's interests, so that criticism of the Government is equated with damage to Gibraltar's interests. We can and will get this balance right and this, too, is an important contribution to a new way of doing politics in Gibraltar.

Mr Speaker, although clearly I disagree with a lot of the things that he has said in it, I nevertheless congratulate the Hon. the Chief Minister for finding himself in a position to give a Budget Speech from that side of the House. I regret that nothing, particularly the more critical comments, of the previous Government that he has said is new and simply amounts to a regurgitation of the stuff that he has said repeatedly during the election campaign and some of it after the election campaign too.

Mr Speaker, older Members and listeners will recall the so-called 'Big Lie' Elections of the 1970s – so-called because it was fought on the apparently false accusation by his opponents that Sir Joshua Hassan was in favour of a leaseback arrangement for our Sovereignty.

Well, Mr Speaker, I think we have just had another 'Big Lie' Election. But this one involved not one but two Big Lies: a Big Lie about the state of public finances; and a Big Lie of undeliverable electoral promises.

The reality is that the GSD left Gibraltar and the new Government a 'Golden Political and Economic Legacy' which the new Government will struggle to match, but which at the very least they must not squander. Gibraltar will never forgive them.

Nor will systematically to taint and talk down that GSD legacy, as the new Government tries to do obsessively, suffice as justification for their predictable and predicted failure to deliver the undeliverable promises with which they won – without an overall majority – this Big Lie Election.

Mr Speaker, the new Government's position was, before and during this latest Big Lies Election, has been since and remains now riven by contradictions which betray the manner in which they have sneaked their victory. Indeed, this Budget has had to resort to presentational trickery to enable the Government to try and reconcile some of those political contradictions. (*Interjection*) All will be revealed, you should not worry! (*Laughter*)

Mr Speaker, properly presented, this year's recurring annual expenditure budget surplus is around £55 million, that is to say, precisely the huge record surplus which we predicted, and *not* the still excellent £31 million disclosed in the Budget book, as drawn up by the hon. Members.

Mr Speaker, during the next few minutes – an hour or so – I shall consider further and illustrate these opening remarks and others that I shall make in a similar vein.

So what is the first Big Election Lie? That public debt is too high and unsustainable, and Government finances are not as healthy as the GSD Government pretended.

Mr Speaker, there is no known system for the economically literate measurement of public debt under which Gibraltar's public debt can honestly and intelligently be said to be too high. You can prefer to have a lower debt, if you want. You can prefer to have no debt at all, if you want. You may be the sort of person that worries about owing money to anybody and never have any debt, and that is fine too. But none of that equates to the current level of debt being too high.

By all known measurement systems of public debt, it is in fact *low*. As this House will recall, City of London financial experts interviewed by GBC confirmed publicly, after last year's Budget debate, when the Hon. then the Chief Minister, then the Leader of the Opposition made similar remarks.

Let's review the matter by reference to appropriate, truthful and economically informed criteria.

Firstly, the law of Gibraltar *limits* the amount that the Government can borrow – that is to say, it establishes a maximum permissible public debt, *precisely* so that the public debt does *not* get too high and unsustainable. Since Gibraltar's public debt has never been higher than permissible by its laws – despite inaccurate statements to the contrary by the previous Leader of the Opposition, now the Chief Minister to that effect, at last year's Budget – since Gibraltar's public debt has *never* been higher than permissible by its laws, which exist in order to make sure that the public debt should not become too high or unsustainable, it is therefore necessarily nonsense to say that Gibraltar's public debt is too high. Unless what the hon. Member is saying, is that the law sets the target too high because the limit is too high. Because if the law sets the limit at this level, in order that the public debt should not get too high or too unsustainable, and the public debt never reaches that limit, then ergo it cannot be too high or unsustainable.

Secondly, the Foreign and Commonwealth Office produces public borrowing guidelines for Overseas Territory governments to limit their public debts by strict and very conservative criteria, precisely to ensure that their public debts do not get too high and unsustainable. Although these guidelines do not apply to Gibraltar, our law reflects most of their underlying parameters, which Gibraltar's public debt has not exceeded.

Thirdly, the EU – Maastricht Treaty – sets a limit of 60% on the ratio of government debt to Gross Domestic Product – that is to say, the ratio of how much the Government owes, as a proportion of the size of our economy. Unlike every other country in the European Union, Gibraltar has *never* exceeded that measure of public debt.

Fourthly, the UK regards a net public debt of 40% of GDP as a prudent level of public debt. Gibraltar's net public debt has never got even close to this 'prudent' level of 40%. In fact, it has never reached 30%.

Fifthly, the net public debt now, after a decade of unprecedented Government investment, in part funded by borrowing, stands at around 28% of GDP. This is low by international and European standards and is in fact, amongst the lowest of all European countries.

Sixthly, these levels of public debt have always been considered in Gibraltar to be sustainable and not too high. In 1988, within weeks of coming into office, the then GSLP Government took new borrowing powers legislation to Parliament: the Borrowing Powers (1988-1992) Ordinance 1988. The remarks of the then Financial and Development Secretary in Mr Bossano's first Government – a Mr Brian Traynor, that some Members of the House are long enough in the tooth to remember – when presenting this Bill to the

House in May 1988, his remarks on that occasion illustrate precisely what I am saying now and have been saying throughout, on this debate about the size of the public debt. I quote him from *Hansard*:

‘Whereas in 1985 when Public Debt peaked at £29m one was talking about a ratio of Public Debt to national income of 30% or 40%, the present outstanding Public Debt represents something like 25% of national income which is very low by comparison with the debt ratios of most modern states and, of course, considerably less than Third World countries.’

So, Mr Speaker, that demonstrates what I have been saying: that the relevant measure of public debt, and its prudence and sustainability is not the absolute level, a number that looks and sounds very high, but its ratio to GDP – in other words, its relationship to the size of our economy. And further it demonstrates that current levels are low, prudent and consistent with what they have been historically.

Mr Traynor went on to say, and I quote him again:

‘With the rapid expansion of the economy and with National Income heading for a figure of perhaps £150m, if not more, during the next three or four years, I think...’

GSLP have always had these predictions of large increases in GDP when they have arrived in office! This was their prediction the last time they arrived in office.

‘... if not more, during the next three or four years, I think that a figure of £50m in terms of the actual amount of Public Debt outstanding raises no questions as far as prudential limits and sound financial policies.’

In fact, Mr Speaker, shortly after that, and I think after Mr Traynor had left Gibraltar, the GSLP Government amended that Ordinance to further increase the borrowing limit, by doubling it to £100 million. In speaking to that amended Bill, the then Chief Minister and now Employment Minister, Joe Bossano, expressed similar views when stating that £100 million was prudential, in relation to the then size of our economy.

I quote him from *Hansard*:

‘The view of the Government and in fact, last year and this year, was that rather than this somewhat antiquated system of having to establish a ceiling, we should use a ratio and say “The level of national debt we consider to be, say 35% or 40%” and therefore that would give us a rolling ceiling in the sense that the bigger the economy the bigger the borrowing we could support.’

After Mr Bossano had explained that the legislation in fact specified a figure, rather than this percentage of GDP, because the Attorney General and the Financial Secretary had advised that our method of calculating National Income was not up to the job, Mr Bossano went on to say – and now I quote him again:

‘Therefore we had to make a professional assessment and taking advice on where it was reasonable to target the National Debt in relation to the current estimate of GNP...’

– which is another of the measures of the size of the economy –

‘...and the projected growth of GNP and this figure is considered to be a figure that is compatible with the sort of conservative criteria that I have mentioned of 35% to 40%’.

So, Mr Speaker, if 40% public debt is accepted as prudent by our law, by the Foreign and Commonwealth Office guidelines, by the European Union, by the UK, by the Government of Gibraltar in the late 1980s, and now by me, what is the credible basis for Mr Picardo’s assertion that a figure lower than all of those is – quote – ‘too high and unsustainable’, except his own political opportunism in the run up to a General Election?

It was the Big Lie of the Election, propagated by him to wrongly and unnecessarily frighten voters, which he did in enough numbers – albeit *only just* enough numbers – but a Big Lie nevertheless. *(Interjection and laughter)*

Mr Speaker, so what was the second Big Lie of the Election? Promises that he knows cannot be kept.

Mr Speaker of course the Hon. Mr Picardo was determined that arguing that the Government’s financial situation was dire and borrowing too high and unsustainable should not, at the same time, prevent him from bribing the electorate, sector by sector, interest group by interest group. So, in a classical forked-tongue manoeuvre, he did both. You do not need to be an economist to know, Mr Speaker, that it *cannot* be both.

If Mr Picardo really believed what he was telling the electorate about the Government’s finances in his manifesto and during the campaign, how could he possibly have also promised £750 million of Government projects over four years, plus massive tax cuts and big increases in annual recurring expenses?

Remember, Mr Speaker, that as far back as July last year – in this debate last year – that is, before he issued his manifesto, Mr Picardo was telling Gibraltar in his now infamous podcast that the public debt was then already £500 million! So he cannot have thought that that was too high to prevent him, nevertheless, going on to commit himself to many hundreds of millions more pounds in electoral commitments. The answer, Mr Speaker, was that both were Big Lies.

Neither the Government's financial position was as Mr Picardo had pretended, or continues to pretend now, nor did he intend ever to deliver on all his electoral promises, which as I told him throughout the campaign were simply unaffordable and undeliverable.

So, Mr Speaker, he wasted no time in doing what all Opposition parties do that promise too much and then have to justify not delivering. He set about pretending that he inherited a dreadful financial black hole, in the hope that people would thus understand and forgive his inevitable non-delivery on his vote buying and irresponsible electoral promises. His problem, Mr Speaker, is that people in Gibraltar do not fall for such tricks. People in Gibraltar are just not as gullible as he thinks – they are not that easily tricked.

And so, this brings us to the first Post-Election Big Lie.

The First Post Election Big Lie, Mr Speaker, was 'We found a financial black hole of £100 million missing pounds.' In fact, Mr Speaker he has repeated it here today, this morning.

You have all heard it, repeatedly said by the new Chief Minister, in Gibraltar, on Spanish TV and radio and in the Spanish newspapers, in the UK and elsewhere, regardless of the damage that it did to Gibraltar's reputation, investor confidence, and as future job opportunities for our children, economic prospects and political interests. And it is *not true*, Mr Speaker.

The so-called 'missing £100 million' is a *complete fiction* – a complete distortion and abuse of the not unusual fact that the Government's net public debt ended the year higher than the Government had estimated at the start of the year. This, Mr Speaker, has happened to some degree or other every year.

For example, in 2008-09, the net public debt at the start of the year was estimated that it would end the year at £28.2 million, and in fact it finished at £67.7 million, an 140% margin. In 2009-10, it was estimated that it would finish the year at £116 million and it ended at £148 million. In 2010-11, £180 million estimated and it finished at £216 million. In 2011-12, the year about which he complains, it was estimated that it would finish at £221 million and it finished at £305 million. But the year about which he complains as if had fallen into an unlit black hole as he was walking innocently down the street, was no more than a further example of what had happened in the three previous years.

These figures show that what the new Chief Minister paints in financially and politically sinister shades and describes as a black hole of a missing £100 million, as if a £100 million had been taken, sort of, by somebody, is a perfectly normal event upon which he has never before chosen to comment in previous years, when he has had it in front of him in the Budget book! Perhaps this is because, Mr Speaker, in previous years, he did not need to find a scapegoat or excuse for not honouring undeliverable electoral promises! (**Several Members:** Hear, hear.)

And this phenomenon, Mr Speaker, that public debt ends the year higher, and cash reserves end the year lower, than had been estimated is not only not unusual, but is the result of quite innocent circumstances. All it takes is for capital expenditure to proceed more quickly than budgeted for, or for capital receipts from asset sales not to come in as fast as envisaged or – as in last year's case – a combination of both. But the delayed assets receipts – in last year's case the proceeds of sale of Government flats – remain on stream to come in now or in future years.

The Chief Minister claims to have been misled by the fact that the Budget book estimated cash reserves, and thus net public debt, on the basis that £59 million which then, during the course of the year, accumulated with the companies' further expenditure during the year to £80-something million of loans made by the Government to its companies, to build houses and other projects, would have been repaid from these asset sales in the year, which in fact did not happen. That is correct, but the Budget book has been presented in this way every year since the Government companies' cash reserves were exhausted and they relied on Government loans to fund their projects.

Again, the Hon. Mr Picardo has never chosen to comment on this before. If he has been misled by it, it is his fault and not the result of any accounting sleight of hand by the previous Government. The new Government is not entitled to complain that the Government's estimates at the start of the year did not materialise. They are *only estimates*. This does not constitute a 'black hole' – still less 'a missing £100 million', nor even, as he also has put it, that cash reserves are £100 million less than had been anticipated.

In any case, the shortfall between the start of the year estimate and the end of year reality figure for cash reserves is less, much less than the £100 million he cites. And these are his much vaunted financial black holes about which he so solemnly addressed the nation on 18th January in his Chief Ministerial broadcast.

So what, Mr Speaker, is the second Post-Election Big Lie? 'We had only £20 million to spend without changing the law to increase the maximum permitted public debt.'

1085 In his very solemn address to the nation on 18th January this year, the new Chief Minister told Gibraltar:

‘to make the position as clear as possible’

1090 – not to say, as clear as mud –

‘tonight, I can tell you that as at 9th December 2011, your Government only had twenty million pounds available to spend despite the projected surplus for the year.’

1095 He said that because of the legal debt limit, the Government could not spend more without raising the legal borrowing limit and that this was why work had had to stop on many projects. In fact, I think he has made the same point this morning.

He repeated this in this House in answer to Question No 89/2012, when he said – speaking of me, as always – that:

1100 ‘he put Gibraltar in a position, that without changing the law and without borrowing more, its Government had not a penny more than £20 million to spend’.

1105 Mr Speaker, this is simply not true. The Government did not have to change the law to allow higher borrowing limits, in order to have more than £20 million to spend on ongoing projects. Under the Public Finance (Borrowing Powers) Act 2008, the Government needs only the permission of this House by a simple resolution, and not a change in the law and more borrowing, to draw from existing cash reserves, even if the effect is to exceed the legal limit for net public debt.

1110 So his statements and actions and his solemn statement to the people of Gibraltar were based on complete ignorance of the legislation. We, Mr Speaker, would certainly have had recourse to this method, had we won the elections, thereby tiding Government over until 1st April 2012, when the legal net debt limit rose automatically by about £50 million as a result of increased public revenue, thus allowing the Government to continue the projects without interruption.

1115 Of course, Mr Speaker, he has said that it is the Government policy not to increase the legal debt limit, but of course he knows that that increases every year, because it is 80% of the last year’s revenue. Well, the last year’s revenue in December was 80% of the revenue to the year ended March 2011. But, as of 1st April this year, the legal debt limit is 80% of last year’s revenue, which is now the year to 31st March 2012, the increase of which will give him at least another £50 million of ability to borrow without raising the legal debt limit – a fact that he has not mentioned, I think, this morning, unless I am mistaken.

1120 Mr Speaker, none of this detracts from the fact that we would have increased the legal debt limit, if necessary, to proceed with certain key projects, including the power station and the tunnel. Given that our economy continues to grow this is affordable and would not have taken net public debt outside prudent or sustainable levels.

So, Mr Speaker, what are these contradictions and presentational tricks that I have alluded to?

1125 Here, Mr Speaker, is a new Government with a big political problem of presentation and contradictions, and indeed, we have seen those contradictions here this morning. On the one hand, and in order to rubbish and taint the outgoing Government, and to dumb down voters’ expectations about its ability to deliver all its undeliverable electoral promises, it has painted the false gloomy picture of the state of public finances. On the other hand, it has to present to this Parliament the Government budget figures for last year, eight months of which were ours and four minus a few days were his.

1130 So he has to present to Parliament the Government Budget figures for the last year that show a huge all-time budget surplus of recurrent annual revenue and expenditure, and that is recurrent annual for the last 12 months, not for the last six years.

1135 Mr Speaker, so, having to reconcile the picture of doom and gloom that he paints with the fact that he has to bring to this House a Budget that shows, effectively, a record budget surplus for the same period in which he is criticising his predecessor – exactly the same record budget surplus that I predicted in the election campaign in my New Year Address and in my Address upon the opening of this Parliament in December. Since the new Government knows, Mr Speaker, that this contradiction would be obvious, even to the most economically uninitiated, a solution had to be found. What was it? Answer: fiddle with the way the figures are presented, so that the true extent of the real record budget surplus is concealed!

1140 Let us be clear, Mr Speaker. If this year’s Budget book, which has been prepared by the new Government, had been done properly and as in all previous years, it would show a budget surplus of recurrent annual revenue and expenditure in excess of £55 million, and not the £31.3 million that it actually shows. The previous budget surplus record was achieved in 2009 and amounted to £37 million, so the scale of this year’s record surplus achieved, of around £55 million, will be obvious to everyone.

This is in sharp contradiction of the new Government's doom and gloom messages about public finances and the shortage of money that all their bloggers had a field day with, shortly after the election on the social media websites.

So, Mr Speaker, how did the Chief Minister manage to reduce the figure in the Budget book from £55 million to £31.3 million – presumably to make untrue my prediction that this year there would be a record budget surplus? Given that the previous record was £37 million, how to get it down below £37 million, from the huge record that £55 million would have represented. Answer, Mr Speaker, very simple: by treating capital expenditure and also previous year's recurrent expenditure in companies as if they were annual recurrent expenditure and thus deducting it from last year's annual recurrent income to reduce the budget surplus of annual recurrent income and expenditure.

In layman's terms, by mixing apples with pears. In accountancy terms, by taking 'above the line', expenditure that should always be, has always been, and elsewhere in this Budget book, is taken 'below the line'. In short, he has cooked the books to wrongly present a reduced budget surplus of annual recurrent revenue and expenditure of £31.3 million, when it actually is around £55 million.

Let me explain to the House how this has been done. The Government has taken the contribution to Government-owned companies of £28.3 million above the line and thus treated it all as annual recurrent expenditure. But the great majority of this £28.3 million was spent by the companies on capital expenditure, and not on annual recurrent expenditure. For this reason, most of that contribution should have been accounted for 'below the line', as all other capital expenditure is treated, as has always been done, and as the Budget book does elsewhere.

And even, Mr Speaker, to the extent that the £28.3 million contains some, as it will indeed contain some, that is recurrent company expenditure, as opposed to company capital expenditure – even to that extent – then Mr Speaker, it is simply not legitimate to roll up previous years' so-called deficits, because those previous years' deficits are not recurrent, as against last year's annual. These are a statement of 12 months' worth of annual recurrent expenditure. What the hon. Member has done is entirely illegitimate.

So, Mr Speaker, by this inappropriate means, the Government has reduced the recurrent revenue and expenditure budget surplus of last year's annual recurrent revenue and expenditure surplus of £55 million achieved by the GSD Government last year.

Mr Speaker, the other elements of capital expenditure carried out through the Improvement and Development Fund are indeed, as always, shown below the line. That is, it does not reduce the recurrent surplus. Even elsewhere in this same Budget book, on page 14, that summarises the Consolidated Fund expenditure, the contribution to Government companies of £28.3 million is shown 'below the line', together with the contribution to the Improvement and Development Fund which deals with the other capital expenditure not carried through the companies.

Yet, when it comes to page 2, that shows the recurrent surplus calculation, it is suddenly slipped above the line and treated as annual recurrent expenditure, which most certainly it is not. This is novel, wrong and misleading, and distorts the integrity of the Government's Budget accounting to this House, in terms of the difference between recurrent annual expenditure and capital expenditure.

Still, Mr Speaker, both £31 million and £55 million are excellent surplus figures and provide a very eloquent answer to silly suggestions that the Government's finances are in a poor state.

In further contradiction, Mr Speaker, of the Hon. Mr Picardo's assessment of the state of public finances is the fact that, since coming into office the new Government, has already increased annual public expenditure by more than £15 million per annum. Hardly the action of a Government that believes that it has been left a financial 'pup' and a very serious cash-flow problem by the previous Government.

Indeed, Mr Speaker, the Budget measures that he has announced today, increasing further as they do expenditure and reducing Government revenues, itself belies any suggestion that the Government has inherited a bad financial situation. The hon. Member is able to cut taxes, to increase expenditure and give away all the things that he has given away, not because he has performed economic miracles in the last four months, but Mr Speaker because he has inherited a golden economic legacy from 16 years of sound financial management. **(Several Members: Hear, hear!)** *(Applause)* If not, Mr Speaker, he would have to be doing what all the other new incoming governments in Europe are doing: *slashing* expenditure, sacking people, increasing taxes and lowering expenditure!

Why does he think that he is not in a position of having to do that? Because the previous Government gave him a terrible economic legacy – or because the GSD Government left him with a Gibraltar which, contrasted with the rest of Europe, precisely in the strength of our economy and the strength of the Government *[inaudible]* ...? Indeed, he has inherited one of only three government budgets in the whole of Europe that remain in surplus!

So, Mr Speaker, none of all of this that I have just said, Mr Speaker, should be confused with the quite separate question – and this is what he does, confuse it precisely with that separate question – of whether funding the ongoing capital investment programme could or could not have been achieved without further borrowing. My view, and the plans that we had, is that it could not and that some further borrowing would very probably have been required. As this House knows, there is a disagreement across the floor of

this House, as to the desirability and sustainability of that. Our view is that, given the continuing buoyancy of Government revenue, indeed, Mr Speaker, the hon. Members opposite have an even *more* optimistic assessment of what that increase in Government revenue is going to be than the one I had before the Election. They think that Government revenue is going to increase by 50% in the next four years, and the expected continuing growth in our economy, which the new Government says will grow by 62% in the next four years, the required temporary increase in borrowing is easily affordable and sustainable, even if those very optimistic, in our view, predictions do not come true.

People can understand this for themselves, Mr Speaker. If a borrowing limit of 80% of one year's revenue is prudent, or 40% of the size of your economy is prudent, and you are predicting that your economy is going to grow by 65%, then you stay prudent if the borrowing does not exceed 40% of an economy that has grown by 65%; and you stay prudent – and legal, by the way – if the size of your debt does not increase above 80% of one year's revenue, which they say is going to increase by 50%. They cannot, at one and the same time, predict these huge economic growth and Government revenue growths, upon which they base their expenditure plans and then argue that debts at current levels, or even current levels plus a bit more, which would be needed to finish off the Government's projects, would be too high. It is a contradiction in terms, it is an oxymoron.

Mr Speaker, I know that it is difficult to sound non-partisan in a Budget debate, but I am going to try now and mean it. I accept that it is entirely reasonable for the new Government to focus and even to refocus capital expenditure on its own policy projects. I do not, therefore, aim any criticism at them for doing that; but two projects of the previous Government were in response to the very real short, medium and long-term needs of Gibraltar and our ability to sustain a growing economy and a population that enjoys a high standard of living and quality of life. The hon. Member has mentioned at least one of them this morning.

They are: the tunnel under the runway – without which we are condemned to permanent traffic gridlock, due to frontier and airport issues – ironically, made worse the more successful we are at developing new air services for our new air terminal; and the new power station – without which we are condemned to unreliable power supply and a high level of ambient pollution, to the detriment of our health. I would urge the Government to proceed with both, with all expedition and I take note of what he has said this morning about the power station. At least, I will do a deal with him – since he has sought to blame me for the power cuts until a date which I did not actually take note of – I will happily accept political responsibility for any power cuts that occurred during that period, if he will proceed expeditiously with a new power station, which, above all party political confrontation in this House, is hugely, hugely in Gibraltar's interest and a serious need of Gibraltar for the next 20, 30 or 40 years.

Mr Speaker, the Government is stuck in Opposition mode and is obsessed with criticising the previous Government. There is a palpable feeling on the street that the Government needs to realise that it *won* – albeit just, and without a majority – but it won the election, and that it must get on with the business of governing without spending so much time politicking backwards against what is now the Opposition.

Clearly, the new Government feels a need to taint and tarnish the previous Government's reputation and record of achievements, probably for the justified fear that, otherwise, comparisons between the two will not look good for the new Government, come the next elections. My complaint, Mr Speaker, is the lack of political honesty with which the Government indulges its obsession to criticise the previous Government. The Government has reeled out a series of press releases on the basis of half truths or incomplete facts or carefully omitting important aspects, but all designed to create an impression of recklessness, impropriety, favouritism and even corruption on the part of the previous Government. This is wholly untrue.

So, such statements have been issued on many subjects, including most recently, the bus maintenance contract, without saying that the bus procurement contract went out to EU tender and the local maintenance provider was selected by the bus manufacturer who won the tender, as part of his tender obligations.

Other such Government statements have related to: temporary interim cleaning arrangements for the new air terminal, pending completion of construction; the distortion of a good agreement with Ocean Village; suggestions of improper payments to Haymills or OEM in relation to the affordable housing schemes; suggestions of improper payments to the family of Edwin Reyes; alleging irregularities in the new Culture Agency; suggesting the placing of party activists in 'cushy Government jobs'; (*Interjection by Hon. Chief Minister*) suggesting impropriety in the timing and content of the airport ground handler contract; suggesting impropriety in the allocation and content of the Leisure Centre bowling alley contract; and commenting on the operating costs and maintenance arrangements for the new air terminal.

In all of these statements, the Government has sought to create an erroneous impression by sleight of the hand of the draughtsman. They need to get on and govern. They – or perhaps one of them in particular – need to change their chips from Opposition press release scribblers to Government Ministers.

Mr Speaker, speaking of the new air terminal, the new air terminal is now being unnecessarily delayed. The Government need to get on and open it for departures and stop delaying that. The terminal

has been ready for many months. If there is still an impediment to opening it fully, it is not essential works that need to be completed, but the new Government's failure to get on with staff recruitment and training, and concluding maintenance arrangements. This is now becoming very silly, and a matter of stubbornness on the part of the new Government to Gibraltar's detriment.

Turning, Mr Speaker, to the proposals in the Budget book to reduce the public debt, Mr Speaker, the Budget book reveals that the Government plans to reduce gross public debt by £68 million this financial year, and that it is doing so by the very means that I told him during and after the election campaign was easily available to him, namely having Government debentures – which are taken out by local savers, issued by the Gibraltar Savings Bank, where they do not rank as public debt – instead of by the Government, as they are presently issued, where they do rank as public debt. This will reduce the amount of the gross public debt, but in an economically pretty meaningless sort of way.

Just as the Government is now paying the interest costs on the Government debentures, so too will it have to pay the very considerable difference between the interest rates paid by the Savings Bank to savers, and those that the Savings Bank can earn by putting those very same monies on deposit in the money markets.

I hope, Mr Speaker, that the Government is not contemplating alleviating this gap by allowing the Savings Bank to risk local savers' money invested in Savings Bank debentures, by being lent out to borrowers, or underpinning small business guarantees, in the context of the Government's planned expanded role of the Savings Bank into that sort of activity.

Mr Speaker, as I told this House in my Address on the occasion of its Ceremonial Opening on 21st December 2011, if the Chief Minister is really concerned about the level of Government debt – which I am not – then he has to cut net public debt, not gross public debt, as he is proposing to do in this Budget and this he can easily do. There is no economically meaningful reduction in public debt, unless you reduce net public debt.

Mr Speaker, most people will easily understand this. If a person owes a bank £1,000 on a bank loan, this is the gross debt. But, if that same person has £800 in a bank savings deposit account, this is cash reserves. His cash reserves. So his gross debt is £1,000; he has £800 of cash reserves; the difference between the two is the net debt. That is £200. He owes the bank £1,000, but he has £800 on deposit in a savings account in the bank. The £1,000 is the gross debt, the £800 is his cash reserves and the difference between the two is the £200 that is not covered by money that he can pull out of pocket at any time and use to repay his loan.

So his real worry, this imaginary person, is will he be able to afford, if things go badly, to pay the £200 from the £1,000? Because he knows that the other £800 from the £1,000, he can just say to his bank, 'Take it from my savings account', so he has no problems with paying that. So until he reduces the £200 gap, he is making no real progress in providing for repayment of that part of the bank loan that he does not already have ready cash in his savings account to pay back, if things go badly or if he needs to repay. That is why it is net debt – that is to say, the £200 – that is of economic importance, not the gross debt of £1,000 because of that, £800 is not a problem at all, because he has got the money in the bank to pay it.

So Mr Speaker, this is exactly the same for the Government. The Hon. Chief Minister is proposing to use £68 million; I am just saying 'pounds' for the sake of my example. The hon. Member is proposing to use £68 from the Government's £800 savings deposit account to reduce the £1,000 bank loan. But that will still leave the sum that the Government does not have the ready cash to pay at £200 – that is to say, it still leaves the net public debt at the same £200 as it was before. So nothing has really changed.

Mr Speaker, this demonstrates that only reductions of this sum of £200, the uncovered portion, the part of the gross debt, the £1,000 to the bank, that is not covered by the £800 sitting in the savings account. Only by reducing that portion, the uncovered £200 portion, that is to say, net public debt, is the Chief Minister capable of relieving the debt level concerns that he claims and professes to have, but which most economists would not share with him.

Mr Speaker, the new Government has inherited, as I have said, a golden legacy from the outgoing GSD Government. As all of Gibraltar knows, and most of Gibraltar acknowledges, the 16 years of GSD Government have resulted in unprecedented prosperity and progress for Gibraltar, and that is the legacy that the new Government has inherited: a Gibraltar with a restored international image and reputation, without which none of the progress would have been possible. An economy that has more than tripled in size – 8,000 more jobs – in fact, having seen this mornings employment survey, 9,200 extra jobs. I think we inherited 12,000-and-something and it is now 22,000. I just skimmed at this morning's report, which had been left on my table.

A Gibraltar that has become a global leader in online gaming and ship bunkering; record numbers of Gibraltarians in jobs; the lowest unemployment rate in Europe; huge improvements in take-home pay and standards of living; record levels of Government budget surpluses; personal income tax cut by over 60% and many other taxes abolished; company income tax cut by three quarters; despite the huge Government investment programme, a low public debt. We have the fourth lowest public debt in the whole of Europe.

1330 Thousands of new affordable and rental homes; homes for the elderly and refurbished housing estates;
a new hospital; a new health centre; a new air terminal; several multi-storey car parks and more under
construction; new roads and roundabouts; the beautification of many of our roads, squares and much of
our city – Casemates Square and John Mackintosh Square; the King’s Bastion Leisure Centre; a new
1335 small boat marina for local boats; the Westside Promenade and Park; enhanced beaches; new Millenium
Sports Hall and many enhanced sports facilities; new Law Courts and court facilities; a new prison; a new
crematorium; new industrial parks and premises; a new bus service and bus shelters; a cancer hospice and
a home for battered women; a swimming pool and terraces for the elderly; playgrounds; a beautified
Europa Point and its park; a magnificent Gibraltar House in London, of which this community is
justifiably proud; a new Constitution which maximizes our self-government; stable relations with Spain;
1340 an end to bilateral talks and new strengthened Sovereignty commitments from the United Kingdom – not
even talks without our consent; many social facilities under construction, and many, many more
achievements.

A stable, secure and prosperous Gibraltar: *this*, Mr Speaker, is the reality of the GSD’s legacy – much
as the new Government may try to tarnish it and try and create for its own selfish purposes, a different
impression. The responsibility to ensure that they do not squander this legacy, that they build upon it and
that Gibraltar continues to prosper and improve in this way is now the new Government’s.

The new Government has promised much to everyone, and to deliver it all within four years: 65%
economic growth, hundreds of millions of pounds of projects and commitments, huge increases in annual
Government expenditure, freezing utilities, cutting taxes to 15% for everyone, halving public debt and
much more. Enough people were persuaded by these promises to give the Government a slender, minority
election win. Voters now expect the Government to deliver on all its promises or they will feel that it has
cheated them out of their vote and cheated its way into office.

I think, Mr Speaker, as many who voted for the Government have now come to realise in just six
months, I think that Gibraltar would be much safer and much better off with a GSD Government, but for
1355 the sake of Gibraltar, sincerely, I wish the Government every success in the governance of our affairs.

(Applause)

1360 **Hon. Chief Minister:** Mr Speaker, I will of course reply at the end of the debate, but I wonder
whether this might be a convenient moment to recess for 10 minutes, before we come back for the next
speech.

Mr Speaker: This House will recess for 10 minutes.

1365 *The House adjourned at 11.45 p.m.
and resumed its sitting at 12.00 p.m.*

1370 **Procedural**

Mr Speaker: Before we resume with the Budget Debate, just a couple of announcements.

First, I have been advised by the Chief Executive of the Courts Service that the Judiciary and the Bar
will be paying a tribute to my predecessor, Sir Alfred Vasquez and to J E Triay tomorrow in Court at
1375 12.00 noon. I have been informed by the Chief Minister that the House will adjourn at a quarter to 12, to
enable those of us who are lawyers – in fact, the vast majority of us here are lawyers – to attend, if they
wish to do so. So that is what will happen tomorrow. It is at 12.00 noon in Court.

Another point if I may, the members of the public who are in the Public Gallery are reminded that you
are invited to these Chambers to observe the proceedings of the House, and not to participate in them.
1380 Therefore no reactions are permitted to any of the speeches in this House.

1385 **Appropriation Act 2012 Debate continued**

Mr Speaker: The Hon. Deputy Chief Minister.

1390 **Deputy Chief Minister (Hon. J J Garcia):** Mr Speaker, this is the 14th time that I make a
contribution to the Appropriation Bill in this House – the first time in Government.

Before I start, I would like to take the opportunity to pay tribute to my friend and colleague, the Hon. Joe Bossano, for his 40-year contribution to the political life of Gibraltar from this House. Mr Bossano was first elected in 1972. However, his documented contribution outside this House started many years earlier, when he became the Secretary of the Pro-Integration Movement in the 1960s. This political trajectory is an achievement that this House, representing as we do the people of Gibraltar, should now recognise. I have to say at a personal level that it has been a privilege for me to have worked with him for the last 14 years in Opposition, and it is now a pleasure to do so in Government.

Mr Speaker, this is because nearly seven months ago, the electorate, as is their right in a democratic society, decided that it was time to change their Government. They decided it was time for change. We offered people a change for the better and the electorate chose that change. The result was the election of a new team of Ministers to the benches on this side of the House, with a commitment to deliver a whole range of exciting and positive policies.

It is well known, Mr Speaker, that in a number of areas we have had to tackle a fair number of problems that we have inherited from the party opposite, when they were in Government. Indeed, hardly a day goes by without an unpleasant surprise rearing its head.

It is clear to me that after seven months in office, Mr Speaker, that in the dying days of the GSD administration, they went into overdrive, making all sorts of promises to all sorts of people, in a desperate effort to cling on to power. There are still people coming to see my colleagues and I, seeking to have these honoured. To paraphrase what somebody once said, Mr Speaker, never was so much promised to so many by so few. In the face of this situation, the fact that we won the election at all is nothing short of a miracle.

Mr Speaker, the new Government made clear from the very outset that those projects or policy areas with which we agreed, where commitments needed to be honoured or which were too advanced, would continue. Those with which we did not agree would be stopped and those in-between would be studied in order to determine their viability. There are, therefore, projects which have carried on, projects which have been stopped and projects that are being assessed.

My Office, Mr Speaker, is tasked with the oversight and co-ordination of manifesto commitments. We are also directly responsible for planning, lands and civil aviation. The new Government, Mr Speaker, has started the process of delivery of the manifesto enthusiastically. There are some electoral pledges that include a target date. However, most of them have no such dates and the intention of the Government is that these will be implemented over the full term of office.

The Government, Mr Speaker, had, by 8th February, implemented over 40 commitments in what were the first two months in office. Some of these were simply a case of honouring promises made by the party opposite when they were the Government. Others involved a change of policy or direction. Others still involved taking action through the use of resources. For example, a bus to Both Worlds was in place before Christmas and more beds for the elderly were actioned at St Bernard's through Calpe Ward.

Mr Speaker, over 70 electoral commitments were delivered or actioned in the first 100 days of the new Government. We have already said that the focus in those 100 days was to change the way in which Gibraltar did business. We have achieved this, Mr Speaker.

This transformation has been both internal and external. The internal change is reflected in the way in which Gibraltar itself operates. Gibraltar now has Cabinet Government, a system by which decisions are taken collectively by all the Ministers, as opposed to all decisions being taken by one person. The Cabinet generally meets every Monday and when the Chief Minister is away from Gibraltar, the meetings continue and are chaired by myself as the Deputy Chief Minister.

The external changes reflect the way in which the Government deals with the public. Mr Speaker, within its first month in office, the Government announced and implemented its Citizen's Charter for Responsive Government. This has ensured that members of the public, businesses or associations no longer have to wait an inordinately long time for replies when corresponding with the Government. Those delays, or the absence of a reply altogether, were a constant source of complaints from the general public when the hon. Members opposite were in Government.

The Government also gave instructions within 30 days of being elected for the disclosure of certain Government documents under a 20-year rule. This places Gibraltar ahead of the UK, in relation to openness and transparency in this field.

The new Government, Mr Speaker, now publishes a raft of official statistics on its website as a matter of course. This includes most of the data requested by the GSLP/Liberals when we were in Opposition. This makes it available instantly to the members opposite, to the media and to the general public. There is now more Government information on-line than ever before.

Mr Speaker, the new Government immediately gave effect to our commitment to paperless Government. All Ministers are in touch all the time, using the latest technology, and can participate in any discussion or decision-making instantly. Indeed, through the use of new technology and using the internet and Skype, the Chief Minister has participated in Cabinet discussions when on paternity leave without being physically present.

The first Budget of this new Government today, Mr Speaker, will serve as a trigger for the start of the delivery of a number of manifesto commitments for which specific funding is required.

Mr Speaker, in the first six months, we have ticked off over 100 electoral commitments. I would like, once again, to thank the professional civil servants and members of the public administration who have assisted the new Government in this task.

Mr Speaker, It is perhaps in the changes we have made to the way in which our Parliament operates that our commitment to accountable and transparent Government can be best appreciated. The problem with some of the hon. Members opposite is that they were not in this House before, in order to properly understand what used to happen then and compare that with what happens now. It is obvious that some of the new Opposition Members almost take for granted the reforms that have been introduced.

This year, there have already been five meetings for Questions in six months. There will be 10 meetings a year for Questions. We have already had more Question Times in six months than used to happen in a whole year when the GSD were in office. Mr Speaker, the Opposition have never had it so good. Moreover, in some years, they called two or three meetings and in 2003, there was only one meeting for Questions.

The Opposition can now ask Questions on issues at a time when the issue is topical. I remember asking Questions in September or October about things that may have happened in April or May, because there was no Question Time in between. Indeed, there will be another meeting for Questions later this month, when the Budget debate is over.

The irony is that the changes that this Government has introduced have not cost any money and have required no legislative action. It was in the power of the GSD when they were in Government to have delivered more meetings of the House in the same way as we have done. They did not do this. This means that the parliamentary role of the Opposition then was curtailed by the hon. Members when they were the Government. That they should now complain at the answers that they are given in this House, in respect of two or three Questions, is nothing more than a smokescreen which is designed to hide their poor record in this regard when they were in office.

Mr Speaker, the new Parliament website – www.parliament.gi – is already up and running. This provides a very useful service to members of the press, to the general public and obviously to the Members of this House. This initiative should have been taken long before we came into office.

The website includes the agenda for meetings, the audio of the proceedings of the House, Bills, Notice of Questions, the timetable for Parliamentary business and the *Hansard*. The House knows that this Parliament has reached an agreement with the Isle of Man to transcribe our *Hansard* into audio files which are sent to them by e-mail. This means that *Hansard* is now available in record time.

Mr Speaker, when I was first elected, *Hansard* used to take months to be made available to the Members of this House. In one case, it took nearly a year. There was clearly a lack of investment and of resources, which in turn hampered the work of the Opposition. The new system we have put in place means that *Hansard* is now generally available within weeks. The *Hansard* for the morning session of 21st June, for example, was available on 29th June. This is a complete transformation in the availability and the supply of information. This is why I said earlier that it is very easy for new Members on the opposite side to take these improvements for granted. They cannot possibly imagine what we had to endure when we used to sit where they sit now.

Mr Speaker, in line with our manifesto commitments, in February, the Government announced the setting up of the Commission on Democratic and Political Reform. The Commission has kept to a strict timetable. A consultation paper was issued three months after the Commission was formed. Twelve months after that, in the spring of next year, the Commission will report to Parliament its recommendations after an extensive period of public consultation. The intention of the Government is that Parliament will debate the report within three months and then decide which proposals should be approved by the House or if a referendum should be held to approve any or all of them.

The measures accepted by Parliament will be implemented within six months and any changes to the electoral system will apply for the next general election. The Government welcomes, Mr Speaker, the involvement of the *Hansard* Society in this process and the outside expertise that they have provided to the deliberations of the Commission.

Mr Speaker, the Government is very grateful to Mr Adolfo Canepa, George Mascarenhas, Fabian Vinet, Robert Vasquez and Charles Gomez for giving of their time in order to serve as members of the Commission. We are also grateful to its Secretary, Mr Dennis Figueras.

The Government intend to continue to move this House into the 21st century. The purchase of a new digital sound recording and audio system for the Parliament has already gone out to tender. This system will have the capability for the connection of cameras to provide a feed on-line which the media can then pick up. The actual introduction of cameras will, of course, only follow the approval of Parliament itself.

Mr Speaker, I take this opportunity to thank the Clerk and the staff of the House for their assistance and support in this project and indeed for their help first in Opposition and now in Government. I would

also like to thank the IT Department for their professional input and involvement in order to make the project a success.

Mr Speaker, the impact of the arrival of the new Government and the changes that we have implemented can clearly be seen in the planning process. Under the previous Administration, planning decisions were taken in secret, behind closed doors. There was little or no public participation. Objectors were not heard and the press and the public were not entitled to be present at meetings of the Development and Planning Commission (DPC). The town planners ended up being excluded from Government projects and the DPC was not provided with information about them.

Mr Speaker, this closed and secretive system was transformed within weeks of the GSLP/Liberal Government taking office. In line with our manifesto commitments, on 22nd December, the formal decision was taken to make the Town Planner the Chairman of the DPC. It was also decided that the meetings would take place in public and that the Environmental Safety Group (ESG) would form part of that body.

Mr Speaker, there have now been seven public meetings of the DPC. These take place at the John Mackintosh Hall and anyone is able to attend. The Commission has, since we were elected, considered 235 applications, all of them in public. There have been presentations by applicants and presentations by objectors. The fact that architects and others are present at the meeting has meant that Commission members can question them on any aspect of an application on the spot. The result is that simple queries can be addressed immediately and that applications are not held up for weeks, while there is correspondence to and fro in order to clear up a point.

The reality Mr Speaker, is that the new system is working very well. I would like to take this opportunity to thank and congratulate the town planners and the staff of the Town Planning and Building Control Department for their professionalism, their assistance and their enthusiasm in assisting the Government in the delivery of our manifesto commitment in this field.

Mr Speaker, there have been a number of Government applications submitted to the DPC for information and guidance since the new Government came into office. This followed a gap of many years under the previous Administration, where no Government projects were submitted at all. One of the first such projects was a children's playground at Moorish Castle Estate. The playground was opened by Prince Edward and the Countess of Wessex during their visit last month.

The intention of the Government remains to subject all Government projects to the full planning process during this term of office. Indeed, it is encouraging to see that many Government Departments are now automatically factoring in the time that it takes to go to planning in the timetable of official projects. This is obviously something the system has to get used to.

Mr Speaker, the planning process has undergone visible and real improvements. It is regrettable that the hon. Members opposite have adopted such a negative approach to these changes. They take the opportunity to distort and exaggerate any particular matter for their own political gain. The Opposition have the political audacity to suggest that we are somehow not being transparent or open enough, yet at the same time their own policy remains to a return to the closed and secretive planning system that we inherited from them. They have accused the Government of failing to follow a course of action that they themselves do not believe in. This is not a credible position.

I understand Mr Speaker, that nearly half of the Opposition Members have not been in Parliament before. They are therefore not in a position to appreciate the nature and the extent of the transformation that has taken place. Indeed, at one point, when the GSD were in Government, I was even told point blank that they would not answer questions in this House on the DPC because the DPC was not the Government and they were not accountable for it.

All this information and more, Mr Speaker, is now available to the public and it is now available to them. It was not readily available to me when I sat on those benches and I asked the questions. In order to be critical with a degree of credibility, Mr Speaker, they must understand the extent of what used to happen when they were in office. I fully accept that they are entitled to a different policy. If they prefer the closed and secretive methods of the past, that is their prerogative. However, they must equally accept that the new Government was elected on a manifesto which promised to open up the planning process and that this is what we have done.

Mr Speaker, the agenda and the minutes of the DPC are now available on-line. When I was in Opposition, I was privy to neither the agenda nor the minutes, and neither were the general public. The hon. Members have made use of this increased information, in order to find details with which to try and discredit the Government. I repeat that they should bear in mind that when I sat on those benches this information was simply not available.

In short, Mr Speaker, my advice is that they should be more generous with the new Government, because we have made their life much easier than they ever made it for us when the roles were reversed. In this area also, Mr Speaker, the Opposition have never had it so good.

This House knows that the Government's reform of the planning process has not yet finished. The ultimate objective of the Government is to make the whole planning process of any application available

on-line. In March, the Town Planner and the Deputy Town Planner visited two local planning authorities in the United Kingdom. These were in the London Boroughs of Redbridge and Richmond upon Thames. In both these authorities they were shown the respective on-line services and had an opportunity to learn more about them. The Government will assess the different options available in order to fulfil its pledge which is to make the whole planning process of any application available on-line.

Mr Speaker, the Town Planning and Building Control Department is at Head 12 and the total amount of expenditure for this year is £787,000.

Mr Speaker, In relation to lands, this House is aware that the Government has put out to tender a number of ex-MoD properties which have been transferred under the Lands Deal of July 2011 that was concluded by the previous Administration. This deal was described at the time as being self-financing because under it the Gibraltar Government is required to relocate and re-provide MoD requirements from the funds raised by the sale of these properties. The expenditure of the Government in relation to MoD re-provisioning works is set at a maximum of £66 million.

The expectation, therefore, is that the Government will obtain £66 million or more from the sale of MoD assets. However, what this means is that, whereas the expenditure for the Government is fixed and capped, the income on the other hand, is variable and subject to a number of external fluctuations, like the state of the property market and the availability of mortgage finance. In other words, there is always a possibility that instead of receiving £66 million in income, the Government could actually receive less. It is to guard against this that these tenders have been awarded on a highest bidder basis.

The first such tender was for two large houses at Europa Point, which were put on sale with a closing date of 9th March. There were no bids for these properties. The Government is now considering its options in respect of these houses.

A further eight properties were put out to tender at St Christopher's Court. There were 73 bids for these properties and the Government has obtained about £2 million in revenue.

The 13 terraced houses at Buena Vista went out to tender with a closing date of 4th May. There were 91 tenderers interested in these properties and about £4.8 million in revenue is expected to be raised.

Three units at Cheshire House were then put out to tender. There were 44 bids for these properties and about £1.5 million is expected to be raised.

The total projected revenue, based on the current 24 sales to the current successful applicants, is in the order of £8.3 million. This does not include sales to MoD sitting tenants.

Mr Speaker, the sales figures which have been given could vary. There are successful tenderers who have to sell their existing home and others who are dependent on bank finance. In the event that any allocation falls through for this reason, or indeed for any other, the residential unit in question will be allocated to the next highest bidder on the list for that particular property.

The House will see that I&DF Head 102 in respect of revenue from the sale of Government Properties and Other Premia, shows an estimate of £10 million for the financial year 2011-12, with a forecast outturn of £1,432,000 million. The estimate for this financial year is £20 million of revenue including ex-MoD sales.

Mr Speaker, In respect of expenditure, in I&DF Head 102, Sub-Head 3, a nominal £1 million has been entered in respect of each (a) MoD Lands; b) MoD Project Euston; and (c) Other Relocations.

Mr Speaker, the Government has also put out to tender 16 flats which it owns, some of which have been vacant for a considerable period of time. Nine of them in Harbour Views, Sir William Jackson Grove, Portland House and Carltree House were put on the market on an open tender basis to the highest bidder. There were 44 applicants for these properties and just over £1.1 million is expected to be raised. Seven other flats in Merlot House were also put out to tender on a fixed price basis. This means that, in the latter cases, prospective tenderers were not be able to outbid each other and that a list of published criteria, other than price, was used to determine the selection.

There were 22 applicants for these properties and just over £900,000 is expected to be raised. The Government has, in addition, put out to tender eight commercial units. We have continued the practice established by the hon. Members when they were in Government, of putting all of them out on a fixed price basis. Five of the units are in Waterport Terraces, where a projected income of about £1.2 million is expected to be raised. The others are small units at Governor's Cottage and Casemates Arcade that have been put out on a rental basis.

The Government is aware that there is considerable demand for storage space, industrial and commercial units and hope to be able to go some way to meeting the demand during our term in office. Given this situation, it made no sense to keep these properties off the market, when they could be generating income for the Government and economic activity for the benefit of Gibraltar as a whole.

I want to take this opportunity, Mr Speaker, to thank the staff in the Lands Office in Convent Place and the management and staff of Land Property Services Ltd for their assistance and co-operation over the last six months.

Mr Speaker, I now move on to aviation and the air terminal. The Director of Civil Aviation reports to me in my capacity as the Minister responsible for aviation matters. The Department can be found at Head

11 of the Estimates of Revenue and Expenditure. The estimate for the last financial year was £4.1 million. The outturn was £3.8 million. The estimate for this year, which this House is being asked to approve, is £3.6 million.

Mr Speaker, in order to cover the existing requirements for security in the old air terminal caused by the requirements of European Aviation Security legislation, the Government recently recruited 14 new Borders Agency officers. These officers, who are all Gibraltarian, have undergone initial training packages and are now undertaking on-the-job training, prior to being declared fully operational in August. The recruitment of the new personnel has allowed the recruitment of a dedicated Training Officer from within the BCA. The new post will be responsible for implementing and teaching the extensive training programme required by the EU legislation for aviation security officers.

Similarly, it is planned to recruit a dedicated quality control officer. This officer will be responsible for undertaking audits, inspections and tests of all the security related operations at the Airport.

Mr Speaker, during the past 12 months only two bird strikes have been reported. This demonstrates the importance of the culling programme and the bird management procedures employed by the Airfield Bird Management Team, who spend long hours patrolling the airfield.

An Aerodrome Manual has been produced which formalises the safety procedures that are in place at the airport. The document details the safety accountabilities and responsibilities of the various agencies. It also lays down the terms of reference for the various safety committees at the airport and sets out the standing instructions employed at the Airport. This document ensures that all units at the airport, both civil and military, have a common safety reference book, which will improve the interoperability of the various organisations. This Manual has already proved very useful.

While on aviation matters, I would like to spend a few moments on the air terminal. Gibraltar Air Terminal Ltd took possession of five operational aircraft aprons in August 2011. Operations from the new air terminal for arriving aircraft started in November 2011, although, as the House knows, operations for departing flights have not yet commenced. I will say more on this later on.

Practical completion of the new air terminal was accepted by GATL in April 2012. The House knows that, in Opposition, we did not support the new air terminal. We did not support the expenditure; we did not support its relocation next to the frontier fence; and we did not support the scale of the construction. The arguments are well known and well rehearsed. In our view, the motivation behind this project was not economic, in the sense of planning for the future, but purely and simply in order to give effect to a political agreement with Spain.

Mr Speaker, it is obvious to us now, with the benefit of hindsight and of having access to all the relevant information, that we were correct in the analysis that we made at the time. The air terminal project has been carried out with poor planning and with little consideration for the public purse. It was not driven by the public need of Gibraltar, but by the need to make a statement of pharaonic proportions, paid for with somebody else's money. It is very easy, Mr Speaker, to have visions of this kind when somebody else foots the bill. It is obvious that the hon. Members got their priorities wrong, in relation to this project.

Moreover, it was a serious error of judgement to operate two terminals at the same time, one for arrivals and one for departures. This has created all sorts of logistical problems for the staff who work in the buildings and for the commercial entities who operate from there. There is no doubt that the rush to open for arrivals at the end of November, and the public viewings that preceded it, were nothing more than transparent electoral stunts.

It will be recalled that workers were withdrawn from other Government projects all over Gibraltar in order to ready the terminal on time. There was an obvious resulting increase in cost as well as a delay to other projects. The figures made available to the new Government soon after coming into office showed that the cleaning of the terminal for the initial period of arrivals from 25th November to 10th December was over £88,000. Clearly, money was no object.

Mr Speaker, the Government expects that the cost of the new air terminal will be in the region of 84 million euros. This project was originally trumpeted as costing £24 million. The costs then went up to 50 million euros at the time of the tender, to 70 million euros at the time of the General Election and to about 84 million euros today. The waste of public funds is unforgiveable. It is clear that the party opposite has a lot to answer for.

One of the reasons for increased costs is because the now Hon. Leader of the Opposition, who once proudly boasted that he was the Clerk of Works of the Casemates project, clearly also considered himself to be the Clerk of Works of the air terminal. The Government has received detailed information which shows that at least 6 million euros of increased costs was due directly to the personal intervention of the then Chief Minister.

Mr Speaker, this included: enlarging toilets at the cost of nearly 140,000 euros; increasing the size of the monitors at the cost of over 100,000 euros; altering the purpose of the airside facilities building, which cost 817,000 euros. It also included changing some walls leading to and from the frontier from solid with glass top panel to full height glass walls. This cost a further 312,000 euros. Then the

Government also agreed to contribute 55,000 euros to the cost of demolishing and reconstructing stairs, because they did not line up with the angle of the adjacent escalator.

Mr Speaker, it was already bad enough that the costs of the air terminal have increased to over three times the original figure that was given. It is totally unacceptable that the now Leader of the Opposition should have been personally responsible for the changes that contributed significantly to such an increase in costs.

It is also particularly scandalous that the ground handling contract with Bland Ltd was signed on 7th December 2011, which was the day before polling day. It is beyond belief that the signing of this contract could not have waited 24 or 48 hours, so that a different Government could have taken a view on it. This is all the more relevant since it is meant to run for a seven-year term, until November 2018.

The signature of this document the day before the people of Gibraltar went to vote for a new Government has raised a serious constitutional point. Save in the case of public emergency, the Constitution of Gibraltar prohibits any caretaker Government from committing or binding its successor to public funding or liability, except in the ordinary course of the day-to-day affairs of Gibraltar. Mr Speaker, it is clear to me that the GSD Government, through GATL, has committed its successor Government to public funding and that this could be seen as unconstitutional. The new Government has sought a legal opinion on this point.

Having said all this, Mr Speaker, the air terminal is there and the new Government now has the responsibility to make it work. The Government were given practical completion at the end of April, about eight weeks ago. The decision has been taken to operate the air terminal through a series of service level agreements with a number of contractors who are already in place, until local people can be trained for the jobs that are available.

The Government set about reducing the costs at the air terminal soon after we took office. The House will recall the cancellation of the infamous cleaning contract that I referred to earlier. The Government has authorised one-year contracts with five contractors in respect of a number of functions at the new air terminal, after negotiating price reductions. This will nonetheless still cost over £1 million a year.

There are still other SLAs that remain to be agreed. The new air terminal building is being prepared for departures as well as arrivals, since practical completion was given at the end of April. Work now continues to resolve the long list of snagging problems that have been identified, once possession of the building was achieved.

Additionally, work continues to fully integrate and configure the extensive IT systems. The next phase will see staff being trained on the new systems and then full operations will be able to commence from the new air terminal. It will, therefore, open for this purpose as soon as it is ready.

Mr Speaker, by way of example, the Government has been told that the CUTE check-in system was expected to be ready by mid-July and that following this, the handler's staff needs to be trained on it.

Mr Speaker, I would like to take this opportunity to thank the Director of Civil Aviation, Chris Purkiss; the Air Terminal Director, Terrence Lopez; and all the staff at the two air terminals for their support.

I now move on to a short report in relation to Gibtelecom.

Since my appointment as Gibtelecom's Chairman in December 2011, I have been struck by the company's investment in its people and their commitment to deliver quality services. Therefore, at the outset, I take this opportunity to express my appreciation to Gibtelecom's staff, including those who have retired or moved on, who have contributed to the company's success.

I have now had the pleasure of attending two board meetings of the company, together with the Government's partners from Slovenia Telecom. I have also toured different sections of the company and had the opportunity to chat to management and staff.

Mr Speaker, investment in technology continues to be the cornerstone of Gibtelecom's strategy and 2012 will see the culmination of a number of important projects. These include the Next Generation Network (NGN). This will have the capacity to deliver faster broadband speeds in the shorter term and eventually lead to closer integration of fixed line, internet and mobile technologies.

Another key project getting underway later this year is the replacement and upgrading of the computerised system for network records, customer services and billing, which plays a crucial part behind the scenes role in all Gibtelecom's operations. The company is also enhancing its mobile coverage around Gibraltar, to meet the challenges of topography and the growing demand for mobile internet and data services.

The activation of the Europe India Gateway (EIG) cable, together with the setting up of a Gibtelecom Point of Presence (PoP) in London, provides the Company with significantly enhanced route diversity and resilience, to complement its land and other sea routes. The company has begun marketing and selling its substantial EIG capacity beyond that required for Gibraltar, by seeking to partner with other international carriers to extend its global reach. Gibtelecom's first agreement, announced in June this year, is with a leading South African company called Vodacom – part of the Vodafone Group.

With regard to business enterprise services, the company was able to make some headway at the turn of the year in reducing bandwidth prices for the emerging e-commerce industry, which was a much needed move in the right direction, if Gibraltar is to be an attractive jurisdiction for e-commerce. Also, this spring, the company took the first steps in enhancing its broadband offerings for both business and residential customers, with further speed increases due later in the year.

Mr Speaker, there is a growing demand for computer data hosting services, which the company is also developing at present with the construction this year of further data centres.

Mr Speaker, the Government will deploy its shareholding in Gibtelecom to encourage the company to continue to invest in infrastructure, technology and people to ensure Gibraltar's needs in the critically important area of communications continue to be met.

Mr Speaker, a new Government brings new ideas and a new way of doing things. We have made fundamental changes to the way in which Gibraltar is governed in a very short period of time. People voted to change and Gibraltar has changed, for the better.

In concluding my contribution, I want to thank you, Mr Speaker, because this will be the last time that you preside over a Budget session in this House. I was one of those who voted against your appointment the first time round and then supported it the next time. Mr Speaker, everything you have done from that Chair has justified this.

I also want to take the opportunity to thank all the civil servants and public servants who have made us so welcome and with whom it has been a pleasure to work over the last six months, in order to ensure the delivery of our manifesto – in particular, Coral and Caine, the staff in my personal office in No. 6 Convent Place.

Thank you.

(Applause)

Hon. Chief Minister: Mr Speaker, I beg to move that the House do now adjourn until this afternoon at 3.00 p.m.

Mr Speaker: This House will now adjourn until 3.00 pm this afternoon.

*The House adjourned at 12.35 p.m.
and resumed its sitting at 3.00 p.m.*



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 6.35 p.m.

Gibraltar, Monday, 9th July 2012

The Gibraltar Parliament

The Parliament met at 3.00 p.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Order of the Day

Appropriation Act 2012 Debate continued

Clerk: Budget speeches continue.

Mr Speaker: The Hon. the Minister for Health and the Environment.

5 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, this is my first ever Budget speech before Parliament, and it is an honour for me to be able to present it.

I must start, Mr Speaker, by thanking the people of Gibraltar for the confidence they showed in me at my first ever General Election, even though I had only entered the political arena a matter of weeks before Election day.

10 Election day: the 8th December last was a turning point for the environment in Gibraltar and the 9th brought with it a new dawn of hope for the future. A Government that seemed to groan every time it had to consider the environment was replaced by one which is already today probably the most environmentally progressive in Europe.

15 This is something I take very seriously and I will strive my utmost to gain international recognition of our increasingly green credentials. Literally overnight, Gibraltar had concern and care for our surroundings and for the wellbeing of our people and our planet at the core of its policies and activities.

Mr Speaker, I know better than most how difficult it was under the Government of the Gibraltar so-called Social Democrats to make progress on environmental obligations, let alone initiatives. I know

better than most of rejected proposals, forbidden funds, negative reactions, when other players in other areas were getting incentives and funding, right and centre, sadly not left.

I know better than most of non-implemented Directives and the ignoring first and avoiding later of advice. The latter was characterised, for example, by a ban on Government servants engaging directly with environmental NGOs, and the now well-known centralisation of everything and confrontation with everyone who did not tow the line.

Mr Speaker, probably the first thing I did, when I attended my first meeting at the Department of the Environment, was to lift the ban on talking and discussion, and to invite Department officials to work together openly with representatives of organisations and contractors. I opened up links to counterparts in Government and Agencies in the UK and encouraged interdepartmental contacts and joined-up thinking within the Gibraltar public service, which was surprisingly and alarmingly lacking.

This step, which was a logical extension of the various inter-Ministerial Committees, also opened up the avenues of close communication, which has facilitated the work of the green filter. There is now scarcely a Government activity of significance that does not go through an environmental filter. How things have changed!

In practice, not only do environmental civil servants and advisers or contractors get involved in discussion and decision-making, or are appointed to important committees, but many criteria with which such decisions are arrived at have been changed. This is the case, for example, with the new green procurement practices, the subject already of circulars and seminars and with initiatives linked to reduction of emissions and energy efficiency, also already well promoted within the public service.

This year will see the revision of the Environmental Action and Management Plan. The revised version will illustrate the Government's green ethos and provide comprehensive targets with dates for the fulfillment of these. A workshop has already been held within the public sector, with presentations given to all Government Authorities, Agencies and Departments. A number of practical steps have been initiated such as the introduction of recycled paper within the service, double-sided printing, the use of central printers to name but a few.

The introduction of the Environmental Filter is resulting in greater environmental consideration in the procurement process. The tendering process has seen the introduction of a green procurement policy. This particular issue has also been the subject of a Government seminar.

With regards to the tender documents for the purchase of goods or services, the weighting of environmentally friendly products and energy efficient equipment has become much greater, with the aim of making it the principal factor when considering tenders. The Chamber of Commerce and the Gibraltar Federation of Small Businesses have been engaged and are aware that their members have to work towards introducing greener products and services within the local market, as Government will be procuring on that basis whenever possible in the future. They have embraced these principles.

All Building Applications are now filtered through the Department of the Environment, who provide comments regarding various aspects relating to the environment. These include the effects developments could have on natural habitats and planted areas. Furthermore, energy efficiency, the provision of appropriate refuse disposal facilities, dust emission during construction, and so on are also considered when relevant.

In the next few months, Government will be publishing a tender for the collection of recycling of all small items of waste electrical and electronic equipment (WEEE) and batteries, with the possibility of at last introducing recycling of paper and cardboard from all Government Agencies, Authorities and Departments. There are already arrangements in place for the recycling of small WEEE items, but this new service will ensure that the waste is collected and delivered for transfer to the authorised recycling facility, ultimately producing higher collection rates.

The Government is working together with the Environmental Safety Group (ESG) on a wide range of issues, and has opened its doors to the Group, which has met on many occasions with different Ministers and Government Departments, including the Department of the Environment and the Port.

This work includes life after the last Government's Epidemiological Study, which was promoted by our predecessors as giving no cause for concern, almost as reason to sit back and do nothing. Even the present Hon. Opposition Spokesperson for Health seemed to find it acceptable, as was widely reported in the press. This Government, like the ESG, considers that it had considerable flaws, and is discussing with the Group ways of taking this theme forward together. Government is committed to improving environmental aspects that can affect human health, whether it is through improving the quality of the air we breathe, or as a result of lifestyle choices.

Mr Speaker, one of the earliest and most courageous decisions of this Government was to halt the former Administration's plans for a large diesel-fuelled power station. It was also one of the most sensible ones, from both a financial and environmental perspective, and the history of Gibraltar will judge it as such. This action has opened a wide range of possibilities for Gibraltar, not just in determining the main source of power, but in identifying alternative sources that will help Gibraltar meet and, we hope,

80 exceed the European Union's targets for renewable energy – targets that are punished with heavy fines of millions, if not met.

The failure of the previous Administration to tackle power in a timely manner, already referred to by the Chief Minister, in the 16 years it had to do so, must be condemned, as it has brought us very close to the line on timings. The removal of the existing power generating stations is a top priority for this
85 Government. The OESCO and the former MOD power stations had been allowed to deteriorate unacceptably. This has left us with yet another liability as part of our GSD inheritance.

Government is closely studying various options and short-listing these, with a view to reaching a decision shortly as to what the main source of power for Gibraltar will be. Once this decision is taken, it will move very fast and we are aiming for implementation within this term of office. Government has
90 received numerous proposals for more sustainable forms of energy production, some of which simultaneously deal with waste disposal. These are all being actively considered.

At the same time as providing a secure and reliable source of power, Government is promoting the reduction of energy consumption through a number of initiatives and by example. Government has commenced and will continue with a programme to replace public lighting with solar powered devices
95 and/or LEDs. This example has already been followed in at least one private estate, and I would like to publicly congratulate Vineyards for this.

Another measure that has been introduced is that all refurbishment and repair works to Government buildings must explore and implement options to make changes to lighting systems that are more energy
100 efficient.

Government is very serious in its aims to reduce emissions and to producing a Gibraltar that can be proud of its record in slashing its contribution to the global problem of climate change. It has therefore provided, as promised in the manifesto, £1 million to be used for projects that will assist in achieving the reduction of our carbon footprint. This will include facilitating renewable energy projects.

I must remark that the last Government did nothing whatsoever of any significance in this respect.
105 That is not only shameful but embarrassing and a disgrace, which has done nothing for our international image, as I have been able to ascertain in meetings that I have recently held, in London.

To assist in this work, Government has reconvened the Gibraltar Climate Change Forum, which had not met since 2006, and which has already met twice, and is drafting a new Climate Change Strategy for
110 Gibraltar.

Mr Speaker, as announced earlier by the Chief Minister, there will be a number of import duty changes to promote environmental measures:

- The import duty on biofuels will be zero with immediate effect.
- Import duty on the importation of hybrid vehicles via a licensed motor dealer in Gibraltar will be reduced to 2%.
- A £500 cash back will be given to the purchaser of a hybrid vehicle on registration in Gibraltar.
- Import duty on recycled or approved environmentally friendly or eco paper, from renewable forests, is reduced from 12% to 0% with effect from 1st July.
- Import duty on stationery made predominantly from recycled materials is reduced from 12% to 0%.

And more such measures are being looked into.

Mr Speaker, another problem that was not successfully addressed by the past administration was the matter of waste disposal. Once again, there was a report that no-one seemed to know what to do with. This Government has engaged a consultant to assess and advise on the various different options being presented to it, to deal with the sustainable disposal of Gibraltar's waste. The exercise will provide
115 Government with an accurate understanding of Gibraltar's waste arisings, and the best options for our unique circumstances. Any new technologies must comply with our various EU requirements, as well as the Government's green philosophy.

As has already been explained in Parliament, Government is developing a plan with experts far and wide for the management of our macaques. The previous plan did not deliver a satisfactory situation and had not been implemented, despite being ready for over two years. The exercise to develop the new plan
120 should be complete by the end of this summer. It is envisaged that among other things, this year will see the supply of water to Anglian Way, the construction of feeding areas and ponds at many of the sites and the setting-up of interpretation material. In contrast with the situation with the last Government, where Gibraltar was condemned internationally and was the subject of a negative campaign, two international organisations, the International Primate Protection League and the Born Free Foundation, are completely
125 on side and will in fact be contributing with expertise and funding to delivering the plan.

It has already been stated that no culling will be conducted for the purpose of reducing the number of macaques. The possibility of relocating macaques to adequate places abroad will continue to be an option and the use of contraceptive measures will be enhanced. This, together with the new management systems and facilities will go some way towards significantly reducing the nuisance caused by the monkeys in
130 built-up areas, which is one of my main concerns.

The four-year gull population reduction programme with FERA has now been completed. We will now be enhancing local resources to increase the year-long concerted effort that should maintain the numbers of gulls at a satisfactory level, without the need for the continuous and expensive engagement of overseas services.

Mr Speaker, when I took over the old Alameda Gardens in 1991, I remember sitting at the edge of one of the beds, looking round, and almost despairing at the magnitude of the task ahead. A similar feeling went through me as I went around the Cemetery, shortly after coming into office. Not only was it in an appalling state, but the conditions of the staff facilities was shocking, and little equipment was available. But the task is not insurmountable.

We will this year commence a project of general refurbishment for the Cemetery which will entail the removal of unkempt vaults of more than 50 years, the painting of external walls, the placing of benches and refurbishment of the entrances, as well as improving the management of the planted areas. The Board of Visitors to the Cemetery, which has not functioned for about a decade, is being reconstituted in order to support the hardworking and thoroughly committed Superintendent and his team, in their work.

The drive to plant more trees throughout Gibraltar will continue. This will be achieved within new developments and in green areas where they can survive through natural means. Plans continue to be developed to creating new green areas. Design work on Commonwealth Park, for example, is advancing well, and works on the ground are expected to begin shortly after the summer.

Consistent with the concept of tidiness and beautification, another body that I have resurrected is the Litter Committee, which has already helped in co-ordinating the resources available to clean up and maintain a cleaner Gibraltar. The Committee's members include official Departments, Agencies, contractors and NGOs, including the 'Wake Up Gibraltar' Facebook Group. I must mention here the work done by cleansing contractors, and by the Environmental Monitoring Team and the brand new Environmental Feedback Section, which have been given new impetus by this Government's initiatives.

Refurbishment work to the Upper Rock sites and enhancement works to areas of natural beauty will be carried out, adding to the excellent work already being done by the Upper Rock Team in managing habitats and controlling non-native invasive plant species.

Tanks that will provide water for fire-fighting purposes in the Upper Rock will be placed at different locations in consultation with the City Fire Brigade. Works to repair and replace fences in the Upper Rock will also be carried out. Old buildings will be restored and interpretational signs will be erected. This will be the first phase in developing the Upper Rock towards its full potential as an area of beauty, wildlife, and recreation.

The Alameda Gardens will be encouraged to continue to develop, beyond its recreational value to the community, as a major player in research and conservation in the region, and to promote Gibraltar internationally in these fields. This year should see the completion of works to the Animal Conservation Park, the development of educational and scientific work and the placing of interpretational and educational material.

Gibraltar, Mr Speaker, has important responsibilities in affording protection to wildlife that not only resides here but which passes through Gibraltar and its waters on migration. This projects our importance – and our responsibilities – far beyond the limits of our small territory, as essentially our success or otherwise in wildlife protection could have repercussions in wildlife populations, particularly of birds and marine species, throughout Europe and the Mediterranean. That is why, Mr Speaker, despite allegations to the contrary, the Government takes very seriously its responsibilities under the Habitats and Birds Directives and why it affords protection to its wildlife, both terrestrial and marine.

In relation to the Habitats Directive the existing surveillance monitoring programme will be enhanced this year to ensure greater data capture for species of flora and fauna of local and community interest. The results of the monitoring will assist Government in meeting the requirements of the Directive, which include ensuring that the favourable status of our European protected habitats and species is attained or maintained locally.

The Rock of Gibraltar Site of Community Interest will shortly be designated as a Special Area of Conservation. To this end, a management scheme is being prepared by the Department of the Environment. This plan will reflect the findings, where applicable, of the current Upper Rock Consultation Process, which should see the rationalisation of all the interests into an organised mechanism which will ensure proper management of all aspects of the Upper Rock.

The Government is revising the Southern Waters of Gibraltar Management Scheme, which as existing is weak and inadequate. The protection regime which had been in place until now is therefore being supplemented and will include the regulation of all types of fishing activities in Gibraltar waters amongst other issues affecting Gibraltar's marine resources. Mr Speaker, the clear show of weakness of the Government of 1999, in ignoring technical advice and entering into an agreement tantamount to likewise ignoring Gibraltar's laws, was in my mind the clear trigger for the declaration by Spain of a European SCI within Gibraltar waters. This admission by the then Government of its inability to administer

protection of our marine resources will have been mischievously used in a decision to take the law into their own hands and treat our waters as if they were theirs.

But this is hardly surprising, if our own Government essentially agreed to Spanish law governing activities in our waters. The best way to tackle this problem, Mr Speaker, is by demonstrating that we are willing and able to offer a protection regime that is scientifically robust and will encourage the recovery of our marine habitats and species and only allow sustainable use of our resources.

This will mean that the regulations that we will be introducing, which have been discussed with all relevant stakeholders in our Marine Consultation Process, will require certain restraint and control of activities currently taking place, but in the end will ensure thriving marine life with added possibilities of sustainable use. Mr Speaker, for the avoidance of doubt, let me state that these are regulations that we have been developing since December, to govern activities locally such as angling, diving and spear fishing, to replace the former Government's inadequate and ill-conceived Marine Leisure Act proposals.

Mr Speaker, sound conservation science is the overriding principle that drives all our environmental work, be it in relation to local use or in relation to Spanish fishermen. It is imperative that all recognise and accept what the world already knows, that unless we protect what little remains now, there will be nothing left in the future.

It really is sad, Mr Speaker, that neither the present Leader of the Opposition realised that in 1999, when he had it in his gift to resolve the issue once and for all, nor the Opposition now can find it within themselves to publicly state that what I am saying is true and that what we are doing is right.

Mr Speaker, I have already mentioned the Government's commitment to involving the wider Gibraltar in its work. I have referred to the involvement of the ESG. Similarly, it is maintaining close contact with the Ornithological and Natural History Society through regular meetings and discussions on matters relating in particular to the natural environment. The Government will continue to do so and will assist their work in the rehabilitation and captive breeding of birds of prey, both for release into the wild and for use in gull control.

In order to strengthen and widen the quality of scientific advice available to it, Government has restructured the Scientific Authority and the Nature Conservancy Council, which is now encouraged to advise on any matter within its competence that it wishes to, and not simply respond to specific requests as dictated by law.

Mr Speaker, this year Government celebrated the eighth anniversary of World Environment Day (WED) on Thursday, 31st May. The purpose of this United Nations Environment Programme Day is to spread awareness of centre stage environmental issues. This year's theme is the 'Green Economy.' Events were centred on the ever-popular performances by school children and parents who were invited to attend. This event was held at the Tercentenary Sports Hall. It was truly inspirational. The work done by children, teachers and parents has to be praised. The message came through loud and clear: they are the future, and the future, if there is to be one, must be green.

The Department of the Environment is currently considering the detailed requirements of a purpose built Environment Park that will provide for the ability to dispose of different waste streams. These waste streams will then be transferred to authorised recycling and disposal facilities. Until these facilities are established, businesses and the public are encouraged to take all Waste Electrical and Electronic Equipment (WEEE) to the temporary facility at Europa Advance Road or to any retailer from which it is purchasing a replacement piece of equipment. Promoting awareness of the need for careful disposal of waste has been and will continue to be one of the subjects covered in the Environment Department's promotional material – one of which is the very popular recycling ad featuring 'El Teren', so convincingly portrayed by accomplished actor, Tony Loddo. There is more to come.

This type of initiative will help remind members of the public to make use of the recycling facilities that Government has placed and will be placing at its disposal. The provision of proper facilities for the disposal of refuse will continue this year and the project will be implemented in stages.

Mr Speaker, the services provided by the existing Gibraltar Air Quality Monitoring Programme has this year been extended with the following improvements:

- The existing website providing air quality monitoring data to the public will be upgraded to improve accessibility, security and user friendliness.
- Rainfall is to be measured to provide valuable data to better elucidate the behaviour of pollutants with respect to meteorological processes.
- Considerable interest and research into black carbon is currently being undertaken throughout Europe, to better understand this pollutant. No measurements of black carbon have ever been made in Gibraltar and monitoring will commence shortly.
- There are no data on radon levels in Gibraltar and an initial three month survey will be carried out throughout Gibraltar to characterise radon background levels. Following the results of this survey, a decision will be taken as to whether there will be a need to extend the monitoring period. It is hoped that the data gathered will help answer questions posed within the Gibraltar Epidemiological Study (GES), with respect to radon concentrations in air.

• In the light of modelled results that arose from the monitoring stations, further investigation is to be carried out, to provide an indication of the apportionment of sources of chromium in Gibraltar. This highlighted that modelled concentration of trichloroethylene and tetrachloroethylene pose an enhanced risk of certain cancer endpoints. A short measurement study using diffusion tubes will be carried out to determine whether the modelled concentrations from the system are consistent with measured concentrations in ambient air within Gibraltar.

• PM10 particulate background concentrations have been obtained in the past from Spanish sources, in order to quantify the apportionment of African dust to our PM10 levels. In order to avoid delays in obtaining the Spanish data, an alternative method will be developed using an open source air quality data analyser called 'Openair'.

The Energy Performance of Buildings Programme is now well underway. The current system is being revised with a view to improve the minimum energy performance standards of new and current build. Methods of ensuring that buildings conform to requirements are being developed jointly by the Department of the Environment, Building Control and the Town Planner.

The Water Quality Monitoring Programmes carried out by the Department of the Environment and the Environmental Agency continue to be in operation. New requirements under the Water Framework and Marine Strategy Framework Directives are being incorporated into the latter programme. Further developments in relation to the Marine Strategy Framework are expected to take place in the very new future and the Government is committed to meeting and, if possible, expanding upon the requirements.

Additionally, *ad hoc* sampling will be conducted by the Department of the Environment, as and when necessary, as part of a new pollution monitoring and enforcement campaign. We will continue to monitor the situation at Western Beach, as at all our beaches, and continue to work towards a long-term solution.

Work continues also on a wide range of issues, including the European Floods Directive and the Cartagena Protocol. Much of the work I have mentioned today, and a great deal more that there will not be time to go into, is either run or supported by the Environment Agency, with which my Ministry works very closely and which produces work of the highest calibre. Indeed, work across the boundaries of Agencies and Departments is the hallmark of this Government.

As an example, Mr Speaker, I must mention the extreme hard work and efficiency with which two recent oil spills, one in Gibraltar and another in Algeciras were handled by the Port, the Maritime Authority, the Department of the Environment and the Environment Agency. They worked around the clock, deployed all the available resources, and co-ordinated their work in such a way that the environmental impact was minimal.

In order to help us in achieving all this, the Environment Department will have two new technical posts at Professional Technical Officer (PTO) grade, and it has created a laboratory which contains specialised equipment for on-site monitoring of soils and waters. This will allow for a greater level of pollution management and polluter enforcement. It will also result in more efficient and proactive working practices within the Department and cut length of waiting time for results, while reducing the costs of sampling.

Mr Speaker, the staff of the Ministry and Department of the Environment, the Environment Agencies, and others who I work with, administrative and technical, have found that I have given them a tremendous amount of work in a very short space of time. They have responded admirably to the new challenges they face with the new freedom they enjoy to fulfill their abilities and fully utilise their expertise.

You will have seen, Mr Speaker, that the amount of work being carried out in relation to the Environment, not just by the Ministry and the Department, but also by NGOs, professional bodies, contractors and other Government Departments is greater and of higher quality than ever before, and I must add, being done and delivered with correspondingly more enthusiasm and excitement. That, Mr Speaker, may well be because I am excited too.

Mr Speaker, I now turn my attention to the Ministry of Health and the Gibraltar Health Authority.

Mr Speaker, despite how tired I was, as you would expect, in the early afternoon of 9th December 2011, after the very moving ceremony at the Convent where I was sworn in as a Minister of Her Majesty's Government of Gibraltar, I went down to St Bernard's Hospital. Mr Speaker, 20 years and six months before, I had left my post of General Manager of the GHA, a post now called Chief Executive Officer, with great sadness. Sadness, not because I regretted returning to work in my profession as a biologist, but because of what I was leaving behind. I left a small, tight unit, which in three years had recovered from years of neglect, through investment into manning and into the fabric and was now functioning well and with spirit and commitment.

Years later, during the move to the new Hospital, as a member of the Board of the Authority, and before I had fallen out of favour, for reasons best known to some Members opposite, I made it a point to visit the old hospital, now empty, and, as I remembered all the work that I had done there, with so many friends and colleagues, I wondered whether I would ever work in healthcare again. When, shortly after,

my long time appointment on the Board was terminated by the then Minister, it appeared that this would never happen.

My return to St Bernard's, now as soon-to-be Minister for Health, was therefore, as you can imagine, an emotional moment for me, Mr Speaker, particularly when I saw and talked to people I had worked with two decades earlier, and to new, young people, who have made healthcare their career. They welcomed me, and I felt immediately at home.

Let me say, right at the start of this part, Mr Speaker, that despite all the problems and pitfalls, I am determined to deliver a health service to be proud of – and the pitfalls are many. The dedication of most of the staff is as strong as ever, but the structures and mechanisms have tremendous gaps in them, which make delivery of the service lacking in many ways.

The management structure is awkward and fails in a number of important areas to keep in touch with the organisation and with patients, and in many cases, to deliver their needs. Failure of that structure also means that continuity of patient care is again in many cases lacking, with individuals doing their work well, but without the solid connections required to treat the patient as a complete person.

Mr Speaker, so many of the problems that have been brought to me by hundreds of patients, relatives and staff, I have found to have been justified complaints, easily avoided, often simple to resolve. What was lacking in the GHA that led to this?

Mr Speaker, I am still asking myself that question, and as all the different parts of the answer assemble before me, I will take the necessary action to put it right.

I can already say what some of the answers are. I have mentioned inadequate structure. I will also mention inaccessibility of the former Minister and the sucking upwards of decision-making towards the office of the former Chief Minister, which led to many things not being done and to his lack of expertise in health matters, making it impossible for him to take informed decisions.

Mr Speaker, the executive structure of the GHA, now subject to intense review, by me and by itself, was created, I can only assume, by the old regime in No 6 Convent Place. Contrary to the requirements of the law, the Management Board was done away with and doctors banished from its membership. Directors were personally appointed by the then Chief Minister, and pay scales invented that bore no relativity to those of others. Mr Speaker, the trouble this alone has caused is tremendous.

I will insist that this is not the fault of the professionals appointed, but their effectiveness was for a long time tarnished by the manner of their appointment. That was not fair on the organisation and was not fair on them. At the same time, Mr Speaker, the Gibraltar Health Authority itself – by which I mean its Board – ceased to be a meaningful forum, with members not being encouraged to place matters for discussion on the agenda.

Mr Speaker, I will leave the matter of democratic deficit behind me and now address this House in regard to matters arising since I took on this very important area of responsibility.

Mr Speaker, on taking up my post, there were a huge number of matters that needed my attention. I will now deal with the most immediate and pressing issues that were critical to restoring the useful operation of the GHA.

The first is bed occupancy. Bed Management advised me that they had been attempting to operate the hospital with approximately 50 available beds. This number was barely able to cope with the emergency admissions and really precluded any meaningful inpatient elective surgery. I was briefed on the severe waiting list of over 200 patients in General Surgery and the increasing waiting lists in the other services.

Over the Christmas period, there were a number of critical nights with no beds available, patients sleeping in A&E, and the real risk of serious emergencies having to be sent directly to hospitals in Spain. On examination of the problem, I was advised and observed that the bed access problem was related to 24 patients with severe dementia, 12 with such frailty that they could only be cared for in hospital or in Mount Alvernia, and 36 other patients who could not go home, as they were awaiting assessments, housing modifications, active social service input and/or domiciliary care. There were also five patients who could be more effectively cared for in a hospice facility.

I took action immediately. With the support of the Chief Minister, who saw the problem for himself, when we visited the new hospital together on New Year's Day, and working with my colleague and friend, the Hon. Minister Sacramento, we mobilised both Ministries to tackle the problem, and by the end of February, we had relieved the pressure. By that time, and with unprecedented co-operation between GHA staff and Care Agency staff, Calpe Ward had been opened, providing service to 18 patients.

Domiciliary Care funding was increased and improved co-operation with Housing meant that many of those issues had been addressed. So far, since 1st March, Mr Speaker, bed availability for planned elective services has not been an issue.

I have here to pay tribute to all the staff, in particular the Bed Management team, for constantly monitoring the bed situation and finding solutions that benefit existing and future patients.

However, Mr Speaker, these remedies are short term. St Bernard's was not designed for long-stay frail elderly services or dementia services. These patients are prone to outbreaks of flu, Norovirus, MRSA and Clostridium Difcile; they are also at extreme risk of institutionalisation.

During this examination, Mr Speaker, Minister Sacramento and I convened a joint Ministry group to look at the planning for the Royal Naval Hospital Site and we found what we had suspected all along: that the design advice of the care professionals who would provide the services in both facilities was being ignored. Minister Sacramento and I were shocked and immediately took their advice and sought additional consultant support. This facility will be dealt with later by the hon. Lady.

We established a joint Dementia Strategy Group and their first recommendation, that a Dementia Day Facility be commissioned as soon as possible, is now being seriously considered. That multi-disciplinary and multi-agency group has had its mandate increased to provide a Seniors' Health Strategy for Gibraltar and we are expecting their report in the autumn. Once again Mr. Speaker, what was the previous Government doing? The answer, Mr Speaker, was simply failing to listen to the clinical professionals they employed.

Mr Speaker, I am pleased also to announce that the Government has agreed to provide the initial support for the commencement of the activity at the new hospice facility run by the Society for Cancer Relief. The Society aims to establish an inpatient hospice facility for those terminally ill patients to spend their last days in greater comfort, and we are looking at ways to support this aim.

In summary, Mr Speaker, the previous Government failed the people of Gibraltar in ignoring the root causes of the bed access problem. Our Government is committed to a Healthy Seniors' Strategy and a true caring approach to those in our community who have given so much to and for Gibraltar.

And that issue was only the first problem.

I now talk about nurse staffing, Mr Speaker, instead of addressing the real fundamental problem, the previous Government, once again showing their lack of understanding of the principles of modern health care, decided to reduce the number of surgical wards and to put in extra beds set up on the wards, increasing the false capacity by 15%, *but* not increasing the complement of nurses appropriately. Again, Mr Speaker, this ignored the fundamental signs of the nursing staffing crisis. The signs were:

- complaints about nursing care on the wards, for example: 'the nurses are always too busy', 'nobody answered the call bell', 'my parent was not showered today';
- high rates of sickness and absence;
- extraordinary use of the nurse bank, with nurses working continuously on supply with no rights to leave, sickness and no job security;
- poor quality outcomes;
- real reduction in staff availability as a result of the Agenda for Change contract implementation.

The second major remedy provided to the GHA, which is evidenced in the Estimates, is the recruitment of 33 nursing positions – a 10% increase in the Nursing Service, which will help alleviate the quality and occupancy problems. These posts are now filled.

Primary care access: Mr Speaker, the system of access to primary care was failing our community. People were queuing at 7.00 in the morning, often in vain attempts to get to see the emergency GP. Changes to the appointments system, generated by staff and clinicians, are in the process of being introduced and assessed.

I must add that I have myself been with the staff dealing with the calls for appointments first thing in the morning and am most impressed at their efficiency and dedication.

Together we are looking at ways of improving the service further. The concerns included: the need for additional GP support in the winter months; the failure to deal with the impact of the GP contract; and the limited value of nurse practitioners in the absence of their ability to prescribe.

Mr Speaker, with Cabinet approval, I have now published regulations which permit nurse practitioners to prescribe and issue repeat prescriptions and thus they will be able to reduce the pressure on GP services. The first ever nursing practitioner prescriptions in Gibraltar will be written today, as all the systems are now ready.

In addition, I am considering a wider response to the serious issue of increases in GP workload.

To the consultants contract: Mr Speaker, another of the failings of the previous Government was that in 2004, they introduced the pay elements of the consultants' contract, without the terms of the contract being agreed. At the same time, the Government attempted to introduce a contract worded in such a way that the consultants found completely unacceptable, I am told, partly because of the belittling language and the lack of respect demonstrated within it. In spite of GHA management and the consultants coming to agreement later, way back in 2006, the Government of the time refused to sanction its implementation.

This Government intends to proceed to negotiate a fair reasonable agreement that places reasonable expectations on the consultants and on the GHA. Contacts have commenced and I expect agreement this year.

The Mental Health Service: Mr Speaker, it was but a few days after last 9th December that I went back to KGV after 20 years and six months. Mr Speaker, words can barely describe what I found, when I got there. The condition of the building and facilities, the state of the rooms where these members of our community had to live out their lives, and the conditions that the staff had to put up with were worse than Victorian.

The Chief Minister accompanied me on another visit shortly after, and was as moved as I had been. Mr Speaker, I took the unusual step of inviting the press and cameras into KGV with me, because the community had to see the disgrace that the last Government had permitted and by its inaction condoned. Of everything wrong that the GSD had done, and of everything bad that the GSD had left, I will always remember the legacy of KGV.

Immediately, and at surprisingly low cost, the new Government – a Government that cares for all of its people – set to work in putting this right, and did so with an enthusiastic response from all involved.

There were grave concerns too with the previous Government's direction being given on the new Mental Health facility. Once again, experts were not being heard. I am happy to confirm that I have now approved the detailed plan for the new facility, developed by an in-house team of people who know about these matters. We hope that the works will be completed towards the end of this financial year or the beginning of the next.

Also neglected has been the Community Mental Health Team facility at Coaling Island, and I am pleased to announce that, this year, I plan to invest £100,000 in upgrading that facility, which provides a vital and often unappreciated service to the community.

Finally on Mental Health, this year, I will table changes to the grossly outdated mental health legislation which will facilitate a modernisation of the service to our community, in this vital and sadly so far neglected area of health care.

Catering Facility and Food Service issues: Mr Speaker, one of the moments of the election campaign that I remember most vividly took place in an otherwise very enjoyable session at the Laguna Social Club. It was an appeal by a member of the hospital catering staff for help and support. She was ashamed of admitting she worked in the hospital kitchen, not because her work was not up to standard, but because no matter how good it was, the system in place meant that the food reached St Bernard's in an unacceptable state.

Mr Speaker, what I did not know then was that not only did the plated food system not work, not only did each food trolley cost over £7,000 and each door at least £500 to be replaced, but that the condition of the kitchen was so appalling. Within days of the Election, I visited the kitchen with my friend and colleague, the Hon. Paul Balban who, as you will know, is a trained dietician, and we were both shocked. It was almost like KGV all over again. Well, nothing can be that bad.

As Minister responsible for Health and Safety, my colleague initiated an inspection which revealed serious shortcomings that had not been dealt with by the previous Administration. These are in the process of being put right – after years of inaction. You see Mr Speaker, as we have seen and will see, not just from my contribution but from many others by my colleagues, not only did the last Government spend money on unnecessary follies, it also failed to spend money on necessary essentials and left us with a myriad of ticking time bombs, which we have had to set to defusing – at an expense that they should have had, and to the detriment of our own programme. That, Mr Speaker, is tantamount to putting the wellbeing of Gibraltar last.

Mr Speaker, I immediately listened to the Catering Department and to users and agreed that the concept of returning the food service preparation to the St Bernard's site be addressed as soon as possible. I am expecting an architectural feasibility of options imminently, with a view to starting work within this financial year.

Now the Ambulance Service: Mr Speaker, another area of concern is the Ambulance Service. We are committed to providing proper and larger facilities to the ambulance staff, as well as to improving other aspects of the running of the Ambulance Service and to its professional development. Last week, we took delivery of the three new emergency ambulances, which were finally ordered by the last Government, thanks to the concerns of the staff and to the determination of the then Shadow Member for Health, my hon. and learned friend, Neil Costa. (A Member: Hear, hear.) The tender process for replacing all five transport ambulances is already under way, so that by the end of this financial year, we will have a full set of ambulances less than a year old. My word, what a difference! (A Member: Hear, hear.)

Now to our manifesto: Mr Speaker, the above issues represented priorities encountered in the first few months of this forward-looking and progressive, breath-of-fresh-air Administration. Some of these were not explicitly in our manifesto, but nevertheless emerged as top priority and were dealt with. It was evident that the continued theme of the previous Government not listening to or ignoring the GHA's strategic planning process contributed very significantly to the problems I encountered and still have to live with every day.

Our manifesto, Mr Speaker, is our commitment to the people of Gibraltar. My mandate from the people who put so much trust in me, and from my colleagues in Cabinet, is to implement this manifesto. However, I will not do it by giving blind instruction, nor without planning and careful consideration. I will ensure that due process is followed, staff are consulted and implementation issues are addressed, using a robust project management approach.

I will now account for the implementation of our commitments.

In-vitro fertilisation (IVF): Mr Speaker, the GHA has developed the IVF policy and is now finalising the evaluation of the responses to the tenders and in the next month will announce the successful service provider. The system will be a reality very soon indeed.

Transparency in the running of the GHA – open Board meetings: Mr Speaker, based on well researched new Standing Orders and in keeping with our manifesto commitment of ‘transparency in the running of the GHA’, our second meeting of the Authority to be held in public is scheduled for 17th July. I am also planning the annual public meeting for the Board in the autumn, at which time the annual report will be published.

Use of the GHA website: Mr Speaker, at the moment, this website is nothing short of an embarrassment. I have asked our IT professionals to prepare proposals for a much improved website later in this year.

Fiscal transparency: Mr Speaker, I am committed for financial progress reports to be provided for each quarterly meeting and to the greater devolution of budgets to front-line managers and appropriate clinicians throughout the GHA.

Clinicians at the top: As part of the Management Restructure, Mr Speaker, I have already made proposals and had proposals from the current members of the Executive and have had many discussions with staff throughout the GHA. I intend to include doctors and other senior clinicians, including nurses and representatives of the Allied Health Professionals in the new management structure. I hold regular meetings with GHA doctors and will continue to discuss other elements of engagement of clinicians including conditions and contracts for non-Consultant Hospital Doctors, and the re-establishment of the Medical Advisory Committee.

On Objective Standards: Mr Speaker, in consultation with management and with the recently appointed review team, I intend to implement a more rigorous system of accountability for all managers and indeed for the GHA Board. A proper system of Clinical Governance, which is a Board responsibility, will be introduced. To this end, I intend to look for a strategic alliance with an NHS Trust to assist with audit of standards and to implement a system of accreditation suitable for a health service such as ours.

GMC Registration: Mr Speaker, I have already had a consultation with the Medical and Dental Registration Board and have heard their frustration with the current legislation and the paucity of their administrative system that precludes effective monitoring of competence for Gibraltar’s doctors and other health professionals. The previous Government’s failure to listen to that Board and the lack of respect shown to its Chairman is incredible. This is a complex matter that requires time to develop an effective implementation plan.

Complaints: Mr Speaker, Government will soon be introducing legislation to address this matter. I am already considering proposals and will now complete my discussions with the Ombudsman in respect of the final policy and the complaints management process.

Consultant staffing: Mr Speaker, I have already made considerable progress again in this area. The third consultant surgeon will take up his appointment in September of this year and the competition for the third psychiatrist will commence shortly. I am awaiting staffing options in regard to dementia care and will soon examine the commitment to A&E.

Public Health and Healthy Living: I expect to receive a comprehensive proposal from the Director of Public Health in regard to the system to meet Government’s needs in this area. We are committed to a permanent Health Education Programme involving healthy children, adults and seniors. I have been advised, Mr Speaker, that the analysis of the Health Survey carried out with great fanfare by the previous Government was never funded and the GHA management has had to fund the analysis indirectly. The previous Government’s commitment to management to fund the essential data analyst was rescinded by them.

I now hope to publish this report by the end of this year. It will be an important tool in charting a course for the health of our people into the future.

Public Health – smoking cessation: Mr Speaker, one of the achievements I am most proud of to date is the introduction of the Smoking Cessation Programme and the new legislation banning smoking in public buildings and spaces, already a Command Paper and shortly to come to this House as a Bill.

The legacy of both programmes will be seen as a major turning point in the improvement of the health of Gibraltarians. Our commitment had been noticed by one of our charitable organisations which has indicated its intention to fund additional support for the programme.

Indeed, Mr Speaker, I would like to take this opportunity to publicly express my appreciation for the work that charities, large and small, do for the Health Service. Rather than discourage their work and contributions, as was often the case before, I encourage it as adding value to our work and giving ownership to our people. Likewise, I would like to thank the Health Users’ Forum for bringing problems to my notice on a regular basis, allowing us to act on them.

On the Sponsored Patients Programme, Mr Speaker, the existing programme is now under review and I hope to implement the necessary changes, following an extended consultation period. In advance of the review’s conclusions, we have announced today that, with effect from 1st July this year, allowances to

disabled patients will be increased by 50%. We are also studying ways in which we can bring new procedures to Gibraltar, to avoid the need for uncomfortable and costly travel to centres elsewhere.

Mr Speaker, the Diabetes Strategy is nearing completion and a considerable amount has been achieved. This is one of the programmes that has inadequate support and I plan to examine the strategy and its needs carefully later this year.

On Repeat Prescriptions, Mr Speaker, I have been able to confirm that following my consultation with patients, doctors, nurses and the Primary Care staff, this is one of the most important initiatives, and it will take time to see the benefits. As I said earlier, we have already expanded the scope of the nurse practitioners, which will partly address this issue. I am expecting to announce the next stage in the strategy very soon. A consultation is underway with GPs, to consider the most appropriate system and its implementation plan.

On computerisation: the Government, Mr Speaker, is fully committed to the GHA's Electronic Health Technology Strategy. I have asked GHA management to conduct a wide ranging consultation with the clinicians and following that, I expect to be able to prepare an implementation plan. We are fully committed to empowering the patients in this innovation and I am really looking forward to a successful implementation. The process to date is following well researched methodology and clinicians have been fully consulted to this point and form the majority of the Steering Committee.

Hyperbaric oxygen: Mr Speaker, while not a GHA initiative, it is right that I should mention this at this juncture. Government has delivered its manifesto commitment to make hyperbaric oxygen therapy available to the community. It has therefore provided the Multiple Sclerosis Therapy Centre, a registered charity, with the means to run its facilities and offer its services to Gibraltar entitled patients.

Mr Speaker, over and above our manifesto commitments, the following are just some of the activities and initiatives that we will be embarking on:

- A clear separation of GHA activity from Ministry activity.
- Review of the GHA Board, its structure, function and effectiveness.
- Prostate Diseases Clinic: this programme will be initiated in the latter part of this year.
- Colon Cancer Screening Programme which will likely be implemented at the end of this financial year and for which provision of £300,000 has been made in these estimates.

We are increasing provision for patients' appliances, which includes orthopaedic appliances, hearing aids, and insulin pumps, by nearly £20,000 over last year's spending and will be able to provide a better wheelchair service, and add earplugs for children and facial stimulators to the appliances provided.

Medical Equipment Plan: Mr Speaker, I was made aware early on of a major funding deficiency which could have compromised patient care services. The GHA Board had been made aware of this very serious concern about a lack of funding for its orderly replacement plan for essential and expensive medical equipment, which had not been heeded by the previous Administration. This Government, Mr Speaker will rectify this inadequacy.

I will add here, Mr Speaker, that the allocation last year for the full range of works and equipment for the Health Authority was just £800,000, when this year we have allocated a total of £3.3 million to these. What more proof do we need of the priority this Government gives to healthcare and to the wellbeing of our people?

On nurse training: Mr Speaker, nurses form the link between all the different aspects of healthcare. They are often the front line, the continuity, the listening ear, the support, and at night, they *are* the hospital. Nurses are very special people and we need them. I am proposing a continuation and expansion of nurse training to meet our needs for nurses at different levels of qualification and to provide an opportunity for nurses who want to further their career without necessarily following the degree route to be able to do so.

On non-Consultant Hospital Doctors: this group of frontline doctors have often been forgotten, and there are issues related to hours of work and the fact that they do not have a secure or consistent contract of employment. We are looking at ways of tackling these problems and of enhancing their involvement and contribution to the service.

On Community Services, a detailed analysis of the possibilities for medical and nursing services within the community, thus reducing the need for patients to be hospitalised has been carried out.

On Occupational Therapy, Mr Speaker, I have nothing but praise for the Occupational Therapy Department and the way it has assumed a huge increase in demand for their services, from the moment we came into office. They have been called in to assess patients, housing, swimming pools, and much more. I need to have a close look at what we need from OT and how we can help achieve this.

Physiotherapy is increasingly in demand and, once again, we will be looking at how we can best use the resources available.

One of the gaps in management support relates to the provision of hospital services, including stores and stock. This is a matter that is being addressed. The records, too, in both St Bernard's and Primary Care, are housed in rooms that are too small and that bring with them occupational health hazards.

Although recovery rates are high, the staff cannot be expected to work in such conditions. I am pleased to say that the records area in Primary Care is already being increased and work is imminent in St Bernard's.

• Occupational health in general is a matter that went largely ignored by the previous Administration and I will be looking at options there, as well as ways to improve the medical cover provided to the Port, the Prison and to Mount Alvernia.

• Mr Speaker, Accident and Emergency is one of the areas that attracts most attention from users. People who attend are often distressed and unwell, and the system, hard as the staff work, is not user-friendly. I am working closely with the staff in question to solve these problems, and changes and improvements will be seen very soon.

• Operating theatres and clinics: the use of clinics and of operating theatres in particular will be reassessed with an emphasis to promoting day surgery.

• There are many other services which require attention, and which have got attention over the past seven months. Dietetics, Audiology and Speech Therapy, Ophthalmology, cardiac rehabilitation, Radiology, on-ward procedures such as resuscitation, some of the nurse-led clinics such as Dermatology and Lymphedema care, all require recognition and support.

Mr Speaker, the health of our community is not good, and we suffer the effects of many of the illnesses of an affluent Western society. As an example, the state of the dental health of our children is much worse than in many other countries, and obesity is an increasing problem. We have to change the way we live. We have to make important life choices as individuals, and the Health Service has to help and support us in doing so. I will myself be leading in two Ministerial Initiatives, which I will introduce in the autumn.

Mr Speaker, the Health Surveys which I mentioned earlier will soon be in the public domain, and some of the results will be summarised at next week's meeting of the Health Authority. Let me advance, though, some of the worrying facts, such as that three quarters of men in Gibraltar over 45 are overweight and 75% of Gibraltarians do not eat at least five portions of fruit and vegetables daily, much worse than in the UK.

Therefore, Mr Speaker, the first Ministerial Initiative will be a health promotion initiative, where I intend to bring together representation from the different disciplines to develop a co-ordinated programme in lifestyle change.

Mr Speaker, as Minister for Health, I am particularly conscious of the fact that I myself fall into both the above mentioned categories! *(Laughter)* I therefore intend to lead by example and I commit myself now to myself personally reaching a weight and a level of fitness, with the advice of professionals, which will be a reflection of a healthy lifestyle. **(Several Members: Hear, hear.)** *(Applause and laughter)*

The second Ministerial Initiative will be in relation to children's health. I believe a lot can be done to assist the smooth care of sick children, particularly in their transition from primary to secondary care and where unfortunately it is necessary, into tertiary care. I will engage with all the relevant health professionals and with voluntary organisations as necessary, in order to take this forward.

Mr Speaker, I would like to pay tribute to the staff of the Health Services, and at this point, mention the sad loss of one of the members of the Executive at a very young age of 45 only last week, Mr Joey Gabay. My condolences and I am sure those of the House go to the family. *(Applause)*

So I would like to pay tribute to all the staff of the Health Services and to all the volunteers who work in associated charities. Without them and their dedication, we would be nowhere. I have inherited many excellent professionals, many of whom have stated to me that the new political environment of listening, openness, challenge and transparency is so welcome. Morale has greatly improved and the patients of the Health Service will increasingly be the real beneficiaries. Yes, I will expect them all to work to their utmost to take this forward, and I intend to be there with them, working for them and with them, and supporting them to the end.

Mr Speaker, all we have accomplished already and all that we have commenced would not have been possible without the excellent working relationships I have enjoyed with staff and management and of course with the relevant staff groups and trade unions. The first seven months have been at the same time amongst the toughest and the best in my life, and I offer my sincere thanks for their professionalism.

Mr Speaker, we are not there yet. I am committed to giving my full attention to my responsibilities in healthcare and the environment. I intend to continue to listen to the people, to the staff, including clinicians, to patients, to the members of the community. I will support the implementation of all change, whether its origin is in our manifesto or indeed in the careful recommendations of patients, clinicians, staff or contracted experts. I will work to use the resources that Parliament votes to the Health Service of Gibraltar more effectively and more efficiently.

Mr Speaker, the time for change is now, and I have only just begun.

(Applause)

Mr Speaker: The Hon. Selwyn Figueras

Hon. S M Figueras: Mr Speaker, I know only too much about obesity but since health is not my portfolio, I will limit myself in relation to the comments I make in that regard.

I would like to start by thanking the Hon. Minister himself for showing me the way in relation to giving an Opposition speech – one which I will give now from the Opposition benches.

Mr Speaker, it is an honour and a privilege to stand here today and deliver my first Budget speech in this House. I am also honoured and privileged to be a part of this team, to have the opportunity to bring political opposition to this community, the likes of which was long overdue.

I will commend this Government whenever they do well, and happily so. I will also, however, not shy away from telling it like it is and raise those issues I and other concerned individuals consider need airing in this House to effectively hold the new Government to account.

On that basis, this is a moment I have been anxiously waiting for, an opportunity to summarise my own personal and this party's views on the present Government's record in these short few months which, thankfully, have flown by. Roll on 2015!

I will be dealing with the portfolios that I shadow where I have considered it appropriate and relevant to comment, with a particular focus, in the first place, on planning and then, the environment and the subheadings relevant to those areas.

I will, of course, be dealing with those matters, as far as they are relevant, raised by the Hon. the Chief Minister, the Hon. the Deputy Chief Minister and of course the Hon. Minister for the Environment and Health in the speeches that have preceded mine.

In relation to planning and the specific mention in the Deputy Chief Minister's speech as to how bad it had been, the new Government arrived in office, barely, with the promise and on the wings of a commitment to openness and transparency like never before seen in Gibraltar. The Hon. Minister for the Environment and Health himself, had, however, served on the Development and Planning Commission for over 20 years without complaint, or certainly not a complaint which he had felt strongly enough about to resign in protest and yet, for the purposes of the Election, it had all just got a little too much for him. They told the electorate, Mr Speaker that 'there have been many complaints about the secrecy of our planning laws. We are committed to have open meetings of the DPC and to overhaul the whole planning process in order to make it more transparent and user-friendly.' The party that was responsible for the demolition of the North Gate of the dockyard that fateful, and quiet, long weekend, long ago in the dark days of the first GSLP Government, bamboozled the electorate by offering them this all new-fangled openness and transparency and a commitment to put all Government projects through the planning process.

The reality so far, Mr Speaker, is somewhat different to the illusion the current Government would like the electorate to fall for, hook, line and sinker, if you will pardon the somewhat depressing pun.

What they conveniently omitted to say was when this would happen. They also promised, Mr Speaker, that the DPC would grow to include other representatives of the community and that the chairman of that Commission would be the person they personally considered the best qualified, best candidate for the job – the Town Planner himself. After the slimmest of victories at the polls in December, the Government soon set to work upon ringing in the changes to the planning process which the previous Administration, let us not forget, had created.

It was not long however, Mr Speaker, until the cracks began to appear. In fact, it was surprisingly soon that I myself had the opportunity of an exchange with the Hon. the Deputy Chief Minister, in respect of his Government's plans to put Government projects through the full planning process.

Mr Speaker, when asked when this would become a reality, the Deputy Chief Minister replied that, at that stage – and I remind the House that this was in January of this year – he explained that it was the policy of this Government to continue with the policy of the previous Administration not to require the approval of the DPC!

He then meekly offered that Government projects would, for the time being, be submitted to the Development and Planning Commission for an opinion, for guidance and he stopped short of saying that they would actually be heeding or acting in accordance with the information and the guidance received from the DPC.

When I asked the Hon. the Deputy Chief Minister whether he expected that the Government would be submitting projects for approval to the DPC within this term of office, the answer, Mr Speaker, was, and I quote: 'It's too early to tell...' – although today the Deputy Chief Minister has told us that apparently it will happen during this term. But 'too early to tell', Mr Speaker.

This Government came to office on the basis of a very colourful manifesto, replete with commitment after commitment to deliver the sublime and then a generous helping of the ridiculous, to wit the 'guaranteed' job of the future jokes strategy and the rooftop gardens atop Government rental housing. Absurd though it may seem, however, the Hon. the Chief Minister, on a number of occasions has told this House that he is looking forward to delivering every last one of those commitments in that manifesto despite, Mr Speaker, the open door given to him by this party's hon. and learned Leader, when he

asserted in this House that manifestos are a statement of a party's intent and a list of those projects which it would like to deliver within the term of office.

The Chief Minister, unable to contemplate, far less assimilate, the remotest possibility that anything the Hon. the Leader of the Opposition says may actually be a positive influence on his own judgment, insists that every last one of the manifesto commitments will be delivered – indeed, he looks forward to it. Despite the open door through which he could have stepped to ignore those most ridiculous of commitments in the manifesto, Gibraltar's Chief Minister in 2012 cannot fathom the possibility of not doing that.

The approach of his Deputy however, seems to be, by implication, somewhat at odds, or it was until today, with this 'delivery of manifesto commitments at all costs', but it remains to be seen whether in fact Government projects will, during the term, be submitted to the DPC.

The Deputy Chief Minister's inability or refusal to commit to a timeline for the delivery of the manifesto commitment on putting Government projects through the planning process within the term, flies in the face of what is, in my opinion, the brash and unrelenting focus on delivering manifesto commitments within the four-year term of office. This would be one of those simple, stroke-of-a-pen delivery type commitments, yet the Government is hesitant.

The Government has reminded this House in recent weeks and months, as it will no doubt do time and time again, whenever it is convenient to them, that the Opposition is not here to mark or keep time on the delivery of the Government's manifesto. What we are here to do, however inconvenient for them, (*Interjections*) is to pick them up on political dishonesty and lack of integrity, a job they are working hard to make easy for us to do.

The Government's commitment to put all its projects through the DPC is unrealistic. Those on this side of the House, with the benefit of a long spell in Government, have known this from the very moment that commitment was first heard. The Government itself probably now understands this too, though they will never admit it. They now understand that that kind of commitment involves relinquishing control and ultimate responsibility for the delivery of essential projects to other unelected and unaccountable individuals who, and community associations which, are not bound by a responsibility and mandate to serve the interests of the local community at large.

Governments need to build power stations, airports, hospitals. Governments are responsible to the communities they serve for delivering solutions and services to meet demand. Unchecked, uncontrolled and unhindered consultation and gifted influence results in one thing: paralysis by analysis.

And talking of paralysis by analysis, Mr Speaker, I will be dealing with the power station a little later.

The Deputy Chief Minister refers to the new Members of Parliament and the fact that we were not here before 'the worst day.' And that may be the case, but that does not affect our understanding of what went on in this House before our time. The previous Administration accepted its responsibility of Government. It accepted its responsibility as the elected Government of the community, for the community, tasked with taking decisions which might, on occasion, have been difficult, or even unpopular, but decisions which in the wider general interest of the community needed to be taken, whatever the consequences.

The GSD was unequivocal. The situation in which the Government find themselves today is that, having had the experience of six months in Government, they realise that, during the Election, they have at once offered openness and transparency, the involvement of a new list of stakeholders in all matters planning in relation to Government projects, as well as the most demanding manifesto of capital and infrastructure commitments of recent times. They realise, Mr Speaker, that these two gifts are at odds with each other, like we have always said they were!

They have offered a park in the centre of town and twice the number of free parking spaces that are available today. They have promised to run every policy through an environmental filter, but they have also promised everyone twice the number of car parking spaces – *free* car parking spaces – in the centre of town. They have promised to build and build, notwithstanding the fact that they also told the electorate that we were allegedly broke, Mr Speaker – but never mind, because the public will be able to voice its concerns, raise its objections and block Government projects which it does not like, won't it? Fat chance, Mr Speaker!

The Government's realisation that it will be impossible to satisfy all stakeholders relevant in all and any of their initiatives all the time, that their 'all things to all men' style of politics will not last indefinitely, and that at some point, they are going to have to disappoint one or other sectors of the electorate, is dawning on them and it shows, Mr Speaker.

I trust that a couple of examples might help make the point. Perhaps the starkest and most ridiculous example of this understanding, and the assumption by the Government of its responsibilities as such, comes in the shape of the debacle that is their destruction of the World War II blast wall at Grand Battery.

In the June session of Parliament, I asked the Government when the World War II blast wall at that location had been demolished and the Hon. Minister for Culture and Heritage told us that it had been demolished on 21st May 2012. I, along with other Members of the Opposition on this side of the House,

was stunned to hear confirmation, and frankly I could scarcely believe my luck, that the wall had been demolished before the project had been discussed in an open meeting of the DPC, as set out in the agenda for the meeting of the 24th May, three days after its demolition! It would be funny, if it were not so worrying, Mr Speaker.

They had originally said when taking office that they would not be submitting Government projects to the full planning process, but instead, seeking information and guidance from the DPC. In what can only be described as a political blunder, to which they will never admit, the matter of the demolition of the blast wall at Grand Battery somehow made it onto the agenda for the open meeting, even though the approval had already been granted by round-robin, behind closed doors, and the fact that the wall had already been demolished days before the meeting. My stars must have well and truly aligned that day, Mr Speaker, because the Hon. Minister for Culture rose, time and again, repeating this fact over and over, as if it was reinforcing his argument! If the Government had the sincerity and integrity to at least acknowledge that the listing of the wall and its demolition in the agenda of the open meeting was a mistake and should not have happened in the first place, then at least, Mr Speaker, we on this side of the House would be satisfied that they were at least being consistent in respect of one of their policies – namely that of not putting Government projects through the planning process during this term, just like we did. We would, of course, support that policy, despite the fact that they themselves were very critical of a similar position when we were in Government.

And, Mr Speaker, it is not just in instances where they have to earn their salaries and take their Government responsibility seriously that we will see the betrayal of the people in the context of openness and transparency. The leopard's spots remain unchanged and the Government of the day has already been unable to resist the temptation to wield the power it yearned for, for such a very long time.

The first and practically immediate waving of the magic wand came in respect of the banner erected at Convent Place – and not upon the offices of the Hon. the Chief Minister I might add – the banner erected in celebration of the Her Majesty's Diamond Jubilee, shortly after the GSLP's win at the polls. The DPC's Minor Works Committee which, conveniently for the Government, sits behind closed doors and passes their work on to the full DPC in open meetings for rubber stamping, granted permission for the banner, for reasons undisclosed, on the basis that it was a 'minor works' project. This, Mr Speaker, despite the fact that the DPC had denied permission for a similar, if not identical, banner in a meeting before the 8th December.

What a coincidence then, Mr Speaker that following the Election and in tandem with the rumours that the Chief Minister had assured the applicant that the planning permission would be granted in short order, the DPC had a change of heart and was perfectly satisfied with its erection. (*Interjection*)

Another example? Well, Mr Speaker, try as I may, I have been unable to find any mention of an application being heard or discussed in the open meetings of the DPC since 9th December, on the website where the agenda and the minutes are published, for the enclosure of part of Eastern Beach by a local bar for its own commercial use. What I can say is that the previous Government had denied an application made by the owners of the establishment, on the basis that that part of the beach now annexed would give the establishment an unfair advantage, in the context of increasing capacity at no cost but, primarily because the beach is a public amenity which was not, and could not, be leased by the Government. (*Interjection*) Despite that, and despite the openness agenda, the establishment has now – certainly at least until the end of this last weekend – taken over and enclosed that part of the beach which it has either chosen to enclose or has, ostensibly, Mr Speaker, been given permission to enclose.

Now, Mr Speaker, the party at fault here might not be the business owner, not if the Government has given it permission and, Mr Speaker, in 1996 such an arbitrary grant of permission would have hardly been surprising. The problem for the Government, Mr Speaker, is that they have made a whole lot of noise about their transparency and people are now looking for instances of failure of that policy to hold them to account.

The openness and transparency agenda of the 20th century GSLP Government can be summarised thus: have more meetings in public and talk about it lots, but when it comes to decisions that matter, the system will take care of itself. Because is it not the case, Mr Speaker, that the source of most public strife is in the detail? Is it not the case that it is the everyday, 'minor' work type decisions, now taken behind closed doors, which will ultimately add up to form the basis of the case against this Government's continued rule beyond 2015? The case against nepotism, the helping hand, the leg up – that will be their downfall.

And, at the other end of the scale, the main events, the big projects, where millions are spent and manifesto commitments for the masses are delivered, the Government projects, Mr Speaker: these have been dispensed with by the current Government with a simple refusal to abide by manifesto commitment – or at least to commit to a specific time limit.

They told the electorate that these would go through planning and now, surprise, surprise, they will not for the foreseeable future. Everything in between the 'minor' projects and the Government projects on

the other side of the spectrum, that is what will be put to public scrutiny, but only for as long as it is convenient, Mr Speaker.

They may protest all they like, but we know, as does a growing number of concerned individuals coming to speak to us practically on a daily basis, that cronyism is alive and well. What is different today from the situation in 1996 is that the people will not stand for it. They will not tolerate the deception and, importantly, they will not be fooled and neither will we, Mr Speaker.

I now turn my attention to the environment portfolio and will now spend some time dealing with the Government commitments in that regard and, very specifically, in relation to their environmental filter, the much vaunted Commonwealth Park, the environmental concerns stemming from Traffic and Transport, pollution and the management of Gibraltar's wildlife. I will also be dedicating some time to the power station and alternative energy.

In a very general sense, Mr Speaker, I wonder whether the Hon. Minister for the Environment and those sat on that side of the House genuinely think that all their talk of an environmental filter for all their policies really does act like some kind of cloaking device, one that hides the real GSLP Government behind it. To wit, Mr Speaker, the Hon. Minister was delivering the speech talking about double-sided printing as a Government policy from a single-sided print of his speech.

Do they really think that by just talking about environmental this and environmental that, setting up talking shops, and that by doing this they are going to persuade the electorate that they, as a party, are fully behind the green movement? The party which originally left office in 1996, without so much as a Department for the Environment now wants us to believe that, because they have an environmentalist in their ranks and the now Chief Minister tried to make everything he could politically of the previous Administration's unprecedented success in the management of Gibraltar's environment, they are now the Gibraltar chapter of the Green Party?

The Minister has talked about all the work, or at least all the talk that has been going on in Government about the environmental filter. He mentioned the disposal of waste electronic and electric goods – something that was already happening during the GSD Administration. He mentioned the use of LEDs and the facilitation of small scale alternative energy generation and his resurrection of the Litter Committee. Well, Mr Speaker, small scale alternative energy production was something that the GSD Administration had committed to focus on in its manifesto of 2011, as was the use of LED lighting, a technology which only recently is becoming truly affordable.

As far as the Litter Committee is concerned, I have no doubt that the GSLP will clean up, but I look forward to hearing what solutions they come up with in relation to these particular issues.

It is interesting too, Mr Speaker, that the Minister talks about the practical application of the environmental filter. The presence in the Government's ranks of the Minister for the Environment himself, in my view, does not represent a positive development in the story of Gibraltar generally and in the wider context, despite his undoubted experience and qualifications in science.

I say this, Mr Speaker, not because of any animosity towards the man, but genuinely because I do not believe that Gibraltar's environmental concerns and issues represent a microcosm of Gibraltar's wider, more general interest, despite the importance which no doubt needs to be given to the same. I do believe, however, that too sharp a focus on those particular issues may actually be to the detriment of Gibraltar's long-term economic and political well-being – namely, its prosperity, security and stability in a local and international sphere.

Moving to talk for a moment about the crown jewel in the GSLP's manifesto, the Commonwealth Park, I think it is important, Mr Speaker, that I highlight a number of observations which serve to illustrate what to my mind, and the mind of many others in the community, is quickly developing into a number of political themes which look set to define this Government's brief, one can hope, tenure in Government. At least they have a new leader –

Chief Minister (Hon. F R Picardo): Did you say 'ten year'?

Hon. S M Figueras: Oh no, you are committed to eight years!

A Member: Eight years.

Hon. S M Figueras: The Hon. the Chief Minister confirmed in this House in the last few months that, in relation to the Commonwealth Park, a park which they committed to build, subject to a geotechnical survey – the devil is, Mr Speaker, as always, in the detail – there had not been a geotechnical survey of the area. Contrary to saying that this was due imminently, he told us that other proposals had been received, apparently, from third parties for the car-parking aspect of the project. Why would he do the survey, if other more realistic proposals had already been made to the Government?

Does he really think that anyone other than his own fervent supporters actually believes him when he says that the original manifesto commitment of the Commonwealth Park was ever intended to be

delivered in the format in which they originally sold it to the electorate? (**A Member:** hear, hear.) The truth, Mr Speaker, although he will never acknowledge it, is that he knew, as well as the Minister for the Environment, that a park with two floors of parking sunk beneath it in that location would have left little change from £40 million or even £50 million. The Government are fooling no-one.

When they announce the alternative venue for the more than 700 parking spaces that they are committed to provide, they will not be fooling anyone else into believing that they ever intended to build that project in the guise originally promised. When the time comes, Mr Speaker, for the Government to reveal their other proposals for the Commonwealth Park, they will have also revealed the reality behind this particular commitment, which is not going to be same as that which they proposed.

Mr Speaker, there is no doubt in my mind that the many right-thinking, moderate and genuinely interested individuals who are listening in or reading about this in the media in the coming days will probably be wondering why on earth any political party would commit itself to a project of this kind in the shape originally offered and then promptly renege on it when taking office. Perhaps, Mr Speaker, I will have a go at illuminating those individuals who, whether they voted for us or for the third party, together represent the majority of Gibraltarians.

In order to satisfy their eco-friendly supporters, Mr Speaker, a park in the centre of town was indispensable, as well as an attractive addition to the manifesto, which had the added benefit of bringing many more pictures into its pages and added a green hue to the already very colourful document. Including the park in the manifesto and effectively eradicating the car parking in town, however, was not going to cut it with the approximately 350 car users who depended and depend on the parking spaces available there today, on a daily basis. I can see it now, Mr Speaker: the meeting where they decided that they would just throw in a picture of, you guessed it, a 4x4 into the manifesto, entering the underground car park to allay the fears of those who may have been concerned about where they will park. The electorate would then see that they were thinking of everything.

Even the environmentalist Minister for the Environment rose in this very House to defend the idea of doubling the number of car parking spaces in the centre of town, saying – surely with tongue lodged firmly in cheek, every ounce of his body cringing under the weight of the hypocrisy he was about to articulate – that it would not necessarily have a net negative effect on the environment in Gibraltar. Surely he cannot have been serious! He cannot have stood there thinking, ‘Yes, yes, that must be right.’

Doubling the car parking space available in the centre of town is only going to encourage twice the number – or more – of people who get in their cars in the morning to go to work. Has he woken up in Gibraltar for the first time this morning? Does he have any idea of the problems we have historically had with the school run and the drive to work? Does he care? Or is this now the exclusive remit of the Minister for Traffic, Paul Balban? So much for the environmental filter!

The planning meeting at Watergardens will have continued, Mr Speaker: ‘Never mind the fact that with the presence of the city walls and the water table in that location, that this is going to be astronomically expensive. We’ll just put the parking somewhere else, if we get in and we’ll worry about that if we do.’ ‘If we do get in, we’ll just get someone else to build it for us, or not under the park, but somewhere close by or we’ll build it ourselves – but it’s probably best if we don’t say that right now because we don’t want to alienate any votes during this election process. Besides, don’t the pictures just look fabulous?’

Mr Speaker, it comes as no surprise to me, given that they had a full 16 years of experience in Opposition – though I have to say at this juncture, and this was not in the speech, I am quite surprised by the Hon. the Minister for the Environment’s Opposition-style speech – that despite not having been in Opposition for 16 years, they are struggling to get out of that mode. Hopefully, we’ll soon have them sitting, where they feel most comfortable. (*Laughter*)

The days when they could be all things to all men with impunity are over. The days when, over coffee or lunch, they could promise Paul that they would take whatever he wanted from Peter and then, at dinner, tell Peter what a scoundrel Paul was and how they would be only too happy to take back from Paul to give it back, are gone. Those days are over and they know it. They are paralysed by the realisation, like rabbits caught in the headlights – well, all 750 pairs in the Commonwealth Park – hesitant to act on anything, because they know that for the first time in a very long time they are going to have to take responsibility, choose a path and stick to it and, by implication they are going to have to let someone down. They do not like the fact that they have become ‘big bad Government’.

The park, as a signature commitment, will no doubt go ahead, but the parking will likely not be beneath it. The eco-lobby will be happy about the breath of fresh air in the centre of town, what with the lakes and pools and whatnot, but can they genuinely be happy about the fact that the Government will be providing 750 parking spaces, where there were once 300? Can the eco-lobby genuinely be happy about the Government encouraging car use, contrary to all that has been said over the years about traffic and the school/office run? How much is this all going to cost anyway?

In the same way as opening up Nuffield Pool to the public, when it is available, which is another manifesto commitment, this will be a service/amenity that will attract a recurring cost, surely maintaining

the parking and the park itself is also going to incur one! Were we not *broke*, Mr Speaker, or have I missed something?

These public services all cost money. They always have done and always will do. The GSLP told the electorate, before, during and after the Election, that the public finances were in dire straits. Surely they were not just lying, calculating or saying whatever it took to take back power at all costs, were they?

The way they go on about the cost of this and the cost of that, you would have thought they would have come up with a very different strategy for the Commonwealth Park. If they had genuinely believed their own hype about the public finances and they were genuinely pursuing an environmentally friendly agenda, what they should have done is to create an artist's impression of a bare-bones, multi-storey car park for 750 cars in the same location, committing to charging, at the very least, a nominal fee to contribute to its upkeep.

That, Mr Speaker, would have been a worthwhile project, designed to tackle parking issues. That, Mr Speaker, would cost a fraction of their Commonwealth Park. That, Mr Speaker, might help to put people off using their cars and on to buses, bicycles and their own two feet and that, Mr Speaker, would be the slightly more environmentally friendly solution as, surely, there would be lots of trees built into it, with the Hon. Minister running the show. That, Mr Speaker, would have been the politically honest and right thing to do – but alas, Mr Speaker, that would not have been as colourful. That would not have been as exciting, and that would certainly not have been as big a draw for the crowds at Election time as their Commonwealth Park was.

Perhaps it is true that a change is what the community needed, to realise the true value of what we had. In the context of traffic and transport, and whilst I do not want to take up too much time and rain on my hon. and learned friend's parade, when he addresses you on these issues, I feel it is important to deal with those issues in the environmental context.

This is another issue, Mr Speaker, where the reality of the new Government's approach to the environment manifests itself as something very distinct and very different to what they would like us to believe it is. In addition to so many other issues with an intrinsic 'green' streak, such as alternative energy, the power station, emissions and pollution, transport is one of those areas where the environment and green thinking inevitably come into play.

The Government, for all its talk about the environment, is about little more than just talk. Their transport policy, as set out in their manifesto, is limited to, in essence, a damning generalisation that traffic and gridlock is at its worst ever, particularly after the last four-year term of the Social Democrats. Well, Mr Speaker, that is just utterly ridiculous. This analysis is wrong, inaccurate, flawed and intended to deceive the electorate into believing that, like with the public finances, they had inherited a chaotic state of affairs, which they will now have to resolve, probably at the expense of other, more fanciful, Government manifesto commitments.

This is another example of the new Government setting out to rubbish the previous Administration's unprecedented investment and success in the delivery of traffic and transport solutions, in order to give themselves a fighting chance of persuading the public that the job was not already done.

It further proof were needed that this is the strategy, Mr Speaker, they just were not able to come up with any ideas of their own in that regard. All they could say was, 'We will come up with a comprehensive traffic plan' – more talk, more noise, no action. Well, Mr Speaker they need not have bothered, because we already had a traffic plan and we had already done the lion's share of the work for them.

We had already introduced environmentally friendly measures to promote the use of alternative energy, cleaner and environmentally friendly transport. We had already halved the duty payable on hybrid vehicles, and eradicated it in respect of electric vehicles. Today, the Hon. the Chief Minister has, and I welcome it, announced an enhancement to that initiative, but we had already introduced further tax incentives for the use of alternative energy vehicles. We had already introduced the free bus service, with a system that was not based on residence but on membership.

We had already introduced the urban bicycle rental scheme which, despite the Government's best efforts or otherwise, continues to be a success. (*Laughter and interjections*) (**Several Members:** Hear, hear.) Thank you!

We had abolished duty payable on bicycles to promote cycling, not just because it is good for the environment, but because it was good for traffic and it was good for health. We see an increasing number of cyclists on our roads today – I am one of them. We had recognised that increase in popularity and we were committed to taking steps to make it even easier to cycle in Gibraltar. We were committed to maximising opportunities on our roads for bicycle lanes and we were going to expand the provision of bicycle parking, as well as rolling out the urban bicycle rental system to the rest of Gibraltar, to maximise its potential for a positive impact on our community.

We were committed to giving cycling the best opportunity of becoming an alternative means of transport for Gibraltarians than it had ever been before. We were committed to cycling and to working with non-governmental organisations to help bring about the paradigm shift, which was mentioned so

much during that session. We were committed to the long haul approach to bringing about this change, because we understood that this was not something that was going to happen overnight and it was certainly not going to happen simply because we had spent just £324,000 on the first few months of the urban bicycle rental scheme.

In stark contrast, Gibraltar's new Minister of Transport took all of five months to declare openly in this House that he believed cycling in Gibraltar is dangerous!

The Budget measures in relation to the environment are really quite limited, Mr Speaker. As I have already mentioned, the Hon. the Chief Minister has established a flat rate of 2% for the importation of hybrid vehicles and some other incentive in relation to eco-friendly paper, both of which are of course welcome.

He then counters it with a healthy dose of anti-environmentalism, by announcing a measure to attract – which again, Mr Speaker, is welcome – the world's largest and thirstiest superyachts to Gibraltar! Well Mr Speaker, the Chief Minister seems to be far more balanced about the environment than other more extremist angles in the Cabinet and, for that, I am congratulating him because I am encouraged by it.

We had already undertaken extensive planting in Gibraltar and were committed to continuing to do so, including tree-lined avenues, where practicable. If there is one thing the Hon. the Minister for the Environment has certainly done since taking power as the green-fingered environmentalist Minister for the Environment – I have resisted calling him a tree-hugger – is to plant or direct the planting of many trees.

A Member: That's a compliment!

Hon. S M Figueras: Alas, Mr Speaker, there is more shade, which is welcome, but I would be interested to hear the views of hay fever sufferers in Gibraltar or indeed, to enquire in future sessions of Parliament about the instances of broken noses from unsuspecting runners running into trees where there were once none.

But in fact, Mr Speaker, the Minister even before he held office, was talking about trees. I remember his intervention from the audience of a debate in the run-up to the Election campaign in terms of 'That's what they want you to believe', when I was telling those present that the trees from the old Engineer's Lane car park had been removed professionally and would be replanted elsewhere. Upon taking office, the Minister, in this House, had to concede very early on that those trees had, in fact, been taken care of and were and, I believe, still are doing quite well.

As green-fingered and close to the environmental non-governmental organisations as he and his party were before the Election, I was surprised to note the lack of interesting ideas in their manifesto in relation to transport. There was nothing about cycling and much less about GibiBikes. There was nothing about carpooling and little about hybrid vehicles.

In fact, Mr Speaker, there was nothing in there about policies targeting the reduction in use of cars, generally, and the use of the official cars specifically, in respect of which the Minister for the Environment is one of the very worst offenders in the Government. (**Several Members:** Ooh!) One could argue that he is very busy, what with running the Environment and Health portfolios, as well as at least on one occasion running the country as Acting Chief Minister – (*Interjections*)

Mr Speaker: Order! Order!

Hon. S M Figueras: It is all very well and good, Mr Speaker, to talk about changing the kind of car the Government uses, but using it less might also have a positive impact on the environment.

It strikes me as odd, Mr Speaker that, when in the happy days of GSLP Opposition, the Members now on that side of the House used to complain about how long things took to get done. Why is it then taking the Government so long to acquire hybrid vehicles? Surely, Mr Speaker, the Chief Minister could have, in the last six months, directed and completed the procurement of at least one hybrid vehicle for himself and maybe another one for the Hon. Minister, because the Hon. the Chief Minister certainly had no issue with spending £16,000 at the drop of a ballot paper to take that first step towards e-government – the one he spoke of this morning – to arm himself and those around him with iPads and other devices, without going out to tender. Why then all this delay and mystery in the acquisition of a single hybrid vehicle from any one of the dealers in Gibraltar, with the relevant products in their lineup, who would surely fall over themselves to see Gibraltar's Chief Minister showing off their latest wares? Even the international press thought he had replaced his car within days of being elected! The Jaguar can't be half bad, can it, Mr Speaker?

And then there are the buses. They are the ones who referred to the buses as ageing, (*Interjection*) they are the ones who had plenty of time to formulate a strategy but, surprise surprise, when asked in this House what they intended to do to replace them, now that they were in power, they were – you guessed it – formulating a strategy!

I now turn my attention to the natural environment and, specifically the issue of pollution at our beaches, and, in particular Western Beach. This is a very important issue, Mr Speaker.

1130 I recall how, in the throes of the Election campaign I nervously squared up to the Hon. Minister and whilst there were issues where I knew his experience and education would make for a challenging debate, there were a couple of issues where I expected that his reasonableness would have come through and on which we would have been able to agree, in a modern, more collaborative atmosphere. I was mistaken, Mr Speaker.

1135 I was mistaken, because in relation to Western Beach, the now Minister proclaimed that the pollution problems at the beach would be fixed by himself personally, if elected into power. I pressed him to determine whether he was certain of this and without pause, he confirmed that he was indeed so. At the first meeting of Parliament, following ‘the worst day’, I sought to elicit whether plans for the ‘invade, repair and retreat’ strategy were now in place. (*Laughter*) I was excited to learn of the daring antics our special forces – though I did not know we had them – would be up to in the weeks following, led by the Hon. Minister. I suspected that he would be unable to tell me, because to tell me would have been to give the game away, to lose the element of surprise – but I asked anyway, Mr Speaker.

1140 I was however disappointed to learn that the Minister, after a few short months in Government and by his own concession, understood, as we have known all along, that the issue with the pollution at Western Beach is one that was and continues, unfortunately, to be out of our hands, as a problem originating on the Spanish side of the border. He soon had to concede, Mr Speaker, that there was no plan for invasion, repair and retreat and that all he could do was, as we had done, to monitor and inform the community, just as we had done, of the situation at the beach on a regular and timely basis.

1145 I recall that the Minister also informed the House that he had passed the matter on to the EU legal team and we await eagerly developments in the area.

1150 The point is, Mr Speaker, that the Minister soon understood that there are some things he can change, things he can control, and many others he simply cannot.

1155 Which conveniently brings me on to the subject of the apes, the seagulls, the feral cats and the Barbary Partridge which, despite the fact that it may sound like the synopsis for a local version of Gerald Durrell’s *My Family and other Animals*, it is in fact a subject which has, in the short time since ‘the new Dawn’, taken up much time in this House.

1160 The macaques have, for a very long time been a source of frustration and concern for both this side of the House and Members opposite and indeed, when roles were reversed not that very long ago. In fact, the now Chief Minister himself spent a not insignificant amount of time both within and outside this House raising awareness of the plight of the apes, as well as his own politically motivated interpretation of the previous administration’s policy on the management of the macaques.

1165 When we were on that side of the House – well, I never would have been, but when this party was and the Social Democrats were in office – this party’s policy in relation to the management of the macaques was clear and unambiguous. This species engenders strong feelings in the community, both positive and negative, and the GSD’s policy in this regard was to manage the population by means of relocation, contraception, exportation and, only as a measure of last resort, the very limited culling of apes.

1170 The GSD ranked the health and safety and continued existence of the Barbary macaque highly, as a feature of our culture, our heritage and as part of a diverse tourist offering, one on which Gibraltar is reliant as one of the pillars of the economy. The GSD, however, put, whilst in Government – and continues today to put – the health and safety of the human population at the top of the list of priorities in the management of the apes, just as it should be.

1175 Some years back, this House saw heated exchanges between the now Chief Minister and the then Minister for the Environment when the Administration of the day took the action it considered necessary, in accordance with advice it received from the experts contracted then, as they still are now by today’s Government, to take decisive and necessary action as a measure of last resort. There was an eager use back then, Mr Speaker, by the Hon. Chief Minister of words like ‘extermination’, ‘decimation’, ‘genocide’ even, but this party stood firm by its policy.

1180 Despite the GSLP’s best efforts to scupper the then Government’s objectives by pursuing what they thought was the populist position in the face of eminent reasonableness and logic, the GSD Government succeeded in keeping the ape population in the region of 200.

1185 Still on the apes, Mr Speaker, this Government swung into office on the back of a stated policy of not culling, no matter what. The Government are not the only ones hanging about either. The apes have been up to their usual mischief – mischief which might be an endearing quality for animal lovers and non-governmental organisations sworn to protect them, but behaviour which, for many, represents a daily threat and imposition in the otherwise quiet, easy life, free from unwanted contact with animals that members of our community are entitled to and demand.

It is not right, Mr Speaker, that members of our community should fret and worry about doing the simple things like popping out to do the shopping, or that those fortunate enough to have gardens in their

homes should be precluded from using them until dusk because, during the day, there are simply not enough sunbeds to go around.

1190 The Minister for the Environment appears to be amused by all this, as he jokingly, even proudly, in answer to questions in March of this year, said that the Barbary macaques might well be members of the GSLP because, since the Election, there have been remarkably few complaints. I suspect, however, Mr Speaker, that this has far less to do with core party support than with the fact that it had, until recently, been nigh on impossible to make the complaint in the first place.

1195 As we discussed in last month's meeting of the House, concerned individuals had reported their frustrations in relation to reporting incidents involving unwanted contact with wildlife, as well as complaints in relation to the seagulls, and, in response, the Minister and I discussed the establishment of a hotline for the reporting of complaints. He explained that what would actually be available was an environmental complaints section which then, by the time of the press release announcing it, had become
1200 an environmental feedback unit, which will operate on the back of an answerphone. The net effect of this is that the community, whenever an emergency is in progress, will essentially have to call the Police to manage it.

Perhaps, Mr Speaker, I put it a bit highly when I referred to this feedback unit as a hotline. I am disappointed, as many others in the community will be, that it is not even worthy of being called a luke-warm line. It is almost cold to the touch, and beginning to smell.

As if the Police did not have enough on their plates after the Minister's direction not to direct them to enforcement in respect of the Nature Protection Act, they are now also expected to chase after delinquent macaques – and do what exactly with them? Report them for process? They would have the International Primate Protection League all over them in a flash, wouldn't they, Mr Speaker? But no, no, Mr Speaker, surely the Minister for the Environment would not call the IPPL out on himself, would he? We certainly would not, because we are more interested in protecting the interests of Gibraltar as a community than we are in political capital and international headlines for local consumption.

The Minister himself has lived the difficulties in their management, Mr Speaker, from all his experience in GONHS. He has conceded that negotiations for their exportation takes time, and that management of these animals is complicated business. He tells us that the policy of the Government is based on the Barbary macaque management plan which they had been considering for a considerable time and which, in his view, will mean that they will not have to cull the apes.

I worry, Mr Speaker, though I sincerely hope to be proved wrong, that the strategy is both doomed to failure and, perhaps more worryingly, could lead to real human tragedy in the community in the coming years. This feels almost, Mr Speaker, like the start of an episode of *Casualty*.

I do not pretend to teach the hon. Member to suck eggs, as I am not one to pretend to know everything, but a local enthusiast of all things nature once suggested to me that, in the management of a nature reserve, the authority must be willing to take the most extreme action in the context of the interplay between the variety of species that take up residence within it. In the context of the Barbary Partridge, for example, which the Minister acknowledges as an iconic species in Gibraltar, the issue is that the population of that species is being decimated by the growing population of feral cats in the Upper Rock. When I asked him what plans were in place to deal with this issue, he said that there were none and that the Government was currently considering its options.

I was disappointed, Mr Speaker, as are those other concerned members of the community, who have expressed their worry for the well-being of the Barbary Partridge, and that a simple and definitive answer was not forthcoming. Could it be, Mr Speaker, that the Government, with its zealously defended 'no culling at all costs' policy in respect of the apes are paralysed to act in relation to any other species in Gibraltar? Well, Mr Speaker, if this is the case, then I can assure the Hon. Minister that the acceptance of culling as a measure of last resort by them would not be criticised by Members on this side of the House.
1235 No, Mr Speaker, it would be welcomed and commended by us as a sensible, open and inclusive of all options approach of a mature and sensible Government putting their responsibility to the community and not their own political well-being first.

And this, Mr Speaker, leads me conveniently on to deal with the power station and, I think appropriately, a discussion of alternative sources of energy for Gibraltar.

1240 As of 9th December 2011, work had begun on a new state-of-the-art power station, which all Members in this House understand and acknowledge Gibraltar needs, as it has done for some time now. The power station is one that was beset with difficulty, originally delayed by legal action, and then when that legal action was settled or concluded – however it was concluded – it is then a matter of record that the financial crisis, one that struck far and wide, meant that the finance that had been agreed was no longer there at the disposal of the Government of the day.
1245

I cannot stress enough, as my learned and hon. Leader has, on many occasions and earlier today, the importance to this side of the House, along with the construction of the tunnel under the runway and the provision of badly needed office space, of the delivery of the power station without delay. It was with grave disappointment that we learnt in this House of the Government's cancellation of the project a

couple of months following its election into office. Mr Speaker, I note the Government's statements on the issue and in particular the statement issued on 21st March this year, setting out the reasons why the project did not proceed and the matters which had been and were under review at the time. Importantly, I note that the Government was said to be consulting with the ESG and other concerned NGOs to deliver the best option for Gibraltar.

I know that the hon. Members on this side of the House are not alone when they express dissatisfaction and concern about the delays Gibraltar is experiencing in this field, particularly when set against the backdrop of the continuing and troublesome power outages that we have been experiencing in recent months. The ESG themselves have expressed their concern at the apparent lack of pace visible in the pursuit of a new, safe, reliable and environmentally friendlier solution to meet the community's power needs and I share their particular concerns in respect of the current and ageing network of power generating stations which, for some time, have been in dire need of decommissioning. I wish to impress anew upon the Hon. the Chief Minister and those other Ministers who form part of the working committee established by them, to make this a matter truly of the highest priority.

On the alternative energy front, I recognise the Government's position in respect of the integration of such new technologies with the power generation solution, whatever shape that might take, but I do have additional concerns in this regard which, despite my genuine wish to pursue a spirit of collaboration, understanding the importance of meeting European Community objectives in respect of alternative energy generation, despite that wish to assist I feel it would be remiss of me if I were not to articulate my concerns for the purposes of placing same on record.

Mr Speaker, again my concerns in this area stem, for the most part, from the presence of the Hon. Minister for the Environment on the Cabinet. I would happily concede being proved wrong in future, if such a thing were to happen in this regard. The Hon. Minister has been a feature in the local ornithology and natural history scene for a long time having achieved much of value for the community during that time, including the oversight of the re-discovery of the Alameda Gardens as a valuable amenity and an enhancement to the quality of life of some members of our community – that much is a given, Mr Speaker. Whilst his contribution is noted, so is his passionate and, at times, frankly worrying hard-headedness and his apparently single-minded focus on all things birds, plants and trees. I worry whether the hon. Member's passion for the plants, birds and trees will have the better of him when in office, as I am told it appeared it did, before he assumed the responsibility of office. It simply cannot be, Mr Speaker, that the mere suggestion of the installation of technologies designed to assist in the determination of the suitability of wind turbine technology in a local application should incense the hon. Member in a manner of which I have been informed anecdotally.

It cannot be right, Mr Speaker, that the potential impact – *potential* impact – that the presence of wind turbines in the local environment could have on birds, as an example, should be elevated to such an extent that the mere attempt at exploration of energy solutions we need today, for the benefit of our community, for the benefit of our children and our grandchildren, should invoke an overly defensive, even hostile reaction from the Minister.

Whilst I acknowledge that the issue of alternative energy generation should be considered holistically, in consultation with all stakeholders and considering all relevant issues, including the birds, the plants and the trees, no single environmental concern should, in my view, preclude the ultimate delivery of alternative energy solutions which Gibraltar needs today tomorrow and beyond. The Minister may fret and protest all he wants and complain that my suggested approach, one where the Government takes responsibility, presupposes an outcome, whereas their approach is or will be open and transparent. To this, I would say that the generation of alternative energy is and should be an overriding priority and that, as the alleged party of the environment, the Government should take responsibility and deal with it as such.

In conclusion, Mr Speaker, I believe that during the course of this speech, a number of themes will have become apparent: the first, that the GSLP's 'all things to all men' strategy whilst in Opposition is the only thing about them which is open and transparent, and now that they are in Government, that core policy has become untenable. Their true colours, the colours of their nepotistic, extreme and dangerous nationalist and insincere politics are shining through bright and clear.

Secondly, that they have taken it upon themselves to rubbish the GSD legacy because, if they do not do that, the benchmark for achievement will remain too high for them to even so much as come close to matching it.

Thirdly, that their so-called openness and transparency agenda, the veneer of honesty and integrity they have painted for themselves, is fading away to reveal the good old – or is it bad old? – GSLP of years gone by.

Finally, I believe that the GSLP Government can no longer, in the light of the Budget measures announced here today, continue to pretend that they inherited public finances in a state of ruin and that, therefore, they have shown themselves to have misled the electorate and threatened our community's

international reputation for the sake of their own political interests. The electorate now know who they are dealing with in Government, and they do not like it, Mr Speaker – not one bit.

One thing is for sure: their honeymoon, Mr Speaker, is over.

1315 (Applause)

Hon. Chief Minister: Mr Speaker, in order to enable Members on this side of the House to wake up after that, could we recess for a cup of coffee?

1320 **Mr Speaker:** This House will recess for 10 minutes.

*The House adjourned at 4.57 p.m. and
resumed its sitting at 5.15 p.m.*

1325

**Appropriation Act 2012
Debate continued**

1330 **Mr Speaker:** The Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1335 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I have the honour to present my first Budget speech for responsibilities that form part of my ministerial portfolio.

1340 By way of introduction, Mr Speaker, I would like to say that Gibraltar derives its success from the fact that it does extremely well in a number of specialist areas. The quality of Gibraltar's established professionals across many sectors of our community is second to none and it is something to be proud of. The Government will continue to work with Gibraltar's professionals to ensure that Gibraltar meets the highest standards of practice and regulation, whilst remaining proactive and receptive towards the demands of the business world.

1345 Even in this day and age, against a backdrop of unnerving financial uncertainty beyond our shores, I firmly believe that Gibraltar is set to move into a new era of social and economic prosperity, brought about by a new Government, one which aims to bring about positive change to Gibraltar, in a modern and socially just manner.

That said, Mr Speaker, I now wish to turn to the various areas of responsibility that form part of my ministerial portfolio.

1350 I will start with Education. Education is a top priority for the Government. The Estimates reflect that the amount required in the year ending 31st March 2013 for salaries, wages and expenses is £34,982,000. This can be compared with a forecast outturn for the year ended 31st March 2012 of £28,509,000. The increase this year is £6,473,000 in recurrent expenditure. This represents an increase in the budget of around 23%. This, by any account, is a substantial increase in the budget and confirms the Government's commitment to Education.

1355 Since elected into office, the Government has already made announcements in connection with the extension of mandatory grants for postgraduate students, additional funding for distance learning students, the provision of a dedicated maintenance team for schools and the commencement of a health and safety audit for all schools.

1360 With regard to mandatory scholarships, hon. Members will see a substantial increase in provision this year of £9,507,000 compared to a forecast outturn in 2011-12 of £5,676,000, an increase of almost £4 million.

Part of this is accounted for by the increase in tuition fees by UK universities which Government was committed to fund. However, there is clearly an increase in the requirement for funds under this head as a result of Government's policy decision to extend mandatory grants to postgraduate students.

1365 We have already seen the effect of this. There have been 70 applications this year, compared to 57 last year, for what was previously regarded as discretionary awards. Of these, 49 were considered to fall within the new category of entitlement to a mandatory scholarship in that the request was for a continuation of studies. The result is that these 49 students were entitled to a mandatory scholarship, instead of being considered for a discretionary award. This has resulted in a substantial reduction in those students requiring discretionary awards.

1370 In line with a number of specific commitments on the engagement of additional staff for schools, I have already announced that:

(1) 47 new teachers have been recruited and will start on 1st September 2012. The teacher complement has therefore increased from 333 to 380.

1375 (2) The complement of Classroom Aides will be increased, in effect, by 28, from 51 to 79. This represents a more than 50% increase in the complement. In addition, the Classroom Aide supply list has been re-populated, increasing it from 1 to 39. This will allow cover for temporary absences, as well as the use of supply Classroom Aides whenever specific temporary needs arise;

1380 (3) The complement of school secretaries will be increased from 9½ to 17. This will provide secretarial support for schools during the whole of the school day.

(4) An Executive Officer will be assigned to each of the secondary schools to support teachers in the administration of the schools' public examination system and for general clerical duties.

1385 All this represents an additional investment of around £2 million per year on staffing for schools. This increase is not just significant but, I believe, unprecedented. It shows our commitment to invest in people who will deliver the educational needs of our children. The Government considers that investing in our children's future in the manner that we are doing will allow Gibraltar to reap rewards in years to come.

The recruitment of the new teachers also allows us to eradicate the practice of so-called 'permanent supply', where teachers who were clearly required by our schools were kept for years on supply, without a formal contract of employment and without the rights and certainty that such a contract brings.

1390 In addition to the positions described above, the Government has created one additional post of Educational Psychologist, bringing the complement to two. This corrects an anomaly where a teacher has been carrying out that job for several years, without the post formally existing as part of the Department of Education complement.

Mr Speaker, there are many areas in which the Government is actively working on and making changes where necessary.

1395 Nurseries: the Government is committed to providing 'free optional nursery education' to eligible children. There are currently 365 – either morning or afternoon – places available. This year, 324 applications for places have been received. This means that there is a nursery place for every application, should parents wish to take up the offer they received.

1400 Special Educational Needs (SEN): as part of the Government's commitment to Special Educational Needs, there has already been an increase in resources with respect to Classroom Aides. 16 part-time posts were appointed as full-time Classroom Aides in April. As I have already said, the Classroom Aide supply list was re-populated in May. Financial provision has been made for an increase in the complement of permanent Classroom Aides which will take effect from the next academic year.

1405 This current academic year has seen an increase in the time allocated to the Behaviour Education Support Team (BEST) from a four-day week to a five-day week. There are currently three teachers plus the Assistant Education Adviser providing this support.

1410 In September 2013, these teaching posts will be made permanent, which will provide stability and greater continuity. This provision will be taken from the extra 47 teachers the Government is employing. This enhancement will allow their expertise to further develop and allow them to provide greater support to pupils with social, emotional and behavioural difficulties.

Extra support for pupils having language difficulties will be provided by a peripatetic teacher qualified in teaching English as a foreign language, who will be working in our schools on a 'needs-led' basis.

1415 An extension will be built to Notre Dame School, as I have already announced. Work on this has already started by GJBS with the aim of completing the extension by the start of the next academic year. The extension will provide three classrooms for the Learning Support Facility and two for Special Educational Needs. Government is also working on plans for an extension to St Martin's school.

In addition to the resources and equipment which schools resource from their capitation budget, Government has started a pilot study with the purchase of three iPads for St Martin's school.

1420 14 –19 Developments: Mr Speaker, education is not just about the pursuit of academic excellence; it is about preparing the citizens of tomorrow and maximising their potential, whatever this may be. As such, Government places a high value to a whole range of alternative pathways in education, both vocational and academic.

1425 This year has also seen the arrival of outreach teams from the British Science Museum and Cambridge University to our secondary schools. Students have been exposed to a whole range of 'hands-on' science and mathematics lessons, which they have thoroughly enjoyed.

Moreover, specifically, our students in years 12 and 13 were given a lecture on the famous Enigma machine used during World War II and were also shown the machine and how it encrypted.

1430 These initiatives, sponsored by the Kusuma Trust, serve to enrich lessons and to promote education as a life-long learning process.

The Department of Education will continue to work in partnership with external agencies. A good example of this is the work undertaken by teachers and the Gibraltar Association of Compliance Officers to offer financial courses to students in years 12 and 13, principally on Gibraltar's Financial Services.

Mr Speaker, this year, the Young Enterprise Scheme truly surpassed all expectations, difficult as this may seem. The winning team, 'Impulse' went on to compete in the National Championships in the UK. I am delighted to say that 'Impulse' won the award for the Best Product, which is a magnificent achievement for the company and for Gibraltar, particularly when we consider that more than 26,000 students with 2,000 companies participated. The hard work put in by our teachers, and indeed by the business men and women, who gave up of their time in order to expose young adults to the business world, should be commended. The experience for the students will prove invaluable and in the long run Gibraltar can only benefit.

Higher Education: Mr Speaker, my Advisory Team have now concluded talks at the three secondary institutions, explaining the workings of the scholarship system and, furthermore, clarifying how our commitment to higher education will work in practice. It must not be forgotten that the Government will meet in full the 200% increase in tuition fees that should come into effect for new students as from September 2012, resulting from changes introduced by the UK Government.

The Government will treat as mandatory all requests from students who have just completed their first degree and wish to pursue a higher degree or indeed doctoral studies. As such, funding for tuition fees and a maintenance grant will be afforded to these students.

Furthermore, the means-testing mechanism for those students enrolled in distance learning programmes has been removed, and these students will receive the full amount.

Mr Speaker, as I announced in my answer to a Parliamentary Question posed by the hon. Member opposite, Professor Daniella Tilbury is already well underway with a feasibility study commissioned by the Government for the development of a Gibraltar University. Different pathways are being explored. We are all tremendously excited at the prospect, given the potential for educational and economic development that could arise.

Continuing Professional Development: the Department of Education continues to be committed to providing opportunities for professional development for all staff. The Leadership and Management course for teachers, which is accredited by Durham University, has continued to be subscribed to. In September, a number – approximately 25 – will be moving onto Masters Level.

The Advisory Service has provided or facilitated in-service training in the following areas:

(1) Safeguarding Children Tier 1 Training – this is an on-going multi-agency commitment, which education forms part of. So far, 67 teachers have completed the Safeguarding (Tier 1) Training course. Tier 2 level training is a new initiative which commenced in Academic Year 2011-12. A small number of teachers have already attended this course.

(2) Dignified Care and Responsibility Training (Restraint Training) – which the Advisory Service has facilitated. This training enhances existing skills which support behaviour management practice in schools. Three schools have already availed themselves of the course and it is envisaged that more schools will do so in the next academic year.

(3) Gifted Children – an on-going course provided by the Advisory Service. The focus is on Literacy and Numeracy. To date, 12 schools have subscribed to the course.

(4) Technology and School Development Planning – provided by the Advisory Service. This programme of in-service training has furnished schools with a framework from which to improve and expand their use of technology in teaching and learning, as well as a mechanism for managing the purchase of hardware over a number of years.

(5) Making Good Teaching Outstanding – provided by the Advisory Service. As part of a rolling programme, the First School head teachers have already attended this course. It is envisaged that this could be available to the remaining sectors during the next academic year.

(6) First Aid Courses in schools – this is part of a rolling programme facilitated by the Advisory Service.

(7) British Sign Language Level 1 Course – facilitated by the Advisory Service in partnership with Gibraltar Hearing Impairment and Tinnitus Association (GHITA). A number of teachers have already attended this course. All schools have also prepared and delivered their own 'in house' in-service, which addresses individual schools priorities, which support school improvement.

Developing Technology in Schools: the Government recognises the importance of technology in the 21st century and is committed to increasing resources in schools, to support teaching and learning. April 2012 saw a substantial increase in the number of smart boards in school, with 30 being purchased and distributed to schools. During the next academic year, the Department of Education, in conjunction with the Government IT and Logistics Department will be looking at ways in which support for computer maintenance and repair can be enhanced using centralised Government resources – the technicians and expertise.

The feasibility of the incorporation of existing school computer systems into the Government Intranet is also being actively explored. It is expected that the eventual centralisation of all our school computer systems will be of great benefit educationally and administratively.

1495 The development of a Virtual Learning Environment, whilst still at an embryonic stage, is also being explored by the Advisory Service in conjunction with the IT and Logistics Department for eventual inclusion into the system. It is envisaged that this will provide a framework through which lessons and teachers' notes can be accessed on-line. This will be explored as a pilot scheme using A-level Mathematics, during the course of next academic year.

1500 Increase in Teaching Complement: the start of the 2012-13 academic year will see the existing complement of 333 teachers increase to 380. The 47 recruits have been chosen through interview and will primarily address subject needs in the Secondary Sector and optimum class numbers throughout the Service. The identification of specific needs for each school was achieved by an extensive consultation process with head teachers. The teacher increase will also regularise BEST which will be staffed by three teachers, with additional support from the Advisory Service, as well as make provision for a TEFL teacher, as I have already mentioned.

1505 Health and Safety in Schools: a Health and Safety Audit of schools commenced in January 2012, as part of the Government's commitment to health and safety and the health and safety policy established by the Department of Education. To date, six schools have been audited and it is envisaged that the remaining ones will have undergone this process before the end of the year. This process also includes an Asbestos Audit of all schools. The audit prioritises health and safety issues within the school environment and in doing so, informs the School Maintenance Programme.

1510 Minor Works and Refurbishment in Schools: a new system has been set up to carry out repairs in schools and all educational centres. A GJBS team, consisting of a foreman and eight craftsmen, have been contracted to dedicate themselves to effect repairs. This team will tackle all repairs reported to the Department of Education on a daily basis and it is envisaged that they will eliminate the historical backlog that has existed.

1515 With regard to this backlog, I am pleased to announce that, out of a total of 238 repair jobs which were pending in December 2011, some dating back as far as 2008, a total of 116 have already been tackled and completed and 50 have been cancelled for various reasons. This means that there are only 72 reports pending attention, which we are confident will be completed very soon.

1520 The extension at Westside School, which houses a dance studio and two kitchens and which was commenced during the financial year 2008-09, will be finally completed this year and will be ready for use in September 2012.

1525 A much needed extension will be constructed, as I have said, at Notre Dame School. Preliminary works have commenced and the extension is expected to be ready in time for the start of the academic year, i.e. September 2012. This extension will create a purpose-built Learning Support Facility, two Special Needs Units, and an additional classroom. The expansion of the school will assist in accommodating the growing population of the area, with an expected influx of MOD pupils, once St Christopher's completely closes down.

1530 An extension will also be built to St Martin's School. In addition, the windows of the western façade of St Anne's Middle School will be replaced.

1535 In the financial year ending 31st March 2012, the following works have been carried out. The works to three nursery playgrounds in need of special flooring have been completed. These nurseries are Notre Dame, St Bernard's and St Paul's. In the case of Notre Dame, the playground equipment has also been replaced. The materials used are the same ones as those being used in the public playgrounds around Gibraltar. The total cost has been £41,750.

1540 The perimeter fence of the open playing area at Westside has been replaced, at a cost of £32,960. Unauthorised persons were entering the school via the open playing area, either to cause damage or to use the open playing area as a football pitch. This new fence is of the 'un-climbable' design.

The windows of the eastern façade of St Anne's Middle School have now all been replaced. This has been a two-year programme. These works were necessary as the school was experiencing rainwater ingress via these windows. The cost of replacing them has been £188,305.

1545 One of the blocks of Bishop Fitzgerald Middle School was refurbished at a cost of £32,715.

St Joseph's Middle and First Schools have had the ground floors painted internally. The cost was £25,502.

Notre Dame School was painted internally and all windows were replaced. The cost of both works was £64,808.

1550 An extra floor was added to the Hebrew School. This extension consists of three classrooms, an office, storage space and toilets. The school was also refurbished internally, the cost of the refurbishment being £51,346.

The Gibraltar College, St Anne's Middle, St Bernard's First and St Paul's First Schools have had works done relating to water ingress. The bottom floor at Bleak House was also refurbished. The cost was £38,316.

1555 At Governor's Meadow First School, one of the blocks was refurbished and another one was treated internally for water ingress problems. The cost of both works was £11,784.

Mr Speaker, the Government has no doubt that the works which have been carried out, those which are in progress or are planned for this year, the changes – including funding for scholarships – which have been effected and the additional resources which are being allocated to Education, particularly on human resources, will result in an improved education system which will create a highly motivated professional workforce and an enhanced educational experience for all of our students. Our children are Gibraltar's future. Our investment in education is an investment which provides opportunities for all from which the whole of Gibraltar will benefit.

Mr Speaker, I now turn to other areas of my ministerial portfolio, starting with financial services.

Gibraltar is a financial services jurisdiction within Europe and is well placed to seize the opportunities offered by our status, reputation and tax regime. But there is work to do, and challenges ahead. Opportunities need to be seized and converted into real business. Things will not happen by themselves.

In addition to the established markets which remain important to Gibraltar, such as the United Kingdom and Switzerland, the Government intends to explore new emerging markets like the BRIC countries – Brazil, Russia, India, and China – which are enjoying massive economic growth. This is particularly relevant as Gibraltar can offer them an alternative entry point into the single European market.

The Government is very optimistic that, in the years ahead, Gibraltar will consolidate its position as a leading international finance centre within the EU. The financial sector is a key driver in the local economy, as well as one that stimulates other areas of business and generates thousands of jobs and important revenue.

As a business location, Gibraltar has a first rate professional infrastructure that is fully compliant with European standards of regulation. The numerous international trading entities and financial services companies, which already have a base in Gibraltar are testament to this. The financial sector accounts for 14% of total employment and contributes around 20% to GDP. Employment in this sector is mostly in banks and building societies and in activities auxiliary to financial intermediation.

Gibraltar is well regulated but not *over-regulated*, which ensures that business institutions based here can depend on being amongst reputable companies in a respected finance centre. International finance centres like Gibraltar are a vital part of the machinery that contributes towards the prosperity and smooth running of the global economy. Innovation, speed and flexibility are facets that allow a jurisdiction like Gibraltar to compete and distinguish itself against a backdrop of large states which are inherently slower and more complex to do business in.

Growth trends in financial services: Gibraltar's financial services centre continues to post stable growth in a number of areas, such as insurance, investment management and funds – notably in experienced investor funds, of which there are now approximately 90. It is becoming increasingly apparent that Gibraltar's future in financial services rests with high-end, high-value added private client business, insurance – both captive and retail – investment management and funds. As reported in the *Financial Times* on 11th May 2012 Gibraltar has set itself the objective of becoming a major player as an EU funds domicile and an EU centre for hedge funds management operations.

Insurance: the number of licensed insurance companies has grown to 65, with approximately a further 40 in licensed protected cell company structures. The critical mass that has been achieved in this sector now makes Gibraltar a mainstream insurance domicile within the European Union, along with long-term players in the markets. Robust but responsive regulation, combined with a strong professional infrastructure, has underpinned the momentum of the insurance sector.

Particularly noteworthy is the fact that Gibraltar was the first EU jurisdiction to offer passporting of insurance services throughout Europe in combination with a protected cell structure. The industry, in partnership with Government, is working hard on the transposition of the forthcoming Solvency II Directive.

Imported pensions: on 11th May 2012, the Government published a Bill to amend the Income Tax Act 2010 in respect of certain pension schemes imported into Gibraltar, generally known as Qualifying Recognised Overseas Pension Schemes (QROPS). The Bill, which had been eagerly awaited by the Gibraltar pensions industry, was passed by Parliament unanimously on 22nd June 2012 and was commenced on publication on 28th June 2012.

This is an important piece of legislation for finance centre practitioners involved in the administration of pension schemes. It opens up a line of business which has previously, in effect, been out of reach for Gibraltar. It will create opportunities for pension scheme administrators and will generate income from taxation for Gibraltar in respect of distributions from the imported pension schemes.

The legislation, which only applies to certain pension schemes established outside Gibraltar which are subsequently imported, imposes requirements, restrictions and taxation on QROPS. In particular, the legislation provides for a maximum commutation of 30% of the pension fund; a minimum retirement age of 55 – except in very specific circumstances relating to chronic ill health; taxation of 2.5% on distributions from the fund to beneficiaries of the imported pension scheme; and requirements to prevent

an imported pension scheme from being transferred to another scheme outside Gibraltar which does not comply with the original requirements.

1620 The legislation also provides for retrospection to 6th April 2006, to enable the small number of pension schemes imported into Gibraltar since that date to comply with the requirements of other jurisdictions which allow exporting of pension funds. These amendments do not affect the rules governing those occupational pension schemes which have been or may be established in Gibraltar, where distributions are taxed at a zero rate.

1625 The Government is satisfied that the amendments made to the Income Tax Act provide a basis that is in consonance with the aims of those other jurisdictions which allow the exporting of pension funds. However, industry practitioners involved in the business of importing pension schemes to Gibraltar remain responsible for ensuring that their activities fall squarely within the rules applying in countries outside Gibraltar as regards pension transfers.

1630 The proposals which are reflected in these amendments were put to the Government shortly after it was elected in December 2011. The Government understands that the industry has been waiting for a considerable period for this legislation, having put the proposals previously to the GSD Administration.

1635 Whatever the reason may be for the failure by the previous Administration to implement these proposals, the swift actions of the Government suggest a responsive and listening disposition by the present Administration, which appears to have been sadly lacking prior to December 2011. (**A Member:** Hear, hear.) (*Applause*)

Experienced investor funds (EIF): Mr Speaker, approximately 90 experienced investor funds have been established in Gibraltar since the Financial Services (Experienced Investor Funds) Regulations 2005 came into effect, with almost half of these having been structured as protected cell companies.

1640 Following a series of proposals submitted to this Government by the Gibraltar Funds & Investments Association (GFIA) designed to make this sector more efficient, the Government introduced new Financial Services (Experienced Investor Funds) Regulations in 2012. Improvements to the original 2005 Regulations included the opportunity for large funds to use reputable and substantial administrators based in jurisdictions of equivalent standing to Gibraltar.

1645 The new Regulations also allow funds to re-domicile to Gibraltar, yet continue to use their existing reputable administrator, representing a significant advantage for funds moving to the EU with, *inter alia*, the advent of the Alternative Investment Funds Managers Directive, due to be implemented by July 2013.

1650 The new Regulations enable experienced investor funds to choose to file for registration ten days before a scheme is established, with automatic registration at the end of that period if no objection is received from the regulator. This provides greater choice, certainty and flexibility for prospective new funds. The new Regulations also provide further disclosures which are required in the offering of documentation to help investors to make an informed decision prior to investing.

1655 Last month, Mr Speaker, I addressed a conference on funds in Monaco organised by GAIM (Global Alternative Investment Management). This is an important conference for the global funds industry with all major players represented. It proved to be the ideal opportunity to explain the opening up of the Gibraltar market as a result of changes introduced by the 2012 Regulations. This will encourage the use of Gibraltar by funds wishing to relocate to an EU territory to take advantage of the new EU Directive.

1660 We have received excellent feedback from delegates which gives us great cause for optimism for the expansion of the Gibraltar funds industry. As with the QROPS legislation, the introduction of the new EIF Regulations shows a Government which is predisposed to listen to and act on proposals from the industry which make sense and which are beneficial to Gibraltar. (**A Member:** Hear, hear.)

1665 Private Clients: the Society of Trust and Estate Practitioners (STEP) has made a number of general representations to the Government for the introduction of new private client structures such as purpose trusts, the extension of the perpetuity period, private trust companies and foundations. The Government agrees in principle that the introduction of legislation on these areas is desirable and has asked STEP to produce detailed proposals, so that these can be evaluated and put into effect. Any such proposals will, naturally, have to comply with OECD transparency requirements and be exchange of information compliant.

1670 The Government is also giving consideration to the recommendations contained in the OECD Phase I Review relating to the elimination of share warrants to bearer and the extension to record-keeping requirements for companies, partnerships and trusts. A consultation paper on this has been issued and the Government is currently reviewing comments made with a view to introducing legislation which gives effect to the recommendations.

1675 International agreements and tax information exchange: Mr Speaker, Gibraltar's successful finance centre is based on the Government's conviction that it must remain squarely within the mainstream of international consensus. In line with its commitment to transparency and effective exchange of information, Gibraltar is on the G20-instigated OECD 'white list'. It has to date negotiated and signed 20 Tax Information Exchange Agreements with OECD/EU Member States and is currently negotiating or concluding similar agreements with several other countries. Of the 20 Agreements signed so far, 18 have

entered into force. Gibraltar is waiting for reciprocal notification for entry into force from Belgium and South Africa.

Double Taxation Agreements (DTA): in keeping with its manifesto commitment to negotiate Double Taxation Agreements with selected jurisdictions, the Government has established a DTA Working Group to study the mechanics of entering into Double Taxation Agreements with relevant countries. Prior to the Group's first meeting on 15th May 2012 the Finance Centre Department had already undertaken preparatory work on this. The Government expects to be in a position to report progress in this area during the course of the current financial year.

International Monetary Fund (IMF) – Mr Speaker, the Government will continue to co-operate fully with the IMF and devise policies when appropriate, in order to ensure that any assessment undertaken by this body meets their assessment criteria. In consonance with the Government's commitment to respond positively to the various international initiatives, the Finance Centre Department continues to compile Gibraltar's portfolio investment position for submission to the IMF, as it has been doing since 2004. Work is also proceeding on the consolidation of anti-money laundering legislation. Progress on the EU driven fourth Anti-Money Laundering Directive is being monitored.

Mr Speaker, I would end my contribution on Financial Services by mentioning the complaint to the EU made by Spain to the corporate tax regime introduced by the Income Tax Act 2010. The Government considers that this is a politically motivated complaint which has no merit whatsoever. The Government therefore firmly believes that it will be able to successfully see off this challenge. (A Member: Hear, hear.)

Mr Speaker, I now turn to Gaming.

The online gaming industry continues to contribute well to the local economy and Gibraltar continues to consolidate its place as one of the world's premier locations of choice for reputable industry leaders. Gibraltar is at the forefront of the global gaming industry and it is important that we keep up with developments and meet the major players, as well as officials from other jurisdictions.

Earlier this year, I attended the ICE Gaming Exhibition in London and the GiGSe Totally Gaming Conference in San Francisco. Whilst in the US, I also had several meetings with major players and influential people in Las Vegas, Nevada. I had the privilege of meeting the Governor of Nevada, Brian Sandoval, and the Chairman of the Nevada Gaming Control Board, Mark Liparelli.

We are aware that there are a number of Gibraltar operators interested in branching out by seeking a licence in Nevada. At the same time, various Nevada-based operators are interested in being licensed in Gibraltar. It is therefore in Gibraltar's interest that we have contact with and build a solid relationship with Nevada, as well as other countries and states, at both regulatory and political levels.

That said, Mr Speaker, the Government does not intend to vary the formula that has led to Gibraltar's success in online gaming. It is the Government's firm intention to continue with the policy of selective licensing, coupled with high standards of regulation. Gibraltar sets a high bar to entry and only the world's leading brands are considered for licence.

There are currently 22 remote gambling licensed operators established in Gibraltar and three more applications are currently being processed. They include some of the biggest names in the business. Only reputable companies with a realistic business plan and a proven track record in gaming are licensed.

Five new remote gambling operators were licensed during the course of the financial year 2011-12. As at 29th February 2012, the total number of employees in the gaming industry stood at 2,245. This figure is expected to increase modestly over the next few months, as soon as the three newcomers are established in Gibraltar.

The Government revenue from remote gaming tax for 2011-12 has increased to £10.7 million, from £10.4 million in 2010-11. Remote gaming tax represents 94.5% of the total gaming tax yield of £11.3 million for 2011-12 – the remaining £0.6 million gaming tax being in respect of domestic gaming.

PAYE from remote gambling operators totalled £16 million for the period 1st April 2011 to 31st March 2012, with an additional £0.3 million for domestic operators. Corporate tax from gambling operators for the same period was just over £18 million.

Mr Speaker, before I turn to other matters, it is important that I report to the House on an on-going issue which could have a very significant negative impact on Gibraltar's online gaming industry. Earlier this year, the UK Chancellor announced plans for a UK online gaming 'place of consumption' tax. He revealed that a consultation process was taking place, with the aim of imposing a 15% charge on gross profits based on the location of a player, rather than the location of the business that is providing the service. The UK Treasury has said that it aims to have the necessary arrangements in place by December 2014.

What this means is that the UK seeks to impose a 15% charge on every transaction which is made by a customer in the UK. This, of course, can only be interpreted to be a revenue-generating measure. This measure is also proposed to be accompanied by changes to the UK licensing regime for the sector which the taxation consultation paper indicates will proceed in tandem.

Mr Speaker, the Government does not believe that these measures are designed to ensure the proper protection of consumers in the UK. Gaming companies operating from Gibraltar and their customers are already protected by Gibraltar's strict licensing and supervision. Our regulation is second to none. It is as high, and in some respects higher, than in the UK. (A Member: Hear, hear.) The Government believes that the UK Government's position on this issue is not defensible and the Government has made its opposition to the proposed tax known to the UK Government.

The measure seeks to put UK operators in a position of distinct advantage to those operators based in other jurisdictions like Gibraltar. The Government also considers that the proposals offend basic principles of freedom to provide services and acts as a barrier to trade and entry to the UK markets. Leading figures of Gibraltar's gaming industry have also voiced their strong opposition to the UK proposals.

The Government is aware that there is a real prospect of an industry challenge to the UK Government's proposals, if they persist with the proposed licensing and taxation measures. The Government will naturally continue to support all efforts to defend Gibraltar's well established gaming industry. The Government considers the move by the UK Government to be counterproductive and, in the long run, more harmful to the UK than to the jurisdictions – such as Gibraltar, Isle of Man and Malta – at which the measures are aimed.

The Government has highlighted to the UK Government the serious economic threat that such a move could bring about for Gibraltar given the importance of key income streams this sector generates for our economy. The UK is an important market to some of the companies operating from Gibraltar. This will, therefore, remain a vital issue which needs to be very carefully monitored.

The Government will continue to engage with the UK Government at all levels and will make sure that the UK Government fully understands the harmful effect which its proposals would have on UK customers and on Gibraltar. The Government continues to be hopeful that the UK Government will consider all representations made and be persuaded to retract its proposals.

Mr Speaker, I turn to telecommunications.

Mr Speaker, telecommunications is a dynamic, ever-changing industry and an area which continues to move forward. Telecommunications plays an integral part in all our lives, whether as a business dependent on e-commerce, as an enabler when working in the global environment or for our daily communication needs.

Gibraltar's telecommunications infrastructure is of high quality and good repute. The bigger blue-chip online gaming companies acknowledge this. It is highly praised for the availability of electronic services, its quality of regulation and its resilience. Telecommunications providers continue to invest in fixed network infrastructure which, along with its increasingly diverse international routes, ensures a robust, reliable and quality service.

The continuous investment in essential telecoms and IT technologies is helping to make Gibraltar the attractive jurisdiction to which businesses can look to expand from or to relocate to.

Furthermore, the electronic communications industry was liberalised to primarily enhance investment and competition. The effects of liberalisation have successfully been felt in recent years, since new market entrants have stimulated the industry. As a result, the quality of services has improved and prices have been reduced. The Government views these developments as fundamental for continued growth and development and looks forward to a continuation of these trends.

In today's world, there are various ways a person can access the internet. A household may have a fixed internet connection; Wi-Fi access, if the household in question is covered by an accessible hotspot; WiMax which uses a wireless connection to access a broadband network; or internet access via a mobile network using a smartphone, tablet or Personal Digital Assistant (PDA). The definition used by the EU when calculating broadband penetration rates defines broadband lines as:

'those with a capacity equal or higher than 144 Kbits/s'.

All the various technologies mentioned above are largely covered by this definition and are available in Gibraltar. Broadband penetration *per capita* in Gibraltar currently stands at around 39.6%, which is higher than the EU average of 27.7%. It is estimated that close to 75% of local households now have broadband access, compared to some 55% of EU households.

I have responsibility for certain aspects of the work carried out by the Gibraltar Regulatory Authority (GRA) under the provisions of the Communications Act 2006. The GRA is an independent authority, which regulates the following areas for which I as the Minister for Communications have responsibility: (1) electronic communications, which includes broadcasting networks, radiocommunications and licensing of the radio spectrum; and (2) international co-ordination of satellite networks and licensing.

There are seven companies, Mr Speaker, operating under the regime established by the Communications Act 2006, providing a variety of fixed and mobile networks and services. Currently,

there are two active mobile operators. A third is installing its network with the aim of starting to provide a service this year.

1805 The EU's new electronic communications package was implemented in Gibraltar with the publication on 26th May 2011 in the *Gibraltar Gazette* of five new regulations amending the current legislation on electronic communications. The amendments introduced in the Directives are primarily aimed at: simplifying some of the existing procedures; allowing transfer and leasing of individual rights to radio frequencies; the re-drafting of the provision on co-location of facilities; adjusting some of the definitions, 1810 taking into account technological progress; reinforcing provisions on end-users with disabilities; and strengthening of other consumer protection rules.

On 2nd April 2012, number portability between network and service providers for geographic, non-geographic and mobile telephone numbers was introduced. Number portability enables subscribers of publicly available telephone services and mobile services to change their service provider whilst keeping their existing telephone number.

1815 During the financial year 2011-12, the Authority published Public Consultation 02/11 in accordance with the market definition procedure outlined in the Framework Directive 2002/21/EC. Two wholesale markets were analysed in order to examine the state of competition. The wholesale markets that were reviewed were: wholesale call origination on the public telephone network provided at a fixed location; and wholesale call termination on individual public telephone networks provided at a fixed location.

1820 The Satellite Division of the GRA is responsible for representing Gibraltar at international meetings and ensuring that the satellite operators comply with the International Telecommunication Union's (ITU) Radio Regulations and all other international obligations. The Division liaises closely with the UK Administration to submit new filings to the ITU, but the main workload comes from processing the international correspondence for each individual satellite project.

1825 The GRA collects Administrative Charges from providers of electronic communications services and networks, radiocommunications licence fees and other reimbursements. During the 2011-12 financial year, the total collected was £1,479,253.85, which was paid into the Consolidated Fund. This compares to expenditure for all of the GRA's Divisions of £1,412,726.72.

1830 I now turn to the conversion to digital broadcasting, which was touched upon during the speech by the Hon. the Chief Minister. Mr Speaker as recently announced, the GRA has signed a contract, worth around £1 million, with Arqiva in the United Kingdom, to provide a digital broadcasting network in Gibraltar. The network will comprise two digital television multiplexes and two digital radio multiplexes.

On each television multiplex, Gibraltar will be able to transmit up to six distinct programmes. Similarly with digital radio, each multiplex allows for 4 distinct programmes. This means that a greater choice of programmes can be made available and that additional broadcasters could be licensed by the Government. The transmitters will be located at a single site on the Upper Rock, thus minimising the environmental impact of the antennae which will replace the two television broadcasting sites of Signal Hill and O'Hara's Battery.

1840 The digital broadcasting network will be operational by 31st December 2012, allowing Gibraltar to meet its international obligation to close down its analogue television transmissions by that date. Unlike the change-over to digital television, there are no current plans to convert FM radio to digital.

In August of this year, I will attend – and I hope to be accompanied by the Hon. Miss Samantha Sacramento – the Commonwealth e-Accessibility Summit. This is organised by the Commonwealth Telecommunications Organisation and is being held in London. The theme for the Summit this year is accessibility to electronic communications systems for persons with disabilities. As part of the Summit, we will be attending the opening ceremony of the Paralympic Games.

Mr Speaker, I turn to Justice.

I would start my contribution on Justice, Mr Speaker, by congratulating the Chief Justice, Anthony Dudley, who has recently been appointed a Bencher of Middle Temple, which happens to be my own Inn. The appointment is a magnificent personal achievement by the Chief Justice. (*Applause*) It is also a mark of the respect and high standing in which the Gibraltar judiciary is held.

Legislation: in accordance with our electoral commitments and policy of open Government, a number of important changes and innovations have and will be pursued during the course of this year.

1855 Command Papers: the introduction of Command Papers gives the public an opportunity to comment on new laws before the legislation is published as a Bill. A number of draft Bills have already been published in this manner, including draft Bills on Public Interest Disclosure and for a Smoke-Free Environment. More Command Papers will be published as and when drafts become available.

1860 Rehabilitation of Offenders: earlier this year, the Government announced the commencement of the provisions of the Criminal Procedure and Evidence Act 2011, relating to the rehabilitation of offenders. The effect of these provisions is that in certain circumstances, once a conviction is spent, the person may not be asked, or, if asked, is not required to answer questions about that conviction. In this way, offenders are not saddled with their conviction all their lives and can consider themselves rehabilitated in respect of that conviction. This is particularly important where someone is seeking employment.

1865 Work in Progress: Mr Speaker, Government is at present working on several pieces of legislation. They include:

Companies Act – work is proceeding on the drafting of a new Companies Act. Around 150 sections have already been drafted. The Government expects to have a draft ready in the autumn. It will then consult on the draft with relevant stakeholders.

1870 Insolvency Act 2011 – the drafting of the various regulations required to be able to commence the Insolvency Act 2011 has not yet been completed. Once the regulations are fully drafted, these will be circulated for comment by practitioners. The Government is keen, Mr Speaker, to see the new legislation implemented as soon as possible.

1875 Crimes Act 2011 and Criminal Procedure and Evidence Act 2011 – as already announced, Mr Speaker, it is Government's intention to commence these Acts, subject to a number of amendments, on 1st October 2012. The provisions in the Criminal Procedure and Evidence Act 2011 which relate to rehabilitation of offenders and those which permit the appearance in court by defendants by video link, which I will talk about later, have already been commenced.

1880 Government proposes to amend the Criminal Procedure and Evidence Act by removing those provisions which allow inferences to be drawn from silence, either at interview or in court. When the Bill was brought to Parliament by the previous Administration, I argued, during the course of the debate on the Second Reading, that these provisions abolish the right to silence and thereby removed a fundamental right. We opposed these provisions at the time. Further amendments will be required to the disclosure requirements in the Criminal Procedure and Evidence Act 2011, as a result of the repeal of the provisions which would abolish the right to silence.

1885 Mr Speaker, Part 12 of the Crimes Act contains provisions relating to sexual offences. Provisions in Part 12 impact on the age at which a person can lawfully consent to sexual intercourse. The effect of the statutory provisions is that the age of consent is 16. On 8th April 2011, the Supreme Court of Gibraltar made a ruling, following a reference to it by the then Chief Minister, which had the effect, for all practical purposes, of equalling the age of consent at 16 for both heterosexuals and homosexuals. In accordance with the Constitution, the ruling of the Supreme Court and the policy of this Government, the age of consent for both heterosexuals and homosexuals must be and must remain the same.

1890 On 11th April 2012, the Government issued a consultation paper on the age of consent, in line with a long-standing commitment by the GSLP/Liberals, both in Government and in Opposition, to consult the public on what age should be set by statute. The consultation has concluded and I am now today, in a position to give details of the consultation process and of Government's decision.

1895 A total of 12 submissions from individuals and representative bodies were received. Seven supported maintaining the current position of the age of consent at 16. Three supported raising the age of consent to 18. Two supported raising the age to 18, but allowing a near age exemption for sexual activity below this age. A respondent who indicated that the age of consent should be 16, should continue to be 16, had this to say:

1900 'To raise age would be a retrograde step. Young people more sexually aware today than ever before. The idea of an age differential in relations so as not to criminalise under-age relationships could be fraught with uncertainty. Maintaining age of consent at 16 would be in line with majority of EU countries.'

1905 Another respondent said:

'Would be unproductive to increase from 16, as that is well established and the same as the UK.'

1910 One of the respondents who supported raising the age of consent to 18 but with a near age exemption said:

1915 'Recommend sexual activity be criminalised when a participant is 14 or lower and that partners be no more than three years older than the other partner until age of consent is reached.'

1920 The Evangelical Alliance of Gibraltar also made representations. They stated that they believed that sexual intercourse is something which should only be practised between a man and a woman within the context of love and marriage. They nevertheless said that they understood that this was a minority view and that the legislature is tasked with protecting those who are vulnerable and may be taken advantage of. The Alliance suggested raising the age of consent to 18, but with a near age exemption.

A respondent who suggested that the age of consent should be raised to 18 said:

1925 'If a person is not deemed responsible enough to drink alcohol, drive a car, watch a movie rated for adults, nor get married until the age of 18 when you are then considered an adult, the age of consent should also be at least 18. After all, the responsibility of bringing a new life into the world is far more serious than any of the above.'

Mr Speaker, the Gibraltar Women's Association also supported raising the age of consent to 18. They attached to their submission a copy of a petition, said to contain close to 4,000 signatures. These signatures were not, Mr Speaker, however, collected for the purpose of the Government consultation on this issue. The petition was started in 2010 in connection with a case before the Supreme Court.

The petition states:

'We the undersigned agree with the Gibraltar Woman's Association that the age of consent should be equalised at 18.'

Mr Speaker, the question which was before the Supreme Court – which was the issue for which the petition was organised – was, of course, different to that in the public consultation. The Supreme Court considered whether Gibraltar law required the age of consent for both heterosexuals and homosexuals to be equal and, if so, what that age was. The public consultation was not concerned with equalisation of the age of consent – that had already occurred. The issue in the consultation was whether the law should continue to be that the age of consent is 16 or should be raised to a different age.

Mr Speaker, the Government has given serious consideration to all comments and representations made as well as to all issues raised in the public debate that has taken place in Gibraltar since 2010. We have also considered the position not just in the UK but also in other countries.

Having regard to all of that, we have taken the view that it would be wrong to change the law as it currently stands with equalisation having already occurred and the age of consent effectively set at 16. (**A Member:** Hear, hear.) In particular, we are not persuaded that the Government should criminalise behaviour which is currently lawful. In the circumstances, the Government does not intend to make amendments to the provisions in Part 12 of the Crimes Act 2011 whereby the age of consent is set by statute at 16.

CCTV: CCTV can be both an effective deterrent to crime and a useful tool to resolve crimes. The Government has installed CCTV cameras in different parts of Gibraltar at a cost of £138,946.36. They are located at: Casemates Hill; Casemates Square; to the east of Casemates; in the Market Place; covering Waterport Road in both directions; Cornwall's Parade; Castle Steps; Irish Town; and Governor's Street.

The Royal Gibraltar Police has produced CCTV Codes of Practice policy and an Evidential Digital Imaging policy which is Data Protection compliant. These policies include provisions on how the system will be used, how recorded material will be processed and handled and how evidence will be stored or used. A Public CCTV Guideline will also be produced before the system becomes operational.

Law Courts – the Law Courts building: Mr Speaker, the final phase of the building works for the new Gibraltar Law Courts was completed in May of this year. While the pressure on the court system has grown, the courts themselves have had to cope with a shortage of courtrooms and adequate facilities. The new building addresses this fundamental problem and provides new facilities for all court users and the Government of course acknowledges that this project was one which was started by the previous Administration.

Following completion of all the building works, there is of course the separate issue of the running, maintenance and upkeep of the building. The Government is currently considering the available options in this regard.

The Government is also strengthening, Mr Speaker, backroom resources and staffing. New computer systems are being installed. With regard to staffing, I can announce that an additional nine full-time staff members have been approved. The additional staff comprise: a legal adviser; three executive officers; one administrative officer; a personal secretary; a clerk/word processor; and two court ushers/paperkeepers. The recruitment process for these new posts has started, but it has not yet been completed. In addition, trainees will assist in clearing paperwork backlogs.

Mr Speaker, I can also announce today that the Government has approved the creation of a new judicial post – that of Master/Additional Stipendiary. I expect that this post will be filled during the course of the current financial year.

The new resources and staff which the Government is committing to the Court Service will allow the service to function effectively at a time of increased demands, both on the administrative and the judicial side. There have been delays in the administration of justice in the past, which the Government considered unacceptable. The Government's actions will help tackle these delays and will create a modern, properly resourced and efficient service.

Mr Speaker, one of the areas which has suffered from delays in the Supreme Court for a number of years is the dating of applications for hearings. In August 2011, for example, it could take as long as 42 weeks for an application to be dated. That sort of delay was unacceptable to the Government.

I am happy to report that since December 2011, there has been substantial progress in this area and most of the backlog has been cleared. Further, I can announce today that with effect as from this month, the Court Service will operate on the basis that basic applications will be given a hearing date within five working days of filing. (*Applause*) For more complex applications requiring more than a one-day hearing, dates will be set within 10 working days of filing. (*Applause*)

1990 The Government acknowledges that for a number of practical reasons, it may not always be possible to date applications within these set times. The Government has nevertheless set a target of 95% efficiency in dating applications within the required timeframes in any particular month. The result will be that the previous system will have been improved very significantly and both practitioners and the parties to applications will benefit from these changes. (*Applause*) (A Member: Hear, hear.)

1995 New software for the courts: the database systems in the Supreme Court and Magistrates' Court fall far below the requirements of a modern Court Service. They offer little automation of court processes and have limited functionality.

2000 A collaborative project is already underway between the courts, the RGP, the Attorney General's Chambers and the Government IT and Logistics Department to identify a computer system that could meet the wider requirements of the justice system. Such a system could also save time and cost by removing duplication of work within the justice system. The Court Service has requirements for its civil and family jurisdictions, as well as its criminal jurisdiction, and the needs of these areas of court business are also being considered.

2005 Launch of website access to Court Judgments: on 20th February 2012, the Government launched an extension to the Gibraltar Laws website so as to provide access to electronic copies of Supreme Court, Court of Appeal and Privy Council judgments. Online access to these judgments is an important tool for lawyers working in Gibraltar and others who may wish to research decisions of the Gibraltar courts. It is also important for practitioners and professionals outside Gibraltar, who will be able to keep abreast of developments in Gibraltar law and jurisprudence.

2010 The database is under development and will continue to have more judgments added to it. Supreme Court and Court of Appeal judgments between 1980 and 1987 inclusive will be added, as will judgments from 2010 onwards. This website is an important first step in working towards making information on the justice system accessible to all. I am working with the Judiciary and the Court Service with a view to adding more information on Gibraltar Supreme Court sentencing and Judicial Reviews in the future.

2015 Gibraltar Courts website: work on a new website for the Gibraltar Courts Service that will provide more information on the work of the courts has been completed. I can announce that the website will be available to the public as from tomorrow at www.gcs.gov.gi. The website provides a mission statement of the Gibraltar Courts Service and information on the courts, jury service and the justice system. Access to Court Judgments will be available also from this site.

2020 In addition, there will be a picture gallery with two sections: one with pictures of the recent visit to the Law Courts by Their Royal Highnesses the Earl and Countess of Wessex and the other with pictures of the restoration and extension of the Law Courts building.

2025 Video Link: Mr Speaker, a video link has been installed linking the Magistrates' Court to the Prison. The legislation required to allow persons to appear in court via video link has already been enacted and commenced, with the publication in the *Gazette*, on 28th June 2012 of a commencement notice of the relevant provisions of the Criminal Procedure and Evidence Act 2011. The link will be tested for operational use this afternoon for the courts, prison, prosecutors and defence lawyers to test its use. This will be important for the courts and prison to look at the practical handling of defendants and video link hearing.

2030 Subject to this test being successful, I can announce that the video link will be available for use as from tomorrow, Tuesday, 10th July, but it is of course up to the courts to decide whether to use it or not. This link, when used, will remove the need for remand prisoners to be physically taken to court on a weekly basis, and will allow a more efficient use of Prison and RGP resources.

2035 Security for the Courts: the Government is making provision in this Budget for funds to allow the engagement by the Court Service of security guards. A total of £60,000 has been allocated for this purpose. The Court Service felt, and the Government agreed, that the additional number of courtrooms and the demands on the Court Service require additional security arrangements to be put in place.

2040 Attorney General's Chambers: Mr Speaker, the opening of the Magistrates' Court complex has seen an increase in 'second court' hearings. The AG's Chambers now regularly have to commit two lawyers to the Magistrates' Court. Consequently, the complement of Crown Counsel has been increased by one.

The frequency of Supreme Court jury trials has increased with the appointment of a dedicated judge for criminal cases – Mr Justice Black. In 2009, there were 12 jury decisions. In 2010, there were 16 and in 2011 there were nine. In the year to date, there have already been 12. These statistics exclude cases which are stopped by the Judge or where guilty pleas were entered during the course of the trial.

2045 As a result of the increased workload and in order to provide advice and support to the RGP's File Preparation Unit, a Crown Counsel will be working from New Mole House Police Station, assisting the RGP, for three days a week.

HM Prison: Mr Speaker, this year, six female Prison Officers that have worked for many years on a temporary or supply basis will be given contracts of employment as Basic Grade Prison Officers. This is in line with the Government's policy of eradicating the use of supply workers to cover permanent

2050 positions. This, in effect, means that instead of having 38 Basic Grade Prison Officers, the complement will increase to 44.

The new prison can house up to 98 prisoners in 50 cells. The building has five male and one female wings. The female wing can accommodate up to six prisoners at any one time. Although one of the sections on the ground floor was originally earmarked to house juvenile prisoners, this is currently in use for vulnerable prisoners. There are no juvenile prisoners at this time in the prison.

2055 Over the last 12 months, the average number of inmates per month was around 74. The daily average for the female wing is five prisoners. However, for some periods we have had as many as 11 or 12 female prisoners at one time. When faced with this situation, all female prisoners spend the day together in the female wing, workshop, education facility or gymnasium. However, during the silent hours, any number over six have to be accommodated in a male wing which is adjacent to the female wing. At no point do male and female prisoners actually mix in any way.

2060 In addition, Mr Speaker, over the last 24 months a total of 10 juveniles have been held at the prison. Extra measures and precautions are put in place when a juvenile is in prison. These have included the provision of educational classes with a qualified teacher.

2065 Royal Gibraltar Police: during the course of this year, the Royal Gibraltar Police has undergone changes at the very top of its structure. Commissioner Wink has retired and Commissioner Yome has taken over at the helm. I would like once again to record the Government's appreciation for the work done by Commissioner Wink and to acknowledge the vision and new ideas which Commissioner Yome brings to this post. *(Applause)*

2070 Mr Speaker, the Government is fully committed to combating all crime. In doing so, the strategy cannot only focus on identifying crime – work on preventing crime and on building a partnership between the Police and the community is just as important. It is for the Government to ensure that the Royal Gibraltar Police is at all times properly resourced. The RGP, nevertheless, is and will remain operationally independent.

2075 Since elected into Office, the Government has approved a restructure in the establishment of the RGP which has resulted in a number of promotions and new posts being created.

The current police officer complement of the Royal Gibraltar Police is as follows: Commissioner – one; Superintendent – three; Chief Inspector – five; Inspector – 14; one new Inspector post has been created to take over the management of Traffic and the Highway Enforcement Officers who are on secondment – which I will touch upon later; Sergeant – 32.

2080 Seven new Sergeant posts have been created: five deployed to the Custody suite, one to the newly created Child Protection and Vulnerable Adult Unit, one to give effect to the delivery of the Neighbourhood Policing Strategy; Constables – 181; 10 additional PC posts have been recruited for reasons of operational effectiveness.

2085 Mr Speaker, 10 new Constables, seven new Sergeants, one new Inspector, as well as the secondment of 34 HEOs will provide Commissioner Yome and his team with the additional tools needed to deliver the neighbourhood and community policing strategy which they have developed, and to meet the operational challenges which the RGP will no doubt face in the years to come. *(Applause)*

2090 Mr Speaker, today's police officer must be versatile and be prepared to serve the community in all kinds of emergencies. The duties of the Police in protecting people have grown increasingly important in recent years. Nowadays, in addition to taking up the role as a law enforcer, a police officer may be called upon to perform as a first-aider, social worker, counsellor and negotiator, as the occasion demands.

2095 Coinciding with the start of the new Policing Year 2012-13, the RGP launched its Neighbourhood Policing Initiative, which is designed to provide a consistent sustainable problem-solving approach to our community. The delivery strategy revolves around increased community interaction by the augmentation of Neighbourhood Teams, the re-modelling of patrol areas and deployment rosters, all of which are designed to ensure increased community interaction, continuity and resilience.

2100 Criminal Justice IT infrastructure project: Mr Speaker, I have already touched upon this. The RGP is currently engaged together with other Criminal Justice partners and the Government's IT and Logistics Department in scoping a fit for purpose IT infrastructure platform suitable for the whole Criminal Justice System. Such a system would serve to improve service delivery within the whole spectrum of the Criminal Justice System.

2105 Secondment of Highways Enforcement Officers: the Highways Enforcement Officers were seconded to the RGP with effect from 1st June 2012. This will provide a holistic and cohesive approach to the Government's Traffic Plan, whilst also addressing the RGP's responsibilities as contained within the Gibraltar Police Authority's Annual Policing Plan 2012-13.

Before 1st June 2012, the HEOs had a limited role to play on our streets, restricted to dealing mainly with parking issues. The aim now is to maximise their potential within the bounds of their job descriptions to include matters such as litter control, dog fouling and other traffic related duties.

2110 Since their secondment, the HEOs have been used in the following functions: traffic management in conjunction with RGP colleagues at traffic choke points, such as around Sundial; operationally during the recent Royal Visit; traffic management at beaches, jointly with RGP colleagues.

I am happy to report, from feedback I have received, that the interaction between HEOs and RGP officers is good and that both organisations are reaping the benefits of the secondment.

2115 RGP Social Media Project: Mr Speaker, as part of its community engagement strategy, the RGP has launched social media sites on Twitter and shortly on Facebook. This project is designed to provide a user friendly interactive communication channel for our community, increased information to the general public and improved access to policing services.

2120 Professionalism of the Police Service: as part of the RGP's professional development programme, the Police have embarked on an accreditation process for all newly recruited constables, which will result in successful recruits obtaining a National Vocational Qualification (NVQ) following their two years' probationary period in an Edexcel Level 3 Diploma in Policing.

2125 Furthermore, a proportion of RGP's training budget is allocated to provide officers with operational experience through secondments to police services abroad. Additionally, the RGP is looking to provide leadership and management training to its supervisory staff.

During this current financial year, the RGP will also be applying for the Silver Standard of accreditation in Investors in People.

2130 Mr Speaker, in my contribution today to this House, I have talked about policy, ideas, responsibility and dedication. These are the building blocks of the GSLP/Liberal Government. This Government has the drive, ambition and determination to innovate, regenerate and implement the exciting programme of investment which is being announced in this Budget.

We are all excited about Gibraltar and its future. Our best years are ahead of us and we cannot wait to get on with the serious business of making Gibraltar a beacon of excellence, not just in Europe, but globally.

2135 Finally, Mr Speaker, I would like to take this opportunity of thanking my staff and all those that work in the various Departments that form part of my ministerial portfolio for their hard work and support. I am delighted with the way things have progressed in the first seven months of Government and I look forward to meeting the challenges that are ahead of us together.

2140 There is a lot to be done in the next three and a half years or so, and I have every confidence, that by working together, the Government, public service, the private sector, we can make Gibraltar even more prosperous, safer and better than it ever has been before.

Thank you. *(Applause)*

2145 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am tempted to just add that it is *hybrid* drive that we have as a Government!

2150 Mr Speaker, given the time, I think it is appropriate for me to move the adjournment now. I would inform the House, for the purposes of those who are listening and those who have to make interventions, it is my intention to adjourn to 9.15 tomorrow morning, to sit until approximately 1.15 p.m. or 1.30 p.m., to come back at about 3.00 p.m. and to then stay until we have finished all the contributions, except the reply, in case that is of use.

So I now beg to move Mr Speaker that the House do now adjourn until 9.15 tomorrow morning.

2155 **Mr Speaker:** Before I put the question, the Hon. the Chief Minister did indicate that the House would recess shortly for quarter to 12, subject to all that...

Hon. Chief Minister: Yes, indeed, subject to the short recess to enable those who wish to attend the Supreme Court –

2160 **Mr Speaker:** For the tributes to our predecessor, Mr J E Triay. That is at 12 o'clock in court tomorrow – probably half an hour.

I now propose the question which is that this House do now adjourn to Tuesday, 10th July 2012 at 9.15 a.m.

2165 I now put the question, which is that this House do now adjourn to Tuesday, 10th July 2012 at 9.15 a.m. Those in favour. **(Members: Aye.)** Those against. Passed.

This House will now adjourn to Tuesday, 10th July 2012 at 9.15 a.m.

The House adjourned at 6.35 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.15 a.m. – 1.21 p.m.

Gibraltar, Tuesday, 10th July 2012

The Gibraltar Parliament

The Parliament met at 9.15 a.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Order of the Day

Appropriation Act 2012 Debate continued

Clerk: Sitting of Parliament, Tuesday, 10th July 2012. Budget speeches continue.

Mr Speaker: The Hon. Isobel Ellul-Hammond

5 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, it gives me great pleasure to make my maiden address to Parliament just seven months after entering the political arena as Opposition Spokesman for Health, Education and Civil Contingencies.

10 This is the first Budget of our Parliament since the General Elections. It is both a duty and an honour for us on the Opposition benches to contribute to, and vote, on this vital discharge of the responsibility of Parliament.

Mr Speaker, I begin my address with Civil Contingencies and the Fire Service.

15 Despite the Government stating that within two weeks of being in office a smoke extractor system for the Fire Station would be ordered, six and a half months have passed with no sign of this electoral promise being fulfilled. This leaves our fire fighters at risk, something the Members opposite were quick to accuse the then GSD Government of, for not having installed this equipment.

I am assured that the smoke extractor system has already been ordered – we trust it will arrive soon. However, I hope the Government has learned from this experience: it is seldom the case that such optimistic deadlines can be achieved; that in future, their policies and promises should at least be tinged with a veneer of reality.

The Government has promised to relocate the Fire Station, something the GSD were already committed to. They claimed last October that the present Station was 'no longer fit for purpose'. This apparently is no longer a priority; there is no commitment for it in this year's Budget – a serious omission, considering the fundamental importance of such a facility to our community, a facility they condemned less than a year ago.

Let us hope, that under this Government's term of office, this is addressed and when the new Fire Station is constructed, a 21st century approach is taken, with representation from our new Minister for Equality, so that any expansion in personnel will consider female fire fighters. (A Member: Hear, hear.)

The Opposition applauds the investment in and restructuring of the Civil Contingencies administration. It welcomes the creation of a new post of Civil Contingencies and Departmental Press Officer, which will also enhance the Government's Press Office.

When we heard from the Hon. the Chief Minister, during May's Parliament meeting, that six individuals applied for this newly created job, some of whom were local, it came as a surprise that the job went to an English retired Lieutenant Colonel and former MoD press officer. This Government, while in Opposition, vociferously criticised the GSD Government's policy of employing the best person for the job, if that person happened to be non-local or retired. They stated, time and again, that the Government should be employing locals and giving jobs to young people looking for work in Gibraltar.

The Government's manifesto in this regard is unequivocal and I quote:

'Residents First! ... It will be our policy in Government to give priority of employment in the public sector to local workers.'

Well, is this Government not now doing exactly what they accused the GSD Government of doing? Perhaps, at last, the Government has learnt something from the GSD. Employing the best person for the job is the right policy, irrespective of nationality or stage in their employment career, Mr Speaker.

However, there seems to be a contradiction in Government policy where on the one hand – a point on which my hon. Friend, Mr Netto, will elaborate later – the Hon. Minister for Employment is embarked upon the wholesale culling of foreign labour, in particular Spanish workers, from the public and private sector; but on the other, when they have the opportunity to fill a particularly meaningful post with a local, they employ an ex-pat on a fat pension.

I will now move to Education, Mr Speaker.

The schools within our education system are presently undergoing a Health and Safety Audit, which started on 24th January. This is expected to be an annual event; the cycle starts again in January 2013. That leaves less than one academic term free from audit a year, in which recommendations from the last audit are to be implemented.

Only two issues have been highlighted so far, from the auditing of five schools. I understand a further school has been audited, as announced by the Hon. Minister for Education in his Budget address. The findings so far from the audit are: a locked fire door, which could have been opened at any time, after one of the required fire drills; and the need to conduct an asbestos survey, which should already form part of the Health and Safety Department's remit on reviewing all public buildings for asbestos and its condition.

The Government's manifesto commitment reads, and I quote:

'In many schools there are health and safety issues that can affect both teachers and pupils. Based on a Health & Safety Policy, to be established by the Department, we will carry out an annual Health and Safety Audit of each school'.

The idea of an audit sounds very efficient. However, the reality is that all schools already have their own Health and Safety Policy in place; some have their own asbestos register. All schools abide by this policy document, which was created in 2010 in consultation with the Gibraltar Teachers' Association. Any defects, shortcomings or Health and Safety issues that arise in a school are immediately reported by the Head Teacher to the Department of Education, which acts upon it.

Just another example of how this Government, in their manifesto, have made grand statements that sound impressive, to be seen to be all things to all men and to keep everyone happy, only to realise that in fact, these ideas have little impact in reality and Gibraltar's schools were not in such a bad shape after all: they do not require formal, over-and-above Health and Safety auditing. Systems already in place worked, a point proven by the lack of audit findings.

However, a root-and-branch review of the whole Education System, which is a different matter entirely, would have been welcome and we would have done so had we been in Government.

The complement of school teachers has increased by 47. These teaching posts will be spread among schools to fill a curriculum gap, make a supply post permanent or to reduce class sizes. But this has happened in spite of the need to redefine catchment areas and relocate schools, such as Sacred Heart Middle School, which is part of the Government's manifesto.

In order to accommodate these teachers and reduce class sizes, specialist teaching rooms will no doubt need to be converted into classrooms. Schools will continue to struggle in overcrowded conditions, with some buildings in desperate need of an overhaul or refurbishment.

Apart from a new extension to Notre Dame School and St Martin's School, which are welcome, the Budget does not allow for any new schools or extensions to other existing schools. Will extra classrooms be at the expense of specialist teaching rooms? Well, this may yet be an ill considered and ill-timed policy.

We too would have increased the teaching complement – if necessary by over 47 teachers – but only after a wide process of consultation between Government, teachers and parents. We would have explored the optimum locations for relocations of schools, the College, the Training Centre and a possible sixth form college, among sites at Rooke, the old St Bernard's Hospital and St Christopher's School. In other words, we would have taken a broad and responsible approach.

And before we get too excited about the headline, and I quote:

'Engagement of significant and unprecedented numbers of staff for schools... showing how seriously the Government has taken its promise to make education a priority',

let me remind the hon. Members opposite that when the GSD first got into Government in 1996, we too were serious about our priority commitment to Education. We significantly increased numbers of staff by: 45 teachers, from 288 to 333; 40 Classroom Aides, from 11 to 51; and 45 Special Educational Needs teachers, from three to 48. And this is with little increase in Gibraltar's school population over the years. It is the demographics and shift in population, rather than numbers, that have changed.

Yet another headline grabber to imply the GSLP saves the day and to slight the positive impact the previous Administration had with its Education policies. Well, this Government has a very tough act to follow.

Examining the distribution of children, and the demographic movement of population to new housing areas, has to be the priority. The hon. Members opposite have highlighted this in many of their Budget addresses when in Opposition. The Westside area has seen over 500 families move there. Bishop Fitzgerald School is struggling with such over subscription. The South District has grown by an extra 800 families, as part of St Joseph Middle School's catchment area. No provision has been made in the Budget to cater for this, despite, in answer to Question 28 in January's Parliament, the Hon. Minister's recognition of population shift and commitment to respond to this.

What Gibraltar needs is extra or larger school buildings, something the GSD was going to provide this term of office as part of its manifesto. The Government makes no provision for this yet. They will exacerbate the problem further.

Another GSLP manifesto commitment is to review the resources for Special Educational Needs of all schools, in order to identify what additional resources and support is needed. To this end, the Behavioural Education Support Team will be increased by three and Classroom Aides by 28, which is welcome. But there is a sense, from the Government, that not until they came into office did Departments work together for the benefit of the individual; a sense there was no collaboration between the Department of Education, the Health Authority and the Care Agency over an individual's care pathway. This is untrue and I hope the Government now recognises this.

The Department of Education has always taken the lead from the teachers who are qualified to assess, identify and refer children to the educational psychologist or care worker. Every school has its own Special Educational Needs co-ordinator, some with a special unit, dedicated to preparing children's individual education action plans. All these pupils are overseen by an Educational Adviser at the Department of Education, or if necessary, the Behavioural Education Specialist Team and Social Services Team.

In what way does the Government then feel that children with special educational needs in Gibraltar have not been adequately catered for? You see, another grand statement, Mr Speaker, from the GSLP manifesto, and I quote:

'A GSLP Government will require schools to identify the support that is necessary for children with special needs. An assessment will be carried out on all children after entry into the educational system to establish what extra support or tuition, if any, a child would require.'

Laudable as the sentiment is, the Government is now in the happy position of merely having to build on what the GSD has established over the years.

It is recognised that extra support will always be required by some children, and I am happy to see that Government will continue with this vital work. However, what they cannot do is cast doubt on an already successful system, just for the sake of trying to rubbish all the GSD Government has achieved and improved upon over the years.

May I take this opportunity, Mr Speaker, to join the Hon. Minister in congratulating the 'Impulse' team, from Bayside School, in winning best product for their 'Y-Tangle' as part of the Young Enterprise Scheme in the UK finals.

Mr Speaker, I now move on to the Health Services in Gibraltar.

'Problems being experienced by many hundreds of users',

say the GSLP in their manifesto,

'continued throughout the last four years and are not being properly addressed or rectified',

it continues. The manifesto also claims the GSD responded by saying these were inventions, and were solved by bringing in outsiders instead of listening to our own experienced professionals.

Well, at May's meeting of Parliament, the Hon. Minister for Health told us that he is now turning to UK experts, outsiders, to advise on how our GHA services are to be run. He has visited the UK on three occasions for this. Ironically, at a time when the NHS itself is being characterised as a seriously dysfunctional public service and massive reforms are being propounded by its professionals. And yet, Dr. Cortes stubbornly refuses to listen to his own experienced professionals at home.

During Parliament, and reiterated through a press release, the Hon. Minister told us he was seeking advice from UK consultants on administrative issues, management, open board meetings, community-based medicine, stroke care, appointment systems, clinical processes, hospital medical staffing, performance management, training and specialist care. We assume then he thinks none of his own local, experienced health professionals in Gibraltar are capable of providing him with sound advice on such medical matters.

The Hon. Minister is barely even consulting the GHA Board for advice, which he has met with only twice in seven months. I must point out that the Board used to meet every month when the GSD were in Government. This is a statutory body and its members should be participating and having their local 'expert' say on the introduction of new Government policies for the GHA and the implementation of new services. This is a crucial part of good board governance, instead of the rubber-stamping of top-down policies by paying lip-service to the legislation.

The GHA Board exists to be accountable for, and to ensure, the GHA organisation works and offers 'value for money'. The GHA Board is where all authority lies. It is not about ratifying volumes of information that purports to monitor organisational performance, which may mask the fact that proper monitoring is still not occurring.

As part of the Government's openness policy, GHA Board meetings are now to be held in public. Part of this is publishing the Board Reports on the GHA website, and I acknowledge this is welcome. These Board papers give the public a chance to see how much the GHA Executive does in order to keep the GHA working and running. But that is the only place where the openness and transparency exists. This is yet another example of a grand statement which has resulted in nothing of substance and if anything, might stifle the ability of the Board to continue doing its work.

Why, Mr Speaker? Well, the 'in public' aspect and the change in presentation of GHA Board meetings is, in my view, ineffective board governance. The Chief Executive now speaks on behalf of the Executive. The non-Executive members' ability, under scrutiny from an on-looking public, to ask those all too difficult questions and scrutinise policy-making, is curbed. The GHA Board becomes less efficient, it becomes a public spectacle. The members are mere performers going through the motions to satisfy a manifesto commitment, which offers no enhancement and where very little accountability really exists. As an ex-GHA Board member myself, I note that the GHA Board process remains exactly the same – a process I disagreed with then and one which I was hoping to change, had I been given the opportunity.

If there was one lesson that came out of the 2008 global recession, as a result of the collapse of the banks, it was that board governance of many banks and financial institutions was unsuccessful in setting targets and holding chief executives to account. It was found that many boards tended to be incompetent groups of competent individuals. Their expectations, if stated at all, tended to be unclear and incomplete, and the executive reports reported against few or no criteria.

This was something I felt the GHA Board was also guilty of. In the absence of clear instructions or clear assignment of the Chief Executive, we found evaluating performance was an exercise in futility. The emphasis should not be on meetings in public; it should be on empowerment of the Board. Transparency is understanding how and why spending decisions are made. It is not just the production of data, presentations from the public which will be considered and the issuing of a multitude of press releases. This is why a GSD Government would have further empowered the GHA Board, financial managers, consultants and doctors: to exercise greater control over spending choices, budgets and service

prioritisation to ensure the proper balance between medical services, value for money and budgetary discipline.

Turning to clinicians, Mr Speaker, the Hon. Minister for Health stated in March's meeting of Parliament that he was weeks away from resolving the issue of the consultants' contract. We now know, from six separate consultants, that the contract has not been discussed with the Consultants' Body in their three formal meetings with the Hon. Minister, apart from 10 minutes at the end of their last meeting with him. They claim it is not true, as the Hon. Minister stated in March, that and I quote:

'The consultants have been kept aware of the situation through regular meetings'.

Additionally, the consultants have heard through the GHA grapevine that a draft consultants' contract will be removing the 25% gratuity aspect of contracts on termination. It will be replaced by a pension package, which amounts to a reduction of 15% to 20% salary.

This pension package is the Provident Fund No. 2, which all hospital doctors are being asked to join as from the end of July, no negotiations or questions asked. This affects 43 of the 46 medical grades of the hospital. How are these 43 GHA hospital doctors and surgeons to now recover the loss of pension for the years some of them have already worked? This cannot be right and the question must be asked, how is this fair?

How does the Government intend to attract and incentivise good surgeons and physicians to come to Gibraltar and stay to work, if it changes employment contracts unilaterally, or cannot offer competitive rates and good packages which are favourable and fair? I assumed it would be Government policy to attract the best doctors possible for the GHA and not just the cheapest and less experienced.

The very first thing, Mr Speaker, the Hon. Minister for Health did, when he came into office, was to blame the previous Administration for a lack of planning, which he believes led to a compounding of bed shortages and he said, 'the GSD have a lot to answer for' – conveniently forgetting that it was the GSD Government which opened the Care Agency's John Cochrane Ward, with 31 beds; the GSD that introduced the Day Surgery Unit, which caters for about 80 to 100 patients a month, who will not take up a hospital bed; the GSD that more than doubled Mount Alvernia beds from 62 to 135; (A Member: Hear, hear.) the GSD that introduced domiciliary care, increasing its funding year on year and during the last term of office by 118%, from £350,000 to £760,000; not to mention the bespoke 230 elderly-friendly flats at Bishop Canilla House and Albert Risso House. I am proud to stand here and answer for this record, Mr Speaker.

A 'complete absence of forward planning,' was how the Hon. Minister Cortes described the previous administration's commitments. We presume he was not referring to the commencement of the new Mental Health and Alzheimer and Dementia hospitals; plans for a Debilitating Unit and Elderly Day Care Centre; with much progress on a new residential care facility at the old St Bernard's Hospital.

It remains to be seen, Mr Speaker, what difference, if any, the current Government's long-term plans are for the elderly and sick. At the moment, it seems their only commitments are to finish the GSD plans, I have just described.

The Government now claims to have solved the bed blockage situation at St Bernard's Hospital. The Hon. Minister Costa must be pleased, seeing that this was his perennial gripe when in Opposition. This has been solved it seems by opening the Calpe Ward of 18 beds, with much fanfare, and by increasing domiciliary care funding, as the GSD did every year. There are today about 118 elderly people in urgent need of residential care, 71 of whom are in St Bernard's Hospital, all of whose places are waiting to be filled by more elderly people. And let's not forget the 450 who have expressed an interest in a future need for admission to residential care.

It is only a matter of time, however many Care Agency beds you add to the hospital and elsewhere, they will soon fill up again because the demand is ever-increasing, as people live longer. This is where the GSD Government has an excellent record in substantially increasing the capacity and resources from the meagre facilities made available in 1996 from an outgoing GSLP Government.

The Hon. Minister says an increase in Care Agency beds is reflected in the decrease of number of surgeries cancelled due to bed blockage; that since the Calpe Ward opened in February, only one surgery was cancelled in March, as opposed to 12 in February. This is purely circumstantial evidence that the problem has been addressed.

If I can refer the Hon. Minister to surgery cancellations in 2011, due to unavailability of beds, in two months, zero operations were cancelled; in one month, one operation was cancelled; in another month, two were cancelled; in July, three were cancelled; and in December 2011, only four operations were cancelled. It is a matter of how we select our figures, Mr Speaker.

The evidence suggests the extra 18 beds have made no difference, but again, it makes a great press release. It shows once more how the new Government is only concerned with spin and not substance. (A Member: Yes!)

What the Hon. Minister for Health fails to tell us is what his Chief Executive Officer outlines in his report to the GHA Board on the 30th of May and I quote:

‘We have an additional 15% occupancy in the wards at St Bernard’s Hospital’,

which is in line with their manifesto commitment of

‘Our short term policy will be to add beds at St Bernard’s.’

This is backed by the Nursing Director’s report to the same GHA Board meeting which says and I quote:

‘February 2012 has seen a continuation in the trend of high occupancy for all adult wards, with extra beds utilised intermittently during this period,’

and this is after the transfer of patients to the Calpe Ward.

An additional 15% bed occupancy; St Bernard’s Hospital, with its four main adult wards, has the capacity of 120 acute beds. With the 15% of extra beds, this amounts to 18 extra beds spread among the four adult wards. This leaves no spare capacity, Mr Speaker, available to meet the peaks in demand: 18 beds in the Calpe Ward is another headline, another PR grand statement this Government makes so well, without really addressing the issue.

Again, there is a sense from the Government that not until they came into office did Departments work together for the benefit of the individual, and that there was no previous collaboration between the Health Authority and the Care Agency over an individual’s care pathway. They seem to be suggesting that the set-up of John Cochrane Ward, domiciliary care, occupational therapy, physiotherapy, housing needs and community nursing care all magically happened in isolation of each other, when previous Ministers Del Agua and Netto co-ordinated health and care matters – again, casting doubt on a successful system for the sake of trying to rubbish all the GSD achieved and improved upon. (A Member: Shame!)

Here I will add how the previous Minister for Health, Mrs Del Agua, according to GHA staff, believe her to be the only Minister for Health who routinely met with staff during her unaccompanied rounds of the hospital. (Laughter) She used her experience in Social Services to ensure – (Laughter and interjections)

Mr Speaker: Order! Order! Order! (Interjections)

Hon. Mrs I M Ellul-Hammond: She used her experience in Social Services to ensure the smooth co-ordination between the two Ministries, Mr Speaker.

We welcome that the two Agencies continue to work together, as they did under the GSD, (Hon. Miss S J Sacramento: Absolutely.) and that they feel the need to formalise this with the setting up of a named inter-Ministerial Committee on the Elderly. However, this co-operation has always existed, evidenced in the yearly ‘Bed Management Reports’ by the Clinical Nurse Manager – and neither was it given the PR spin this Government is so adept at, in order to make out it is doing so much more than it is actually doing.

This, I can further demonstrate by the Government’s issue of a press release on the GHA’s Health Promotion Unit setting up, and I quote:

‘a Facebook page to assist in raising awareness... in keeping with a Government manifesto commitment to promote healthy living.’

A Facebook page – seriously? But of course we are all aware of Dr. Cortes’ unilateral propensity to use Facebook in policy-making, given his grand statement on the 1999 Fishing Agreement! Well, this is no replacement for people, Mr Speaker. The Government should first invest in more Health Promotion Officers, of which there is no indication in this Budget. Promoting healthy living means Public Health staff raising awareness on preventative measures through talks, the media and awareness stands in town; by engaging with the public in a meaningful way.

However, I look forward to, and welcome, the initiative announced by the Hon. Minister yesterday in taking the lead on healthy living through his declared lifestyle changes. We acknowledge the Government is only seven months into its term and has just started to implement its manifesto commitments. Some we applaud, such as the purchasing of five Public Transfer Vehicles, following on from the three ambulances ordered by the GSD as part of their continuous investment in the GHA, which have just arrived; the placing of 10 Public Access Defibrillators around town; the introduction of ‘No Smoking’ legislation, which is a personal favourite of mine; and the employment of more GHA staff, announced in the Budget,

which we are pleased to see follows the GSD policy where we increased the GHA staff by around 500 over 15 years.

However, in the Government's eagerness to show it is in touch, that it will save Gibraltar, it makes – here it is again – grand statements in its manifesto that sound impressive; only to realise that when in Government, the reality is not so.

I can demonstrate this with the following manifesto commitment and I quote:

'We will be looking into operating a day case unit for surgical services; allowing people to be treated more quickly and efficiently and will eradicate the cancellation of operations as a result of bed shortages.'

Well, this service already existed in St Bernard's Hospital when they were writing the manifesto. It was set up in February 2005 and treats about 80 to 100 patients a month; how out of touch is that? Six years out, Mr Speaker!

Hon. D A Feetham: They're not laughing now!

Hon. Mrs I M Ellul-Hammond: At least, it is an acknowledgement that we did do something to tackle the cancelled operations due to bed blockages in the hospital.

Another Hon. Minister Costa 'perennial issue' levelled against the GSD was the management of Norovirus outbreaks at St Bernard's Hospital. Well, two weeks after the Norovirus outbreak at St Bernard's, it took questions from the Opposition and GBC for the Government to make any information public on the outbreak. By then it had affected several patients and their families, and some wards were closed. It was irresponsible for the Government not to make a public health statement from the outset, to ensure the public were informed and to mitigate the risk of spread among the community. As a consequence, 55 patients and 24 GHA staff members were affected.

And what was the Government's response to the concerns we raised? Well, let me tell you, and I quote:

'If the Opposition is not satisfied with the way the recent Norovirus outbreak in hospital was handled, it should look to itself for blame. The Government is barely two months in and still working with the system it has inherited and therefore the procedures and practices in the hospital are those which the GSD put in place.'

This is ludicrous, and here is where I converge from the Hon. Minister Costa.

The Hon. Minister for Health criticises the processes implemented by the GHA, which are standard, public health, clinical governance, procedures and not Government policies.

They sit outside and above politics. The Hon. Minister demonstrated that he did not understand basic clinical systems. Any excuse to again point the finger at the GSD for the failings of the Government, irrespective of whether they are self-inflicted or not.

I would like to reiterate a note of caution, which I have publicly expressed. We have received many concerns from members of the public about the new one month advance appointment system, to be introduced at the Primary Care Centre in August – the major concern being, this will not stem the demand for appointments requested in a given month. It might actually make obtaining an appointment more difficult because of this limitation. We believe the new monthly available slots will fill up very quickly, resulting in an increase again in people queuing up early in the morning outside the Primary Care Centre for those few daily empty appointment slots.

We hope, however, this policy succeeds as a measure to reduce the number of appointments missed by patients not attending the Primary Care Centre. It will then add to the already implemented measures by the previous Minister for Health, Mrs Del Agua, of saving daily empty appointment slots; an appointment reminder system; an electronic web-based and voicemail cancellation system; the publication of the number of 'Did Not Attend's'; and the extension of Primary Care Centre opening hours from 8.00 a.m. to 6.00 p.m..

No address on health by me, Mr Speaker, would be complete without saying something on breast cancer care services in Gibraltar. The Breast Screening Programme has now been in place for a year and a half, a time in which nearly all women eligible in Gibraltar would have been invited for a mammogram for their first time. Last year 62.8% of women invited took up the offer of a mammogram; in the first five months of this year the uptake has only been 53.1%. To give you an idea, the average uptake in the UK is 72% – still not considered high enough.

It saddens me personally, after all the hard work 'Breast Cancer Support Gibraltar' did in order to achieve the setting-up of such a vital and life-saving screening programme, that so few women are taking advantage of this service. This is a service that should be taken up by almost 100% of our women.

I urge the Government today, as part of their Public Health Policy, that they conduct an awareness campaign on the benefits of the Breast Screening Programme and encourage women to take up the offer of a mammogram. It may mean life or death for some women.

In conclusion to our Health Services in Gibraltar, I am glad to hear from the Hon. the Chief Minister, in his address, that they, and I quote:

‘Have not inherited a lot of problems with the GHA’.

This is certainly an endorsement of all I have said so far, and of the great legacy of the GSD in relation to Gibraltar’s Health Services. Laudable as the sentiment is of the Hon. Minister for Health to provide all the GHA staff and management feel is needed, which can be done by anyone, that course of action is an unaffordable recipe for financial disaster.

Picking up on a female theme Mr Speaker: for the first time in Gibraltar’s political history, both the Government, in the person of the Hon. Minister for Social Services, and the Opposition, with me, each have a woman on their benches. I am poignantly aware of how few of us there have been, and how few of us there are, in the political class. As I mentioned in an Opinion to the *Chronicle* for International Women’s Day, I believe more could be achieved for women in Gibraltar if there was better female representation in politics. Part of that responsibility lies with those few of us who have entered politics, to ensure we do all we can to effectively represent women’s issues and demonstrate the benefits of having more women in Parliament.

That is why I raise this issue in my Budget address today, Mr Speaker. Political parties need to take positive action to promote greater female participation. Had the GSD won this last Election, the Government would have three female Government Ministers, a very positive step indeed.

I welcome that we now have a Minister for Equality to highlight the issues faced by women in Gibraltar, despite little mention of this in her opinion or interview or speech on International Women’s Day. To say she has worked, and still does, in a man’s world and has not had any problems; that women have come a long way these last 100 years; and that one day she hopes we will never celebrate International Women’s Day, because it means women would have achieved their objectives offers no hope or inspiration to the women of Gibraltar who are looking for their voice to be heard and for equality policies. It requires a political will and genuine desire to instigate change and bring balance to our society not just, as the Hon. Minister stated, and I quote:

‘My message to girls and women out there is to remember that there is nothing stopping them from achieving the same as their male counterparts’.

As women, we still find ourselves woefully under-represented in managerial positions and on boards. It is a disgrace that all six members of the new Commission on Democratic and Parliamentary Reform are white, middle-class men, three of whom are lawyers – not one woman or minority representative; not one financier or educator. They do not represent the diversity of our community.

Out of 23 statutory Government-related bodies that have been gazetted so far, there are a total of around 142 members; only 17 are women, some of whom are the secretaries of the boards. Since these boards and committees have seen much movement these last few months, ousting GSD sympathisers and placing GSLP ones, one would have hoped that as a woman, the Hon. Minister for Equality would have ensured more female participation and representation in these committees that matter, that deal with influencing policy-making. There are plenty of women in Gibraltar more than capable of doing so.

Well, out of the 42 people who I know have been replaced so far on these boards, since this Government came into office, we have actually lost six women on these boards, to be replaced by two. I sincerely hope the future movement and replacement of members will seriously consider including more women, so they too can form part of the decision-making process of Gibraltar, of which they represent 50% of the population. I ask the Hon. Minister to take a greater interest in this aspect of her portfolio and not allow it to be the ‘Cinderella’ among her responsibilities.

The Government is still struggling to come to terms with its responsibilities, demonstrated by their Parliamentary responses which so often fail to address the public appetite for information, but instead, deflect enquiries back to what they claim was not achieved by the former GSD Government. Well, *so much was achieved*.

I remind this House of how 15 years of GSD Government, fixing the incalculable mess left behind by the previous GSLP Administration, has, for example, brought about significant progress in closing the gap between men and women. In the employment field, sustained professional training programmes have provided a qualitative change in the composition of middle and senior management positions in the public sector. This has broken the ‘glass ceiling’ that used to prevent women access to higher positions.

This was supported by the introduction of maternity leave and its subsequent increase; maternity grants for unmarried mothers; maternity allowance and paternity leave. The GSD introduced legislation to forbid discrimination; working married women were given opportunities to pay the difference in Social Insurance contributions to receive a full pension; widowers’ and widows’ pension rights were equalised; and divorced, non-working women can now share in their spouses’ pensions.

A whole range of further initiatives were introduced by the GSD, such as the Breast Screening Programme; the HPV vaccination for teenage girls; a huge increase in the number of Government, free nursery places; the financial support for the creation and maintenance of the half-way house for abused women; and the professional advice given to them through dedicated counsellors and in particular the Citizens' Advice Bureau.

Parents are supported with the school holidays' Sports Programmes, plenty of children's parks and the new family and children's legislation. From experiences shared with me, women still find themselves struggling as single parents with erring ex-spouses. Trying to make ends meet or surviving on benefits, they are at the mercy of grey areas in law, such as access to Legal Aid and the recognition of common law relationships.

Despite my hon. Friend, Mr Feetham, having prepared Legal Aid reform legislation, waiting to be implemented, it is shocking that this Government has only published new rules to expand Legal Aid that enables defendants, accused of complex fraud crimes, to hire expensive specialist lawyers at public expense. (**Hon. D A Feetham and Hon. J J Netto:** Shame!) No thought has gone into, or takes into account, the plight of single parents, mainly women, who are not entitled to Legal Aid if they own the family home or a car. This blanket rule penalises lone parents struggling with mortgage payments, and paying legal fees in order to pursue erring partners in their duty of care as a parent.

As for common law relationships, and their rights as a couple under the law: I hope that with the new equality legislation, which deals with civil partnerships, this grey area of the law will be addressed in order for individuals within a long-term, stable, heterosexual relationship, or family members who share a home, such as siblings, be afforded the same rights as those of a married couple. Equally, the introduction of parental leave, whereby either parent is able to take entitled leave after the birth of a child, is a policy that would be welcomed by many working parents across Gibraltar.

As I said in my International Women's Day Opinion for the *Chronicle*, and I quote:

'Because childcare responsibilities in general still fall to women, women with children more often take low-paid, opportunity-free, part-time work and suffer economically. That we have some more women at the top of Gibraltar society is worth celebrating, however raising more women off the very bottom would be even better'.

For a party which claims to offer a new era of openness, transparency and equality, there seems to be little emphasis and clarity in these policies in practice. Apart from the empty promises of all things to all men and women, all we have are grand statements, backed by hundreds of press releases, which only give the public an illusion of progress.

(Applause)

Mr Speaker: The Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, it is for me a great honour and privilege to be addressing Parliament in this Appropriation Bill as a Minister of Her Majesty's Government of Gibraltar – (*Sounds of an aeroplane overhead*) A fly-past!

In the short time, I have been in Government, I have realised many things I suspected were happening negatively within Government were actually true: the lack of motivation of officers – (*Further sounds of an aeroplane overhead*)

I seem to be honoured by a fly-past, Mr Speaker!

Mr Speaker: It's worse than heckling from the Opposition benches! (*Laughter*)

Hon. D A Feetham: It has been arranged!

Hon. S E Linares: – the lack of motivation of officers in Government, in Authorities and Agencies; the little confidence that the GSD Government had in them and the manner that they were treated.

As Minister with responsibility for the Fire Service the first thing that was clear was the lack of motivation within the force. There were many people who felt completely ignored under the previous Administration and who felt undermined at all levels. The fact that the force was not even allowed to have a Christmas Party at the Station, which had been the norm since time immemorial, under the excuse of Health and Safety, says much about the relationship that the Fire Service had with the previous Administration.

There were a number of issues waiting to be resolved. The one that was identified by the men, before we came into office, was that of the exhaust extractor system, which I am happy to announce, has now been procured and will soon be installed. All the other Health and Safety issues will be addressed, once the audit review is produced by Sir Ken Knight after the summer.

We are also looking at all aspects of the Fire Service which the management and the staff are identifying that need looking in to. After this review, we will be in a position to start on another manifesto commitment: that of having a new Fire Station. This will be done not only with the recommendations of the report but also in close consultation with both management and the Firemen's Union Committee. Professional development in the form of training was underfunded and it was not only until last year that some extra funding was provided for this. Well, I am happy to state that, in this year's Budget, we have not only matched the amount that was provided a year before the Election from the previous Administration, but we have increased it even further only months after having come into Government.

In order to address this demotivation that the Fire Service has endured for many years, I arranged a number of visits to each watch and observed them performing different exercises. This has been welcomed by both the firemen and the management. It has been a privilege for me to have experienced the professionalism of these men and I have learned a great deal from these visits. It is clear to me that they are a very committed force. They know that my doors are always open to discuss anything that concerns them.

As the Minister for the Collection of Refuse, we can announce the fact that we have employed a total of seven more recruits and that two more will be employed soon. These men will man a new lorry and therefore a new route to cater for the increased demand created by the new developments that have taken place and others that will take place in the future. It is a commitment we gave the workforce during the election campaign, which we now have delivered.

One thing that I noticed as soon as I first visited the refuse depot was the disgraceful conditions that these men have endured for a long time. What was significant is that the depot had been painted and fixed on the outside, so that everybody could see it, but completely ignored in the inside where the men have to shower and change after they finish work. So much for dignity at work under the previous Administration!

I am happy to say that works have already commenced and very soon these men who do a job which is essential to our community will have a decent workplace.

Another of my portfolios is the Postal Service. In this field, I can also announce that under our Government's policy of employing long-term supply workers, we are in the process of employing three extra SOG Basics. These three employees have been doing supply work for nearly six to seven years.

Further, we have managed to give the SOG Basics this year summer hours at no cost and without any detriment to the customer. In the autumn, we will be sitting down to negotiate with the workforce and the union at the postal service to see how we can enhance the service and working practices.

As Minister for the utilities, I am very much involved in what sort of generation we will be acquiring for the future. I believe in looking closely at the environmental impact that the power generation will have on our future generations – excuse the pun. With this in mind, the Government will also be looking at having consistent power, so that we have capacity for our consumption now and also well into the future.

In relation to AquaGib, I can say that we are also looking at ways in which the production of water can be made more cost effective than at present. Government will be working closely with the company and its workforce, in order to resolve all pending matters.

As Minister for Civil Contingencies, I have found out that co-ordination with the different agencies could have been better. In fact, only by pure coincidence, for example, that the staff of the Civil Contingency Section found out that GJBS had a full container of emergency equipment for them to use, should the need arise.

Table-top exercises have not been carried out as should have been the norm. Meetings of the C3 will now be convened regularly, in order to evaluate current procedure. Further, we have employed a civil contingency press officer – who is a Gibraltar resident – given that the supply of information forms a crucial part of any civil contingency committee. This is in order to be in a position to inform the general public of what they should do, should we ever have an emergency situation to contend with. Further, a local graduate specialising in civil contingency has been engaged to work closely with this officer. She has already started.

As the Minister for Sports and Leisure, I would like to start my address with the King's Bastion Leisure Centre. It is well known that this centre had gone over budget by nearly £6.5 million and that the total construction cost was over £12 million. It is now encountering all sorts of problems.

In the first instance, the air conditioning system is not fit for purpose. The wrong system has been installed to cater for such a large complex and it is now not working at all. A completely new system will have to be put in place.

The Ice Skating Rink has no insulation and therefore the result is that it is constantly out of its normal temperature. This means that to keep the ice at the correct temperature all year round it costs £7,500 per month in electricity. Not only that, but the levelling machine – and this I think is a joke – for the ice, that breaks down very frequently, was situated inside the glass building which houses the ice rink before the glass was placed. The result is that the machine cannot be brought out for repairs unless you dismantle the whole glass structure or the machine itself is dismantled.

There are also problems with the location of essential facilities like toilets and changing rooms, which one would have thought should have been placed in the ice rink's surroundings with access from the ice rink itself. This did not happen, which means that users have to take their skating boots off every time they need to relieve themselves.

One more thing on the ice rink is that due to its size, no international competition can take place and it is no good for ice skating companies to perform shows in it.

These are not the only problems that exist in the King's Bastion Leisure Centre. The contracts that are in place with some of the operators are unbelievably negative for the Government who is the ultimate owner of the complex. Where in the world do you have an operator of what is supposed to be a business, making more profits, for employing more people and for spending huge amounts of money on general expenses? This is called an OPEX contract. The Government has to cover the operating expenses of King's Bowl operator, pay for any losses and then pay them 30% profit on top!

We have the anomaly that this is not applied to all operators. Therefore we have the situation that the caterers do not have the same contract and only after considerable representations were they, too, given some OPEX contract in part of the building. The people of Gibraltar should know such a lucrative contract was given to people close to the previous Chief Minister.

I move now to what is commonly known as the GASA swimming pool. The previous Administration took the decision to allow the general public to use the 25-metre swimming pool. This might have been the right decision, but as usual, there was no long-term planning for the consequences of this decision.

The reality is that GASA was left – GASA, i.e. the pool – still managing the pool and they hardly had money to maintain the place. Moreover, reports were made to the GSLA and the GSLA did not seem to get them so that corrective action could be taken. The result being that the changing rooms had broken tiles, the spectator platform also had tiles missing, beams were rusting, and the general state of the pool was deteriorating fast, due to the increased amount of usage after the decision to open it to the general public. As we all know, we had the whole of the duct system collapsing on to the public stand and we were extremely lucky not to have anyone hurt. The poor planning of the previous GSD Administration was responsible for this situation.

This prompted the new Government, in only seven months, to not only make the place safe in only three days, but also review the whole structure of the management of the pool. I am happy to say that in consultation with GASA we now have the GSLA managing the pool and GASA will not lose any of its allocations. This will benefit all users, since now the Authority is looking after all the maintenance issues.

The Government intends very soon to do major works to the pool to improve facilities. This includes the air treatment system which had been promised for many years by the previous Administration and was never delivered. Soon, we will also be announcing how we intend to save money by having alternative energy systems in place in the pool, making it a much better place for those who swim in it.

Another of the responsibilities of the GSLA is to maintain all the playgrounds around Gibraltar. Many of these playgrounds were built in a rush by the previous Government, with hardly any planning and at great expense to the taxpayer. This was done only for political expediency in the run-up to the last General Elections, after the playgrounds had been neglected for years.

I am happy to report to this House that the children who live in Moorish Castle Estate – the 'ignored' people, by the previous Administration – can now enjoy a brand new playground which we had built within the first few months of this Government coming into office.

We are now also having to spend money on fixing the one at Mid Harbours Estate because its construction under the hon. Members opposite had created a problem of water penetration in the underground parking below.

Continuing with Sports, Mr Speaker, I am happy to say that during the seven months we have been in office, I have met with the Gibraltar Sports Advisory Council three times and we have one other meeting scheduled for 11th July, i.e. tomorrow and I can confirm that we will be meeting at least quarterly.

I am working with the Sports and Leisure Authority with a view to be in a position to have more international sporting events staged here which we hope will serve to attract more people to Gibraltar.

Moving to my responsibility for Culture and Heritage, I can only start by stressing the shambolic state in which I found the whole of the Culture and Heritage Agency on coming into office. It was in such a state that one of the first things that I did was to ask the Principal Auditor to obtain all records and all documents appertaining to this Agency. Further, I asked for a value for money report on all transactions done.

By 23rd January, the Principal Auditor presented me with a report from which all the information I am giving in this Parliament is taken. Staff were signed on to the Agency between 16th October 2011 and 2nd November 2011. Let's not forget that by October, time was running out for the GSD – so much so that the Elections were called on 3rd November.

The people who were asked to sign on came from different entities, such as Knightfield Holdings, GDC, Civil Service, Gibraltar General Services Ltd, and one from no particular place. They were placed on grades with no apparent logic or methodology and no concern for value for money.

In fact, Mr Speaker, it was the CEO who was given a pay rise of 62.5% – well above the Grade 6 and personally approved by the previous Chief Minister. We had three at Grade 6 who got an increase ranging from 48.6% to 22.5%; two Grade 5s, which is the equivalent to an SEO in Government, one of whom was not even in employment; three Grade 4s; two Grade 3s; one Grade 2; and eight Grade 1s. These grades obtained a 12% over and above the Civil Service rate.

In relation to the latter, I can say that within the Grade 1s which is equivalent to an AA post – AA post, I repeat – in Government, we had a person who was a Spanish cleaner with no qualifications at all.

Two Technical Grade posts were also established. Mr Speaker, as to value for money, we saw that the total previous wage bill, which was £522,622, increased during the dates stated above, just before the Election to £740,296. This is an increase of 42% in total.

The Collective Agreement with the unions was never signed. The Board of the Agency was constituted by the Minister for Culture and Heritage on 15th November, *after* all the offers of appointment were signed, he also appointed two directors of his choice. In a meeting on 18th November 2011, three weeks before the Elections, the said Board officially appointed the CEO and all the other officers.

Mr Speaker, this just goes to show how the previous Administration used to handle things and how they, at the last minute in Government, were signing away pay rises and placing people of their choice where they pleased, in a blatant attempt to use public money in order to win votes.

Since I have been Minister for Culture and Heritage, I have restructured the Agency to be able to make it workable and I have found that the staff have been very co-operative and willing to reform the mess that the new Government had inherited.

So much so that we have been able, within the turmoil of having officers from different entities and from different unions with different pay, to organise the New Year celebration, the Spring Festival, the Miss Gibraltar gala performance and the revival of the Drama Festival.

With regard to the first Fashion Week, I would like to inform this House that we are looking at assisting the organisers to stage this event biannually, so that the next one could be some time in October. We have also assisted with four book launches and attended with two officials from the Agency, the Little Constellation workshops and exhibition, with a view to be able to bring them to Gibraltar. This is a very exciting project which we hope will benefit many people in the local art world.

We have also been able to organise a bigger and better Calentita, which was one of our manifesto commitments, and Gibraltar's first Jazz Festival, about which we have had many positive reports in the international press. We have been told that quite a number of people have visited Gibraltar specifically for this event.

Mr Speaker, one more thing to add to the above events has been the celebrations of the Diamond Jubilee of our Majesty, the Queen. When we came into office the committee that was constituted by the previous Minister for Culture had hardly met. In fact, in 2010, when they were thinking of the Diamond Jubilee a tentative committee was formed. This committee never met. It was not until 18th October 2011, two weeks before the Elections were called, that the new committee met to start preparations for this event.

A further meeting was to be held on 9th November. It was clear to me that not much had been prepared and that even at this late stage, it was only a question of general ideas floating around. Once we got into office and seeing the lack of preparation with regard to the celebrations, which were to start the first day of the year, i.e. 1st January, the new Government decided to increase the number of members on the committee. We included the Convent representative who previously could only communicate with the committee through the then Chief Secretary, i.e. No. 6. The Mayor was also included, as were members of the MOD, Commonwealth Society and others who were keen to contribute towards these celebrations.

Mr Speaker, the House will know that the weekend of the 2nd, 3rd, 4th and 5th June was a great success. Soon after this, my Ministry and the Agency were very involved in the preparations for the Royal Visit of the Earl and Countess of Wessex. This visit ended, as we all saw, with the projection on the North Face of Her Majesty's Rock of the Union flag, our own Gibraltar flag and two images of Her Majesty the Queen.

As the Chief Minister announced, the Ministry for Culture will be moving from the Ince's Hall to the City Hall. This will place the Ministry of Culture in its rightful place in the centre of town.

Turning to heritage, I cannot ignore the fact that the previous Administration spent a great deal of money on Harding's Battery. For those of you who do not know where this is, I can tell you that it is the Battery at Europa Point. We can all remember the song and dance that was made by the Chief Minister, now the Leader of the Opposition – who seems to have left the Chambers – and his Deputy, in the inauguration ceremony for the whole of the Europa Point. I know that my hon. Friend and Colleague, the Hon. Dr. Cortes at the time rightly boycotted such events, due to the manner in which the project ignored advice on the type of vegetation that should have been planted.

Be that as it may, Harding's Battery was opened with the press, cameras etc, and we have subsequently found out that, with so much fuss, it was closed on the same day. Mr Speaker, I am pleased to say that we have now opened it to the public.

I would like to continue with the news that was released at the end of May regarding the Gorham's Cave Complex. The United Kingdom Government has put forward the Cave Complex for World Heritage Site status. We have been given the target date of January 2015 for the submission of the nomination to UNESCO. There are many hurdles still on our way, but the possibility is now there that the Gorham's Cave Complex could become a World Heritage Site by June or July of 2016. Government will therefore be dedicating significant efforts over the next two years to ensure that our nomination will have the greatest chance of success.

A major component of Government policy is to involve all stakeholders. A major player in heritage is the Gibraltar Heritage Trust. I am pleased to inform this House that the new Government has established a good relationship with this institution.

Mr Speaker, I know that one major area that the Trust has been keen to progress for many years now is the development of the new heritage legislation. We have discussed this in the Heritage Action Committee and I am pleased to inform that the Heritage Division is in active discussion with the Gibraltar Heritage Trust so that we may deliver the appropriate piece of legislation at the earliest opportunity.

While on the subject of the Gibraltar Heritage Trust, I can confirm Government's intention to support its work and we can see an increase this year in its annual grant and also by providing a significant capital expenditure towards the refurbishment of their offices at the Main Guard in John Mackintosh Square. There will be other projects which we will be working on together with the Gibraltar Heritage Trust.

The Grand Battery project – which was a project conceived by the previous Administration – will be completed and works are already in hand. We will recall that there was little or no consultation with stakeholders until the new Government came into office.

Continuing with the policy of involving stakeholders, I know that there is a lot of interest from the general public in helping us and there are sites that lend themselves for collaborative work. Led by our team, Devil's Gap has been cleaned up and painted under the guidance of the Gibraltar Heritage Trust. I also know that there are groups, like the Gibraltar Historical Society, who are doing excellent voluntary work under their own volition.

Recently an informal forum has been set up, which has met on one occasion so far, involving the Gibraltar Heritage Trust and other NGOs, with a view to co-ordinating efforts. The involvement of the community in heritage work is something that we wish to encourage, provided it is done in a planned and controlled manner under expert supervision.

In relation to the Heritage Action Committee, we are meeting regularly. I have already indicated my intention to meet with greater frequency than has been the case until now. This has been welcomed by the Committee. This Committee will take a proactive stance to heritage.

Government is keen to protect our heritage at all levels. Therefore, since we came into office, we have taken three initiatives: one has been to create an inter-Ministerial committee which comprises the Deputy Chief Minister, the Minister for Tourism, the Minister for the Environment and myself, as Minister for Heritage. Each Ministry in turn invites their officers to attend these meetings, in order for them to be in a position to co-ordinate action plans for the smooth running of the new Government's initiatives. We have already established the fact that all projects will have to go through an environmental filter and also a heritage filter.

The second initiative is that we have set up an arrangement with a small local business who are employing trainees. I will refer to them as our 'Heritage Crew'. This team is already doing sterling work in refurbishing Parson's Lodge. Our aim is to provide training in heritage-related skills to these young people. In this way, we will develop a sound base for the youth able to conserve and restore our heritage assets. Government is deploying capital funds for refurbishment of heritage assets.

The third initiative is that of establishing a team of two civil servants, one who had been completely ignored for years and is very qualified in IT. He is compiling a database of all Governments assets in relation to pictures, artifacts, documents, etc. We are working closely with the Culture and Heritage Agency, the Archives and the Museum. We are hoping that this database, which will take years to compile, will be available online for people to access. We are still at the embryonic stage, but we are all excited as to how it is developing.

I would like to mention our Museum, before I conclude. I was present at this year's open day and saw first-hand the public support for this institution. I also saw the interest it generated with the Earl and Countess of Wessex, when they visited it last month. Government is keen to develop further the Museum's potential. The Museum is encouraging volunteers to help with its project and become involved as 'Friends of the Museum'.

I conclude with our view of heritage for the future. We have many untapped gems in Gibraltar and I will work with my tourism and environmental colleagues to ensure that this jewel is no longer left abandoned as it has been for years. We will look at ways of giving it all a high profile.

As Minister for the Youth, I am happy to say that all youth clubs are open and that we are working towards having them opened during the weekend. The Laguna Youth Club is back to normal, after the Minister for Social Services kindly returned them these premises for the use it was originally designed for. Further, we are trying to recruit more volunteers to participate in programs designed for the youth.

The Youth Service will be working closely with the Heritage Division of the Culture and Heritage Agency in developing programmes which will help to encourage our young people to take an interest in our heritage – after all, it also belongs to them – and to improve our heritage sites. The youth leader and the youth workers are in the process of writing a policy for the Youth Service, which was one of the recommendations of the review conducted in 2008 and is well overdue. Once this policy is in place, we will be in a better position to encourage our youth in the many exciting projects that we have in mind.

Mr Speaker, since we came into office, the Government has been working very hard to achieve our objectives and I am confident, that together with the vast amount of local talent that we have in all fields, we will get there. With this, I conclude my first Budget speech as a Minister. I would like to thank everyone in the different Ministries, Authorities, Agencies and Companies that comprise my portfolios for embracing the changes that the new Government has embarked upon.

Thank you.

(Applause)

Mr Speaker: The Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, in line with the feelings of honour expressed by my Parliamentary colleagues, it is indeed an honour also for me to stand here today in Parliament, for the first time indeed as a Minister, to address you all. But I do so also with a great sense of responsibility.

May I thank the electorate for making this possible, and in entrusting me as part of the Government in directing Housing Services which, dare I say, is perceived by many as quite a challenging portfolio. I am proud to be of service to the community and will continue to carry out my role to the best of my ability to all the members of our community. This Government, which is your Government, their Government, is determined to help, assist, and shape public services in such a way so that everyone may benefit.

Secondly, as this is my first Budget speech as Housing Minister, I wish to go back to the General Election. At the time, people use to stop me in the street quite frequently to complain about housing or to discuss personal problems that they had encountered. Even then, I could appreciate the complexities that are shared within the delivery of such a service. It touches so many aspects of community life and environment.

For example, some people waiting to be discharged from hospital, in many cases, depend on modifications to bathroom facilities; or indeed, the elderly, who as they grow older may need alterations to their homes. Similarly, as people marry and families expand, they need to stretch accommodation needs to suit new siblings. Or indeed, families may wish to take care of parents, and in some cases, regrettably this may include caring for loved ones struck by illness and so many other challenges in life. This in part may require additional rooms, space, facilities, in order to improve quality of living.

Additionally, repairs may have to be prioritised for those that are unemployed, in receipt of Social Security or indeed, there may be others with little disposable income, or pensioners, unable to pay for minor repairs. Service users come from a wide area within our community and it is only now that I am beginning to share the deeper knowledge and understanding of my work that often consists of having to prioritise, introduce policies that are fair, and touch positively upon everyone in our society.

It is, Mr Speaker, an almost impossible task, given the very few houses built in the past 16 years, but I am fortunate indeed to share such concerns with staff that are professional, extremely diligent and caring in the work they do and although I remember often the Housing Department being on the receiving end of criticism, may I stress that I have only admiration for those public servants who have to attend to people, sometimes desperate for an immediate solution to be found. It is difficult to find the right balance and to prioritise for those most vulnerable and demanding cases.

Mr Speaker, I wish to reinforce our Government's message that we are here for everyone, that is, for our loyal supporters, yes indeed, and also for those who did not necessarily support our manifesto, which contains commitments that are indeed comprehensive, modern and deliverable. In this endeavour, the Government will introduce whatever reforms are necessary; and wherever practically possible, these will be geared to achieving practical aims and not simply reactionary. Essentially, this will be done strategically by virtue of, first, prioritising funding where it is most needed; secondly introducing capital works for major refurbishment programmes within past abandoned estates, inclusive of maximising opportunities in constructing additional floor levels for a greater supply of accommodation for those patiently waiting for Government housing; thirdly, boosting greater attention to bath-to-shower conversions and indeed, modifications approved by the Gibraltar Health Authority's Occupational

Therapists; fourthly, reforming the Housing Works Agency including how its services are to be discharged and directed that is achievable and not pie in the sky; in fifth place, also reforming the Housing Act; number (6), commencing the construction of co-ownership and rental housing schemes; and finally, number (7), it is most important, that we listen to and hear our tenants, about their concerns, their grievances and at all times show a sympathetic and human approach in dealing with their needs.

Number (1) – prioritising funding: Mr Speaker, the Government is determined to ensure that appropriate funding is directed to projects that (1) will benefit Government tenants; (2) target areas which are in serious need of repair; and (3), where practically and technically feasible, focus on constructing additional floor levels to assist those on the Housing Waiting Lists.

Though the former Administration did admittedly pursue capital works in many Government estates, I regret that this was done at the expense of others which were completely abandoned, namely Glacis, Moorish Castle and Laguna Estates. Apart from minor response maintenance and emergency repairs, they have had little development, to the detriment of our tenants.

It is because of the seriousness of this lack of attention in maintenance, that this Government will pursue a comprehensive and integrated system of waterproofing. In addition, due to the nature in which construction has historically taken place, it will be possible to build additional flooring as part of the lift installation programme, thus enabling homes to be allocated for Government housing applicants.

May I add that the necessary feasibility studies have now been completed and any funding arrangements will be introduced accordingly, in order to commence with such urgent works. This is in line with our Government manifesto commitments, as we are determined to ensure that our forgotten Government tenants are properly and fairly treated like any other tenants that have enjoyed the benefits of major repairs and refurbishment.

It is precisely because of this fact that it was decided to ensure that many of these tenants would have the opportunity of seeing and meeting their Royal Highnesses, the Earl and Countess of Wessex during the Diamond Jubilee celebrations. As in all of our community, Government tenants of Moorish Castle and Laguna Estate did us proud in the welcome and elegance of their cheer towards Prince Edward and his wife, who were greatly moved by the outpouring of affection. We, in this Government, will not abandon these equally deserving tenants and will ensure that they are treated with the dignity and given the service that they deserve.

Number (2) – other capital works: Mr Speaker, in order to assist in this campaign, a total of £1 million will initially be budgeted for capital works, though this amount will be extended where necessary to cater for other major repairs. In addition to what I mentioned earlier, the Government will continue with major repairs at Harrington Building, Churchill House, South Pavilion Building, Bado's Building, Governor's Meadow House, Alameda Estate, whilst at Schomberg Buildings, major works have now been successfully completed. May I also add that a major and comprehensive window replacement programme has recently got underway at Chilton Court.

Mr Speaker, one of our main concerns when entering Government was the length of time taken by the Housing Works Agency to turnover (a) the cleaning and (b) refurbishments of flats. In the majority of cases, these appear to be excessive delays. Therefore, in order to tackle the backlog head on and reduce the unacceptable delays, the Government, as a matter of policy, outsourced the cleaning and refurbishment activities. This major exercise will be complemented by the re-introduction of the self-repair system which was stopped by the former Administration back in April 2011.

Mr Speaker, may I firstly highlight that in line with the Government's collective approach, the Housing Department has worked closely with the Employment and Training Board whereby the latter has introduced mechanisms to ensure that construction companies employ local residents. This twofold strategy has (a) injected a much needed boost to small locally registered construction companies to undertake cleaning and refurbishment activities for the Housing Department; and (b) introduced a process whereby the recruitment of local residents is prioritised.

All that said, the Housing Works Agency continues to clean and refurbish housing stock, though at a more manageable level, whilst because of the private sector input, both the backlog is being systematically eroded and unacceptable delays will hopefully be a thing of the past.

This results in both the public and private sectors benefiting from work and in addition, this is an example of two large Government Departments working closely together towards mutual goals for the benefit of large numbers of families in Gibraltar.

Mr Speaker, the fact is that some Government tenants do not wish to wait for refurbishment; rather they may wish to take ownership and directly carry out repairs themselves. Therefore, in order to facilitate such empowerment, the Government has decided to re-introduce a system of self-repair, though with a difference. Unlike before, whereby the onus was on tenants to approach construction/building material suppliers via a voucher system, the new approach is to maximise further the Housing Works Agency's storing facilities, and facilitate self-repair by the latter, transporting agreed materials directly from the Centralised Depot to the allocated Government flat.

This effectively removes any onus on the tenant to be left with the burden of (a) transporting the said materials, (b) ensuring that there are no unnecessary delays incurred by suppliers and (c) that tenants are not held to ransom by some suppliers who simply do not produce specified tendered materials because of lack of storage, all of which will be detrimental to Government tenants.

Mr Speaker, as far as maintenance and repairs is concerned, all the above measures, including those mentioned earlier, are a clear demonstration of this Government's total commitment to all our tenants. Insofar as empty Government flats are concerned, many of these were abandoned for years by the former Administration and, regrettably, left to deteriorate beyond economic repair. These empty buildings will be put out to tender to the general public, though preference will be given to purchasers that are (1) on the Housing Waiting List and/or (2) tenants already in occupation of a Government flat that wish to release their dwelling as part of the exchange. Again, this will help generate those areas in the Upper Town that have been abandoned by the former Administration.

In addition, the Government will seek ways of improving infrastructure in the Upper Town area to facilitate vehicular access and parking. In addition, there will be improved play areas for our toddlers and youngsters, so that they may play safely and enjoy recreational facilities. Already, improvements have been introduced at Moorish Castle, whereby we were honoured as I said earlier, by their Royal Highnesses the Earl and Countess of Wessex's recent inauguration.

Number (3) – specific modifications for Government tenants: Mr Speaker, as I mentioned in my introduction that the Government will be focusing much greater attention towards tenants who need that additional bit of help, particularly those whose lives have drastically changed because of medical and/or personal circumstances. With this in mind, we have already embarked on a comprehensive programme of bath to shower conversion, through Gibraltar Joinery Building Services Ltd (GJBS), a Government owned company. I can confirm that we have made real in-roads on the long waiting list of tenants, many of whom have waited years for such facilities. For example, all those tenants waiting for a bath-to-shower conversion last January/February have already had their units fitted.

Mr Speaker, may I add, that specialist alterations and/or modifications will continue as previously accommodated through the former Administration, though these would require input from the Gibraltar Health Authority's Occupational Therapy Unit. For example, it was noted upon entering Government, that there were a vast amount of tenants waiting for modifications at Albert Risso House; this, despite the fact that the building had just recently been constructed.

Nevertheless, there were numerous tenants whose flats required specialist attention and modifications. Again, I can confirm that this has been prioritised, as the Government is determined to help those in our community who are in real need of our intervention.

Number (4) – Housing Works Agency: Mr Speaker, there has been much debate about how the former Buildings and Works operated, its share of problems and complaints, particularly its role and purpose. Now that this has been restructured into the Housing Works Agency by the former Administration not so much attention was focused on our Technical Department.

The separation of the Buildings and Works into the Housing Works Agency meant that officers previously engaged on similar work at the same grade and salary in the Buildings and Works and the Housing Department did not get the same opportunity to opt to transfer from the Civil Service status to that of Agency employee at an enhanced salary. The effect of this has meant that some of our staff who continued in the Housing Department felt that they should not have been denied access to the early exit package or to transfer out of the Civil Service.

To address this issue, the Government took the view that it should commission an internal report, in order to identify areas where greater efficiency and application of resources could be maximised. I am pleased to state that this report has been completed and the Government will be proceeding to explain the nature and role of the Agency, to enable it to accommodate additional responsibilities to accept the transfer of additional staff.

The Agency will be more efficiently run by those technically competent to do so and allowed to operate as a proper modern maintenance organisation, thus moving deliberately away from past 'cap-in-hand' practices, which, incidentally and regularly was the case on an annual basis at the former Buildings and Works and duly ignored and dismissed by the former Administration, despite Mr Speaker, continuous and regular approaches made by senior management, expressing a shortage of funds. This meant that the backlog of jobs for minor repairs simply grew over a number of years and created unnecessary delays for works to be completed.

Mr Speaker, in addition, training will be essential to the success of the Agency's ability to deliver an improved service. Therefore, the Government will introduce training to facilitate operational staff in order: (a) to maximise operational capability; and (b) create greater customer awareness, so that staff become much more in tune with the needs of Government tenants.

Number (5) – reforms to the Housing Act 2007: Mr Speaker, as you will already be aware, the Government has decided to do away with the Housing Tribunal, as it was felt that such a platform was ineffective. It did not operate properly and neither did it represent a real transparent mechanism for

appeals to be lodged by members of the public. Instead, the Government will introduce legislative powers, so that the Ombudsman is able to intervene on housing matters that are considered unfair and unreasonable.

We believe that the Ombudsman is the right and most appropriate authority to guard against unfairness and maladministration. The Government, therefore, aims to change the current legislation accordingly, to introduce and facilitate such ambitions, very shortly.

Mr Speaker, I have also been made aware of issues affecting private tenants, particularly the general lack of protection afforded to them within the Housing Act. This must be addressed and a proper balance pursued between the needs of both private landlords and private tenants. We, therefore, intend to modify the Act in order to correct such anomalies and I have asked my hon. Friend and colleague, the Minister for Justice to assist me in this process.

Number (6) – co-ownership and rental housing schemes: Mr Speaker, firstly may I acknowledge and reiterate that the former Administration did indeed provide accommodation and new homes for our community. The Mid Harbour Estate and Waterport Terraces are good examples of these efforts. However, our main concern stems from the fact that the process took an excessive and inexplicable length of time to materialise.

I am also concerned about the quality, maybe poor quality of some other estates delivered in time, namely parts of Bay View, Nelson's View and Cumberland Terraces, which have already required attention as they were rushed into completion. These require repairs already and will cost the taxpayer millions to deal with the negligence. Moreover not enough properties were delivered in the 16 years of Government, thus condemning a number of people to the housing waiting list.

Mr Speaker, the Government in its first few months of administration has already earmarked preferential sites and has determined the numbers of accommodation units for completion. Very quickly we have undertaken an extensive exercise to verify the 'needs' of eligible members of our community in this regard.

Forgive me if I do not enter into any specific details here today, as I have no wish to pre-empt what will be the subject of an imminent Government announcement.

Nevertheless, the Government is determined to meet its obligations and the general public will witness 'the laying of bricks', to excuse the pun, very shortly as stated in our manifesto commitments. These homes will be fit for purpose, modern in design but most importantly be constructed for our people bearing in mind their specific needs, and of course, environmentally friendly.

Number (7) – listening to and hearing our tenants: one of the main observations whilst in Opposition was the number of complaints that I received from Government tenants who tried accessing former Ministers for Housing to discuss their specific housing problems. Many reported that they simply were unable to obtain an appointment, whilst others complained about the long waiting time for such opportunity to meet face-to-face. Understandably, this results in frustration for the tenant or applicant who is eager to express himself/herself and as often is the case, it involves rather complex issues that may relate to medical problems, break-up in relationships and/or marriage, anti-social behaviour, allocation of Government flats, position and length of time awaiting allocation, delays in repairs, property sales, etc. It is indeed an exhaustive list of issues, and sometimes matters may relate or fall under the responsibility of other Government Departments. Nevertheless, Housing seems to be the first point of call for many people.

Consequently, and despite enormous efforts to see as many people as possible, there continues to be a lengthy list of those waiting to see me, but I am determined to persevere and see as many people as I possibly can, as I feel very strongly about the fact that often, people just want to be heard, acknowledged, and helped, if possible. This continues to be my goal.

Well, Mr Speaker, the Government has major challenges ahead with respect to housing, which affects all people and walks of life. We are determined not to fail the electorate and mean what we say about meeting our manifesto commitments. With this in mind, we will do everything possible to help our citizens with their housing needs and concerns, and we will go the extra mile to accomplish this.

May I finally take a moment, Mr Speaker, to extend my gratitude to members of staff at the Housing Department and Agency. I am fully aware that the majority take their work very, very seriously. I regularly see on a day-to-day basis, acts of real professionalism and dedication which dare I say, go unmentioned or highlighted. May I thank all of you who are listening for your continued support and co-operation.

May I also, Mr Speaker, publicly express my sincere gratitude to all participants of Government tenants' associations and very importantly, members of the Housing Allocation Committee who give up their own valuable time, and on a voluntary basis. They do so because of their strong sense of community spirit and the result is that they contribute greatly in moulding the services provided. Thank you all for being part of what I like to call 'our Housing Family' and I hope to continue enjoying your collective contributions and support towards helping our tenants and ultimately, our community as a whole.

Thank you, Mr Speaker.

(Applause)

Mr Speaker: The Hon. Edwin Reyes.

Hon. E J Reyes: Mr Speaker, the GSLP/Liberal manifesto for the 2011 Elections did not have much to say in respect of heritage matters. In fact little importance was given to heritage issues, thereby resulting in only six sentences, occupying 12 lines of print, being dedicated to this area of governance. In contrast, the GSD committed itself to complete projects which it had already begun, as well as listing its exciting vision for future and new heritage related projects.

The present Government inherited updated legislation together with newly appointed Trustees of the Gibraltar Garrison Library. We sincerely hope that the Government and the Trust will work together with enthusiasm and in close consultation, so that this Library and its assets will become an important facility for the people of Gibraltar.

Although now in Opposition, the GSD continues to recommend the Gibraltar Government Archives be transferred into a refurbished ex-*Chronicle* Printing Works building next door to the Library, so that together they may operate as a modern, well resourced Gibraltar Archives and Reference/Research facility including digitalised searchable data.

Updated legislation for the management and preservation of our heritage and the listing and preservation of buildings needs to be completed. In this respect, work was already at an advanced stage, thanks to the GSD's initiative whilst in Government, with drafting undertaken, in close consultation with relevant experts and the Gibraltar Heritage Trust. It is now up to the present Government to embark upon drafting legislation in this important area, which the community expects to be undertaken as soon as possible.

The present Government has acted responsibly in continuing to pursue UNESCO World Heritage status for Gorham's Cave and adjacent sites. Indeed, much work had already been done by the Museum Team, during my tenure as Minister for Heritage, in respect of submitting nomination forms and supporting documentation, etc. I take this opportunity to thank and congratulate the Heritage Division staff involved in having achieved such a high ranking status in the United Kingdom's nomination process.

In wishing the Museum Team all the very best for the future in their ongoing excavations at Gorham's and Vanguard's Caves, I urge the Government to also offer their full support – especially in respect of finalising improved land access to these extremely important prehistorical sites. Government has a duty to preserve all historical sites and assets which the community inherits. So therefore, I strongly recommend that the Government looks into the manner King's Bastion was conscientiously both preserved and turned into a leisure centre, catering for present day needs. This is an ideal way of preserving our past, alongside giving today's community the leisure and social facilities it rightfully deserves and desires.

Mr Speaker, through the collective celebration of social events, participating Gibraltarians contribute towards reinforcing our identity, culture and history as a people and as a community. Both the performing and fine arts fraternities always prove themselves to be very proactive within their own specialised areas. These cultural groups now patiently await the implementation of the Government's promises as made through their manifesto commitments.

Amongst the first of the promises to have already materialised has been the International Jazz Festival for which provision of £100,000 is made in this year's Estimates. Given this substantial amount going towards just one form of musical entertainment, other disciplines within the local performing arts fraternity have high hopes of increased cultural grants coming their way.

In this present day and age, the local community expects its Government to support and assist our own home grown budding musicians, singers, actors, artists, etc, and provide them with facilities which allows them to achieve their full potential. Through its manifesto, the Government adopted the slogan 'culture needs to be nurtured.' Now that they are in office, Gibraltar sincerely hopes that this will not become an empty promise.

Amongst its many Election promises, the Government committed itself to provide facilities for teaching of music and instruments to young people; establishment and funding for a Gibraltar Philharmonic Orchestra; run a 'learn an instrument' campaign amongst young people; establishment of an academy of the performing arts, administered by an Arts Council; refurbishment of the Ince's Hall area and enclose the patio in a modern way to allow its use even in winter; development of a new, modern theatre for Gibraltar; seek to establish Gibraltar as part of the touring circuit for UK and Spanish theatre productions. I therefore now, Mr Speaker, have to ask, when will these projects become a reality?

Mr Speaker, the GSD has always seen sports and leisure as an essential element of a high quality of life – embracing entertainment and leisure, family life and quality time, healthy life styles and robust youth character formation and orientation. It has always been the GSD's policy to be supportive of and assist our own sporting bodies to overcome Spanish inspired attempts to block membership of international governing bodies. The Opposition wishes to reassure Gibraltar's sporting fraternity that we

will continue to back pending applications for international membership in respect of all our sporting associations, inclusive of Gibraltar's longstanding bid to join the Olympic movement.

We take this opportunity to congratulate our very own Georgina Cassar on being selected to form part of Team GB, in the Rhythmic Gymnastics disciplines, at the forthcoming London 2012 Olympics. Alongside her, we also congratulate Nathan Stagno, who will form part of the international team of elite umpires with responsibility to officiate at hockey matches in the Olympics. We live in hope that, in the not too distant future, other Gibraltarians will also participate in the Olympics, both as athletes and officials. However, our expectations are that this should be not as part of Team GB, but rather in our own right, under the nomenclature and flag of Gibraltar.

Although the local community already enjoys both good quality and a wide variety of sporting facilities, there are always areas where these can be improved upon and/or expanded. It was with this in mind that the GSD pledged to convert the recently acquired Europa Sports Fields into further facilities for use by our local sporting fraternity, catering mainly for cricket, rugby, football and football training and other sports. There is, Mr Speaker, already a degree of fear among some local sporting associations that the Europa Sports Fields may end up being developed and allocated for exclusive use by only one sole sporting association. This, if true, could end up in the curtailing of facilities already enjoyed by other sporting bodies, and even pose a threat to the existing membership of their relevant international governing body. We sincerely hope that Government very carefully considers all options and looks into the consequences, before taking final and definitive decisions.

It is extremely important that the Sports Ministry always works in close consultation with the wide-ranging membership of the Gibraltar Sports Advisory Council and the development of new and additional facilities should be no exception to this.

Provision continues to be made in the Estimates for sports grants. However, the local sporting fraternity patiently waits to hear further details of their promised Elite Athlete Assistance and Assistance for Non-recognised Sports. Some sportsmen and sportswomen already wonder if these schemes will become a reality. Likewise, Gibraltar's martial arts fraternity looks forward to having a worthy centre of their own – again, as promised in the run-up to the last General Elections.

In rounding up these few points I have selected and highlighted in respect of cultural and sporting matters, I must ask if Government have already found the appropriate area or location in which all the different cultural and sporting facilities will be based. Let me remind Government, they promised these would be modern and new with improved facilities. It will be a centre for all social and sporting groups – concludes their manifesto promise. Mr Speaker, when will these pledges become a reality?

Mr Speaker, during its last term in office, the GSD built around 500 new rental homes, completed 140 homes for the elderly in the form of Albert Risso House, allocated a record number of flats to people on the medical and social lists and eliminated the waiting lists that existed for these categories at the start of their last term. In answer to Question 543/2012, the Minister for Housing confirmed there are at present 1,677 applicants on the Government's Housing Waiting Lists. These are made up of 1,064 on the waiting list proper and a further 63 on the pre-list.

The GSLP/Liberal manifesto has a few pages with colour photographs of their vision for new homes to be made available during their term in office. These projects promise both co-ownership and rental homes, supposedly with solar power facilities, as well as roof gardens and eco-friendly designs. However, during the GSLP's previous eight years in Government, no new homes for rental were built, so the local community still waits to see what will actually be delivered during this current term.

I urge the present Minister for Housing to personally ensure that any new homes built do not suffer from numerous defects, as history shows was the case in their construction of co-ownership homes when they were last in office. Quality in construction of family homes cannot be compromised under any circumstances. We hope that this time round they will have learnt from previous mistakes.

The Government's manifesto makes reference to the establishment of a separate additional housing list for applicants who are currently living in Spain and who wish to return home. However, barely three months after the Elections, in answer to Question 300/2012, the Minister for Housing said, during the March Parliamentary session, that no separate housing list had been opened for applicants currently living in Spain. Furthermore, he unashamedly revealed that the demand is literally very limited.

Given the real facts – as now stated by the Hon. Minister in this House – it has become clearly evident that the criticisms previously levelled against the GSD Government were merely a contrivance to make the electorate believe there were scores of Gibraltarians forced to live in Spain, simply because the GSD was not providing accommodation for them here in Gibraltar. The true facts, as now revealed personally by the Hon. Minister in this House, prove that the GSLP/Liberals comments on this matter were politically insincere and even factually wrong.

Under their section dedicated to Youth, the GSLP/Liberal manifesto states that young people who are entitled to housing will not wait more than three years for a home. Given that there are presently a large number of young people registered as applicants seeking their own homes, conscientiously hoping to move on in a responsible manner with their own adult lives and without continuing to be dependent upon

their parents, I must ask on their behalf for a firm commitment from Government in respect of this promise. Government's answer should include expected rental housing completion dates.

The GSD worked hard in consultation with the relevant union to reform the old Buildings and Works Department and its transfer into the Housing Works Agency. This project provided brand new workshops and depots – and from its origins delivered vastly improved services to Government tenants. Furthermore, an agreement was reached with the union to the effect that manning levels would be replaced in future with one new employee employed by the Agency for every two who retire.

Through his answer to Question 430/2012, the Minister for Housing confirmed that since December 2011, a total of five employees have been transferred and a further four retired from the Housing Agency. However, no new employees have been taken on by the Agency and this clearly is in breach of the agreement reached with the union.

Furthermore, Mr Speaker, despite there being a statutory obligation, Government decided to abolish the post of Chief Executive Officer of the Housing Agency. This unexpected and sudden course of action raises concerns amongst the electorate at large that Government are embarking on a campaign of chopping the heads of those perceived to be their opponent's supporters. This action, together with the manner in which Luis Montiel, my old colleague, has still not been reinstated into his previous position of employment, after he stood down as a Member of this House, has led many public servants to even fear that middle and top management positions will in future be allocated only to those whom the Government trust as their own partys supporters.

Chief Minister (Hon. F R Picardo): That was *before* 8th December!

Mr Speaker: Order! Order!

Hon. E J Reyes: Furthermore, Mr Speaker, this year's Estimates show that the Government has no intention of appointing either a Chief Executive or Deputy Chief Executive of the Housing Works Agency. This therefore raises a question of how and by whom will this important Department be managed?

Through answers given to Questions during the June session of Parliament, the Minister for Housing stated that a total of 1,987 tenants were listed as requiring a total of 640 internal and 3,243 external jobs to be carried out. The Opposition hopes that adequate human resources will be provided to the Housing Works Agency, so they may carry out their duties in a timely and efficient manner, thus ensuring that Government tenants are able to enjoy living in their homes in the rightful and dignified manner they are entitled to.

The Opposition knows there are many excellent craftsmen and professionals within the Housing Works Agency. I must stress that it is important to ensure that the correct and proper administration procedures and resources are in place for housing maintenance and repairs to be carried out. Therefore, it is regrettable to see that, for this financial year, the Agency's workforce is reduced from a grand total of 160 employees catered for in the previous financial year now down to 146. How then will the Agency be expected to carry out its duties, more so with a promised and therefore expected increase in housing rental stock, if the Agency is not given the human resources required to meet workloads and targets?

There are already signs that repairs are taking far too long, or not even being listed for action, in rental estates. For example, Mr Speaker, many tenants are asking me why is one of the lifts at Bow Wave House at Mid Harbours Estate still not repaired since it broke down around Christmas time. Lack of timely action in respect of routine maintenance and repairs further leads many people to ask, is Government really going to deliver with good quality results in respect of its promises for the refurbishment, beautification and maintenance of housing estates?

Mr Speaker, the Government has only been in office for seven months and we have been careful, in the public interest, to allow them enough space to develop their own policies. Therefore, I wish to reassure Government, and in particular the Ministers whom I shadow, that I remain always ready to work collegiately within this House, when embarking in reasonable and responsible initiatives so that, together, we may improve the quality of life of this precious community of ours. I sincerely hope Government will accept this genuine offer in the spirit it is intended.

Mr Speaker: The Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, whereas this my fifth Budget Address, it is not an exaggeration to say that I feel immensely privileged to deliver my maiden Budget address as Minister for Her Majesty's Government of Gibraltar for Tourism, Public Transport and the Port. I am also honoured, Mr Speaker, by the trust vested by the people of Gibraltar to represent them in the affairs of Government.

1190 I know I speak for all my Cabinet colleagues, when I say that we are enthused and that we are entirely
committed to implement what is undoubtedly an exciting programme for Government and a contract, Mr
Speaker, that will not only benefit all Gibraltarians but which will, once and for all, provide that quantum
1195 leap, Mr Speaker, in the political development of a country as rightly demanded by a majority of
Gibraltarians. Any objective observer, Mr Speaker – amongst which, I cannot certainly include any of the
Members opposite, in the light of their contributions so far – will agree with me that the new Government
has already met, in seven months in office, a good number, a sound number of the manifesto
commitments and is therefore well poised to deliver even more during this financial year. Just yesterday,
Mr Speaker, the Hon. the Chief Minister and my Hon. Ministerial colleagues announced even further
1200 manifesto commitments that have been met during the last seven months alone. (*Applause*)

Mr Speaker, the Hon. the Chief Minister has entrusted me with a wide portfolio of responsibilities and
I intend to take these in turn.

In the first instance, I intend to set out the Government's various achievements in the last six months,
as well as highlighting the projects that the Government will undertake this financial year. The
pleasantries, Mr Speaker, end here, because, whilst highlighting the many Government accomplishments
1205 in only seven months in the manifesto commitments I will not just take, Mr Speaker, but in fact seize the
opportunity to highlight the more outrageous instances of political mismanagement of the previous
Administration and no amount of protestation from the Opposition benches will deter us from addressing
in this House what can properly, truly and best be described as the electorally 'big lies' of the party
opposite during this last Election campaign. (**Several Members:** Hear, hear!)

1210 Mr Speaker, what the hon. Members opposite cannot do – or at least they cannot do without with any
degree of political integrity and credibility – is to cry foul and to pretend to suffer some mortal wounds
and then soliloquise about them in this House, and then when we criticise their policy failures as a result
of which we have – during the financial year that we share – had to act to redress and address those same
policy catastrophes, some of which I will highlight later. Such statements, Mr Speaker, are perfectly valid
1215 and pertinent and I will explain to the Hon. Mr Figueras why such statements are particularly valid and
relevant in the light of the Hon. the Leader of the Opposition's statements to me in past Budget
contributions.

But, does the GSD think, Mr Speaker, that they can adopt purely baseless and partisan political
postures and that we will not rise to set the record straight? Further still, Mr Speaker, if the Hon. Mr
Figueras really thinks that when a new Government, barely seven months in office, is acting like an
Opposition by raising very recent past, relevant political issues in the light of current developments within
the financial year that we share, he would have wailed and he would have caterwauled in despair to hear
the Hon. the Leader of the Opposition, when he was Chief Minister, argue at length in his four replies,
1225 while I was a Member of the Opposition, that it was *relevant* to go as far back as 1988 and blame the
GSLP for what happened in 2008, 2009, 2010 and 2011!

In his reply, the Hon. the Leader of the Opposition, when he was Chief Minister in 2011, went back to
1988 – but he was not the only Member of the Opposition who did so, Mr Speaker! If we go back to the
contributions of the hon. Gentleman and Lady opposite, when they were in Government: for example, the
Hon. Mr Netto mentioned 1988 seven times in 2011. Isn't *that* going back to the past, Mr Figueras?

Chief Minister (Hon. F R Picardo): Well done, well spotted!

Hon. N F Costa: Mr Clive Beltran, who was the chief 'rent a goon' and main 'clapper' in support of
the Hon. the Leader of the Opposition also mentioned 1988 twice. Yvette del Agua also mentions it on a
1235 couple of occasions. This is in 2011. They mention 1988 – but we cannot mention 2011, when we share
the same financial year! *Give us a break, Mr Speaker!* (**Several Members:** Hear, hear!) (*Applause*)

Hon. Chief Minister: A *tour de force*, thus!

1240 **Hon. N F Costa:** Political considerations aside, Mr Speaker, I turn, firstly, to the Gibraltar Port
Authority. More will come politically, Mr Speaker, but I would like to concentrate on my responsibilities,
for a little while at least!

Mr Speaker, it is the view of the Government that the time has certainly come to consolidate the port
operation by investing in the infrastructure and equipment with a programme of capital expenditure that
1245 has suffered lack of investment for many years. The new Captain of the Port, Roy Stanbrook, joined at
the end of February and I endeavour to meet him weekly to develop an ongoing strategy to maintain and
grow the port business, while safeguarding the infrastructure and our environment. In order to maintain
and improve the commercial viability and safety of the Port of Gibraltar, investment in infrastructure and
personnel is clearly essential.

1250 It is to be noted, Mr Speaker, that the systematic under-investment that I have just highlighted has
surfaced unfortunately in recent security and insurance audits that have exposed some quite painful

shortcomings, which this Government is ensuring the Gibraltar Port Authority addresses. At the same time, Mr Speaker, continuing and ongoing audits of infrastructure and systems have exposed vulnerabilities in business critical systems. A project to identify such issues and build resilience into the port operation is currently underway and I look forward to receiving the recommendations of the GPA.

Further, Mr Speaker, the security of our port and the safety of its users remain paramount and therefore the continued investment in an integrated closed circuit television system, with wide area surveillance of all areas of the port, is considered essential. The system, which augments the CCTV, which is already installed, will be fitted within a few weeks.

Mr Speaker, it is clear to everyone – although clearly it was patently obvious that successive GSD Port Ministers were blind to the reality – that the very physical fabric of the port requires continuous maintenance, in order to sustain safe access for vehicles and pedestrians alike. Only on Friday, Mr Speaker, Captain Roy Stanbrook wrote to me, after which I attended the port, as a result of damage to culverts due to the lack of maintenance of the physical port infrastructure.

As recently announced therefore, Mr Speaker, this Government has embarked on a programme of resurfacing roads and walkways within the port, as well as repairs and refurbishment to the Detached Mole, Mr Speaker, in order to make it safe for all those people who land there, and of course at different times there may be quite a few, including the large numbers of fishing enthusiasts who use the facility for leisure purposes, such as the annual angling competition. In this respect, toilet facilities are already installed and first aid facilities are being provided.

As this House is also aware, Mr Speaker, modified procedures have now been developed and agreed between the Port and the Gibraltar Federation of Sea Anglers to enable access for resident fishermen to the port when it is safe and practical to do so.

Further still, Mr Speaker, a programme of augmentation and replacement of the Oil Spill Response Programme necessary to protect the marine environment is also in progress to ensure that we are always able to meet the challenge, should there be an oil spill. At this juncture, Mr Speaker, I must associate myself with the comments made by the Hon. the Minister for Health and the Environment, Dr. John Cortes, when he, in this House, thanked publicly the staff of both the Gibraltar Port Authority and the Department of the Environment for their impeccable professionalism and unwavering and around the clock dedication in tackling the oil spill, which they successfully contained.

As a result of the issues encountered during the recent oil spill, a full review, Mr Speaker, of the Oil Spill Contingency Plan, including pollution equipment stock levels together with their suitability for use in the Gibraltar environment will be carried out, with special regard to the changing environmental sensitivities, including protected areas and species. The Captain of the Port in conjunction with the Gibraltar Maritime Administration are putting together recommendations for the Cabinet to consider.

Mr Speaker, whilst not referring specifically to the circumstances that took place in Gibraltar on making this particular comment, it did become clear to myself and to the Hon. the Minister for the Environment, that there is a lack of sufficient criminal penalties for pollution offences and therefore a complete absence of criminal and effective deterrence. Whereas the Government recognises and supports the importance of bunkering to Gibraltar's economy, it must also be equally conscious of its environmental responsibilities and Gibraltar must send a strong unequivocal and clear message that it will not accept criminally irresponsible operators. A proposed change to Port Rules will therefore bring the criminal penalties in Gibraltar in line with those in the United Kingdom for pollution offences, effectively increasing the maximum penalty from £2,000 to £250,000, Mr Speaker – *(Applause)* not just a *[inaudible]* environmental filter, but in fact a real one.

As the port launches become older, they are becoming more expensive to maintain. As a result, the work of specifying the requirements for a new port launch is also underway.

As with all of my areas of responsibility, work continues to engage with stakeholders of the port. The Gibraltar Port Operators' Association, the Bunker Forum and engagement with leisure interests are all examples of the strategy of engagement being pursued.

It is also important to note, Mr Speaker, in particular to the Hon. Mr Figueras, that senior officials of the GPA and the Department of the Environment meet and liaise regularly with the Environmental Safety Group and any other persons wishing to come to discuss any concerns with them, to discuss environmental issues relating to port related operations.

As the House is also aware, a project is underway to provide a sufficient number of berths to accommodate the boats of all boat owners – the long, long suffering boat owners as you say, Mr Speaker – as well as those currently on the waiting list. Detailed investigations have commenced and an inter-ministerial committee is driving this project forward.

The port building Mr Speaker, has also suffered a lack of structured investment over the years, resulting in accommodation which is barely fit for the purpose of running a 21st-century port. Work is therefore underway to specify the requirements for a new port building.

Mr Speaker, I now turn to the Gibraltar Maritime Administration. It is well known that the general down turn in the world economy has had an impact on both the volume and value of the maritime trade.

The fallout from this has been that some companies have ceased trading, but we are happy to say, Mr Speaker, that in many cases the vessels have not been sold on to other companies and, in the main, continue to operate under the Gibraltar flag.

Overall though, the number of ships on the Gibraltar Ship Register has fallen by 3% from 316 to 306, but there was an increase in overall gross tonnage from 2.12 million in April 2011 to 2.37 million in April 2012, and the mean average age of the fleet fell from 11 to 9 years. This means the fleet is getting younger and the change of the fleet size is towards larger ships. The reduction in the age of the fleet also indicates, Mr Speaker, the confidence the owners place in these new and larger ships on the Gibraltar register in these difficult trading conditions.

The difficult trading conditions, Mr Speaker, that I have mentioned that have affected the international community, have required careful management of both the technical and administrative resources available to the GMA. The resignation of some surveyors, Mr Speaker, and the significant delay in replacing those surveyors in 2011 resulted in some changes to the way audits and surveys had to be carried out. Whilst more tasks have had to be delegated to the classification society, increased monitoring of these organisations was introduced to ensure the overall quality of the fleet did not decline. The owners and operators of ships which were not performing to the standards expected of Gibraltar registered ships were monitored, and in two instances, the ships were removed from the register.

Mr Speaker, it is to maintain the position of the GMA and to increase the size of the Gibraltar fleet at a time when under the GSD it started to dip, I approved two targeted promotional visits with local representatives, this year. For the first time, Mr Speaker, a visit was made to Norway to meet both existing owners and possible new owners. The existing owners expressed their satisfaction of the service provided by the GMA and there have been several enquiries from companies that did not have ships registered in Gibraltar.

Following the yearly visit to Germany to meet existing clients and possible new ones, the GMA were invited by the German Ship Owners, along with six other EU flags, to a two-day seminar during Easter week. This allowed, Mr Speaker, the GMA to make two major presentations and, more importantly, Mr Speaker, meet many ship owners and operators on a face-to-face basis.

The visit, Mr Speaker, is pursuant to this Government's policy philosophy of establishing continuous personal contacts to attract investment to and in Gibraltar, and although it is still early days, several new German companies have transferred new, much larger ships, to the GMA. The schedule over the next 12 months, Mr Speaker, indicates up to 35 new ships, totalling over 700,000 gross tonnes will be registered with the GMA.

The latter, Mr Speaker – barely little time of being in office – represents a 30% increase in the size of the fleet and many of these ships are larger units of over 50,000 gross tonnes. Already a schedule of changes of flag is arranged, stretching into 2013. This has meant much more work for the GMA, Mr Speaker, as inevitably all new business that comes to Gibraltar will entail. But to facilitate this schedule, and to improve the service to the clients, and also a first, a surveyor has been stationed in Hamburg; another surveyor is now in Hong Kong, who already undertake work on behalf of the GMA.

Mr Speaker, it is also to be noted that the Seafarers' section issued nearly 2,000 Endorsements to Officers serving on Gibraltar-registered ships. This is an important aspect of maintaining the safety and maritime protection standards expected on board the ships of the fleet. The Provisional Endorsements, which are issued on line, is normally completed within 24 hours. The stated service standard for the full term Endorsement is two to three weeks but it is usually completed, Mr Speaker, within eight days for online applications, which is an additional service introduced just a few months ago, Mr Speaker, and has been very welcomed by our customers worldwide.

Further still, Mr Speaker, the Gibraltar Yacht Registry is now an integral part of the GMA and during the year the number of yachts on the register has continued to increase and the drive to enter the Mega Yacht market has continued, but this is, at the moment, a difficult market to gain an initial toe-hold. Discussions with other interested parties were held during the year and in this connection, I had great pleasure in opening the first Gibraltar Yacht Seminar in Ocean Village. At the seminar, the GMA issued an open invitation to all parties interested in the area of the maritime world to a meeting, to take place this month, to discuss how best to market Gibraltar.

In this respect, Mr Speaker, and to further facilitate and improve the services of the Gibraltar Yacht Registry, I promulgated two Legal Notices: numbers 30 and 41 of this year. The first of these, Mr Speaker – the Location of the Office of the Registrar of Pleasure Yachts – formally recorded the move of the GYR into the GMA premises. The second – the Gibraltar Merchant Shipping (Pleasure Yachts) Regulations – provides that the Marine Administrator may impose conditions for registration on pleasure yachts of 24 metres or over intended to be used for charter. This amendment, Mr Speaker, enables the registration now in Gibraltar of the commonly called super-yachts for the first time.

The House will also have taken due note of the Budget measures announced by the Hon. the Chief Minister yesterday, to stimulate the use of 'super-yacht' vessels by reclassifying these and therefore not

1375 subjecting them to any import duty; and reducing import duty on vessels under 18 metres of length from 12% to 6%.

Mr Speaker, following on from my responsibilities for the Port and the Gibraltar Maritime Administration, it makes sense to discuss the cruising industry, as a port related and maritime operation.

1380 **Hon. Chief Minister:** Mr Speaker, if I may, with the leave of the House, ask the Minister to pause there, so that we might adjourn, for those of us who wish to attend the tribute in the Supreme Court, until 12.30 – I think that is convenient.

1385 **Mr Speaker:** Is that convenient to hon. Members? This House will adjourn until 12.30.

The House adjourned at 11.47 a.m. and resumed its sitting at 12.30 p.m.

1390 **Appropriation Act 2012**
Debate continued

Hon. N F Costa: Mr Speaker, with your permission, I will continue with the cruise industry.

1395 Mr Speaker, the entire House no doubt appreciates the indisputable importance of the cruising industry to the economy of Gibraltar. Everyone will agree, Mr Speaker, of the vitally critical economic activity generated by cruise lines and cruise passengers disembarking at Gibraltar's port. The relevance of cruising, Mr Speaker, is not simply limited to the direct expenditure in retail, as important as that is, but also to the other services that Gibraltar operators can offer, such as bunkers and the whole gamut of chandlery and other maritime services.

1400 It is against this backdrop, Mr Speaker, that we find that, in 2011, Gibraltar received 186 calls, in comparison to the 238 calls in 2009 and 174 calls in 2010, with 303,759 passengers. This year, Mr Speaker, the figure is anticipated to dip again slightly from 2011, with 177 calls currently booked, with an anticipated drop in passenger figures to approximately 305,000. It is against these facts, Mr Speaker, that this House and the whole of Gibraltar have had to endure to date the hard faced comments by the Hon.
1405 Mr Bossino that we are to follow the so-called 'success story' of the GSD' on tourism.

Mr Speaker, one really has to have, for the reasons that I will now further illustrate, *la cara dura* – and there really is no English equivalent to this fantastic Spanish expression – to have done nothing to recover the position in the drop in calls from 2009 and yet pretend that things are on the up and up and, to top the hypocrisy, thanks to them.

1410 Mr Speaker, let me elucidate, mainly for the benefit of the hon. Gentleman opposite and his contributions in this House, that the figure of cruise calls for 2012 has gone up by seven from what we inherited in December 2011, as a result of this Government's philosophy of pursuing personal contacts and structuring continuous and fluid communication with the decision makers in the cruise industry.

1415 Mr Speaker, you would think that sirens and alarm bells would have gone off in my predecessor's office, when cruise calls went down in 2010 from 2009 by no less than 64 calls, Mr Speaker, 64 calls and the response from the GSD Administration at the time was to do nothing, other than to continue to spend tens of thousands of pounds on a stand, once a year, that the figures clearly showed actually translated in a loss of business to Gibraltar. We were led to believe, Mr Speaker, that Gibraltar had never been better! It is indeed a testament to the wisdom of Gibraltarians that they knew that it was time *not* 'to keep trusting', (A Member: Hear, hear.) to borrow yet another of the most politically misconceived slogans in Gibraltar's modern political history. Is that not, Mr Speaker, the 'big lie' that the Leader of the Opposition referred to?

1425 Political considerations aside, Mr Speaker, and when we look at the reality and the facts of cruising, we must consider the infrastructure currently and presently enjoyed in Gibraltar which is, firstly, the Western Arm, which, the House is aware, is a major entry point for visitors to Gibraltar. Including crew – not just passengers – an estimated half a million people arrived last year by cruise ship. In the 16 years of its operation, following a decision by the last GSLP Administration to convert a warehouse into the Cruise Terminal, the facility has successfully handled over 2.5 million passengers.

1430 As the House is aware, Mr Speaker, and as a result of the initiative of the Government, the derelict Ice Box Building has now been demolished and remedial re-surfacing works are currently underway, while the whole area is being spruced up, including tiling of an important area where visitors regularly frequent. Further, Mr Speaker, the Government is considering a number of infrastructural options on how best to develop our cruising facilities.

1435 And indeed, Mr Speaker, in following what I am sure now the Leader of the Opposition would agree was an unfortunate attack to take in talking about the 'big lie', one is forced to wonder why, if cruise passenger arrivals are so much higher than visitors by air, the previous Government did not strategise on

how to maximise the potential for cruises, rather than spend 74 million euros – and rising – on an unnecessarily extravagant and politically driven, air terminal.

1440 As the House knows Mr Speaker, in March I visited for two days, prior to what is known as a Seatrade Cruise Convention. Meetings were held with executives of Royal Caribbean, Azamara Club Cruises, Prestige Cruise Holdings – which owns both Regent Seven Seas Cruises and Oceania Cruises, and Silversea Cruises. I also met Giora Israel, the Senior Vice President, Global Port Development, for Carnival Corporation, which owns 10 cruise lines, including P&O, Costa, Cunard and Holland American Line.

1445 And of course, Mr Speaker, the purpose of all of these meetings is precisely that: to establish the personal line of communication between the Gibraltar Government and the Gibraltar Tourist Board and the senior executives whose companies account for the greater part of our cruise business. So the House is aware, Mr Speaker, in 2013, vessels owned by Carnival Corporation alone – the Senior Vice President of which I met – will account for 45% of the anticipated total of calls here and 55% of the expected number of passengers. I was able to brief Carnival, Mr Speaker, on the Government's policies in respect of tourism and the port, as well as on other matters of mutual interest. It therefore gives me great personal satisfaction to note, Mr Speaker, in this House, that we will shortly be receiving Mr Israel to Gibraltar to progress further various cruise-related issues. It should be noted, Mr Speaker, that the visit of Mr Israel is even more importing when one considers the international backdrop and in particular, the social unrest in a number of Mediterranean countries, including Greece and Syria, which has dampened the demand for cruises in the region by North Americans and therefore highlighting the need to have this personal contact with persons that decide where their ships call.

1455 In addition to this, Mr Speaker, the Government will now endeavour to hold quarterly meetings with cruise lines in the UK. Unlike the previous Administration, who clearly did not undertake the efforts to establish personal contacts, the Government has instigated contacts with all major cruise lines in the UK. The initiative will hopefully remedy the significant decrease in calls Gibraltar suffered since 2009, very much to the detriment of our Main Street traders and tourism operators in general. The first of these quarterly meetings, Mr Speaker, was held last week in the United Kingdom. I met with eight of the major cruise line directors and port and itinerary managers, with a view to continue the new Government's marketing drive to attract new cruise business to Gibraltar and to establish closer working relationships with senior cruise line management.

1460 It is important to note, Mr Speaker, that these cruise lines all cater to the British market, which is the largest source market for cruise passengers in Europe, with 1.7 million residents purchasing cruises in 2011, which is almost a 5% increase over 2010.

1470 During the course of these meetings, senior management and senior itinerary planning and shore excursion decision makers provided their feedback on Gibraltar. Gibraltar, of course, can use such feedback to its benefit in developing the services and the facilities provided to cruise ships and their passengers. The Government firmly believes that one-to-one meetings with representatives of the industry are the most effective way, Mr Speaker, in which to increase awareness about the products and services Gibraltar has to offer. It is also, Mr Speaker, the best way to advise these top executives of all pertinent tourism and port issues that will affect their decision as to whether or not to call to Gibraltar.

1475 It is clear to us, Mr Speaker, having visited both Miami and the UK, that the drop in calls to Gibraltar are directly due to the complete absence and lack in the past of communication between the Government and the cruise lines.

1480 Mr Speaker, in the light of all that I have said so far, there really cannot be any other reasonable, credible, more cogent explanation, given that calls to Gibraltar have reduced dramatically at a time when Europeans are booking more cruises than ever. In 2011, Mr Speaker, there was an increase in 9% of European residents booking cruises and yet a drop in calls to Gibraltar. The fact, Mr Speaker, that Gibraltar will see the return of the French Pullmantur product, as well as four newly scheduled calls from Azamara the same year we held meetings, is a testament to what personal contacts will achieve.

1485 Another major discussion point with the cruise lines was that of introducing Gibraltar as a possible turnaround port in the future. Incentive packages in this regard were also discussed in major detail. Due to the business relationships we have developed, Gibraltar will now be increasingly used in cruise line publications and catalogues. This will also put Gibraltar in the limelight of cruise passengers.

1490 Amongst all of this, Mr Speaker, one cannot escape the reality that spending by cruise lines on fuel has increased by 157% in the last six years alone. Throughout all of our discussions, therefore, it was made absolutely clear to us by senior executives that the cost of fuel is, and will continue to be, at the heart of the decision-making processes in respect of itineraries. Due to Gibraltar's strategic geographical location and the efficient and competitively priced bunkering services, we are strategically well placed in this respect.

1495 As I have also mentioned in the past, Mr Speaker, these one-to-one meetings are an essential first step in establishing the contacts so that Gibraltar is fresh in the minds of the senior executives. These first meetings mean nothing without follow-ups and therefore, Mr Speaker, we now have institutional

structures that meet regularly to make sure that the various discussion points that are mooted during our meetings are, in fact, followed up regularly.

Mr Speaker, inextricably linked to my duties in the port and cruising is of course tourism.

In this financial year, Mr Speaker, Gibraltar House will continue to be an important part of the Gibraltar Tourist Board's marketing activities. This is because, Mr Speaker, the UK is Gibraltar's principal source market, so most of the marketing and advertising activity will be co-ordinated with Gibraltar House.

It will include attendance at selective major travel industry events, as well as Gibraltar-specific trade and consumer roadshows. The roadshows are organised primarily in cities that are close to the airports that operate flights to Gibraltar. Our plan for this year includes events in north-west England and the Midlands.

In order to increase capacity on existing air routes, we should also look into organised activities in the Heathrow, Gatwick and Luton catchment areas.

One of the Government's initiatives for increasing visitor numbers is the setting-up of events that will attract niche-markets to Gibraltar, Mr Speaker. Gibraltar House is working with the Gibraltar Tourist Board on various projects and we expect to make at least one important announcement during the next few months.

This year, Gibraltar House will continue its active presence on social media through the Gibraltar Tourist Board's Facebook page and Twitter feeds. The number of followers on both media continues to grow. These include industry professionals from travel agencies and tour operators who follow Gibraltar for updates on events in Gibraltar and product improvements. The social media activities will complement the new platforms that we are currently developing and to which I will make reference later in this speech.

This year, Mr Speaker, we will continue with our product briefings for travel agents. This has proved to be a worthwhile initiative, at which our UK sales manager visits travel agencies to train their sales staff on Gibraltar as a holiday destination. The close co-operation between the Gibraltar Tourist Board in Gibraltar and Gibraltar House will continue, through a series of weekly meetings, so as to ensure that the momentum of our marketing campaign and our new initiatives is not lost.

Mr Speaker, on becoming Minister for Tourism, professionals in every single operator with whom I have met, without one single exception, have noted to me their disappointment with the lack of understanding of the previous Administration in relation to this vital economic activity. This is not me saying so, Mr Speaker, but professionals of tourism and these comments are recorded for posterity in the minutes of meetings, some of which – I must deliciously confess, having gladly commented to the hon. Gentleman opposite – in reply to an answer to one of his questions. It is in relation to tourism, Mr Speaker that the hon. Gentleman opposite has made some of his most remarkable statements which I shall refer to shortly.

It is in order, Mr Speaker, that the Gibraltar public can separate the previous Administration's words, and to copy the hon. Lady's statements about 'grand statements' and 'spin', let me tell the Gentleman and the Lady opposite what 'spin' truly is, certainly in relation to the areas of tourism, because this Budget will immediately show the importance that we as a Government attach to tourism, and the lack of importance, despite the grand statements that the hon. Lady referred to previously, showed in their lack of investment in Tourism.

The Government, Mr Speaker, will begin, with this Budget, real and much needed investment in the product and in the first instance to the existing visitor attractions. These sites will, in the short-term, be refurbished to bring desperately crucial and long overdue improvements and will be followed by a longer-term policy to create a truly memorable visitor experience, Mr Speaker, because the aim of the long-term plan has to be that when a visitor visits Gibraltar, be it a leisure visitor, or a business tourist, that they will want to come to Gibraltar again. It is not good enough to simply feed people into Gibraltar, spend money here and then go. We want to recapture people and want people to come back. That is where the long-term policy of this Government is going, Mr Speaker.

As the House knows, the Government is engaged in an intense consultation process with the industry, through the GTB, to make important changes to what should be one of the most important revenue generators to our economy. Government, Mr Speaker, would like to see greater investment and participation of the private sector in the development of tourism. It is in order to encourage our private operators to invest in their own product with confidence and to show them that this Government wants to fully realise and unlock the potential of our tourism sector, that this Government will initiate that much-needed investment programme on the tourist sites and the visitor attractions, which will represent in one Budget a quantitative and qualitative leap in investment.

Mr Speaker, the substantial figure of £1 million has been allocated in this financial year alone for this task. This allocation, Mr Speaker, is more than the previous Government allocated in total in the last five financial years. I say 'allocated', because even though it was allocated, it was not necessarily spent, so if we went on money actually spent, it was even less.

The allocated funds are scheduled to be spent this financial year Mr Speaker, on various projects which will include the provision, firstly, of absolutely needed new toilets at various locations, the refurbishment of existing facilities, improvements to St Michael's Cave and the Great Siege Tunnels and other works.

1565 As a Government, Mr Speaker, we have identified improvements we would like to carry out within the financial year. We are already involved in receiving feedback from current stakeholders and we will be inviting representations from the general public, as I have asked them today, and in particular, from the Tourism Advisory Council, on which projects should be prioritised. The Government would ideally like to issue tender notices for these projects to be issued in the next six to eight weeks, to make sure that we start work straight away, Mr Speaker.

1570 The Government will invest on some infrastructure works at the beaches for the next season. What we will not do, Mr Speaker, is to spend almost a million pounds of taxpayers' money in replenishment of sand at beaches without structures that prevent the sand from disappearing a few months later! It is only in the fanciful world of the GSD, Mr Speaker, that an Administration just before Election time, decides 'Well, let's throw away money', with an absolute cavalier disregard to taxpayers' money and how hard it is to earn, patently for electoral considerations, without an iota of forward planning – yes, an absence of forward planning because Mr Speaker, you do not need to have a GCSE or a rudimentary understanding of engineering that if you need to replenish sand on a beach, it is because the wave action is taking it away, so you had better make really sure that there are structures in place, so that the sand is not washed away.

1580 But no, Mr Speaker, £900,000 later, sand in, sand out. Thank you, GSD – Gibraltar has never been better! *(Laughter)*

1585 Mr Speaker, in any case, this year the GTB embarked on a full programme of works to the beaches, as I outlined in the last Question Time of this House, with the additional innovations. Examples of such innovations include weekly cleaning of all beaches from 1st February; laying of walkways at all beaches from mid-May; the purchase of new lifeguard boats; and the employment of senior lifeguards.

1590 Further, Mr Speaker, it does give me great pleasure to announce in this House that the Government has focused on restoring a full complement to the GTB and has restructured the team to enhance the responsive approach of the Board in attracting visitors to Gibraltar. The Government has restructured the management team to offer an effective and timely implementation of Government policies and business opportunities.

1595 This brings me, Mr Speaker, to the importance of effectively marketing Gibraltar in a cost-effective manner and one where we measure the success or otherwise of the strategy by results and not by fancy spinned articles or fancy words.

1600 Mr Speaker, with the GTB, the Government has set out to create personal relationships with key decision makers in the tourism industry. This framework ensures that these individuals are always fully aware of the opportunities available to them and their companies or organisations in Gibraltar. In this way, the Government actively seeks inward investment in the tourism industry and gives the sector the importance it deserves.

1605 And, as the House will know, the GTB is engaged in developing a new interactive web platform that will work more effectively in marketing Gibraltar in a modern, vibrant and dynamic way – the full details of which, Mr Speaker, will be announced within this calendar year.

1610 Undoubtedly, the internet has changed the way in which tourism destinations sell and promote their products. The Government will improve and enhance the online tools available to promote Gibraltar and use this channel to keep the tourism industry abreast of all that is happening. In furtherance of employing new marketing tools, the Government will introduce Wi-Fi hotspots at the most important locations visited by tourists. These will enable the independent visitor and indeed all others, to download applications that are available about Gibraltar and to browse the internet for information.

1615 Further, two applications on Gibraltar have recently been launched which are very useful tools for the independent visitor to use when planning a visit to Gibraltar and as a guide when they are here. These are private sector initiatives, Mr Speaker, which we very much welcome and my Ministry is encouraging and which the GTB is providing advice on content.

1620 Pursuant to our manifesto commitment of marketing in an intelligent, targeted and cost-effective manner, the Government will review the levels of attendance at trade fairs and exhibitions and will decide whether or not to continue to participate in some of these events and, if so, which ones. Even if we do attend conferences, though, Mr Speaker, our participation must be much more focused and results driven. By creating activities and opportunities for the industry partners and visitors to the exhibitions, we will make these events work harder for Gibraltar. This year, Mr Speaker, will be the first time I attend the World Travel Market and like with the Miami Cruise Convention, we will investigate to determine whether such an event does offer value for money. It is essential that more focus is given to driving niche market tourism and developing the products and services for this sector.

Gibraltar's history, heritage and natural assets are an advantage when trying to place the Rock among its competitors in this market. Event-led tourism, Mr Speaker, is becoming more important with tourists now looking for reasons for which to travel to a destination. The Chess Festival in Gibraltar is a perfect example and the Government will work to attract similar events to Gibraltar.

In co-operation with my colleagues at the Ministry of Culture, the Government has already set up events such as what can undoubtedly be described, Mr Speaker, as the excellent Gibraltar Jazz Festival and we work hard to promote this and other events, which we hope will become annual events targeted during seasons where hotel occupancy is low.

The GTB, in co-operation with the tourism industry partners, will actively pursue the meetings and incentive market. Mr Speaker, Gibraltar currently has facilities and services for the small to medium-sized meeting and conference market and we will explore more opportunities in this field. With a range of unique products, the Rock can also place itself firmly in the incentive travel sector.

And it is, Mr Speaker, in a bid to open up tourism markets, that the Government has set up a visa waiver scheme that will enable Gibraltar based tour operators to offer day trip excursions to non-EU nationals, commencing with Russian and Chinese tourists, as part of an organised tour. The Gibraltar based tour operators will have to adhere to certain conditions set out by the Borders and Coastguard Agency, which will ensure the repatriation of any visitors, if this becomes necessary.

I turn now, Mr Speaker, to the airlines. As we have seen recently, the airline industry has had its share of turmoil, in what is, in any case, Mr Speaker, an inherently and habitually changeable industry. These changes have affected Gibraltar. We have seen easyJet take a commercial decision to discontinue services from Liverpool to Gibraltar and the cessation of services by bmibaby from East Midlands Airport, due to the takeover of the parent company.

Mr Speaker, at this juncture, I find that I must pause to make a special reference to my hon. Friend, Mr Bossino's statements in respect of BMI services. The House will recall – I certainly do, as does the public – that Mr Bossino saw fit to issue a press statement to say that the bmibaby service was and I quote: 'secured by the GSD Government'.

The Hon. Mr Bossino goes on to describe this as and I quote:

'an unprecedented success story of the aviation industry under the previous administration.'

Mr Bossino issued this statement, Mr Speaker, after I had expressly told him in this House that the Government had never said, nor would it ever say, that we had secured the bmibaby service, because it would be – and I quote myself – 'a patent falsehood'.

The hon. Gentleman further says that the GSD caused this jamboree of extra flights, notwithstanding the incontrovertible reality that for the majority of the time under the GSD, there were, in fact, less air links to and from Gibraltar than there had been in 1996.

Mr Speaker, why let facts and figures get in the way of transparently self-serving statements?

The press release is even more unfortunate for the hon. Gentleman opposite, given that the Hon. Mr Bossino clearly forgot the costly fiascos of the GSD, to include the Regional Air Lines flight to Casablanca and, more recently, Andalus Airlines. The press statement, Mr Speaker, is further spectacularly unmeritorious in disingenuously attempting to justify the expenditure of 74 million euros – and rising – by the addition of bmibaby. Mr Speaker, one would be moved to laughter at the callow, baseless and politically self-serving statements, if it were not quite so serious that a Government project should overrun by 50 million euros and rising.

In any case, Mr Speaker, the Hon. Mr Bossino says all of this on Tuesday, 10th April and on Friday, 13th April – very unlucky for some, Mr Speaker – the press reports the takeover of bmibaby, a story, Mr Speaker, that all of us who kept quite a close eye on this company unfortunately knew may well happen. This made the statements by the Hon. Mr Bossino even more surprising.

You would think that, even if he did not know then, at that point, Mr Speaker, Mr Bossino would cease the pointless vindication that it was the GSD that clinched the deal with BMI. No, Mr Speaker, because let's remember that no-one here had said that we had brought bmibaby, but he still felt that a second press statement had to be issued, to repeat exactly the same things. And, of course, Mr Speaker, shortly following the second statement to vindicate what had already been said in the first, it is unfortunate that Gibraltar and the world finds out that bmibaby ceases operation to Gibraltar.

Mr Speaker, you could not make these things up!

If I were to adopt the hollow and entirely opportunistic statements of the hon. Gentleman opposite, I would now accuse the administration of not having done their due diligence properly, of not seeking air connectivity with another airlines – but of course, Mr Speaker, I, as politically responsible, will not make those statements and will allow the hon. Gentleman opposite to continue to play party politics, whilst we work very hard for the people of Gibraltar. (**Several Members:** Hear hear!) (*Applause*) After all, Mr Speaker, who am I to submit the hon. Gentleman opposite into sanity and common sense?

Indeed, Mr Speaker, I am delighted to report that it is directly as a result of our hands-on, working round the clock philosophy that we were not only able to secure that services from the north-west of the UK have been sustained by Monarch Airlines, boosting capacity from Manchester, in the shortest period of time, Mr Speaker, but that connections from the Midlands will not be lost, as today, Mr Speaker, I can today confirm that Monarch Airlines will operate from this region as announced, as from next summer, and we expect the airline to make a statement on this shortly.

Services from Heathrow, Gatwick and Luton continue all year round providing capacity to the south-east of the United Kingdom. We continue, Mr Speaker, at every possible meeting, to push for increased capacity on routes from the UK and for more regional services from the UK, and I am confident that these will materialise.

We are also pursuing the possibility of connections from other destinations in Europe. Airline planning, I am told, Mr Speaker, happens several seasons in advance – notwithstanding what I have just said that this Government was able to actually obtain additional services in record time – and decisions and announcements on the start of new routes do take some time to come forward.

Among other initiatives this Government has taken is the setting up of inter-ministerial meetings to promote a co-ordinated approach to heritage, culture, tourism and environmental matters, including the Upper Rock. The Government attaches a high level of importance to these matters, which it believes are inextricably linked. This is part of the Government's manifesto commitment to conduct certain important projects through inter-ministerial committees.

Also, Mr Speaker, I have set up an expanded Tourism Advisory Council. The Council has now met on two occasions this year, on 11th April and 31st May, and will also be meeting again this month. By far, Mr Speaker, the most consistent theme in respect of feedback from the Council has been the need to stop talking about it and to actually really invest in Gibraltar's tourism product and the sites, and embrace on-line marketing tools. It is because, Mr Speaker, that we do actually listen and action what our professionals and the people on the ground tell us, that we have done precisely that in this, our first Budget.

Mr Speaker, I now turn to another of my Ministerial responsibilities, which is Commercial Affairs.

In line with yet another manifesto commitment, I have been appointed as Minister with responsibility for small businesses. The first order of business, Mr Speaker, was therefore to establish effective communication with businesses to encourage entrepreneurship. To nurture this, Mr Speaker, a Small Business Board that I chair has been set up and, like the Tourism Advisory Council, we meet regularly. It has been set, Mr Speaker, to help and foster development and continually review the needs of small businesses. But much more important focus than that, Mr Speaker, is the opportunity for the Small Business Board to actually make recommendations that I can then put to the Government for the Cabinet to consider and report back to them, so that main street traders and people with a vested interest in business can actually have a direct door to Government.

In addition to this, Mr Speaker, a Business Support Unit has been set up within my Ministry and the aim of the Unit is to offer help and advice to businesses that have either relocated to Gibraltar or have already set up in Gibraltar but require nurturing. The unit is currently being resourced and should be operating in the very near future.

Further, Mr Speaker, it is clear now that a complete review and overhaul is necessary and is currently underway in respect of consumer related legislation. This is in response to calls from both the Chamber of Commerce and the Gibraltar Federation of Small Businesses (GFSB), that current legislation, in particular the Trade Licensing Act, should be reviewed. It is my intention, once this review is completed, Mr Speaker and subject to the recommendations received, to establish an Office of Fair Trading that will encompass the existing consumer protection. The aim is to protect consumers from traders which are unscrupulous and it is anticipated that the legislative framework will be ready to be presented to Parliament within one calendar year.

In the interim, whilst this review is underway, computerisation of the procedures of the Trade Licensing Authority will commence shortly. It is the intention to make the whole process more user-friendly.

Further, Mr Speaker; I am delighted to announce in this House that a Bill is now ready to provide for two additional members of the Trade Licensing Authority, whilst the review is undertaken, to be appointed after consulting the Gibraltar Federation of Small Businesses. This, Mr Speaker, corrects a historical discrepancy and rightly recognises the rightful place of the GFSB as a vital umbrella organisation for small and medium-sized enterprises.

I now turn, Mr Speaker, to another responsibility which affects all of us, which is transport. Indeed, Mr Speaker, I am happy to note that the Government continues to meet its manifesto commitments in the transport sector, very much it would appear, to the utter dismay of the Hon. Mr Figueras, given yesterday's Budget contribution.

Within weeks, Mr Speaker – and I am delighted to be able to tell the Hon. Mr Bossino this – a route was put in place to take passengers from Market Place to Both Worlds. This was to meet the self-evident

1745 demand of a sector of our community, those that live in the area and especially the elderly resident of Both Worlds, who did not have adequate public transport and had been neglected by the previous Administration. This is not to mention, Mr Speaker, the fact that it was also the GSD that removed parking for residents.

1750 You see, Mr Speaker, how we can justifiably highlight the shortcomings of the previous Administration and show that we govern at the same time. How we can criticise and govern simultaneously? I know that the Hon. Mr Bossino, will take particular delight when I tell him that the route has been operating now very successfully, since we instituted it two weeks after being elected.

1755 But Mr Speaker, in what has become the hon. Gentleman's opposite characteristic political opportunism, he issues no less than two press releases to criticise the start of the bus route – all of this, Mr Speaker, whilst there were letters from residents of Both Worlds – long-suffering residents of Both Worlds – without transport to their place of residence, writing letters to the press thanking the Government for correcting the unfair situation created by the GSD.

1760 Mr Speaker, even the former Director of the Gibraltar Bus Company, in an extensive interview to the Panorama acknowledges the benefit of the route! Never in the modern history of Gibraltar has a newly elected MP been mentioned in so many letters, in such a short space of time for its position on a question of policy.

1765 Another manifesto commitment that has also been met is the revision of the 'club card' system that had been established by the previous Administration. As from 1st May of this year, Mr Speaker, bus transport has been free, on routes 1 to 4, only for residents of Gibraltar and those holding Gibraltar ID cards and other approved identification documents. These include of course, MoD personnel posted in Gibraltar and their registered dependants.

1770 And much, it did appear at the time, to the chagrin of the Hon. Mr Bossino – but then, Mr Speaker, we are used in this side of the House to the Hon. Mr Bossino complain about everything; he has to say something at Question Time! – cross-frontier workers will also be entitled to free bus travel on production of proof that they have a valid contract of employment and that they are up to date with their taxes. As previously noted, Mr Speaker, this system has the beauty of ensuring compliance with the employment laws and that taxes and social insurance are paid.

1775 Like the truly responsive Government that we are, Mr Speaker, the Government constantly monitors the routes that are operated and facilities provided, to ensure that they meet the demands of the bus users. Only recently, a new request bus stop has been introduced at the junction of Prince Edward's Road with Castle Road and Flat Bastion Road to service the Upper Town. In addition, and after listening to the concerns of the neighbours, a bus shelter has been scheduled to be erected at the top of Tank Ramp.

1780 Further, Mr Speaker, as the House will know, the large buses that are operated by the Gibraltar Bus Company are now around nine years old and are powered by old technology engines that are not as efficient as those being produced now. In fact, the cost of maintaining these buses is now running at approximately £30,000 per month and has cost the taxpayer, since 2005, around £1.5 million. The spending of continually repairing the old bus fleet, Mr Speaker, is clearly unsustainable and the Government is committed to reducing the running costs of the Company as much as possible, without of course affecting the valuable service to the community that the Company currently provides.

1785 It is a damning indictment, Mr Speaker that the Gibraltar Bus Company Limited should have cost the taxpayer approximately £2.3 million in one year alone – not 'headlines', Mr Speaker as the Hon. the Leader of the Opposition said in a GBC call-in, but actual and dreadful accounting facts.

1790 The Government is committed to replacing the bus fleet – I am sure that the Hon. Mr Figueras will now be delighted, because he mentioned it yesterday – with environmentally friendly buses that will reduce emissions and are more in line with *our* environmental policies, Mr Speaker. In this respect, I am delighted to announce – once again, to Mr Figueras – that the Government has today issued a tender for the bus fleet replacement. I am sure he will now pore and read the wonderful things that are stated therein, Mr Speaker.

1795 But I will tell him now anyway: as part of its sustainable development and Euro 2020 objectives, we are inviting tenders for the supply of midi-sized eco-friendly buses. The successful tenderer will be responsible for the delivery of 18 to 20 eco-friendly buses. Very importantly, Mr Speaker, the successful tenderer will also be responsible for the training of the staff at the Gibraltar Bus Company Limited and any other staff associated with the operation and maintenance of the buses and would further be expected, crucially, given the figures I have just announced, provide an after-sales supply of spares for repairs, maintenance, and servicing of the vehicles.

1800 The Government is seeking to procure high quality, competitively priced, low carbon emitting vehicles capable of journeying the existing and any future routes, except for those routes serviced by the mini-sized buses servicing the upper town area, whilst complying with all relevant Gibraltar and EU laws governing traffic and transport issues.

1805 Mr Speaker, our commitments in transport do not stop there. I will carry on for the benefit of Mr Figueras.

I am also delighted to announce today, changes to the current routes operated by the Gibraltar Bus Company, all of this in seven months, Mr Speaker, and he thought we had done very little. This has been done in consultation with the public and taking into account the many complaints and representations that have been received, the new routes have been designed in an effort to improve the service that is currently being offered and to meet the complaints received.

I must further point out, Mr Speaker, that the new routes are not set in stone. We will constantly be monitoring them and if the public have any comments, they can, as they have done over the last seven months, either come to meet me personally or write to me by e-mail.

In the first place, Mr Speaker, I can announce that negotiations have been successfully concluded with the other company that operates Route No. 5, the frontier route, to introduce free bus travel for pensioners on this route. This meets, Mr Speaker, another manifesto commitment.

On enabling this private operator at this juncture to exclusively service Route No. 5, the Gibraltar Bus Company Ltd has been able to redeploy the buses currently used in that route to improve the service, but in addition, Calypso Transport Limited has agreed to carry all pensioners that are resident in Gibraltar free of charge. It is envisaged that free bus travel for resident old age pensioners in the route will commence on 1st August of this year.

The improvements to which I refer, Mr Speaker, will see an additional bus used on Route 2 to increase the passenger carrying capacity of this route. Route 4 will have its frequency increased by the addition of two extra buses to operate the route. This will mean that although the frequency will still be 20 minutes, the extra buses will provide greater passenger carrying capacity.

Further, Routes 3 and 4 have been revised to offer a more efficient and effective service that should address the concerns by residents of the South District travelling into town and to the hospital. It is also the intention to further improve Route 7, the Mount Alvernia route, by increasing the length of its route and frequency. This is a longer-term project, Mr Speaker, that I am discussing with my hon. Friend the Minister for Social Services and Equality, Miss Sacramento.

All the changes that I have mentioned, Mr Speaker, have already been approved by the Transport Commission and the necessary administrative procedures are currently being carried out to give effect. It is intended that all of these new changes will come into effect by the end of August at the very latest.

Now, of course, the public will be informed of all the changes through the media as usual.

In addition Mr Speaker – there is more for the Hon. Mr Figueras – the Government is also working to introduce a bus tracking system and a pilot scheme is currently working in a test environment. This is a web-based system that will enable users, via their computers, to see the bus routes and the location of any bus on a route on a real-time basis.

Mr Speaker, moving on from buses to taxis, a lot has been said, especially during this Election campaign, about the service of taxi drivers and the need to ensure a fully serviced city service. I am therefore glad to advise this House, Mr Speaker, they are more than just words or threats by the Hon. the Leader of the Opposition in the last General Election campaign; I am in fact meeting regularly and working with the Gibraltar Taxi Association to improve the service available to the community as a whole.

With this in mind, Mr Speaker, the Government is assisting the GTA with the replacement of its current infrastructure, including taxi meters. The new system will include GPS technology incorporated into the taxi meter which will enable the nearest taxi to be dispatched after a telephone request. This will ensure that response times are shorter and the service maximised and improved.

The GTA, Mr Speaker, is firmly committed with the Government, to improve the city service that is being provided to ensure that we have a public transport service that the whole of Gibraltar can be proud of. Plans are being finalised to deploy Transport Inspectors, and the role of the Transport Inspector, Mr Speaker, will be to ensure that all public transport operators, buses, taxis, coaches, all of them deliver a service that is up to standard and meets the expectations of the general public. The officers will be appointed under the Transport Act and will have, amongst other powers, the ability to issue on-the-spot fines to public transport operators who do not comply with the law.

I now turn, Mr Speaker, to one of those ‘vision things’ that had, and still have, the habit of going so horribly wrong under the GSD and at which the Hon. Mr Figueras will metaphorically ‘tap dance’ – the GibiBikes.

Mr Speaker, whereas I had finished the Budget address earlier this week and I was quite happy with it, after hearing the startling remarks of the hon. Gentleman opposite, I had just to go back to the office and re-write this part of my speech! It just appears Mr Speaker, the hon. Gentleman either did not hear what I told him in answer to a question, or did listen to me but decided to ignore everything that I told him.

But given that he seems to have forgotten what I told him, or had heard what I said and ignored it anyway, and given that he raised the issue again in public, let me remind him what happens, what are the perilous consequences when you use capital money and you rush a project purely and exclusively for electoral purposes – because if the hon. Gentleman opposite is telling me that a programme that starts on

27th November 2011, a few days before the General Election, is not a political gimmick, Mr Speaker, then nothing is! (**Several Members:** Hear, hear!) (*Applause*)

Let me also remind him now, so that he knows that this Government actually cares once money is spent, how we continue to use it. Let me remind him what I told him in answer to Question 352 of this year. At that date, there were five stations down, damaged locks, sparsity of bikes at peak hours; stations out of action and other problems. Stations at City Hall; Orange Bastion; Europort, having to be restarted manually several times during the day because they were breaking down. At the Frontier, of a potential 45 locks available to clients, only 12. Bike availability, from a maximum of 130, 18 are locked, 31 have their anti-tilt tags broken and there are no spares to repair them; 12 require spares to make them roadworthy; 22 are in reserve, but these may have problems with their anti-tilt mechanisms, which leaves 47 bikes available to our client-base of 419.

It seems pretty rushed and desperate to me, Mr Speaker, and this so ballyhooed ‘paradigm shift’, trumpeted by the Hon. Mr Figueras in respect of transport – *à la* GSD, Mr Speaker – can only translate into ‘money is no object, stupid; there’s an Election! Let’s just throw money at the problem.’

Mr Speaker, if the Hon. Mr Figueras were politically honest, and he is telling us that his Government gave importance to transport, then an urban bike renewal scheme would have been phased through a first, second, third or fourth term of office, not a few days before the Election is called. So let him not talk to us, Mr Speaker, of paradigm shifts, when it is this Government that has an environmental filter and has been shown in all policy announcements made today, Mr Speaker.

Therefore, Mr Speaker, by any objective standard, the Government is clearly prioritising investment in the right places – in the Port; in the GMA; in Tourism; in Public Transport and Commercial Affairs – that will maximise the creation opportunities for Gibraltar. Not only that, Mr Speaker, but from the outset, all Members of this Government have been accessible to everyone – to all who have sought to meet with us. Within weeks, we have demolished, Mr Speaker, whether they believe it or not, the veils of secrecy of Government and opened our Parliamentary and Government processes.

The Hon. Mr Figueras clearly does not remember that when I was a Member of the Opposition, I only had maybe two or three chances to question the Government, where he has had *many* opportunities, month after month, only after seven months of Government by this Administration, Mr Speaker.

Moreover, it gives me great pleasure to say that over the last seven months, I have been able to rely on the friendship, the advice and the support, Mr Speaker, of every single one of my Ministerial colleagues and I very much look forward to continue to work together for the benefit of our community.

No longer, Mr Speaker, do Gibraltarians have to endure the consequences of an overly centralised system of Government, where one man kept an iron grip on all projects that Government had to deliver.

I take this opportunity Mr Speaker to thank the staff of the Gibraltar Parliament for their kind attention and their patience.

I take this opportunity, Mr Speaker, to note and to thank you personally for your own conscientious rigour and also patience, in presiding over our sometimes quite heated and tumultuous debates in this House and publicly record, Mr Speaker, my own personal opinion of the unfailing fairness reflected in all of your rulings. I, for one Mr Speaker, learnt a lot on reading your various statements from the Chair, in *Hansard*, in preparation for my various Budget addresses.

I also wish to thank all of my officials in my different areas of responsibility, in my Private Office, the GTB, the GPA, the GMA, the Department of Transport and the officials in the Bus Company, for their tireless hard work and dedication and for enduring my not infrequent requests at all hours with such good cheer and sheer determination to achieve the Government’s goals. It is entirely true to say, Mr Speaker, that it would be impossible to have done so much in so little time without their unflinching support, hard work and determination.

(*Applause*)

Hon. Chief Minister: Mr Speaker, after that political and literary *tour de force*, it is my pleasure to move that the House do now adjourn to 3.30 this afternoon.

Mr Speaker: Is that convenient to all the hon. Members?
This House will adjourn until 3.30 p.m. this afternoon.

The House adjourned at 1.21 p.m. and resumed its sitting at 3.30 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON/EVENING SESSION: 3.30 p.m. – 8.45 p.m.

Gibraltar, Tuesday, 10th July 2012

The Gibraltar Parliament

The Parliament met at 3.30 p.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Order of the Day

Appropriation Act 2012
Debate continued

Clerk: Budget speeches continue.

Mr Speaker: The Hon. the Minister for Enterprise, Training and Employment.

5 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, at the top of
the agenda of my Department is the reduction in the current levels of unemployment amongst
Gibraltarians and other Gibraltar residents – unemployment which is much, much higher than we had
been led to believe, and which for the past 15 years, previous GSD Ministers for Employment and the
Chief Minister of the time claimed did not exist.

10 Before I explain what has been achieved in the first six months from December 2011 to May 2012,
and what I hope will be achievable in the rest of the current financial year, I need to remind the House
and the public of the arguments used by the previous Government to defend the deliberate encouragement

of the influx of ever increasing numbers of frontier workers virtually every year from 1996 until the 2011 Budget. In that Budget, there was an apparent huge U-turn in policy. The policy of welcoming frontier workers, which had featured for 15 years in the Budgets from 1996 to 2011, was abandoned. A U-turn that I welcomed, the announcement that cleaning companies and building firms with Government contracts were to be required to engage Gibraltarians and other residents, instead of frontier workers, in order to fulfil their Government contracts – this was something that was being introduced for the first time. Previously we had been told: (a) that it could not be done; and (b) that it was not needed because there was no unemployment or because those that were unemployed did not want to accept that type of work.

I reminded the Chief Minister then of how his requirement that Government cleaning companies should remove frontier workers from Government offices and replace them with local, which I supported and continue to give effect to, would have been considered by him before 2011 to be a ‘pseudo-nationalistic and racist policy of the worst kind’ to use his own words. I said last year that it was good news that the Government *finally* was doing something to require construction companies that get public contracts to provide employment opportunities to Gibraltarians and other residents, but reminded the House that the statistics of the last 15 years showed a declining Gibraltarian participation in the industry and that instead of acting to address the issue, the GSD response had been to accuse me of manipulating the statistics.

So let us look at the statistics.

Mr Speaker, the Employment Survey Report 2011, which I have tabled at this meeting, on page 7, Table 24, shows the number of frontier workers identified by their employers as at October 2011. This figure is 7,589 compared to 6,329 in 2010, and if the previous Government is to be believed, the real figure is probably higher. The figure at 7,589 is 1,260 higher than a year earlier in October 2010. In one single year, the increase in frontier workers at 1,260 exceeds the whole increase that took place from the time the frontier opened until the May 1996 Election. That 11-year increase, by comparison, was a total of 1,048.

This influx of frontier workers last year was *after* the Government had announced the policy of priority for Gibraltarians and other residents in the 2011 Budget. The U-turn that I had welcomed in fact was no such U-turn at all, but simply paying lip service to putting local residents first because it was an Election year and the results of who was getting the jobs would only be known after the Elections.

In the same year that the massive increase took place, we saw an increase in the number of resident workers on the dole, and in those excluded from the unemployment figures by increasing the waiting list for a place on the £400-a-month, so-called Vocational Training Schemes and by the extra numbers joining the schemes in the run-up to the Elections.

Let me say, Mr Speaker, that the increasing reliance on an inflow of frontier workers is not a recent phenomenon brought about by the 2011 pre-Election construction boom. On the contrary, it started the moment the GSD came in, in 1996. By April 1996, as I have shown, the total build-up over 11 years of open frontier was 1,048 frontier workers. By October 1996, it had grown to 1,153, an extra 105 in six months. By April 1997 to 1,242, a further increase of 89 – a total of 194 in the first year of the GSD, followed by relentless year-to-year increases culminating in the all-time record of 1,260 extra frontier workers in the last year of the GSD.

That process is now ended. In future, we shall see no further increases in frontier workers, unless and until we have exhausted all our own resident supply of jobseekers. This is not what has happened under the GSD.

In their first year from May 1996 to April 1997, the total number of jobs in the economy was up by 20. The number of frontier workers in employment increased by 194 and the Gibraltarians in employment fell by 118. So in the very first year, Gibraltarians lost jobs and frontier workers gained them – a story repeated almost every year and denied almost every year, though the figures speak for themselves.

The total number of jobs at over 22,000 is not the same as the total number of persons in employment. This, as I mentioned last year, was especially relevant in the case of persons engaged by Community Care Limited as Community Officers. I pointed out last year that the numbers in this category was of the order of 700. The effect of including them as employees was to inflate the number of Gibraltarians in employment, since those concerned, according to the charity, were not employees, were not paid for work done, and an Industrial Tribunal accepted this position. The survey questionnaire therefore no longer includes these persons as part-time employees.

For the record, since the GSD has previously argued that their treatment in the past has always been the same, I want to remind the House that when originally included they consisted of people from the unemployed register, who had exhausted their 13-week Unemployment Benefit, were over 60 years old and were engaged on the National Minimum Wage by the charity and required to be available to do up to 80 hours of community service a month and that they totalled some 50 individuals.

The system introduced a few years ago altered the Community Officer position allowing him to hold a full-time job in addition to his role in the charity, which meant that the individuals were already included

75 in the number of full-time employees and therefore counted twice. In looking at whether we are providing job opportunities for our own people, it is to the level of full-time jobs that we should look.

Although in 2011 the number of full-time jobs increased by 1,679, a mere 77 jobs were taken up by Gibraltarians, compared to the 927 filled by Spanish nationals at a time when the locals registered with the ETB as unemployed was higher than in earlier years.

80 Indeed, the four-year record of the last administration from 2007 to 2011 is even worse. A total of 2,383 extra full-time jobs, of which 1,048 were filled by Spanish nationals whilst the number of Gibraltarians in employment actually fell below the level of 2007. There were less Gibraltarians in full-time employment in 2011 than in 2007 and 1,548 more Spanish nationals. So much for the success of the last term of office of the GSD.

85 Given that Gibraltarians in full-time employment in April 1996 was 8,164, what we have is a 15-year period when full-time jobs grew by 7,749, out of which a mere 380 went to Gibraltarians. Three hundred and eighty in 15 years, Mr Speaker, an average of 25 jobs a year for our own people out of an average of 560 jobs a year.

90 I anticipate, Mr Speaker, that full-time employment in the economy will, from now on, provide jobs for Gibraltarians and other residents and that the Employment Surveys will reflect this situation at an ever increasing level. (**Several Members:** Hear, hear.) (*Applause*)

This influx, encouraged and welcomed by the GSD Government, has not just taken over large areas of the private sector, but also in the public sector we have seen its effects. The most obvious area to tackle to reverse this trend in the immediate future is the construction industry. It is one area in which we have to provide employment opportunities for our people.

95 In the Budget of 2010, the Government said there were more Gibraltarians in employment in this industry than in 1996, whilst at the same time saying that there was a Gibraltarian psychosis that a construction industry job was not one where Gibraltarians would want to work. Not true. Neither of these statements made in 2010 were true, Mr Speaker.

100 The position in 2011 compared to 1996 is as follows. In May 1996, there were 758 construction workers out of a total workforce of 1,461. In 2011, Gibraltarians in the sector had dropped to 687, even though the number of jobs has risen to 3,276. The ratio of Gibraltarians in our construction industry in 1996 was 61%, compared to 11% Spanish nationals, and in 2011 the proportions were reversed, with 21% of jobs filled by Gibraltarians against 51% by Spanish nationals.

105 I have no doubt that in the next three-and-a-half years the position will change dramatically and I expect to be able to report on the progress in this respect in next year's Budget.

110 In a year when the Government provided almost all the work for the construction sector and told Parliament it was making such contracts, subject to using local labour, the figures shows that the truth was the very opposite of what we were told. Our people on the dole and our money flowing out of our economy. That is what was happening in the construction industry in 2011. The very opposite of what we were told in the Budget.

115 I can tell Members opposite that the policy that they announced, but failed to carry out, is being implemented now. (**A Member:** Hear, hear.) I have no doubt that this year's survey in October 2012 will show record numbers of Gibraltarians in the industry giving the lie to the previous excuse that locals did not want to be construction workers. Indeed, if the Government believed this to be the case, why spend millions over 15 years running a Construction Training Centre to give youngsters construction skills qualifications which, according to them, qualified Gibraltarians for jobs that they did not want to do?

120 The reality is that there are very few of those who have graduated from the Construction Training Centre in the 15 years who have got jobs in the industry today. An exercise carried out by the ETB staff last December to identify the current occupation of graduates of the Construction Training Centre found that there was only one individual in private sector employment in the trade that he had learned after 15 years. So is this evidence of people refusing to take such jobs? I do not accept that this is the case.

125 As I have told this House in the past, the complaints I have had whilst in Opposition was that our lads on the building sites were treated as a minority as if they were the outsiders. This disgraceful state of affairs, rather than being a matter for concern when I raised it here, to the GSD was a matter of pride. The then Chief Minister, in 2009, boasted that there were 946 Spanish nationals employed in the construction sector alone and that the Government was delighted to be providing increasing numbers of frontier workers from the Spanish hinterland with job opportunities.

130 Indeed, he was so proud of this that he even went so far as to say that the actual numbers were much higher than the officially recorded 3,341 for 2009, as if knowing there was illegal unregistered labour from across the border and doing nothing about it was something to be proud of. But I am not surprised that that is how the Government felt about unregistered labour, as I will explain later on.

135 The former Minister for Employment, poor chap, was singing from a different hymn sheet and telling us that he was encouraging employers in the industry to increase their local labour and not rely on cross-border workers. I warned him last year of the risk he was taking in wanting to reduce the number of

frontier workers that was the source of such delight to the former Chief Minister, who by all accounts did not have many other things that delighted him.

Little did I know, Mr Speaker, how prophetic my warning was, and later in the year he paid the price and was deselected as a candidate. Maybe his keenness to return to the ETB and work for me as my civil servant is because he knows that I am doing what he would have liked to do, but was not allowed.

Mr Speaker, another aspect of this influx of frontier workers is the effect on the Social Security Fund. Spanish frontier workers, or at least those who profess to speak on their behalf, seem to think that they are paying much more in than they get back. This is not the case as there is a recurrent deficit in the fund of £10 million, which grows every year.

The Social Security Fund as it stands is not viable. I have raised this issue many times from the Opposition benches. The hundreds of workers who pass through our economy and contribute to the Fund whilst here will one day become pensioners and create a future liability for Gibraltar *greater* than the one feared by the GSD Government as a result of the Civil Service Final Salary Pension Scheme.

I regret it has not been possible to move on this issue, so as to limit the liability at least and ensure that it does not continue to grow into the future. There is a manifesto commitment to act on this and I am still hopeful that it will be possible to bring in the new arrangements during this financial year.

There has, however, been progress on a number of other areas which are my responsibility and which we are committed to. The commitment on employment of putting residents first is well underway and producing results with the main area targeted to date being the construction sector.

The minimum wage is being increased in line with inflation and this will be done annually. The effect of this increase will impact on the pay of those currently engaged by the Employment Training Company as a result of the implementation of the Future Job Strategy as from the 1st February, as provided in the manifesto.

The Graduate Research and Development Company will also reflect this increase, as will the dedicated Supported Employment Company which starts this month and provides indefinite contracts of employment for those previously on fixed contracts with the Employment Training Company, as I stated in answer to a question in a previous meeting.

The Disability Allowance will go up with inflation this month and the intention is that Social Security Pensions and the Minimum Income Guarantee level will also go up every year in line with inflation in the second quarter of the financial year.

On the Industrial Tribunal front, the commitment to restore the discretion of the Tribunals to provide a basic award higher than £2,200, as used to be the case since 1992, has now been implemented. The intended reform of the Tribunal machinery to speed up the process has regrettably not yet taken place, but it is my intention to make sure it takes place in this financial year.

The bullying at work legislation and the protection for whistleblowing has already been announced and will also therefore be in place this year.

The commitment on Workers' Day additional public holiday and the restoration of 1st May as Labour Day is already in place.

The action on illegal labour is ongoing. Labour Inspectors are continuing to investigate all cases of suspected illegal labour and also conduct random inspections. One early issue that I discovered in this context was the failure on the part of many Government Departments and other bodies to comply with the law in respect of registering vacancies, terms of engagements, or notices of termination. It seems that under the previous Government, this was not considered important and Departments have for years been acting as if the law did not apply to them. This is quite extraordinary considering that it was the GSD Government who brought in on-the-spot heavy fines against employers for such failures, which of course means that employees are illegally employed if the Employment Services does not have a record of them.

The requirement of the law is now being enforced, especially in the public sector, and many Departments have been fined as a result. Such fines will come out of their budget and Controlling Officers need to be aware of their responsibility to hold managers to account.

It may seem irrelevant since the money comes out from one area of the Government to another, but I believe it is important that the Government sets an example in complying with the law if it is attaching so much importance that it imposes hefty fines on private employers who fail to comply.

The other element that was rife in both the public and private sector was an established practice, which the GSD Ministers apparently condoned, of so-called 'passing through' of vacancies. As much as 90% of the vacancies registered with the Employment Service did not exist, particularly in the area of frontier workers and all those jobs had been filled before the vacancy was notified. The vacancies were then posted on the board and many jobseekers had the frustrating experience of being sent to employers where the jobs were non-existent because they had already been filled.

This had a number of negative effects, as well as being illegal. It meant unemployed persons lost all confidence in the system and in the people manning the Employment Service and stopped turning up to seek employment through the Service, and that Employment officials were not able to do their jobs properly and help resident workers into work.

Action was taken early on to curb this practice, which has been considerably reduced, but not yet eliminated. To this end, the Department is committed to ensuring that the requirements of the law are fully complied with by both the public and the private sectors. Employment registration procedures are being looked at in line with the commitment to produce a one-stop shop and the idea is that registration and notification requirements should be done electronically so as to reduce the delays to the business community and so that there is no excuse for failure to comply.

As regards the Future Job Strategy, as I have mentioned in the past in answers to questions, the take-up in the first five months was five partnership agreements, even though it was strictly speaking not required in the first 30 days. By the end of April, this had increased to 29 and by June there are some 100 employer partnership agreements covering 120 employees. There are still some 80 odd VTS placements from before December 2011 with the private sector, which are waiting redeployment to areas of training linked to employment.

Clearly, I would have liked to have achieved much more, but I am grateful to those 100-plus employers who support the new system and call on others in the private sector to come forward and follow their example. There is still a long way to go, Mr Speaker, but I expect the numbers to grow steadily during this year. The provision in the Estimates for the three Government companies funded under this head of expenditure is £12 million.

In providing funds from the proceeds of import duty to the registered charity Community Care Limited, the provision in the Estimates shows a slight increase – I believe it is from £16 million to £16.7 million. This is on the premise that Community Care will continue with its existing structure as it has been until now. As was mentioned by the Chief Minister in his opening remarks, the commitment is to increase funding substantially, but before we proceed down this route, we are open to the alternative the previous Government has been claiming to have had in the pipeline since 2009. We have not had sight of any such system being prepared or in any pipeline ready to implement either before or after the General Election. We therefore call on the Opposition to produce the option they have before committing further public funds to the present system.

This request caused the Leader of the Opposition much amusement in the opening of this meeting. I hope it is an indication that he intends to put his proposals in writing, though it is difficult to see how any such proposals can be implemented without seeing the light of day.

The need to ensure a local supply of future job applicants is linked to my responsibilities for training and inward investment. Having identified initially the construction sector as an area where the resident workforce is in a minority, we are now engaged in a limited exercise for assessing the skills pattern of the existing industry and the age, nationality and residence breakdown.

This will be supplemented next year, when the 2012 Census results become available, and it will provide a skills audit of the resident population because new questions are being included this year to produce that information. This will be used in order to plan the future skills mix for this industry and at the same time we are looking at ways of increasing the availability of construction skills training to cater for much higher numbers than in the past.

The first six months of my Department has been concentrated on ensuring that employers give priority to resident workers in respect of the existing demand for labour. There has been an improvement with the ratio of resident labour on the increase, but more needs to be done to reduce unemployment levels. As we progress on this, the next stage this year in the process will therefore be a greater emphasis on training and more time and resources directed to attracting new activities and job creation.

Finally, I will just add in response the point raised by the Hon. Mr Reyes, that the person that he identified as having been selected to be the CEO of the Agency was selected a couple of months before the Elections, apparently because he had been involved in setting the Agency up in the negotiations with the Chief Minister. After the Election, the Agency analysed the cost structure that it had inherited and decided that the cost of this post increased the overheads and that it was an expense that could be avoided, and in the public interest to do so. Therefore the individual was offered, and has accepted, returning to his previous position as Deputy Manager of the Construction Training Centre on his previous pay and conditions.

I cannot see what the hon. Member opposite thinks there is wrong in the Government doing that. I would have thought it was perfectly legitimate. If they decided to promote somebody two months before an Election, for us to question whether the job is needed and if we come to the conclusion that it is not, that we keep him in employment doing what he was doing for the whole of his life in the Government until two months before the Election.

(Applause)

Mr Speaker: The Hon. Daniel Feetham.

Hon. D A Feetham: Mr Speaker, I have the honour of having Shadow responsibilities for the Civil Service, the Public Sector as a whole, Political, Democratic and Civic Reform, Financial Services, Gaming, Justice and Employment.

Mr Speaker, the Government has only been in office for seven months and we have been careful during that time to allow the Government enough time to develop their own policies for continued success in areas that are extremely important to Gibraltar and that have already enjoyed considerable success during our tenure in office, areas such as financial services and gaming. In financial services, for example, I note from Minister Licudi's speech to the accounting fraternity, and indeed, to this House yesterday, that their policy is very much a continuation of our own policy, and that is very welcome indeed.

It is this party that successfully repositioned the Finance Centre as a compliant, reputable and white listed 'onshore' European Finance Centre, with sustained quality growth and development, and a commitment to the high standards of regulation, probity and safe practice established over the last decade needs to continue. In addition, what we believe the Government needs to do is not only to continue to develop existing business areas, such as insurance, funds and private client work, but to identify new ones.

As a person who practises in the area and co-drafted the Collective Investment (Experienced Investor) Regulations in 2005, and indeed had set up about 40% of EIFs before I became a Government Minister in 2007, I welcome the recent amendments to those Regulations and we need to continue to legislate for changing needs of existing business areas.

But we also need to identify new products and service areas, identify, pursue and develop links with new country, but safe markets, consider and pursue Double Taxation Agreements where these are deemed desirable, and ensure that relevant Government Departments properly and effectively support the Finance Centre and interact with it in a timely and efficient manner.

In this regard, we also welcome the introduction of QROPS legislation, which I say, without trying to be partisan, was drafted by the GSD when in Government and which could not have been implemented in Gibraltar without the conclusion of successful negotiations with the UK Treasury by my hon. and learned Friend, the Leader of the Opposition. Above all, we need to continue to listen to the professionals whose knowledge of their business and the markets in which they operate or want to operate is all important.

Mr Speaker, it is still early days, but if the Government does all that then the Opposition will be supportive of it. I am encouraged by what I heard yesterday by the Hon. the Minister for Financial Services, which amounts, in my respectful view, to an acceptance that we should not try and fix what is not broken and it is very much a continuation of the very successful formula that we applied when we were in Government.

Mr Speaker, turning to gaming: gaming is a very important sector of our economy. It employs around 2,200 people. From the Estimates we can see that gaming tax and gaming licences alone bring the Government £12 million in revenue. When added to receipts from PAYE, £16 million, and corporate tax relating to the sector, £18 million, the figure is well in excess of £40 million.

Those receipts of revenue help fund capital projects, investment in our health, caring and social services. They allow the Government to reduce the burden of taxation for thousands of families, which we believe must be the aim of every government. It is also a sector that has a positive knock-on effect on other sectors of the economy: the housing sector, leisure, retail, office, cleaning services and indirectly on employment in these areas.

It is symptomatic of the dire economic situation facing the European nation states today that the United Kingdom, which has thus far championed free trade and has no tradition of state monopolies in the gaming area, should seek to jump on the money-grab bandwagon by proposing to tax bets placed by residents of the United Kingdom with gaming companies outside it. The Opposition will, of course, be supportive of any efforts by the Government to meet this challenge. If it is consulted, or our help is sought, the Opposition will park party politics and provide any help that it can; if we are not, we wish the Government every success in meeting this challenge. It is after all their watch and they are entitled to seek their own counsel. It is not, of course, the first time that Gibraltar or a Gibraltar Government and the industry have faced substantial challenges in this sector.

In 2000, Gordon Brown abolished betting duty. It saw the return to the UK of some operators; but within a few years those same operators had returned to Gibraltar. In 2005, the sector faced a substantial challenge from the US. The then Government, under the stewardship of my hon. and learned Friend, the Leader of the Opposition, worked very hard to ensure that the local industry thrived and developed.

By being responsive to industry needs, flexible, discerning of who we allowed in, emphasising quality over quantity, and underpinned by high regulatory standards, the sector went from strength to strength and we ended up attracting the remaining large UK operators to this jurisdiction. Today, Gibraltar is recognised as the leading jurisdiction in this area for blue-chip gaming operators. We hope that the current Government can continue with that success under their own stewardship.

The Government, Mr Speaker, should do nothing at the moment that may tip the balance in favour of those companies leaving Gibraltar. I have recently been critical of the Government in the way it has handled the fishing dispute and its potential knock-on effect on boardroom decisions as to whether to stay or leave Gibraltar. Even if the UK goes ahead with its decision to tax bets at the point of consumption, the cost and the hassle of relocation back to the United Kingdom and the other advantages in the sector militate against any kind of significant exodus from Gibraltar; but these may be very finely balanced decisions indeed. We do not need ill-advised announcements on Facebook which plunge Gibraltar into an unnecessary crisis, which the Government then attempts to solve by allowing those same fishermen to fish with nets anyway. The gaming industry, Mr Speaker, and Gibraltar does not need it.

Mr Speaker, that is all I intended to say on the fishing dispute in this Budget speech, because despite exchanges across the floor of this House, we have tried to give them the space necessary in order to take Gibraltar out of the current crisis; but I am afraid that it is impossible for me not to refer to the statements made yesterday by the Hon. the Minister for the Environment.

Mr Speaker, of all the speeches delivered yesterday, his speech was the best advert and the best proof of the recurrent criticism on this side of the House during this Budget session that the Government is still in Opposition mode. It took the Minister a full 50 minutes, *50 minutes* before he moved on from talking about the GSD Government to talking about what his Ministries were going to do for Gibraltar during the next four years. But it was his irresponsible criticism that it was the 1999 Fishing Agreement that triggered off Spain listing British Gibraltar territorial waters as a Site of Community Importance (SCI) over a decade later that raised eyebrows on this side of the House.

Mr Speaker, he may be new to this House, but he is certainly adapting well to the type of cynical political manipulation which the party opposite made its political trademark over the last decade. *(Applause)* The reality is that there is no link whatsoever between the 1999 Fishing Agreement – that did nothing more than return the enforcement of the Nature Protection Act to the way it had been enforced from 1991 to 1996 when his erstwhile leader, Joe Bossano, was Chief Minister of Gibraltar and Spain's listing of part of British Gibraltar territorial waters as an SCI. But, Mr Speaker, if anyone has triggered anything, it is the hon. Member with his ill-advised comments on Facebook.

The Government was elected on 8th December 2011. There were no problems with the way in which the Nature Protection Act was being enforced by the RGP until Mr Cortes, in answer to a complaint made by someone on Facebook that nothing appeared to have changed since the Government got elected, announced, and I quote:

'The Government does NOT support the 1999 Agreement and has given a direction to this effect to the RGP. I have already taken this up.'

So much, Mr Speaker, for Government giving no directions to the RGP in the way the Nature Protection Act is enforced. It is that announcement without careful thought that triggered the current crisis, converting it from a fishing issue to an issue concerning British Gibraltar territorial waters. Despite its seriousness, it reminds me, Mr Speaker, of the immortal words of Hardy to Laurel in the TV films Laurel and Hardy: 'Well, here's another fine mess you've gotten me into.' *(Laughter)*

Mr Speaker, we accept that the Government has every right not to follow the policy of *our* Government and to replace the 1999 Agreement with something else. I conceded in this House, and so has my hon. Friend, the Leader of the Opposition, that there is more than one way to skin a cat. If the Government had made an early statement in this Parliament carefully setting out its strategy, I believe the issue would have been handled in a different way and the Opposition would have been able to provide its own input and hopefully support any action planned by the Government.

During Parliamentary questions, the Chief Minister sought to palm off Minister Cortes' comments as not being an 'announcement' and that the Government did not need to make an 'announcement' because everyone concerned should have read the GSLP manifesto. This is an incredible statement to make when, with virtually every single Government press release, the Government announces the completion of yet another Government manifesto commitment.

Only this morning, the Hon. the Minister for Culture gleefully in this House said that they were now serving up at Casemates bigger and better calentitas, and that was another manifesto commitment. *(Laughter and interjection)* Well, Mr Speaker, most of these, when analysed carefully, do not amount to more than a row of beans, or a row of calentitas; but on the Fishing Agreement, which with a hostile newly elected PP Government in Spain was important for Gibraltar beyond any environmental concern, we should all have assumed that the manifesto commitment had been complied with, without any announcement either in Parliament or outside it.

Mr Speaker, everything that the Government is doing now, it could have done in December or January of this year. All the meetings with the fishermen, all the meetings with Mayors of the Campo, the experts, they could have held after making an early announcement in this House, which set a reasonable period of

time within which to reach an agreement. In the meantime, the Government could and should have retained the *status quo*.

The reality is that for all the bravado, there have been no arrests, no more reporting for process than in the past and we are now told that the Government is working towards a situation where the law is going to be changed for the Spanish fishermen to be able to fish with EU compliant nets. It now, rightly or wrongly – *rightly or wrongly* – looks as if the Government is changing the law (*Interjection*) because of pressure from Spain. That is the legacy of the Hon. the Minister for the Environment which he has left this community in his first seven months as a Minister and I simply do not understand how he, of all people, can talk of triggering an adverse situation for Gibraltar.

Mr Speaker, turning to Justice. Few can deny that we have made huge strides in the justice system over the last four years. (*Interjection*) The cornerstone of our policy was the construction of a new Prison and the construction of magnificent new Law Courts which have nothing to envy the best courthouses in the United Kingdom.

Mr Speaker, the New People, the mouthpiece of the party opposite, recently bemoaned the cost of the Law Courts, the apparent luxury in which members of staff now operate, and that we, the GSD, had gone ‘overboard’. It concluded by saying, and I quote:

‘The dignity and professionalism of our justice system is reflected by its work and by the judiciary, it does not need to be adorned by glitter.’

Well, Mr Speaker, when the President of the Courts recently, on the occasion of the visit of the Earl and Countess of Wessex, partly credited the magnificent Law Courts to, and I quote:

‘the vision of the current Minister for Justice...’

I half expected the Minister to raise his hand and say, ‘My lord, it is not my vision. We believe it is all terribly expensive and adorned with glitter.’ The reality is that the Law Courts are an investment for now and the future and will serve this community for the best part of a century; and yes, it was a ‘vision thing’ and we are very proud of it. (*Applause*)

Added to that, we also saw, during the last four years, a huge amount of legislative reform to modernise the way business is conducted in our courts, by the Police and by prosecutors, and in this regard we note the commitment announced yesterday of the Government to commence the Criminal Procedure and Evidence Act and the Crimes Act in October of this year.

Our Criminal Offences Act and our Criminal Procedure Act are woefully out of date and patently unfit for purpose. I quite understand that the Government may wish to make some amendments to the two new statutes, but that really does not justify the delay that we have seen and continue to see with the commencement of both Acts. The reality is that the real cause of the delay is the muddle that the Government got itself into in relation to the age of consent. Our criminal justice system is still paying the price for the party opposite wanting to be all things to all men; wanting to be progressive socialists on the one hand, and also Christian socialists, as the Chief Minister described themselves during the General Election, on the other; of wanting to appeal to the gay lobby and the evangelicals at the same time.

The reality, Mr Speaker, is that once the Supreme Court made its decision effectively lowering the age of consent to 16 for homosexuals on constitutional grounds, even those on this side of the House with reservations based on conscience accepted that decision and voted in favour of the Crimes Act. Once the Supreme Court made its decision, the issue ceased to be one of equalisation. The issue was whether it was justified to increase the age of consent, which had stood at 16 over 200 years, to 17 or 18. The Hon. the Minister for Justice made that concession yesterday during the course of his speech, but that is something that I have been reminding this House and saying, both inside this House and also outside this House, for the last two years.

In the most cynical, Mr Speaker, example of the hon. Members opposite wanting to be all things to all men, since their now infamous ‘yes, no, maybe, vote your conscience’ debacle on the new Constitution, they abstained on the Bill and delayed the commencement of the Act because they said that they wanted to consult. Let us be clear about it. What they wanted was not to offend anyone prior to a General Election – that is what they did not want to do. Anyone analysing the situation could have predicted the results announced by the Hon. the Minister for Justice yesterday that the Government would leave the age of consent where it is. The consultation exercise was nothing more than a smokescreen to justify the parties’ opposite cynical political ploy of not alienating anyone before the last General Election.

The result, Mr Speaker, is that we continue to have on our statute books today provisions referring to intercourse between idiots, imbeciles and defectives. (*Interjection*) We continue to have laws where rape can only be committed on a woman, where girls are afforded greater protection than boys, where an indecent assault on a boy is only two years maximum sentence, where an indecent assault on a girl under the age of 13 is five years, and over that age is two years, and where there is no offence of grooming or

proper offences governing abuses by carers in positions of duty in relation to children and the disabled. In this day and age, Mr Speaker, that shames our criminal justice system.

The hon. Members opposite are proud of their Apple Macs and their iPads and of continuously demonstrating how modern Government has suddenly become; but they should also know that in this modern day and age children need protection from predators on the internet. Grooming of children on the internet by predators is as much a reality as their iPads and Apple Macs and tweets and Facebook. It is that protection that parents want.

Under the Crimes Act, grooming is an offence punishable with a maximum of 10 years' imprisonment. So are offences by those in a position of authority or care in relation to vulnerable children or the disabled. The rape of any child is punishable with life imprisonment and rape can be committed in ways which are not catered for by our present legislation. The sexual assault of a child carries with it a maximum of 14, not two years as at present, and rape can be committed on any person of whatever gender.

By delaying the implementation of these Bills, or the Act I should say, because of the age of consent issue, we have risked allowing a paedophile who gets caught ending up with a wholly inadequate sentence. It may make a difference to a child or a family of an abused child; it may make a difference to others acting as a deterrent in the future. I have tried not to politicise this issue over the last seven months and I believe, Mr Speaker, that out of all of the Members opposite, if anyone can continue with our constructive legacy in this area, the Hon. Member, Mr Licudi, can. (*Interjection*) But, the way in which the party opposite has manipulated the age of consent issue, despite the potential consequences, is nothing short of shameful. (A Member: Hear, hear.)

Mr Speaker, we are also now at a stage where with all the improvements we have seen in the justice system since 2007, there can no longer be any more excuses for delays in criminal cases, or indeed civil cases. I know that significant inroads were made, and indeed continue to be made into the backlog of criminal cases. It would help if long committals became a thing of the past through the commencement of the Criminal Procedure and Evidence Act, but the delays being experienced by civil practitioners in the listing of quite simple applications is not justified, particularly after all the resources that have been ploughed and continue to be ploughed by the Government into the Court Service.

Applications should be listed within a reasonable time and I welcome the announcement made yesterday by the Minister in this respect, but cases should also be heard within a reasonable time. Telephone calls and messages should be answered within a reasonable period of time. I know from my own time as a Minister that there are very good people indeed within the Court Service, but I also know from a short few months in practice and from talking to practitioners, that there is very significant frustration by practitioners in these areas. (*Interjections*)

The Court Service has been in a state of flux over the last few years with so much going on. The Court building, however, Mr Speaker, has now been completed and it would be a terrible shame if we did not improve in these areas. I give the hon. Gentleman notice that after the first anniversary of election into Government later on this year, these issues will be issues that we will focus on at Question Time. By then there would have been sufficient bedding time, and in the words of the former President of the Courts on the occasion of the inauguration of the Supreme Court in March of last year, 'there cannot be any more excuses'.

The Hon. Minister can count on me for whatever assistance or confidential advice he may want from me (*Laughter*) in relation to any improvements in the system. Yesterday, Mr Speaker, he congratulated the Hon. the Chief Justice on being made a bencher in the United Kingdom. I associate myself entirely with the comments of the Hon. Minister.

I also take this opportunity, and hopefully those on that side will associate themselves with my own comments, to congratulate Sir Murray Stuart-Smith on his recent, well deserved award, by Her Majesty, for services rendered to the legal system here in Gibraltar.

Finally, on justice, in relation to Legal Aid, we simply do not agree with the recent legislative changes made by the Government which help a handful of defendants in one fraud case. The Hon. Minister for Justice conceded, in answer to a question I posed barely two months ago, that there were also non-fraud cases which are exceptionally difficult and complex. In the premises, the logic for extending the recent Legal Aid rules to exceptionally difficult and complex non-fraud cases is, in my respectful view, unanswerable. Why the Government has chosen to assist a handful of defendants in a fraud case, only they know, but it is certainly not the right and it is certainly not the fair thing for them to do. We urge the Government to therefore do the right thing and extend those rules.

Mr Speaker, I now turn to employment matters and I turn to employment matters with some trepidation. Every political criticism that I have made to the Hon. Minister for Employment has been met with a degree of personalisation that is quite irrelevant, Mr Speaker, to the debate, and in my view demeans this Parliament. Some of the points made against me are true; some of the points are not so true. It is certainly true that my father and the hon. Member go back a long, long way and that their joint achievements are rightly a source of pride for him, for my father, for the hon. Member and, indeed,

members of my family. I cannot remember ever wearing short pants, either when I was 10, or I hasten to add, at all (*Interjection by Hon. J J Bossano*) but I do concede that I used to follow the hon. Member and my father around absorbing everything he said. Given his feistiness at 73, he probably could take me in a *mano a mano* in the anteroom of this Chamber. I would rather, I have to say, take on George Foreman in the Rumble in the Jungle than take the hon. Gentleman on in a fisticuffs in the anteroom of this Parliament.

But, Mr Speaker, the Future Job Strategy is still fundamentally misconceived, both in its planning and also in its execution and it is definitely the biggest political U-turn in political history, and I will be implacable in saying so, despite the attempts by the hon. the Member opposite to personalise the debate, peppered with references to my family every time I make that very valid political point, either in this House or outside it. But I will do so, Mr Speaker, as the Chief Minister suggested during the opening of this Parliament, by playing the ball and not the man, and I will allow both the Chief Minister and also his erstwhile leader to play the man.

In their manifesto they promised, and I quote:

‘There will be from 1st February a new dedicated training strategy with a maximum of 3 years and a guaranteed full-time job on completion [...] covered by a contract of employment with a wholly owned Government company. These new arrangements are open to all registered unemployed persons, all vocational trainees, all school leavers and residents on casual and supply terms...’

It will be recalled that young people were encouraged to attend GSLP headquarters during the General Election to sign up to the scheme. Mr Speaker, both myself and also Elliot Phillips, the spokesman for the PDP at the time, spent an hour debating on public television with the Hon. the Minister – now the Minister for Justice, Mr Licudi – arguing how guaranteeing employment for 1,100 people in a Government-owned company was ruinous, radical in the Soviet sense, and impossible. That Members opposite were guaranteeing permanent employment in a Government-owned company was also the way the commitment was interpreted by many young people in Gibraltar, who gave notice to their employers in the private sector during the Election campaign, because the GSLP were going to employ them in the public sector.

It is simply not credible to say, as the Government suggested now, after they had bagged the votes of people, that they never guaranteed a job in the public sector in a Government-owned company and that the guarantee was limited to the private sector. It is one of the most cynical political manoeuvres I have seen performed *ever*.

We now find, Mr Speaker, that in reality, firstly, there is no new training scheme as suggested in the manifesto, just the same training schemes that were there before the Election, which my hon. Friend, Mr Montiel presided over when he was a Government Minister. In many cases no ‘dedicated training’ is being delivered at all and trainees are just collecting their £750, but nothing is done to prepare them for the future. Mr Speaker, it is not about paying people more; it is about training them for a job and for the future.

Secondly, no one is guaranteed a job in a Government-owned company after their training.

Thirdly, the private sector is expected to take on trainees and ‘guarantee’ them a job by signing a contract with the Government repaying the cost of training if they are not taken on permanently – an unattractive proposition for the majority of employers. If this had been made clear at Election time, Mr Speaker, people would have seen through the scheme.

Fourthly, only a selected very few unemployed have been allowed onto the Future Job Strategy Scheme – most of them, Mr Speaker, people who had already been trainees on 8th December and ceased to become trainees during the course of their tenure in office. The vast majority of the unemployed have not been allowed onto the scheme as promised in their manifesto.

Fifthly, even if the unemployed are allowed onto the scheme, it will be by invitation only, not by right, because there would be a need for an employer willing to train that individual and sign a contract that ‘guarantees’, and I use the term loosely, that individual with a full-time job at the end of his or her training.

Mr Speaker, increasing the pay of trainees is obviously popular and we welcome it, but it does not provide trainees with the long-term job security, it does not prepare them for the future and it is a big concern, certainly on this side of the House, that people may be expected to remain as ‘trainees’ on the minimum wage in perpetuity, or sacked if they cannot be placed in permanent jobs. In this regard, we note that only 11-month contracts are issued and we wait to see – *we wait to see* – how many people are provided with worthwhile jobs and where.

And to boot, the position of the Hon. the Minister for Employment continuously shifts on this issue, almost on a monthly basis. In January of this year, the hon. Member told me that despite the clear manifesto pledge, the unemployed would not be allowed onto the scheme until the summer. A month ago, he told me a few unemployed had been allowed onto the scheme. We are very happy, Mr Speaker, for

that very lucky minority. Whether they were chosen ‘*a dedo*’ – a term used by the Chief Minister on a number of occasions in this House – from those who signed up to the scheme at Election time at GSLP headquarters, or not, the reality is that they have not kept to their promise to the unemployed.

At a recent debate on ‘Viewpoint’, the hon. Member said that unemployment would be eradicated by the end of this year. We hope, Mr Speaker, that he succeeds in that enterprise for the sake of all those people on the unemployment list who were promised a job on the minimum wage in a Government-owned company at Election time.

The Future Job Strategy and the Public Service: what we will watch out for, Mr Speaker, is the dumbing down of the entrance requirement to the Public Service. One thing is guaranteeing trainees a job in a Government-owned company; quite another is to dumb down the entrance requirements to the public sector in order to save the hon. Member’s political bacon, because he has to place all these trainees whom he promised a job and guaranteed a job at Election time.

We note that the hon. Member said in answers to my questions that he personally believed that if you are good enough, you should be allowed into the Public Service, whatever the entrance requirements. When pushed on whether that was Government policy he said – oddly, as he is accountable only for Government policy – that that was his personal view, but would not be drawn on Government policy.

When I asked Mr Linares that very same question in respect of cadets who were placed in the Culture Department, he would not be drawn either, and just referred me to the answer provided by Minister Bossano – although I note that in an unguarded moment, the Minister for Culture did say that placing cadets within Government Departments was designed to give them, and I quote, ‘an edge’ when the time came for them to apply for those vacancies that arose within those Departments.

Mr Speaker, the entry requirements to the Public Service cannot be dumbed down in order to make up for an ill-conceived Future Job Strategy policy. It is also hugely unfair on the people who were not trainees on 8th December 2011 and will not be provided with a level playing field when they try to improve their situation in life.

Gibraltar, Mr Speaker, is a small place and there are already reports coming to us from concerned applicants in respect of four Information Officer posts recently advertised within the GDC. It appears 290 people applied for these vacancies, together with two other vacancies as Coach Park Attendant and in Accounts. Dozens of people were interviewed.

The information that we have from the dissatisfied is that the Board apparently selected four candidates and that the Minister for Employment has insisted that three cadets from the Future Job Strategy be employed on 11-month contracts instead, because all the successful candidates were already employed in the private sector. That cannot, Mr Speaker, be right, and we condemn it in the strongest possible terms. **(Several Members: Hear, hear.)**

Young people who are already employed should not be the victims of ‘undeliverable’ promises made by the Government at Election time in respect of the Future Job Strategy. They are also entitled to better themselves and seek opportunities for development and progression. These are not isolated examples, and it appears, despite denials from that side of the House, that there is a systematic attempt to ensure Future Job Strategy cadets get preferential access to the public sector at the expense of those already employed in the private sector. Mr Speaker, I know that there have been representations made to the Hon. the Chief Minister in this regard and I sincerely hope that the Hon. the Chief Minister gets to grips with this situation and reins in his colleague, the Hon. the Minister for Employment.

I turn to unemployment. Mr Speaker, during my hon. Friend, the Leader of the Opposition’s tenure as Chief Minister, the number of jobs in Gibraltar went up from 12,975 to 22,247, an increase 9,272 new jobs, or 71% and a record number of Gibraltarians in jobs. Mr Speaker, unemployment last year was less than 2% and the economy created 500 new jobs in the last financial year alone, that we were solely responsible for.

The Hon. the Minister for Employment has on a number of occasions stated that unemployment was not 421 last year – he has repeated it during the speech today – when we were in Government, but closer to 1,100 because the figure of 421 did not take into account VTS and other trainees or Community Service officers. Mr Speaker, this is a cynical manipulation of the concept of what constitutes an unemployed as one is likely to see. We disagree fundamentally with the notion that if someone is being trained, he is unemployed.

The definition of ‘unemployed’ is internationally agreed and recommended by the International Labour Organisation (ILO) an agency of the United Nations, and he should know, and I am sure that he knows, that people on Government-supported training schemes are counted as being employed for the purpose of the definition of ‘unemployed’.

Mr Speaker, in relation to Community Service officers, that he says we should have been regarding as unemployed, well, Mr Speaker, we are treating Community Service officers, or we treated Community Service officers as exactly the same, in exactly the same way as they treated it, or he treated it when he was Chief Minister for 8 years.

Mr Speaker, one of the best indicators of whether there are more or less people in employment today is by references to applications received for Unemployment Benefit in the first six months of this year. According to those figures published on the Government website, there were 435 applicants for Unemployment Benefit in those six months and 364 applications approved, compared to 359 applications received for the same period last year and 319 approved. There is therefore an increase in those applying for Unemployment Benefit of some 21% and an increase in those approved to receive Unemployment Benefit of 14% for the same period this year compared to last year. These cannot, of course, Mr Speaker, be Spanish workers, because they will apply and receive Unemployment Benefit on the other side of the border. These are people who are resident here in Gibraltar.

In addition, Mr Speaker, the unemployment figures have always been calculated in the same way and, as I pointed out recently to him in a 'Viewpoint' debate, during his eight years as Chief Minister the average yearly unemployment figure *never* went below 456 in 1995. In other words, the lowest average was 456 in 1995 when he was Chief Minister and the highest during those eight years was 789 in 1993. During the time that the Leader of the Opposition was Chief Minister, the lowest average was 313 in 2000 and the highest average was 483 in 1997, the year after he took over from the Minister for Employment as Chief Minister of Gibraltar.

Mr Speaker, the 421 unemployed that there were last year at Election time has to, of course, be measured in the context of a far larger economy and a far larger labour market. Four hundred and twenty-one unemployed last year is far more respectable than the figure of 483 in the last year when he was Chief Minister and presided over a far smaller labour market.

Mr Speaker, we have already expressed concern (*Interjection*) that within a month of being elected, well over 300 workers in the construction sector were made redundant, of which 45 were resident workers. This does not take into account redundancies in areas related to the construction sector. The Minister for Employment says this compares with other years. It is, however, obvious that we are seeing more people applying and receiving Unemployment Benefit.

We also continue to express concern in relation to the construction sector and the effect that the sudden freeze placed by the Government on construction work as soon as they got elected has had and continues to have on that sector and related sectors. That freeze could have been phased over a period of time and it is simply not good enough, Mr Speaker, for the Minister for Employment to say to me, in answers to questions, that the strong will survive and those that are not will not. It is not true to say, Mr Speaker, as he has said today during the course of his speech, that we had ignored the sector.

Mr Speaker, there were very worthwhile training schemes being undertaken by the construction sector and, as he well knows, all of those who completed those courses always found a job in the construction sector. Indeed, Mr Speaker, I can tell you from my own experience as Minister for Justice, that in the last year that we were in office, my Ministry alone managed to place 47 individuals within the construction sector using the Government's Construction Scheme.

Mr Speaker, I also need to go off-piste, off my speech, to answer some of the points that the Hon. the Minister for Employment made in relation to foreign labour. He said in his usual pseudo nationalistic and, in my view, misconceived discourse, the same discourse that he has pronounced for the last four years, that there were battalions of foreign workers that were coming into Gibraltar, displacing Gibraltarian workers from jobs that they could have had. Mr Speaker, any starting point for this debate, if we are to have a serious debate, has to be in the context that Gibraltar is part of the European Union, that we cannot prevent anybody from coming here to Gibraltar as long as they are nationals of the European Union and competing openly and fairly in the labour market. We cannot, in addition, prevent companies, if they so choose, from employing anyone they choose as long as they are EU nationals. But, Mr Speaker, even setting the debate into its proper context – [*Technical interference*]

Chief Minister (Hon. F R Picardo): Even the machines are tired of this, Mr Speaker! (*Laughter*)

*Due to technical difficulties, the House adjourned at 4.50 p.m.
and resumed its sitting at 4.55 p.m.*

Hon. D A Feetham: Yes, Mr Speaker, I was placing into its proper context the point made by the Employment Minister about battalions of foreign workers coming to Gibraltar and taking jobs from Gibraltarians.

Mr Speaker, but the reality is that, since 1996, the economy has provided or has created over 9,000 extra jobs. Well, Mr Speaker, there ain't 9,000 Gibraltarians and have never been 9,000 Gibraltarians unemployed in Gibraltar! The reality is that, if we have had an economy that has grown by over 300% during that period, that economic growth has actually been serviced, as was inevitable, by indeed a large element of foreign labour. Those 9,000 jobs needed to be, Mr Speaker, in our view, foreign labour because, of course, there were not enough Gibraltarians to actually service that economic growth. But, Mr Speaker, if one actually looks at the unemployment figures for that same period, the lowest that the

unemployment figures ever reached, when the Hon. the Minister for Employment, Mr Bossano, was Chief Minister, was 331 during the last two months of his term in office – that is the lowest that unemployment ever got to, the monthly unemployment figures.

The lowest monthly unemployment figures when the GSD were in office was in 2000 when the figure reached 280. In other words, unemployment figures have never fallen below 280 in Gibraltar in the history of when statistics were produced in Gibraltar showing unemployment figures. In that context, when you look at that figure of around 300, unemployment figures that have always existed in Gibraltar, and you then compare it to the unemployment figures last year, for example, of 421, the maximum that the Hon. Minister can actually criticise, or the extent of his criticism, is that there were 121 people that the foreign labour was taking jobs from Gibraltarians, because the reality is that there has always been in the economy a figure of around 300 unemployed, Mr Speaker.

But, Mr Speaker, it is very worrying indeed to hear the Hon. the Minister for Employment talk in the terms that he has spoken today during the course of his speech in relation to foreign labour. I know, as the hon. Lady to my left, and also the Hon. Mr Netto will say during the course of his speech later on, that there is an attempt at wholesale culling of Spanish labour from the public and private sector in Gibraltar. I include the private sector because we know that there have been employers that have been told, 'Either you replace your Spanish labour with Gibraltarian labour or you ain't getting any contracts from the Government.'

Mr Speaker, it is *in the current climate* foolhardy for the Government to allow and the Chief Minister to allow his Minister for Employment to undertake a policy of that nature, because it really is going to lead Gibraltar to more conflict with our neighbours in the future. I ask the Hon. the Chief Minister, Mr Speaker, to again rein in his Minister for Employment and to take control of a situation that could possibly get out of hand in the future.

Having said all that, Mr Speaker, I accept these are early days and I wish the Hon. the Minister for Employment all the luck in the world in wiping out unemployment in Gibraltar by the end of the year, as he said to me in a recent 'Viewpoint' programme, or indeed, by the end of his four-year term.

I turn to the Gibraltar Development Corporation. It is certainly true that the GSD Government's policy in respect of the GDC was that everyone would be offered the opportunity to be appointed to the Civil Service and that our preference would have been for everyone to sign the acceptance of that transfer sent to them in October 2011. Some did and some didn't. The ring-fence arrangements were intended to apply to GDC posts, or former GDC posts transferred to the Civil Service, *as a group*.

The GSLP Government decided to change these ring-fencing arrangements and narrow them down, so that those who remained in the Civil Service would only be able to apply for promotion within former GDC posts now transferred to the Civil Service and for those who decided to return to the GDC to be able to apply for promotions only within posts which were GDC posts. They gave employees six weeks within which to accept; less, if you take into account the fact that Minister Bossano explained the changes, not at the time of the Election but in a meeting in the John Mackintosh Hall weeks later.

Unite the Union at the time took the view that this amounted to a unilateral variation of these employees' contracts and asked for an extra two weeks. *Two weeks*, Mr Speaker, for its members to consider the proposal. That request for an extension was rejected by the Government, despite concerns expressed in correspondence to both the Chief Minister and the Deputy Chief Minister that employees were being forced to make a choice under duress.

Indeed, in the letter written on behalf of Unite, dated 27th January 2012, copied to the Chief Minister, the point was made and I quote:

'Many of these members feel that they have been bullied into making an abrupt decision and go forward in an atmosphere of uncertainty, distrust and fear.'

Mr Speaker, to make employees feel that way after barely a month in office must be some kind of record. The Government is entitled to change policy, but to give people a few weeks to make a decision as to whether to stay in the Civil Service or move to the GDC or *vice versa*, despite very real concerns that their terms were being unilaterally altered, is not reasonable. To allow employees to continue in an atmosphere of 'uncertainty, distrust and fear' is wholly unacceptable and irresponsible. It is surprising, to say the least, that the Chief Minister did not respond to that letter, despite agreeing with me at the last Question Time that any conduct that makes employees feel that way ought to be condemned in the strongest possible terms.

We note that the Chief Minister is to meet GDC employees and their representatives soon and we urge him to right the wrongs of the last few months. We need to grasp the bull by the horns on this issue. We cannot allow, or *he* cannot allow his Minister of Employment to do so. From answers to questions in this Parliament and his failure to attend Unite functions, or even functions organised by the Government and Unite together, such as the May Day Rally, it must be obvious to him that relations between his Minister for Employment and Unite are not what they should be. It is not normal for a Minister for Employment,

with responsibility for the GDC, to refuse to meet Unite or any union, whether he or the Chief Minister have responsibility for industrial relations.

Turning to Parliamentary reform: it will be recalled that the Hon. the Leader of the Opposition brought a motion last year for significant Parliamentary reform. The differences between this side of the House and the Members opposite was minimal. It centred mostly or almost entirely on the issue of backbenchers. We were in favour of backbenchers and the hon. Members opposite were against.

We repeat our position. We do not believe that there can be meaningful reform of the Parliamentary system of Government and Opposition without the creation of backbenchers on both sides of this House. The Government has advance notice that this is a critical issue for us, as it was last year when we debated the matter.

Mr Speaker, Mr Garcia, during his own contribution during his speech alluded – and I was not during the course of my speech – alluded to the fact that that there were now more meetings of the House, and that how could we criticise the way in which they answer questions. And he said this:

‘We have had to endure... They don’t know what we have had to endure when we were in Opposition.’

Well, Mr Speaker, I would like to remind Mr Garcia – though I do not know whether he was in fact... well, he was not in fact a Member of this House – that when Peter Cumming was a Member of this House, the Hon. Joe Bossano refused to answer questions because he did not agree with his position on Spain, Mr Speaker! (*Interjections*) So how on earth he can say to this House or to the newly elected Members on this side, ‘they don’t know what we have had to endure’, is beyond me.

Mr Speaker, there may be more meetings of the House, but the hon. Members opposite have to answer questions in a meaningful way and they cannot have it both ways. They cannot on the one hand say, ‘We are not answering any questions because the question relates to our manifesto or to a press release or to something we said when we were in Opposition.’ And then, when we ask a question about something within their Government responsibility, they answer it by reference to a press release issued in 2006, identified only by the year and by the number.

Mr Speaker, we also urge the Government to accelerate plans to televise the proceedings of GBC. We need to let the public see for themselves what goes on in this place. It is important. I think that in fact, Mr Speaker, the quicker we do so, the quicker we will eliminate from this House some of the excesses that we have seen over recent months, including an invitation, of course, by a Member opposite to me to go to the anteroom of this Parliament to sort matters out.

Hon. Chief Minister: I think that is the one thing that [*inaudible*] (*Interjections*)

Hon. D A Feetham: Mr Speaker, the Hon. the Leader of the Opposition has also asked me to respond to some of the spokesmen on that side of the House, sweeping up, so to speak, on areas that perhaps were missed by Members on this side of the House. (*Interjections*)

Mr Speaker, I start with Dr. Cortes. Mr Speaker, Dr. Cortes has, in my respectful view, become the master of the *faux pas* and the unfortunate statement or the unfortunate announcement, as the case may be. He said during the course of his speech, ‘We have a Waste Disposal Report that no one knows what to do with, or no one knows what to do about it.’ Well, Mr Speaker, it sure beats building an incinerator that cost millions, that was too big, that was never used and no one, Mr Speaker, knows what to do with it.

Mr Speaker, Mr Bruzon conceded that capital, he said, and I quote:

‘Capital projects had taken place during the GSD years.’

But he said that this has come at the expense of Glacis, Laguna and Moorish Castle Estates, and he also said that although Waterport Terraces and Mid Harbour Estates were good estates, others such as the ex-OEM Project were suffering from defects which would, in his words, and I quote:

‘cost millions of pounds to fix’.

That is the term that he used, ‘millions of pounds to fix’. Well, Mr Speaker, in my view, the hon. Member is walking on thin ice indeed, because I can see for my part that although the estates on the land reclamation were huge motors for the economy in the late 1980s and early 1990s and did go a long way to deal with a chronic housing problem at the time – I make that concession – we are still, Mr Speaker, living the consequences of shoddy work undertaken at the time and that certainly did cost millions and is still costing millions of taxpayers’ money.

But, Mr Speaker, I would have thought that the hon. Member would have learned the lessons of some of the statements that he has made and about overstating his case or shamefacedly exaggerating his case for political gain, because, Mr Speaker, for the last four years he spent in this House arguing and

condemning the Government, the GSD Government, for all those battalions of Gibraltarians that were living in Spain and could not afford to buy property here in Gibraltar, only during his first session of Parliament as a Government Minister to concede and to abandon the manifesto commitment of setting up a list for those people because, in his words, there was no demand and only two people had shown an interest.

Well, Mr Speaker, I look forward to the Hon. the Chief Minister's reply so that he could identify in the Estimate books where provision is made for all those millions of pounds that we are now going to be spending in relation to the OEM Project because of defects, because of course, what the hon. Members opposite cannot do is make an outrageous allegation that it is going to cost millions of pounds to fix those defects and then not properly draw attention to the Budget book – after all, it is Budget time – and see where provision is made for those defects.

But, Mr Speaker, if he has spoken to anyone who lives in any of those estates, I do not understand how he can justify making those comments. Beautification at Laguna, the renewal of playgrounds at Laguna, the sheds, the solving of the perennial parking problem in that estate, the renewal of lifts at Glacis, major roof repairs in that estate. Does he not know that he is misleading the people of Gibraltar when he is making statements of that nature?

But, Mr Speaker, what I was absolutely astonished at, *absolutely astonished*, was to hear him say, I think, his point number four:

'I am going to be talking about the building of co-ownership and homes for rental.'

Then when he came to talking substantively about his point four, he said:

'I am not going to say anything about it, because there is an imminent press release that we are going to be issuing.'

Well, Mr Speaker, here I thought during the hours of sitting down listening to all the hon. Members opposite, that Budget time was precisely for that, to make announcements of this nature. But the reality, Mr Speaker, is that there has been an inconsistency between the statement made by the Chief Minister to this House during the course of his own speech, and the Hon. the Minister for Housing, because whereas the Chief Minister only made a commitment or alluded to a commitment during his speech about building affordable homes – in other words, homes for sale – he said absolutely nothing about homes for rental. So I look forward, Mr Speaker, to reading the press release when, indeed, it is issued.

Mr Speaker, I want to finally just simply say this in response to Mr Bruzon, that they are – despite my concessions before about all of the things that they did well – the only party in the political history of Gibraltar never to have built a single flat, a single house, single accommodation on rental for Gibraltarians in the history of Gibraltar. (**Several Members:** Hear, hear.)

Mr Speaker, to conclude, in many areas under my responsibility the Opposition has attempted to provide the Government with the space necessary to get on with the job during the first seven months of its term in office. We have no desire to be destructive for the sake of making political capital. However, we have seen a quite cynical U-turn on manifesto promises, such as the Future Job Strategy – promises that they must have known they could never keep when elected into Government.

We have seen a Government still in Opposition mode, more intent on trashing the GSD's record than getting on with the job. Not a session of parliamentary Question Time goes by without the Minister for Employment referring to his predecessor Luis Montiel. His attempts to inflate unemployment figures, even when he dealt with those figures on exactly the same basis when he was Chief Minister, just echoes the way the Government unnecessarily keeps the old airport terminal operational for its cynical political purposes (**A Member:** Hear, hear.) at Gibraltar's expense, or the way they continually trash public finances, both in Gibraltar and shamefully, *shamefully* on Spanish TV as the Chief Minister has done, simply because they know it is not possible for them to pay for every single promise that they made at Election time.

Mr Speaker, the Chief Minister, Mr Costa, Mr Linares, all went at length criticising the expenditure on the Leisure Centre and the Bus Company, but I did not hear a single one of them stand up in this House honestly and actually tell the people of Gibraltar, 'Look here, these two assets are losing money for the people of Gibraltar. This is what we are going to do about it.' Because if they are truly losing money and it is so bad for Gibraltar, well let them say they are closing them down or tell the people of Gibraltar how they are going to deal with it?

It is simply not good enough, Mr Speaker, for them to continuously refer to these entities losing money, but then they do not come clean about what they are going to do when they are in Government. (**A Member:** Hear, hear.)

Mr Speaker, they can fool some of the people some of the time, but not all of the people all of the time. As they move into their four-year term, more and more people will want to cash in their chips of

promises made to them at Election time. At some stage, the excuses will dry up and there will be a heavy political price for them to pay. (**A Member:** Hear, hear.)

Mr Speaker, finally, may I add my voice to the voice of both the Deputy Chief Minister and also my learned friend, Mr Costa, in relation to Mr Speaker. Mr Speaker, I have only been a Member of this Parliament for four years, but I have hugely enjoyed my time here and I have always found you to be fair and consistent.

Mr Speaker, I also add in relation to... Mr Speaker, this is a point for Members opposite, that I hope that the Inquiry in relation to the disgraceful way in which the tax affairs of Mr Speaker were leaked to the press, that that Inquiry reaches fruition, that that Inquiry is a good thorough Inquiry and that the conclusions of the Inquiry are also made public.

(Applause)

Deputy Chief Minister (Hon. Dr. J J Garcia): Mr Speaker on that note, may I suggest a cup of tea?

Mr Speaker: Is it convenient for the House to recess for about 10 minutes for refreshments? This House will recess for 10 minutes for refreshments.

The House adjourned at 5.20 p.m. and resumed its sitting at 5.35 p.m.

Appropriation Act 2012 Debate continued

Clerk: Budget Speeches continue.

Mr Speaker: The Hon. Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, in the same way as my fellow Ministers, it is with great honour that I deliver this, my first Budget speech. I am truly humbled to be where I am today and very fortunate to have been allocated a portfolio comprising Social Care and Equality, both very challenging areas and very rewarding if we get it right – and get them right we will, Mr Speaker, because the people who will benefit from this are the most vulnerable or those who can be at a disadvantage and they deserve to have a Government that gives these issues priority.

Mr Speaker, I believe that a society is measured by the way that it treats its most vulnerable. We all saw how the previous Administration gave priority to pharaonic construction and expensive projects, not forgetting our luxury state-of-the-art toilets, as opposed to dealing with pressing social matters. The electorate voted for change, and change they got. Changes have already been made and significant improvements will be seen by the time that I address you again in the next Budget. The time has come to redress the balance and address the shortfalls that the community has inherited from the previous Administration.

Turning to the Care Agency, Mr Speaker: the Care Agency is a statutory body that deals with Social Services, including drug rehabilitation, disability services and elderly care. The Care Agency is a monster that appeared overnight in the summer of 2009, amalgamating the Social Services Agency, the Elderly Care Agency and Bruce's Farm, which had previously been run by the New Hope Trust, with no proper direction or proper structure. To those in management, it ended up being an uncontrollable beast that could not be tamed and in the end, slayed the tamer.

That the situation is not worse is a credit to the staff whose vocation and hard work have kept the Agency afloat and it is they who have suffered from the lack of support and direction from the previous Government. As with so many other things, Mr Speaker, it was all just a facade: scratch the surface and it was patently clear how superficial the changes were.

To put it bluntly, Mr Speaker, the management structure of the Care Agency is awful, and management will agree. In fact, the majority of the employees feel that because of the lack of structure and consultation in the amalgamation process, the situation is actually worse.

Social Services' employees felt alienated by management as there was the feeling that management did not understand the nature of the work that they do and team leaders were rarely involved in the decision-making process or with policies. The general feeling, when I speak to employees from Social Services, for example, is that one afternoon they left work at their office at the Social Services Agency and the following day they returned to work at the Care Agency, without knowing what exactly had happened overnight and without being consulted. Well, those who were able to return to work that is. Let us not forget the employees at St Bernadette's Resource Centre who were locked out for trying to assert

(*Interjections*) their rights, when the Care Agency attempted to unilaterally change their contractual working conditions.

Even now, management is still trying to make sense of things because of the disjointed and haphazard way that both agencies were amalgamated overnight without consultation. There has been no smooth transition or homogenisation of policies even now, and, in many cases, employees' contracts have not even been legally transferred.

There are also issues within the Care Agency, such as irregular recruitment of staff and direct appointments being made without jobs being advertised. There are inconsistent job descriptions and requirements for various posts, and indeed, very irregularly, there is even a job description of a member of staff where he was required to report directly to the Minister, instead of the Chief Executive. In fact, there has not yet been a proper amalgamation of the two agencies, in mind, in spirit or in law. Indeed, most employees who were employed *prior* to the merger still consider themselves to be employed by either Social Services or Elderly Care.

Bruce's Farm was forgotten in terms of integration and management structure, perhaps because it is hidden up the Rock, out of sight and out of mind, Mr Speaker.

More emphasis was given to the refurbishment of the administration building at Johnstone's Passage than to the integration of staff. You will recall, Mr Speaker, that the Hon. Mr Netto in his Budget speech last year made reference to the fact that the office at Johnstone's Passage had had a total refurbishment. Like so many other things done by the GSD, so much importance was given to aesthetics. What a shame that investing in management structure and proper working systems was not given the same importance.

One of the greatest shocks that I discovered was that the salaries team at the Care Agency prepare salaries by hand using the antiquated Kalamazoo system. When I was told this, I genuinely thought it was a joke; regrettably, it was not. The Care Agency employs over 500 staff and the salaries of nursing staff and care workers are complicated to prepare because of the many different types of allowances that are paid. The stress that having to undertake this manual exercise causes staff each time that they prepare payroll is immeasurable, and has been expressed to me vociferously.

A new salaries computer programme was not commissioned until the end of March 2011, during the last term of the GSD. Its implementation has now been given priority under this Administration and finally training on the programme will commence this week. It is unforgivable that this should not have been done before.

Training is an essential component in Social Care. Hitherto, training across the Agency has not been focused on the individual Departmental needs. This is essential when the gamut of service users within the Agency is so diverse. The majority of the care workers do not have basic qualifications. They are the front-line staff of the service, and work with children in care, some of whom have behavioural issues, children with disabilities, adults with disabilities and the elderly in residential care.

Of course, there has been training in the past, but going forward, the Care Agency has now set up a team which is dedicated to driving the training and development programme forward and making it more robust, more relevant and more frequent, so that people undergo training as soon as they join the Agency. We have increased the resources in order to be able to focus on training and have introduced a new post, that of a Training Co-ordinator, to oversee the training and a further growth post of a 30-hour training assistant. In addition, we have also supported this new training team with an administrative post.

The Generic Core Training Programme has gone from running three times in the whole of last year to currently being in its fourth programme for 2012, and with two further training sessions planned as a minimum this year, and the aim is to develop the Programme further.

Furthermore, a Training Strategy Group within the Care Agency has been formed recently. The group is made up of employees from most Departments and at different levels, and they are tasked with identifying the training needs throughout the different Departments of the Agency. The group will also work together towards developing a rolling training programme that will give trainees the opportunity to gain a rounded experience within a Health and Social Care setting. At the end of this training, the trainees will have acquired experience in several areas and provide them with a good grounding to apply for posts.

Furthermore, we consider it important that staff should be able to attain qualifications in their field of work and be supported in doing so. Mr Speaker, while there is no doubt that in the majority of cases care staff have a vocation, it is also important that their role is more professionalised and there be accreditation. NVQ training was promised by the previous Administration, but it has been suspended for a long time now. We are determined to give staff the opportunity of gaining this qualification and the training group has identified a new Level 2 NVQ Diploma in Health and Social Care. This qualification will be covering more diverse subjects than the previous NVQ qualification.

In order to deliver this new course, the Care Agency is working towards developing the necessary requirements to do so. This qualification will be offered to as many people as possible and the requirements for the provision of the Level 3 NVQ Diploma are also under consideration.

In addition, Mr Speaker, the Care Agency Training Strategy Group is also focusing on the specialist training requirements identified by managers in each Department and sourcing the training to meet these.

Training is the foundation of a good service and it is an area that will continue to expand in order to meet the ever-changing needs and requirements for an organisation of the Care Agency's importance. We will also work together with the GHA School of Health Studies where necessary.

Historically, Mr Speaker, the Care Agency has worked in isolation with very little communication with other Government Departments. In fact, unbelievably, there has even been little communication between different Departments *within* the Agency. Given that there is such a tremendous amount of overlap with other Departments, such as Health, in particular occupational therapy, Education and Housing, very good inter-agency working relationships have been formed recently where people from the different Departments have been working with the Care Agency on a variety of projects in an *unprecedented* manner, resulting in a holistic approach and in a better end product. Unfortunately, due to the problems caused by the lack of planning and provision of resources by the former Administration, the Care Agency is an organisation that has lost all credibility externally and a lot of the staff who work within it have felt demoralised for a long time. Social Care is an important area of responsibility and a lot of attention needs to be dedicated so that its work can be of value and its employees also feel valued.

As against the previous year's budget, the budget for the Care Agency will increase this year by just short of £3 million, slightly less than double last year's increase of £1.7 million. The focus of this increase, in staffing terms, will be much needed key growth posts in Social Services, in the addition of two social workers, more nurses, more care workers, more physiotherapists and increasing the complement in the training department.

There is also a significant increase in the recurrent expenditure in elderly care as a result of the opening of Calpe Ward in February 2012. Furthermore, and more importantly, there will be a substantial increase in the provision of domiciliary care in the community to the tune of £550,000 and I will expand on this in further detail a little later on. There will be an increase in the services provided by Social Care, so not only will this offer support to more people who need it, but as a consequence, it will also in turn increase job opportunities.

To be clear, Mr Speaker, this budget increase is not about throwing money into the service for the sake of it; it is about real investment in key positions, expanding the complement to take the service forward and therefore improving the product that we are tasked to deliver. This Budget reflects a socially just community that invests its prosperity back into the poorer and more vulnerable sectors of society.

Mr Speaker, in respect of Social Services it is abundantly clear at all times, be it in child protection or adult services, that they are continually working on a reactive basis which results in not enough work being done on prevention and Outreach. This we have already addressed. Following an immediate review of the service, in order to alleviate the situation in the short-term, there will be two social worker growth posts in very important fields and an additional administrative post so that social workers can dedicate more time to social work. A further review of the service continues.

One of the growth posts will be dedicated to child protection. This additional resource will permit social workers to undertake much needed Outreach work in the community. It is important to do this work and identify children who may be at risk as it is important to know the cases that ought to be on the Social Services radar. It is only if this team is adequately resourced and staffed that they are able to do this.

The second growth post will be for a social worker who will be dedicated to working in the field of disabilities. It is no secret that for this Government, disability is a priority and this will be the first time that there will be a full-time social worker post specifically devoted to disabilities. (A Member: Hear, hear.) The new social worker will support the person with a disability and their family from birth through to adulthood. This will ensure that the specific needs of the person can be identified and met throughout their life.

This person would, where necessary, be the link with Dr. Giraldi Home, St Bernadette's Resource Centre, the Department of Education, the Employment Service and the GHA. This has been a gap in the services to this vulnerable group of people that this Government is committed to ensuring will be met by effective inter-agency work and clear planning.

Significantly, Mr Speaker, St Bernadette's have recently devised a protocol to work with the private sector in relation to the employment of service users. The Care Agency will also work closely with the Ministry for Employment in relation to supported employment. Social workers and care workers, who are the back bone of the service, will be supported by this Government in the important job that they do.

Mr Speaker, the Children Act 2009 was passed in Gibraltar with little consultation with the legal profession or other stakeholders in the field. As such, there are aspects of it which are impractical. There are parts of the Act which are simply unworkable as the necessary subsidiary legislation and regulations have not been introduced, even though the primary legislation has been in force for over two years. A review of the Act needs to be undertaken. It is significant to note that although my predecessor was involved with this piece of legislation, his own Department, Social Services, was not made aware of the law coming into force, as I recall at the time in conversation with social workers telling me that they were not aware.

Another gap in the Children Act is that it introduces a responsibility for the Care Agency to provide a panel of guardians *ad litem*, but nothing has been done about this and this has caused problems. No regulations or mechanisms, nor any panel has been created since the Act came into force three years ago.

Another glaring omission in the Children Act is the lack of provision for a secure unit for children with challenging behaviour. I am referring to the power contained in section 25 of the Children Act in the UK. This provision was actually included in the early drafts of the legislation, but subsequently removed because of the consequential expenses and the implications of the provision. For the previous Administration, an injection of funds to assist a child was not considered important.

It has become clear that this power is indeed necessary and this Government will back this up with the necessary financial resources. Work in introducing this provision into the legislation has already commenced, but more importantly, so has work on the supporting regulations and planning the resources and infrastructure within the Care Agency to be able to deliver the best treatment and support for children who display challenging behaviour. There will be a full review of the Children Act to identify the gaps in the legislation.

In relation to the adult team at Social Services, Mr Speaker, they deal with a lot of vulnerable adults and are now able to work better given the improved relationship, both within the Care Agency and other Departments, and particularly as a result of the reform of the Elderly Care Services. When we took office, Mr Speaker, there was a backlog of Social Services reports for matters considered by the Housing Allocation Committee. This was already addressed some months ago and there is no longer any backlog.

Mr Speaker, the Court Service team is managed by the Adult team and we recognise that the implementation of the Crimes Act will increase duties and pressures on the service and this is being reviewed.

The current Disability Service within Social Services is comprised of the Residential Service at Dr. Giraldi and St Bernadette's Resource Centre. It is intended that the service be expanded to have more resources for the disabled in the community and to develop the service at St Bernadette's for it to be a proper resource centre.

The complement of staff at St Bernadette's was recently increased by four care workers. This figure does not appear in the Estimates, as the requirement arose after the Estimates were prepared and this cost will be drawn from supplementary funding.

Despite what was purported this morning, Mr Speaker, it is not the case that different Government Departments worked together, and particularly not in the field of disability. This is obvious in relation to transfers from St Martin's School to St Bernadette's. It is this Government that has set about preparing a protocol to ensure a smooth transition to avoid problems with transfers from being repeated in the future.

Social Services has this year had a tremendous input with other Government Departments to ensure that there is integration of people with disabilities. A lot of work has already been done at the Elderly and Disabled Pool, which ironically, Mr Speaker, could not be used by people with disabilities because the hoists had not been maintained for years and could not be used. Furthermore, Mr Speaker, this year we have improved the GASA site by enabling access to the sea by the disabled and we have recently installed a hoist.

A final point on how this Government assists those with disabilities: yesterday, we heard the Hon. the Chief Minister announce various tax benefits for the disabled, including an increase in Disability Benefit. I refer to another manifesto commitment on disability, which is to considerably increase the £30,000 budget for orthopaedic equipment. Mr Speaker, given that this is a demand-led expenditure item, the amount voted will be supplemented from the Supplementary Vote as and when required to meet the demand.

Mr Speaker, although there has recently been an improvement within Social Services, it is not at the standard that it should be, but we cannot change everything overnight. I am convinced that if an Ofsted inspection were to have been carried out on 8th December, no doubt the service would have failed. We are now working very hard to bring the service to a compliant standard.

In relation to drug rehabilitation, Mr Speaker, the GSD would have you believe that they had a magnificent Drugs Strategy, but let me make one thing clear, there was *no* Drug Strategy for rehabilitation in Gibraltar under the previous Administration. There was a glossy document published in 2003, but it is nothing more than just words on a page, as in practice very little has been done to implement it. The Strategy establishes a Drugs Reference Group. This was constituted in December 2005; but alas, like the Drugs Advisory Council, it stopped functioning as a group soon thereafter.

Furthermore, the Strategy states that it is a five-year plan and was to be reviewed in 2008. It was never reviewed. It appears that the glossy booklet was shelved after its launch, never to be seen again, and this seems to illustrate the previous Government's attitude to tackling the local drug problem: out of sight, out of mind.

At the moment, Mr Speaker, the only Drug Service that is provided by the Government is the residential service at Bruce's Farm with aftercare. This is a three-month programme where service users, once admitted, are *not* permitted to leave the premises until the programme is completed. Mr Speaker,

there is no rule that says that the 12-step programme can only be done in a strict residential setting. There is just no logic to only having a residential service available as a rehabilitation service, particularly one where the prohibitive manner in which it operates is likely to discourage addicts with jobs and families from taking it up. It is clear from the figures that this residential model – the *only* model made available by the previous Government – by itself does not meet the needs of our community. In fact, it does not even touch the tip of the iceberg.

The statistics speak for themselves, Mr Speaker. There have been approximately 25 admissions a year for the past three years. This is an average of two admissions a month. Not all service users who are admitted go on to complete the three-month programme. The average of those who do complete it is around 15 a year. While effective for a lot of people who have completed the programme, and those who do have nothing but praise for all the staff involved in delivering the service, this restrictive approach is not enough.

On the basis of those statistics, Mr Speaker, and the limited number of people making use of the service, one would be forgiven for thinking that there is no drug problem in Gibraltar. The truth, of course, is the contrary. It cannot be denied that there is a massive drug problem in Gibraltar and certainly that it affects more than 25 people a year. The denial of this reality by the previous Government is *unforgivable* and a concerted effort to implement its own strategy over the years would, no doubt, have alleviated the problem for *many* individuals and their families.

I will illustrate the tragedy of the situation in relation to drug rehabilitation in real figures. Very shortly after taking office, I visited Bruce's Farm and there were two service users there. The following week towards mid December, there was only *one* person in drug rehab. The recurring cost of running Bruce's Farm at the time was more than £½ million a year; in fact, it was over £620,000, Mr Speaker. The number of staff employed at Bruce's Farm will be the same, regardless of whether there are two or 20 service users. For it to be empty at this huge running cost is a crime in itself, as the money could have been redirected elsewhere in order to help more people with drug problems. Bruce's Farm can safely take up to 12 or 14 residents, so it is *our* aim to be able to maximise the use of the resources available.

Since January 2012, the number of residents has increased and has consistently hovered between four and six. It is clear to our Government that Bruce's Farm, as a purely residential model, does not meet the needs of our community and other options need to be considered. This was obvious to me as soon as I reviewed the statistics I have just illustrated, and we have already commenced to provide a Drug Rehabilitation Service in the community by deploying one of the Bruce's Farm counsellors to see people who, because of their circumstances, cannot commit to a period of residential rehabilitation. This has no impact on the treatment delivered at Bruce's Farm.

Already, this simple action of refocusing the service, at no additional cost, has meant that there are more cases being seen in the community than there currently are at Bruce's Farm. It is promising that this is giving extremely positive results already. The indicators are that a community based model would be more effective and expanding this service further is being explored. There also has to be more Outreach support and focus on awareness and prevention, as well as greater support during aftercare to help recovering addicts reintegrate into the community.

Recently, another of the Bruce's Farm counsellors has commenced working with the therapeutic team at Social Services and work has commenced undertaking Outreach work with children and young people. The team is also working on developing a more robust programme of drug awareness, particularly in schools with young people for the coming year. It is *essential* that there be a complete review of the Drug Rehabilitation Service and the resources that ought to be made available. This will be done in consultation with experts and partner agencies, and most importantly, there will be the inclusion of stakeholders.

I have been fortunate to have had many in-depth conversations with recovering addicts and members of Narcotics Anonymous who have approached me since taking office and this has provided me with an understanding and deep insight into the situation. The input from former addicts is the final piece of the puzzle in getting it right and it is important that we, as a Government, work with voluntary groups, such as Narcotics Anonymous, Alcoholics Anonymous and Families Anonymous, so as to get the full picture.

In short, Mr Speaker, the previous Government's Drug Strategy was nothing more than a myth, not to say a waste of money, because not enough people have been able to access the service. Drugs is one of the *biggest* problems that we face as a community and *our* Government recognises that it is also one of the most important things that we need to get right.

Turning to Elderly Care, Mr Speaker, there will be a complete overhaul of the Elderly Care system in Gibraltar. The aim is to have a holistic approach to Elderly Care, with co-ordination and support from different Departments, in order to ensure that there are no vulnerable adults in our community. Changes have already begun in the way that elderly people are admitted into the service. Previously, elderly care had very little co-ordination, even within the Care Agency itself. There was the waiting list for Mount Alvernia, the waiting list for Domiciliary Care, the waiting list for the Elderly Day Centres and the Register of Vulnerable Adults. Each list was held and managed by different individuals with little or no

communication between them. In fact, Mount Alvernia staff were not permitted to make the Mount Alvernia waiting list available to the adult team at Social Services, even though they are different Departments within the same Agency. Our aim is to have one list for the elderly, whether it be for residential services or day services: there will be one point of entry and the person will be assessed as to their needs. There will then be co-ordination in order to provide the best service for that individual and a dedicated team has been put together to undertake these assessments.

Mr Speaker, when we took office, there was a waiting list for Mount Alvernia of over 580 people. The criteria for admission depended on the date that that person had applied, so essentially the person who had been waiting the longest would be at the top of the list, regardless of whether there were other people on the list with a more urgent need for admission. Mr Speaker, this resulted in a situation which was grossly unfair and verging on the ridiculous, in that you could potentially have a fit 70-year-old at the top of the list, because they had applied to be admitted on their 60th birthday, 10 years earlier, and yet have a person in their 90s with dementia, who was only registered a year earlier, at the bottom of the list. It does not take a genius to work out that the latter would never make it to the top of the list, if there were 500 people in front of them. (*Interjection*)

The artificiality of the waiting list also meant that staff would dedicate a lot of their time calling people whose names were at the top of the list, even though there was no real reason for them to be admitted into residential care. Invariably, on a lot of occasions those people at the top of the list felt fine and did not want to be admitted, so not only was this system grossly unfair, but this exercise of phoning round has for a long time been a waste of manpower. While this policy may have made sense years ago, when there were few people waiting to be admitted to Mount Alvernia, at the time when it was run by the Mackintosh Trust, it is a fact that the need for residential care has increased tremendously over the years, and indeed, it will continue to increase, as we all now living longer.

However, Mr Speaker, while that admission policy may have been what the previous Government inherited from the Mackintosh Trust when they took it over in 2000, they had 11 years in which to change it and adapt it to meet the requirements of today's society. Instead, they consciously sought not to do so, even when the waiting list exceeded 500 people.

To make matters worse, Mr Speaker, what is even more surprising is that the Care Agency Board had been advocating that the waiting list be prioritised on a needs basis, as opposed to the date of application, and had been requesting that the previous Government change this unfair policy, but it ignored the advice of its own Board.

Mr Speaker, this morning we heard the Hon. Mrs Ellul-Hammond say that the GHA Board is where all authority lies. Regrettably, the previous Government took the complete opposite view of the Care Agency Board and totally disregarded it. As a result of *this* Government's change in the admission policy, we have identified a list of people who are in *urgent* need of admission into residential care. These people will therefore be given priority as soon as beds become available, and in the meantime are assisted by being offered domiciliary care or respite care.

Since having introduced the criteria in January this year, 30 people have been identified as having urgent need of residential care; of these, 17 have already been admitted and the remaining 13 have been offered respite or domiciliary care. This figure does not include those who have passed away during this time.

This shows, Mr Speaker, that the right people have been admitted first. That, Mr Speaker, is how *our* Government looks after our vulnerable elderly community, by giving priority to the most vulnerable. Had this decision not been taken, then a lot of those identified as vulnerable and in urgent need of admission would still be very low on the list, Mr Speaker, and probably would never had made it to the top.

Insofar as domiciliary care, this is a vital aspect in the package of care available to elderly people. With the assistance of Home Help, people can remain in their homes and be independent for longer, and in many cases this is the preferred option to them than going into residential care. This Government has already increased the level of domiciliary care that is being provided in the community, both in terms of the number of people it is made available to, as well as increasing the number of hours available to previous recipients. This year we will invest a further £550,000 in this regard, so that it can be made available to more people. (**A Member:** Hear, hear.) (*Applause*)

Mr Speaker, upon taking office we discovered that there was a waiting list for domiciliary care in excess of 300 applicants. Some of these applications dated as far back as 2003, 2004, 2005, 2006 and 2009. As with the waiting list for Mount Alvernia, we have commenced undertaking assessments of the needs of the people on the list in order to identify who would need it the most and therefore prioritise them. We will be assessing those who are still with us, Mr Speaker, as regrettably some have passed away while they were waiting.

As of 8th December 2011, 98 people were in receipt of domiciliary care, of a total of 925.5 hours a week. This figure represents all domiciliary care for elderly, adults and children. At present, there are 124 people in receipt of domiciliary care, and there is a total of 1,500 hours being provided. This means that there has been a total of 26 new people receiving domiciliary care and this figure includes 10 cases where

the provision of domiciliary care has enabled the person to be discharged from hospital. There are also people who previously received a maximum of two hours domiciliary care a day and assessments showed that they required more hours.

1250 In summary, there has been a 27% increase in the number of recipients and a 58% increase in funding in the provision of domiciliary care. This means an overall increase of 42.5%, Mr Speaker.

1255 One of the priorities in allocating domiciliary care has been to people who have been medically discharged from hospital wards, but are unable to go home without domiciliary care, either because they live by themselves or the person living with them could not assist in their care. This resulted in people blocking medical beds in hospital unnecessarily. Previously, funding was rarely made available for this purpose. Very early into our term of office, the Minister for Health was made acutely aware of the tremendous problem with bed shortages in the hospital and, as he has already explained, had swift action not been taken to alleviate the problem, there would have been a real crisis in hospital. Immediately, the GHA and the Care Agency set up a joint hospital discharge team in order to work on a solution to the problem and free up beds, both by identifying people suitable for admission to Calpe Ward and by discharging others home in a safe manner. Even though this was a strategy that GHA bed management had been advocating for a long time, it had not happened.

1260 GHA bed management will refer people, who have been medically discharged to the Care Agency team for assessment on the level of domiciliary care that would be required. At the same time, the matter is also referred to the GHA's occupational therapy team, who will also work on the assessment of aid or modifications that may be required to the person's flat to enable a safe return. This is yet another example of unprecedented collaboration and sharing of information between two Government agencies in order to achieve the best result, and regardless of what the hon. Lady opposite may want to make you believe, Mr Speaker, this working together is an absolute first.

1270 In fact, the feedback from GHA management is that this level of working together is much more conducive to dealing with patient issues. At present, the provision of domiciliary care is subcontracted to the private sector following contractual arrangements entered into by the GSD Administration. Mr Speaker, we have met with that agency and renegotiated the costs that Government is charged to a price that is lower than that which was previously agreed, making it cheaper and thereby enabling more hours to be provided.

1275 Another of this Government's initiatives has been to significantly increase the complement of physiotherapists at the Care Agency. Physiotherapy is an essential part of the package in improving the mobility and quality of life of residents; this is evidenced by the work that has already been done. We recognise that under the previous Administration the level of residential care has outgrown the level of physiotherapy needs provided, especially given the satellite residential care that is now available in addition to Mount Alvernia at the Jewish Home, John Cochrane Ward and also Calpe Ward.

1280 Turning to Mount Alvernia, Mr Speaker, the building is in a very tired and sorry state. An audit of necessary works is being undertaken with a view to making improvements, including the dilapidated balconies which are currently being propped up by the scaffolding that has been there for the past 10 years. At my last visit, I was shown the staff area for the kitchen employees and the facility, in its current condition, is almost inhumane – it is literally a cupboard underneath the stairs. Staff who work so hard are entitled to be treated with more dignity.

1285 What has already commenced is the preparation for the installation of air conditioning in the building following representations made by staff. This was agreed to immediately and I am glad that it was brought to my attention. I last visited Mount Alvernia a couple of weeks ago and the place was already incredibly warm, so I can only imagine how tiring it must be for staff who work in these conditions at the height of summer, given the amount of physical work that they do on a daily basis, and particularly since they cannot open the windows due to the scaffolding. What a shame that this was not undertaken before, given that the cost is relatively low, given the benefit to both residents and staff.

1290 There has been an increase to staff at Mount Alvernia this year, following an initial review of the service. This year, as I have mentioned, will see the recruitment of additional physiotherapy staff and one person has already commenced on a part-time basis. Recently, following representations by staff and the union, an additional registered nurse was added to the fourth floor at Mount Alvernia, given that this is the floor allocated to residents with complex needs and it was felt that additional support was required. This figure will not appear in the Budget because the request was made after the Budget was prepared. Again, it will be taken from the Supplementary Vote.

1295 Other recent improvements to Mount Alvernia include the introduction of a security guard at night. This will, no doubt, give the residents and their families piece of mind.

1300 Another excellent initiative that has been introduced recently, and which users of Mount Alvernia have been crying out for, for a long time, is a dedicated shuttle bus service. I have to thank my friend and colleague, the Hon. Mr Costa, for the addition of route number 7 to the Gibraltar Bus Company, which he added so promptly following representations, and it has been a remarkable improvement for people who

visit Mount Alvernia. Initially it started running on the hour, but soon after that was changed and the bus leaves Mount Alvernia every 30 minutes.

1310 Mr Speaker, there will be a refurbishment of the Jewish Home, which is very much needed. It is dilapidated to the point of becoming hazardous in areas. In November 2011, an emergency floor was opened for an additional four beds to alleviate the bed shortage problem in the GHA, resulting in staff losing their communal area. The home has now exceeded its full capacity.

1315 In addition, there have been long-standing problems with the electrics at the home, to the extent that it has been hazardous for a while for a long time. As soon as I was notified that this was a pending issue, the Care Agency called upon the Electricity Authority to advise, and the premises have now been made safe.

Another example as to why a refurbishment is required, Mr Speaker, is due to some works having been undertaken some years ago. One of the bathrooms was refurbished, but to a layout which is totally inadequate, as the bath was fitted against the wall instead of in the centre of the room and as a result a hoist cannot be used. This means that the bathroom cannot be used and only one bathroom is operational and given the number of residents, this causes problems and delays. The staff working at the Jewish Home feel completely demoralised because of their working environment. The refurbishment works at the Jewish Home will be undertaken in consultation with the Jewish community, with whom I have already met and have agreed to meet on a quarterly basis to discuss matters.

1325 In relation to Calpe Ward, Mr Speaker, by early January 2012 the bed management crisis became apparent to my friend and colleague, the Minister for Health, Dr. John Cortes. He has already explained in his own Budget address the extent of the crisis with bed occupancy levels. What we heard this morning, Mr Speaker, was nothing more than a complete fallacy that the opening of Calpe Ward had no impact on bed occupancy levels. That it did relieve the bed shortage problems, Mr Speaker, is a fact, and it is not circumstantial as they would have you believe. Let me explain the situation, Mr Speaker.

1330 Bed occupancy on the wards at the GHA was at 115%. This means that extra beds had been placed on each ward in order to be able to cater for the bed shortage, resulting in having 34 beds instead of 30 on each ward. However, there was no increase in staff. As a result of Calpe Ward and the domiciliary care initiative, bed occupancy has fallen from 115% to 100% since February. (*Applause*) Bed numbers have now gone back to 30 and this allows a better quality of care to be given to the patients. Mr Speaker, this is evidence that we are a Government of substance and not a Government of spin, as they say.

1335 Dr. Cortes opened up Calpe Ward, a ward that has never been used in the GHA other than for elective surgery, when it was used *once* in the period of 2005 to 2006 for a period of 11 weeks for knee surgery, and it has never been used again. It was open to be run by the Care Agency in the same way that it runs John Cochrane Ward in order to alleviate the bed shortage problem. This decision was taken as an emergency measure. Calpe Ward provides 18 residential elderly care beds.

1340 Let us not forget, Mr Speaker, that Calpe Ward has always been closed. Therefore, it has always been available to the GSD to have opened it up for the same purpose that we have done, instead of just adding four beds to the Jewish Home in November 2011. (*Interjection*)

1345 Calpe Ward was opened at the end of February 2012 and this was made possible by the sheer hard work and excellent team work of both the GHA and the Care Agency (**A Member:** Hear, hear.) who collaborated very closely, for the first time, in order to make it possible for Calpe Ward to be opened in record time. The Care Agency staff requirements for Calpe Ward are eight registered nurses and 18 care workers. The Care Agency's costs of running Calpe Ward this financial year will be £746,590, of which £635,346 is staffing by way of personal emoluments, wage related allowances and social insurance. This is a significant factor in this year's budget increase.

1350 Mr Speaker, on my second day in office, I visited the old Royal Naval Hospital site and the building due to house a residential unit for Alzheimer's and dementia sufferers. I was *shocked* at what I saw. I was shown a room, which I assumed was a holding room or a storage room, but was appalled when I was told that it was a resident's room. The next logical question for me was whether there has been any specialist professional or clinical input into the design of the interior layout and I was informed that there had not. To compound matters, the Care Agency management informed me that they no longer had any real input into the design and layout.

1355 In last year's Budget speech, the Hon. the now Leader of the Opposition announced that a block at the old Naval Hospital was being converted into a specialist residential home for people suffering from Alzheimer's and dementia, and this was expected to be ready in October 2011, and that an elderly people's day hospital was being built within the same complex. In his speech, the Hon. Mr Netto announced this project and that it would contain 80 beds for people with dementia and that in addition there would be a further facility to provide a day hospital for mild to medium sufferers of dementia.

1360 Mr Speaker, let me start by providing some background into the residential unit. The initial plans for this building, in April 2010, was that it was to take 58 beds for dementia and eight beds for young physically disabled people. This was then changed in March 2011, where the bed capacity was changed to 80, losing the beds for the physically disabled. In April 2011, the bed capacity was again increased to 90.

Concerns were expressed by management at the Care Agency and the bed numbers reverted to 80, and these were the plans that the contractors were working towards when we took office.

At first blush, to me, as a lay person, the layout of the site did not appear to be fit for purpose. For example, not only did we take issue with the room sizes, not a single room in all of the facility had an ensuite bathroom, not even for infection control. There were insufficient recreational and dining areas and the showers were inadequate, to name but a few concerns.

The inappropriateness of the layout has been confirmed to us by a UK civil engineer specialising in dementia design, who the Government has contracted as a consultant in the design of the unit. The consultant has already visited Gibraltar three times and is in the process of finalising the revised plans for the unit to a facility which will now be fit for purpose, bearing in mind the constraints of the building. The facility will *now* provide a standard of care for its residents more closely designed with best practice. What was apparent to us, and will be apparent to anyone who reads the report, once it is completed, is that for the previous Administration this was not about people; to them it was just a numbers game.

Mr Speaker, this Government recognises the importance of completing the works to this facility; however, this will not be done at the expense of the quality of the living conditions for the residents. (**A Member:** Hear, hear.) Although the previous Administration initially announced that this facility would be ready by October 2011, and later by March 2012, the reality is that even on their own plans, it would still not have been ready as at the outset the contractor informed me that, all being well, the completion was envisaged toward the end of the summer 2012. The proposed changes will, of course, result in delay, although we have tried to minimise this by redeploying staff to continue works on the exterior of the building and other sites at the RNH, including the mental hospital, and although we have not yet received the final plans, it is envisaged that the facility will be ready for completion by the end of next year.

In addition to the residential facility, the services available to people with Alzheimer's and dementia will be complemented by a Day Centre; whereas the previous Government proposed to have a small unit at the end of the garden of the residential facility for this purpose, we will refurbish Block F at the RNH site specifically for this purpose. The Day Centre will be able to provide a day facility for an average of up to 60 clients a day.

The Day Centre is a pivotal piece of the services available to people with dementia, who do not yet require residential care, as they will be looked after while their family members are at work and this will enable them to remain in the community longer. The GHA and the Care Agency have been working jointly and closely in developing a strategy for dementia and the running of the Day Centre and the team have advised the design team.

Mr Speaker, this morning the Hon. Mrs Ellul-Hammond implied that our commitments are to finish the GSD plans and she listed, among other things, the Mental Health and Alzheimer's and Dementia Hospitals, plans for the Debilitating Unit and the Elderly Day Centre. Let me say that it is and was always planned to have an Alzheimer's and Dementia Residential Unit, never a hospital. Given its advanced stage and the amount of public funds already invested in it, it would be foolish not to do so; but what a shame that we will have to do so much work to make it fit for purpose.

Insofar as the Day Centre, it was to be an Alzheimer's and Dementia Day Centre, but a very small one. The one that we would build, Mr Speaker, is completely different and an improved model, and as for the plan for the Debilitating Unit, what plans, Mr Speaker? Initially, there were plans for eight beds within the residential unit of the Alzheimer's and Dementia Residential Unit – these were scrapped. The possibility of a Unit was explored at Block F, but there were no real plans for this and no works were ever commenced by the previous Administration.

So, Mr Speaker, the answer is that these projects will continue because the investment has already commenced. That is not to say that they will be completed in the same way as the GSD envisaged. I assure you, Mr Speaker, that they will be better.

The Day Centres for the Elderly – I mean ordinary Day Centres, not specialist Day Centres for people with Alzheimer's – are currently run from the morning until approximately two o'clock. They are run by Social Services every day at different locations: Governor's Parade, Albert Risso and the South District Senior Citizens' Club. The purpose of this is to provide a safe and stimulating environment for people living in the community and who otherwise would have little or no company during the day. Breakfast and lunch is provided at these centres, as well as a range of different activities. This Government, as part of its overall strategy of Elderly Care wishes to enhance the service that is provided and extend it so that more people may make use of it.

We intend to have a purpose-built Day Centre at Waterport Terraces, which comprises two commercial units on the ground floor. Although these units had been earmarked by the previous Government, there were no plans or proposals and the units have been empty since the estate was completed a number of years ago. It is envisaged that this Day Centre will take up to 25 people a day and it will offer a range of activities and social interaction to stimulate the users and help them remain independent and living at home for longer. In some cases, it will reduce the need for domiciliary care during those hours.

The Day Centre will be run on the same principle that it is currently run, although services will be enhanced because of the size of the location. It is also envisaged that it will open until five o'clock in the afternoon. By offering the facility to more people, it will eradicate the current waiting list for Day Centres.

1435 Mr Speaker, I now turn my attention to the Ministry for Equality. This Government has introduced a Ministry for Equality, and for the first time there will be a Ministry dedicated to upholding equality and human rights and addressing all forms of discrimination, and these issues will be prioritised. Equality is at the heart of this Government, as it affects so many people and cuts across so many sectors of society. We believe that it is fundamental that we have a fair society.

1440 Mr Speaker, equality is an integral part of our Government commitment and it will be embedded in everything that we do as a Government. Equality is about equal treatment and equal opportunity; it is about reducing disadvantages and bringing down barriers to build a fair society. It is not about giving *certain* groups an advantage, but rather to *remove* the disadvantage. (**Two Members:** Hear, hear.)

1445 Mr Speaker, the complement to my Ministry has been increased by an additional four staff, with a view to having the people in these additional posts help me deliver this Government's agenda on equality. With regard to disability, we will expand on the existing legislative framework. We will introduce the provisions of the United Nations Convention on the Rights of the Disabled. Work on this has already commenced and lawyers have already been instructed to review the legislation. Work has also already commenced on setting up a Disability Register so that we are able to have the proper statistical information available. We have also met with the Disability Society and the Down's Syndrome Support Group, GHITA and other groups and individuals, and have also established a working relationship with them looking at issues that affect people with disabilities.

1450 Mr Speaker, turning now to issues of gay rights. First I would say that it seems that the previous Government did not recognise that gay people have rights. They spent a lot of public funds fighting cases where gay people tried to assert them. In contrast, Mr Speaker, our Government recognises these rights and we have already embarked on the drafting of Civil Partnership legislation and hope that an advanced draft of this important piece of legislation will be ready by the autumn. The Civil Partnership legislation was introduced in the UK in 2004 and it is about time that Gibraltar caught up.

1460 But issues are not tackled simply by legislation or creating more bureaucracy. Legislation is only part of the approach and we need to take it further. It is about policy awareness, promoting good practice and engaging with groups. As a Government, we will work with people and with organisations. We have already met with a gay rights group GGR and have agreed to meet at regular intervals throughout the year, in order to discuss policy issues as well as to enable discussions in relation to issues that affect their membership.

1465 This Government is committed to set up an Equal Opportunities Commission. This organisation will be responsible for being a regulator and an advisor and will promote equal treatment. In the meantime, this work will be undertaken by the Citizens' Advice Bureau, as provided for in the Equal Opportunities Act.

1470 Mr Speaker, this morning I have been accused of offering no hope or inspiration to the women of Gibraltar who are looking for their voice to be heard (**A Member:** Shame.) and for equality policies, on the basis of a selective quote from a GBC interview that I gave, in which the hon. Lady opposite... who is actually not opposite – she is not present in the Chamber, Mr Speaker – has chosen to decontextualise and distort what I said for political effect. (**A Member:** Shame.) (**Two Members:** Hear, hear.) Mr Speaker, I stand by what I said in that interview, as well as what I said in my *Chronicle* article on International Women's Day, in particular that it remains a laudable objective that there should be a time where International Women's Day no longer exists, because it means that we are no longer thinking of people in *gender* terms. (**A Member:** Hear, hear.) It seems, Mr Speaker, that the hon. Lady completely misunderstands the concept of equality for women.

1480 Mr Speaker, I see that the hon. Lady has just returned. Let me start again, Mr Speaker.

A Member: You wish to repeat it.

1485 **Hon. Miss S J Sacramento:** Yes, let me repeat it, Mr Speaker, because it seems that the hon. Lady completely misunderstands the concept of equality for women given the arguments that she has presented are circular and contradictory. Equality is *not* about favouring women over men for jobs, nor providing women with an advantage by offering them jobs merely to fulfil an equalities quota. Equality is about providing a level playing field to everyone without any disadvantage thereafter. I firmly believe that it is a question of selecting the best person for the job. (**Two Members:** Hear, hear.)

1490 What women should be fighting for is meritocracy, where it matters not whether you are male or female and where you are assessed purely on merit, talent and skills. (**Several Members:** Hear, hear.) My job as Minister for Equality is to ensure that discrimination does not exist and it is important that we have the proper mechanism to address it and that there be redress when it does. It will be a sad day for women,

Mr Speaker, when they get jobs based on their gender, and I would like to think, Mr Speaker, that I have been elected to Government on the basis of my ability, as have *all* of my other fellow Ministers, on the basis of being the best people for the job. (*Applause*)

Turning to civic rights, Mr Speaker, another area of my portfolio, and let me start with Consumer Affairs. The Office of Consumer Affairs will continue to be run in the same manner this year, but with a view to it forming part of the Office of Fair Trading for the next financial year, which will then come under the responsibility of the Minister for Tourism, Public Transport and the Port, my colleague the Hon. Mr Costa. One of the main complaints regarding the current model of the Department is that it does not have any enforcement powers. Since 10th May 2012, it now has some limited enforcement powers in relation to certain timeshare and holiday products. I am advised that this is an area in particular that has been a long-standing problem for the Department, as it frequently receives complaints of this nature, but is powerless to act.

This Government has recently published the Timeshare Act 1997 (Amendment) Regulations 2012. These Regulations transposed a European Directive on the protection of consumers in respect of certain aspects of timeshare, long-term holiday product, resale and exchange contracts. In particular, the Regulations impose greater consumer protection, such as providing the 14-day right of withdrawal, the right to certain pre-contractual information and the prohibition of advance payment during the period where the right of withdrawal exists.

The Act will now apply to an entity that is pursuing commercial or professional activities in Gibraltar, irrespective of where the property in question is located, thus closing the loophole that rendered enforcement ineffective. The Act has given teeth to the guise of the Consumer Officer. For enforcement purposes, the Consumer Officer is able to compel the production of documents relating to the trader's business, and seize them or detain them. Notwithstanding the fact that this has been an area of concern locally for a long time, the Directive has been the subject of infraction proceedings that have been instituted on 25th November 2011, as the Directive should have been imposed as far back as 23rd February 2011.

Regarding the Citizens' Advice Bureau, Mr Speaker, it continues to provide valuable advice and support in the community and next year will see its 10th anniversary. Since 2007, it has been tasked by statute with the responsibility for the promotion of equal treatment of all without discrimination. Once the Equal Opportunities Commission is set up, the latter will take over this function. Until then, the Citizens' Advice Bureau will continue to promote and advise on issues of discrimination. The issue of resources and training in this regard would be open to review.

Finally, Mr Speaker, the Ombudsman's office. This is not a Government office, Mr Speaker. Its role is to keep public services in check. Its remit will now expand to also deal with complaints against the GHA. I have a financial responsibility for the Ombudsman, Mr Speaker, and that is where my input ends. The Office of the Ombudsman will soon be undergoing an evaluation of its impact in the community, at the request of Dr. Kirkham under the auspices of the University of Sheffield. This review is welcomed by the Ombudsman and it is possible that the study may provide a road map for the future direction of the office.

As an aside, Mr Speaker, I am happy to report that the Office of the Ombudsman advises that the number of complaints it has received from January 2012 to May 2012 are significantly lower than previously received. There is a table that has been provided to me, Mr Speaker, from the Ombudsman's office showing the number of complaints for the same period in 2010, 2011 and 2012. For example, Mr Speaker, for the month of January 2010, there were 40 complaints; in 2011 there were 35; and in 2012 there were six. In total, Mr Speaker, the complaints against Government officers between the period of January and May 2010 were 189; for that period in 2011 were 149; and in 2012, Mr Speaker, they are only 83.

Finally, Mr Speaker, I am also responsible for families and children, minority issues, women's issues and general community issues. I am excited about having recently taken responsibility for working with the Gibraltar Clubhouse Project. Although this is an organisation that is at a very early stage, it has a lot of potential, as do its members and those who are so enthusiastically driving this initiative forward. The Project has this year been mentioned in the International Handbook and is also in the Clubhouse global directory. There is a lot of work to be done by that organisation, but I am confident that they will succeed.

I meet regularly with a lot of charities and organisations from the third sector. We will not underestimate the importance of listening to and working closely with such groups in order to be alive to the issues that affect them.

Mr Speaker, I feel that a lot has been accomplished in the last seven months, but a lot more has to be done because so bad is the damage caused by the inaction and years of neglect on these vital services, that it will take time for us to bring the service back from the brink. The people in Gibraltar have been let down by the previous Administration and it is my personal promise that I will deliver my mandate and I very much look forward to implementing a Social Care Service that we can all be proud of.

Finally, Mr Speaker – (*Laughter*) one more finally –

1555 **A Member:** Three times!

1560 **Hon. Miss S J Sacramento:** – I would like to thank the employees of both the Care Agency and those who fall under my Ministerial responsibilities who have given me tremendous support since I took office, especially my PA, the acting Chief Executive of the Care Agency who had this most difficult job almost thrust upon her, very shortly before I, myself, began, as well as the members of the management team who have been working so closely with me during this time of transition to them, which perhaps has been particularly difficult, given the reforms that have already been made and are proposed, given the way that the Departments have been run historically.

1565 Thank you, Mr Speaker.

(Applause)

Mr Speaker: The Hon. the Minister for Traffic, Health & Safety and Technical Services.

1570 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, I remember that first accompanied walk towards my Ministerial office at Joshua Hassan House from No. 6 Convent Place on 12th December after the last General Election. Here, I sat, still engulfed in awe at the whole situation, with the relevant heads of Department, to be briefed on the various Ministries that I would become responsible for. I remember clearly the dichotomy of feeling that came through, the sombre and yet hopeful and expecting underlying vibes that things would be very different from then on.

1575 The same rang true throughout the different Departments, where it became clear that the senior staff had had very little involvement in decision making. Their professional opinions had generally not been consulted. Their morale was low and they felt that they had been made to become unimportant. Staff complements within Technical Services had been depleted to low levels as the vast majority of all then Government projects were at the control of No. 6. Most works had been outsourced, regardless of cost and regardless of the potential savings that could have been achieved by using the skilled and professional staff that existed within this Technical Department. Instead, they had been left, almost forgotten by the previous Administration.

1580 It is the intention of this Government to change this, and staff are now finding themselves leading in various projects and although hard-worked, they genuinely appear happy to be of value. **(A Member: Hear, hear.)**

1585 Mr Speaker, the actual inherited staff complement in Technical Services reflects a total of eight vacancies that remain unfilled, seven of which are senior, middle and junior technical grades, and essential if this Department can be expected to run efficiently once again. This reflects a staff complement 15% less of the approved non-industrial complement. Naturally, the Department had been working in certain areas and during the previous financial year, the Department had been involved in a number of projects including coastal protection and rock fall protection, as well as works in relation to their defined responsibilities, such as highways maintenance.

1590 Mr Speaker, this coming year, Technical Services has been tasked with developing and delivering various manifesto commitments involving coastal works projects, such as the beach protection works at Sandy Bay and Catalan Bay, as well as improvement works at Camp Bay and Rosia Bay. All of these are aimed at improving the condition of the beaches and bathing facilities as they currently suffer the detrimental effects of storms. It is clearly evident, as it should have been then, that without these works, maintaining sand on our beaches is simply not possible. The loss of sand, as to be expected, the dredging of which was evidently carried out in a rushed manner and without adequate beach protection measures, surely this was simply a last minute measure to ensure that bathers could at least bathe in the summer preceding an all important General Election, regardless of whether the sand would remain, as in the case of Sandy Bay, or engulf its users in plumes of dirty dust resembling that of a building site, as is presently the case in Catalan Bay.

1600 Mr Speaker, it will fall on this Government to put these things right, and works to correct all these deficiencies will commence within the next financial year.

1605 Technical Services have already started work to construct an area of reclaimed land adjacent to Western Beach, which will presently serve as a car park for beach goers. The slipway providing leisure access to the sea for small watercraft is being temporarily relocated for this bathing season, and presently facilities are being looked into in order to provide a permanent slipway for next year's bathing season so that the community may gain access to this natural leisure resource.

1610 Turning now to cliff stabilisation and rockfall protection projects: during the coming year, works will be carried out to areas affected by rock falls as part of the Government's Cliff Stabilisation and Rockfall Protection Programme. The clearing of the rockfall protection bund at William's Way will be the main project for the year. The area in question suffered a major rock fall and landslide a few years ago, and

even though the bund did its job at the time, it now needs to be cleared to fully restore the retention capacity of this protection measure.

The Highways Maintenance Programme has proceeded with ongoing repairs of roads, footpaths and retaining walls. The Department balances the need to maintain the road network against allowing vehicles to circulate, with works to critical areas being undertaken during weekends and public holidays in order to minimise inconvenience to the public. Road closures for works are avoided during peak times wherever possible, and after hours and weekend work is the default condition imposed on contractors.

The new Road Maintenance Programme has already started with the most recent works being the resurfacing of sections of Prince Edward's Road and Rosia Road, both of which were badly deteriorated, as well as a stretch of Windmill Hill Road along what is a tourist entry route just before it reaches the Upper Rock Nature Reserve. Other areas will follow during the year. Funding is being provided for the purchase of equipment that will expand the ability for maintenance works to trenches, potholes and so on, to be carried out after hours using hot asphalt. At present, this material has to be imported from Spain, and as it is temperature dependent, its use late in the day to avoid disruption of traffic is restricted, by the working hours for commercial importation on the Spanish side.

Technical Services prepares a highways maintenance programme working within its yearly budgetary allocation, but the general state of repair, or should I say disrepair, of our existing roads needs to be addressed. This requires significant investment, which has been lacking for a good number of years. In fact, it can safely be said that our roads are suffering from years of neglect. It is the intention of this Government to accelerate the annual planned works on our roads. To this end, a comprehensive resurfacing programme is being prepared with the aim of fully tackling the condition of many of our major roads over the next three years.

Mr Speaker, work has already started on identifying a solution to the long-standing problem of loss of sand from between the paving stone joints along Main Street and other pedestrianised areas in town, such as Irish Town. Not only is this a source of complaint from the public and a potential source of accidents, especially for users of high-heeled shoes, but it also leads to the silting up of drains and sewers, which is where the sand eventually ends up. Once a satisfactory solution is identified, works will begin to permanently address this situation as per our manifesto commitment.

Moving on to sewers. Immediately upon coming into office, the Government was faced with a problem involving the collapse of a section of the main sewer along Line Wall Road, which caused a blockage and raw sewage overflows into harbour waters. I remember visiting the area the following day after the Election with my colleague, the Hon. John Cortes. Technical Services' Sewers Infrastructure Section worked tirelessly to resolve the immediate problem to clear the blockage and restore flows, a task complicated by both the depth involved and the location. Other works were subsequently undertaken and completed so as to prevent further collapses from occurring in the immediate area.

The state of Gibraltar's main sewer and storm-water drainage networks is a matter of great concern to this Government and this has arisen from a total lack of sufficient investment and neglect in this unseen, yet essential aspect of our infrastructure over the past 16 years.

To this end, the Department is in the process of developing a works plan to address this with a view to rehabilitating these networks in the short to medium term; funding has been sought for this purpose. Furthermore, Mr Speaker, projects to provide flood prevention measures at Wellington Front and Fish Market Road will be started during the year. Both of these areas have traditionally suffered from flooding problems during periods of concentrated heavy rainfall and this will be a thing of the past when the projects are completed. Funding is being provided for the purchase of equipment that will expand the Sewer Infrastructure Section's operational ability to inspect and maintain the sewerage system.

Mr Speaker, in this essential Department, this Administration inherited a work complement with seven important posts unfilled, reflecting 33% less personnel out of an approved complement of 21.

Mr Speaker, this is also the case for the Garage and Workshop, where funding for new equipment is also being provided. This entity was yet another, I was greatly shocked to learn about. Once again, morale was low and the staff complement had been left to decline. Nevertheless, the keen and professional staff continued to provide a service to maintain the fleet of Government vehicles, including the refuse collection vehicles, despite suffering from an acute lack of resources.

The situation within the Garage and Workshop is also under review, given the previous Administration's hurried signing of the Collective Agreement a few weeks before the Election, which placed them in a Government-owned company as an interim measure, one that would allow them to receive a 12% pay increase, plus an increase salary scale of two spinal points. All of this was at the expense of accepting that no further recruitment would be considered, except that out of every two persons who retired naturally, only one would be recruited. This would in essence mean the demise of the Garage and Workshop over time and the intention would have been to outsource all works to the private sector, even if this meant an increase in Government expenditure.

This hurried agreement, surely for electoral gain, has led to massive discontent within other sectors of the industrial Civil Service as peers now rightly seek to reap similar financial conditions and legitimate

equality regardless of the long-term consequences that these may have on the future of the relevant Departments.

1680 Presently, the Garage and Workshop has 14 vacancies in key posts out of the approved industrial complement of 37. This equates to 38%, without including the potential loss of up to five senior key players within this Department seeking an early exit package agreed in principle, but not put in place as time ran out before the Election. This will also fall on this Government to find a solution to, if this is at all possible, under the very difficult conditions set by the GSD Government.

1685 Mr Speaker, design work to install fire hydrants and provide telecommunications coverage inside Dudley Ward tunnel, both of which are manifesto commitments, and both of which should have been done at the time the works to reopen the tunnel were carried out, have also been started. The actual works are programmed to be undertaken this financial year.

1690 This brings me to a major manifesto commitment in the form of a new Sustainable Traffic, Transport and Parking Plan. Technical Services will be instrumental in co-ordinating and developing this over the coming months in conjunction with the Ministries for Public Transport and the Environment. This new plan will provide a comprehensive understanding of the existing traffic, transport and parking situation, in both quantitative and qualitative terms. It will then analyse and evaluate potential options for changing and improving these with a view to encouraging behavioural change and a shift in modal transport towards more sustainable alternatives.

1695 Mr Speaker, as can be seen, Technical Services Department will this coming financial year continue to deliver on their defined responsibilities, maintaining public infrastructure and continue supporting and providing technical input across the board throughout all relevant Government Ministries and Departments, in order to deliver on the Government's extensive and comprehensive programmes.

1700 Turning now to the Department of Traffic, Parking and Transport: Mr Speaker, I will now consider matters affecting my other Ministries, as I said the Department of Traffic, Parking and Transport, excluding Public Transport, the latter of which falls under the remit of my colleague the Hon. Neil Costa. The Government's manifesto commitment regarding the Sustainable Traffic, Transport and Parking Plan to further address Gibraltar's parking and traffic issues is well underway as previously touched upon.

1705 It is this Government's policy that such important issues as these need to be carefully and meticulously examined and expert local opinion is deemed an invaluable aspect of this. To this end, Her Majesty's Government of Gibraltar has embarked upon a very detailed review of the present traffic, parking and transport situation, and by way of cross-Ministerial and Departmental input, has chosen to seek and consult the opinion and feedback of not only the leading and key figures within the transport network in Gibraltar, but also those whose livelihoods depend on our reduced network of roads, together with the general public, who patiently endure the situation on our roads on a daily basis.

1710 Consulted parties have been appreciative and pleasantly surprised that *this* Government would actually choose to seek and take their humble opinions and feedback. In this way, Government may now start to really understand the complexities and how these affect the entire spectrum of the community.

1715 A tender has already been issued and we are now at an advanced stage in assessing and finally choosing a suitable consultant to help guide the inter-Ministerial Departments in providing a serious, sustainable and effective Traffic, Parking and Transport Plan, which is hoped will see real improvements to the lives of its road users, residents and pedestrians at large. The Trafalgar Interchange is proof that the previous Administration did *not* research this project sufficiently enough and appeared to have rushed the project, without giving due care and attention to the many pedestrians that frequently access the area and find this area difficult, if not dangerous to navigate. This area will be given priority, once the Sustainable Traffic, Parking and Transport Plan commences.

1720 Mr Speaker, a study was carried out, post-Election, into the usage of the large multi-storey car park in Devil's Tower Road, and this confirmed the general perception that the building was underutilised and making a financial loss. In this regard, Gibraltar Car Parks Limited is now optimising the car park at Devil's Tower Road and is now offering parking facilities for larger motorcycles over 500cc at this facility. Furthermore, a large area of this car park, together with the multi-storey car park by Regal House is now being used by local wholesale car dealers to store their export vehicles. In this way, Gibraltar Car Parks Limited is maximising its return on these installations, which would otherwise have been left under used, having cost the taxpayer millions of pounds.

1730 As part of this Government's preliminary assessment of parking facilities in Gibraltar, car parks are constantly being monitored in order to allow maximum usage, and hence benefit to users at different times of the year. This was seen at the Coach Park over the last Christmas period and also within school car parks during the summer period when staff are away on holiday.

1735 Post-Election, this Administration took the decision to push ahead with the three car parks at Arengo's Palace, Governor's Parade, in the vicinity of the once iconic Theatre Royal and Engineer's Lane, embarked upon by the previous Administration, as these were already at an advanced stage in their construction. The new Government's environmental concerns were reflected, including important environmental modifications, namely the provision of a brown roof with all the environmental benefits

associated with it and further modifications that will help improve access to residents of the Upper Town within the latter.

Mr Speaker, with a view to increasing efficiency, all HEOs, until recently under Gibraltar Car Parks Limited, were seconded to the Royal Gibraltar Police as of the beginning of June. The role of the HEOs will be extended to cover litter control, dog fouling duties, beach duty, oversize vehicle escort and aiding the RGP with general traffic duties and management. The HEOs are also being deployed to manage the frontier queues on both the exit to Spain and the second loop by the East Gate, an area prepared by this Administration in an effort to improve our vehicle holding capacity.

In keeping with international road markings, which are standard throughout EU countries, all previous 'Blue Zones' have now been properly marked out as 'Red Zones'. (A Member: Hear, hear.) This was a common cause of complaint, especially by foreign visitors who had been caught out on numerous occasions due to this anomaly in road marking convention. Her Majesty's Government of Gibraltar has also made provisions for taxis to be able to stop within an area of the Red Zone demarcated for the sole purpose of enabling passengers to get into or alight from the vehicle.

Mr Speaker, it is this Government's intention to assess and review the previous Government's policy for disabled parking bays, and will be considering meaningful changes to the issuing of Disabled Blue Badges and the rules for their usage as the current criterion used is incoherent, unfair to users and very difficult to police and control.

Mr Speaker, another manifesto commitment, and in response to concerned parties, was the introduction of Regulations which enforced the legal requirement for riders of motorcycles and mopeds in Gibraltar to wear appropriate protective headgear. These Regulations provide that all motorcycle helmets used in Gibraltar must *not* be of the half helmet or novelty helmet model type. Additionally, all helmets allowed must be, or equivalent, to the British, the United Nations Economic Commission for Europe Standard, or comply with any standard accepted by a member of the European Economic Area which offers a level of safety and protection equivalent to the British Standard. Government expects this initiative will go a long way in reducing the number of serious head and facial injuries sustained as a result of motorcycle accidents and thus improve safety to motorbike users on our roads. (A Member: Hear, hear.) (Applause) The positive feedback received across the board has been overwhelming and the common perception being that this simple change in regulation was long overdue.

Furthermore, as part of Government's awareness on road safety, the Department of Transport is putting in place administrative and practical procedures for the introduction of Compulsory Basic Training (CBT). This will consist of a preliminary course which must be completed by people wishing to ride a motorcycle or moped before riding on the road. This course will be introduced as soon as practically possible as a means of reducing accidents on roads caused by inexperienced riders, and will include aspects of riding both on and off-road with a qualified instructor approved by Government. This approach to learning will help candidates to gain a better knowledge and understanding of driving in preparation for the off-road module of the motorcycle test. This will also help to ensure that new motorcyclists gain the right skills and experience before riding bigger bikes. The CBT will be provided by the Department of Transport at no cost to the general public.

Mr Speaker, administrative and practical procedures are also well underway for the replacement, for new drivers, of our existing driving licence, for a new photo card driving licence. An agreement for the card format has finally been reached between the United Kingdom and Her Majesty's Government of Gibraltar and we are confident that the EU Directive deadline of 19th January 2013 will be met. Besides, negotiations – which are long overdue as no serious attempt to make headway on this issue was made by the previous Administration – are presently taking place between Her Majesty's Government of Gibraltar and the Driver and Vehicle Licensing Agency (DVLA) to supply our professional lorry and bus drivers with tachograph cards. This will allow our drivers, driving throughout Europe, to legally and accurately record their activities, retain their own records and produce them on demand to transport authorities throughout Europe. This will thus put an end to the unfair competition being faced by our transport undertakings locally and drivers from across the Border.

Mr Speaker, as part of our E-Government initiative, the introduction of a revised computerised theory test is in progress. This approach to learning will help candidates to gain a better knowledge and understanding of driving theory, which will help them respond to the actual practical test. It will allow candidates to take the tests on basic theory of driving, advanced theory of driving and riding via a computerised environment. This offers three multiple choice user-friendly, efficient and convenient touch-screen terminals so that candidates can answer the test questions by 'touching' the selected answer. Like the present oral tests, provisions have been made to allow this to be taken in most languages.

Another manifesto commitment aimed to help tackle and reduce unemployment has been the introduction of training to assist applicants wishing to undertake the new Driver Certificate of Professional Competence for bus and lorry theory tests. This joint multi-Ministerial initiative, including the Ministry for Employment, will positively help reduce unemployment and train our resident workforce by empowering persons, who felt that changes in EU legislation had made the test process difficult, to be

able to confidently sit their theory and practical tests. This will help persons gain a further valuable qualification, which can be useful when trying to achieve employment. This initiative will also enable current drivers to drive professionally throughout Gibraltar and the rest of Europe. This training will be undertaken by the Department of Transport and is designed to improve the knowledge and skills of professional bus and lorry drivers.

Mr Speaker, an additional joint initiative between the Ministries for Transport and Traffic to positively enhance our public service sector is the deployment of Transport Inspectors. This plan recognises the requirement to examine equipment and procedures to ensure that road haulage and public transport systems are adhered to and conform to the relevant legislation. Government is confident that this initiative will have a substantial impact on the improvement of road transport services available to the transport undertakings and community as a whole. In order to reflect a more effective and efficient forum for the general public seeking improvements to traffic matters, an innovative Traffic Commission has been appointed which ensures input from the Ministry of the Environment.

This Traffic Commission is conducting regular monthly meetings, something unheard of in the past, and has cleared a backlog of matters referred to it in a short period of time. This, hence, accelerates the time taken between application, a decision being taken, and action. Moreover, the process for implementing requests, once approved, has been re-engineered for the completion of works. This improved working practice will improve the performance of the Commission in the execution of its duties and as previously stated, will reflect a more effective and efficient forum for the general public seeking improvements to traffic matters. I would like to take this opportunity to thank the hard-working members of the Commission who, without their energy, this improved working practice would not have been possible.

Finally, other initiatives to improve Traffic and Transport throughout Gibraltar as a whole are being considered and will be announced in the near future.

Mr Speaker, I now turn to Health and Safety. Mr Speaker, Occupational Health and Safety has been left on the back burner for many years; once again, yet another fine example of a severely depleted, demotivated and neglected Department. It is this Government's intention to reverse this trend and has embarked on putting right what has been neglected for so many years: the Health and Safety Inspectorate.

For this reason, and for the first time, the Government has included Health and Safety as part of a Ministerial portfolio in its own right. This rightly suggests the importance that this Government attributes to the Health and Safety of its workforce and community at large to help keep it as safe as reasonably possible through awareness and adequate inspection and supervision of the workplace. To achieve this, it is essential that we provide an efficient and well-resourced Health and Safety Inspectorate as the enforcing authority, with the adequate and effective statutory tools.

We have also identified the need to strike a balance between enforcement, preventive investigation and other activities, such as providing advice, and to exercise a proactive and modern approach to reach out to all stakeholders. This would require influencing human behaviour by changing employers' and employees' attitudes by providing practical information and promoting standards. We need to cultivate a positive Health and Safety culture by raising awareness on the legislation among businesses, recommending standards, practices and guidance, and harmonising them throughout the industries.

Mr Speaker, the Health and Safety Inspectorate should not only be seen as an instrument of retribution, but rather as a source of valuable advisory service and a partner in assisting employers and employees to fulfil their legal obligations. To achieve these objectives, the Principal Factories Inspector has been tasked to prepare a comprehensive report into the potential restructure of the Health and Safety Inspectorate, so as to submit this as a blueprint for the Government to consider.

As a first step in the right direction, we have addressed the lack of resources within the Department, which have only seen two Factory Inspectors within the Department since the retirement of the previous Principal Health and Safety Inspector some years back. As a temporary measure the Government has increased the human resources in the Health and Safety Inspectorate, twofold. Finally, in collaboration with other organisations, we will be organising the European Health and Safety Week in October this year.

Mr Speaker, as per our Government's policy, Ministries with common and overlapping interests are working together to achieve common aims and objectives in order to improve previous Government policy or to achieve manifesto commitments. To this end, the Departments that I am responsible for have been involved in a number of projects for other Ministries.

Technical Services is developing the design for the Commonwealth Park Project and the refurbishment of the GASA Sea Bathing Pavilion for this current bathing season and will be assisting in the future GASA Sea Bathing Pavilion Project.

The Department has also been a key player in the technical advice regarding the procurement of the intended replacement of the bus fleet and the review and potential replacement of the fleet of staff car vehicles for more environmentally friendly vehicles.

The Department has also provided staff in order to carry out the Government's manifesto commitment of conducting an Annual Health and Safety Audit of each school in Gibraltar, led by the Ministry for Education.

The Department of Vehicle Licensing and Transport have also been working with the Ministry for Employment to help train persons wishing to learn new skills by way of bus and lorry training.

The Health and Safety Department have conducted reviews of various Government facilities including the hospital kitchens and the GSLA Swimming Pool following the collapse of the ventilation system.

Mr Speaker, it is evident that things have changed, but it will be finally up to the electorate to decide and judge for themselves whether they want that change. I sincerely believe that this Government, one that I am proud to form part of, is pushing forward in a joint, collegiate and positive manner.

Mr Speaker, I would like to conclude my contribution to this Budget session by sincerely thanking all members of staff and Heads of Departments who have helped me in my work and made my job so much easier to carry out. All members of staff have received me with open arms and I have been genuinely made to feel at home in such a short period of time, since 9th December.

In particular, I would like to thank my personal Ministerial staff, who have been key in guaranteeing that I perform my duties to the best of my ability. I sincerely hope that I may continue this work with the unrelenting help and effort afforded to me by all.

(Applause)

Mr Speaker: The Hon. Damon Bossino.

Hon. D J Bossino: Mr Speaker, I think I have drawn the short straw, being the penultimate speaker today.

Mr Speaker, it is an honour for me to rise and make my contribution on the Second Reading of the Appropriation Bill in this House as my maiden speech. This has been a year of 40th anniversaries in this House. A less known 40th anniversary has been the fact that the Chief Minister and I celebrated our 40th birthdays earlier this year. Another historical coincidence has been that we each gave our first Budget speeches within seven months from being elected to this Parliament. Within nine years, he rose to the dizzy heights of the highest democratically elected office in the land.

I do not know what my own personal future will bring (*Interjection*) but what I do know is that I will endeavour, to the greatest of my ability to keep the Government in check throughout my time in Opposition. I am sure I speak on behalf of all my Opposition colleagues when I say that the new splendour of his position will not dissuade us one bit from watching with cool vigilance his Government's every move.

The Leader of the Opposition, Mr Speaker, has entrusted me with shadowing the Tourism, Transport, Port and Traffic portfolios. These are portfolios which, in many respects, go to the heart of our economic well-being and therefore prosperity as a community. Tourism and the Port have traditionally, and quite properly, been considered the main pillars, or as the Hon. Minister for Employment used to prefer to call them, 'sectors' of our economy.

Given the fact also that my party has only until recently been in office for almost 16 years, I think it is important at this juncture to recite the GSD record in some of these areas. I say this in particular because *lamentably* our record has been the subject of a systematic, scurrilous and vicious campaign by the new Government which, in my view, has at its core the complete annihilation of what was, to all objective observers, a veritable success story, and only because the prosperous, successful and vibrant Gibraltar we left is not politically convenient to our opponents. (**A Member:** Hear, hear.)

I will address this House on this theme further, but at this stage I would simply say that the party's opposite attitude is a reflection of a vacuous programme for Government.

I feel very comfortable indeed, Mr Speaker, standing in this House representing the GSD record and will now seek to make a case by reference to some statistical information which show why the GSD's four consecutive terms in office proved to be such a huge success in the Tourism sphere.

Despite his *failed* attempt at denigrating our record (*Interjection*) the Hon. Minister for Tourism knows deep down inside that he has a very hard act to follow. Tourism has long been identified as one of the biggest contributors to our economy, Mr Speaker; indeed, it was identified as such by my party when in Government and therefore it has enjoyed an unprecedented level of investment over the four terms, with the result that Gibraltar's economy has enjoyed increased levels of tourist expenditure.

On any perusal of the Tourism Survey Report of 2011, which was only recently been laid before this House, the only conclusion that any reasonable observer can come to is that Gibraltar has done very well indeed. For example, the overall expenditure by tourists in 2001 stood at £145.31 million, and in 2011, last year, the year closed at £279.41 million – an increase, Mr Speaker, of £134.1 million. That 10-year period saw a year-on-year increase and all of this in the context of one of the most acute world economic downturns in 80 years.

- 1925 The overall number of visitor arrivals increased by 3.6% in 2011, compared to 2010. Sea and air arrivals also increased by 7.1% and 25.4% respectively, or an increase from 328,000 to 351,000 in respect of visitors by sea, and an increase from 131,147 to 164,000 of visitors by air.
- 1930 In cruising, that huge success story that has seen the massive turn around in the fortunes of this industry for Gibraltar, there has also been an increase in passenger arrivals in percentage terms from 2010 to 2011 of 7.2%, or in visitor numbers, from 303,000 to 325,000. If a month-on-month comparison is undertaken, we can see in starker terms how successful this sector has in fact been.
- 1935 Let us take months which are traditionally leaner in terms of tourist arrivals. In January, for example, we have seen how visitor numbers via cruise liners jump from 2,000 in 2010 to about 10,000 in 2011, a 407.3% increase. A very buoyant and encouraging increase can also be seen in December, with an increase from 5,400 to 13,000, a 140.4% increase. Comparisons can now also be made between the most recent figures in 2012 with those of the preceding 12 years. The most recent figures take us to the month of May.
- 1940 Here, too, I am happy to make the comparative exercise. The figures as at May, since 2004, show increases year on year, other than a dip in 2010, with the 2012 figures representing more than double the 2004 figures or even the 2000 figures, from 48,685 in 2000 or 40,402 in 2004 to 101,545 in at the same time in 2012, which in itself represents an increase from 100,915 last year.
- 1945 What the official figures do not show are the cruise numbers which, given the general move in the industry to improve service, tend to be higher than they used to be, so that in some cases we are looking at crew numbers amounting to almost half of the passenger numbers. This is the reality which stares the Members' opposite in the face and because they cannot bring themselves to admit it, they have little alternative but to invent their own parallel universe of woes and disaster. (**Several Members:** Hear, hear.)
- 1950 Insofar as the numbers of vessels calling at Gibraltar is concerned, the Minister claimed that there has been a decreasing number of calls. He claims that there has been a *significant* loss of calls by ships. At one level, Mr Speaker, this would be worrying if the effect of this was a decrease in number of passengers, and therefore visitors to Gibraltar, who spend their money here; but he cannot make this point, however much he would want to, because, as I have already been able to show, the numbers have in fact been *significantly* on the increase. I am therefore not sure what economic impact, given the figures, the supposed significant drop in call numbers can have had on the industry, if the numbers of passengers have so clearly and undeniably gone up.
- 1955 The Minister in one breath bombards me with statistics which suggest that there is a drop in the number of cruise liners; yet, in another, admits that ships have got bigger and that that fact accounts for the increase in passengers. He has no compunction, Mr Speaker, in having a dig at the previous Government, and yet welcomes with all the fanfare – in fact, in exactly the same way as we used to do it – the arrival, for example, of the *Serenade of the Seas*, (**A Member:** Hear, hear.) one of those horrible large vessels, which results in increased passenger arrivals and in this case with capacity of 2,490 passengers; the arrival of which, incidentally, was secured by *his* predecessor – on his own admission in this House – given that bookings for the berth took place on 9th March 2011.
- 1960 But pausing there for one moment, Mr Speaker, the Minister cannot really make his charge that there has been a *significant* loss of calls good, because the figures suggest otherwise. Over the last 10 years, the average number of calls up to May is 55.8. As at May 2012, we are in excess of the average already, at 61 calls. So the Minister should choose his words wisely before he employs them.
- 1965 Incidentally, just to drive home the point that even a lower number of calls does not result in less visitors, in 2008, when we had a bumper year all round, 70 calls, which represented the highest number over the previous 13 years, brought 78,531 passengers, whilst the 61 calls up to this year has already brought 101,545 passengers. All the indications are that the cruising market is expanding and we, on this side of the House, will scrutinise the Government's every step over the next three-and-a-half years to ensure that Gibraltar continues to share in the success.
- 1970 But, Mr Speaker, I am afraid that I will continue to disappoint. Let us look at visitor arrivals by air and of those who stayed in Gibraltar, just for the sake of choosing a figure, as opposed to 'in transit', the total number increased from 52,420 to 64,739 in 2010 and 2011 respectively. I gave the figures in percentage terms earlier. In monthly comparisons, one sees the biggest hike in numbers in April, from 3,400 in 2010 to about 5,200 in 2011 – a 53.9% increase. The second biggest increase is between July 2010 to July 2011 of 44.6%.
- 1975 I am glad to report to the House – and it is odd that one needs to do this from the Opposition benches, Mr Speaker, given that the Government has failed to do so – that there were increases in each of the months of 2010 when compared with 2011. The *total* number of visitor arrivals by air also increased between 2010 and 2011 from 131,000 to 164,000 – a 25.4% increase, as reported earlier, and also a mere 511 passengers shy from the peak level in 2008.
- 1980 By land, too, the latest statistics published by the Government online shows that there has been an increase in the number of land frontier visitor arrivals year on year, without fail, since 2000. In 2000, the land frontier visitor arrivals stood at 70,310 and at 114,246 in 2011. If one does a snapshot and compares
- 1985

the figures between the position up to and including March 2012 and the same point in time in previous years, that would indicate that we will this year surpass all previous years.

1990 As at 7th May the figure up to and including March is 26,628, an increase from the same point in time last year of 923, or an increase of 10,895 from 2000.

1995 In relation to hotels as well, Gibraltar has equally not fared badly at all when the statistics, as contained in the Hotel Occupancy Survey of 2011, are reviewed. Here we see how there has been consolidation in both the room and sleeper occupancy figures at around the 60% and 50% mark respectively. That is the reflection of the reality which is out there, in terms of the statistics, and a far cry from the reality which the Government and the Minister, in his school playground childish manner, tries to persuade this House is the contrary view.

2000 I am on record in this House as having welcomed and congratulated my opposite number for giving Tourism the priority position it deserves. But you see, Mr Speaker, success has to be built on strong foundations and the statistics I have been through show what can be done if this area of Government policy is handled carefully and intelligently – but I dare say that I am not encouraged by what I see.

2005 We cannot forget the context in which the party opposite was elected into office. They were in Opposition for 15 years and during most of those years, the now Deputy Chief Minister subjected the former Government to a vicious and sustained attack on Tourism. Almost like Chinese torture, he would incessantly twist the reality of the boom which Gibraltar was enjoying for his own party's political ends and paint a false picture of doom and gloom in *every* Budget speech he delivered in this House.

2010 But let us for one moment assume that the then Opposition really believed what they were saying. In those circumstances, is it not reasonable to have expected them to have deployed all the wonderful things that they would have done had they been given a chance by the electorate in the previous 15 years, and hit the ground running? Not surprisingly, it has not materialised.

I say 'not surprisingly' because when challenged by the former Minister, Mr Holliday, to come up with what *they* would have done if in Government, he was never taken up on the offer. I now very much suspect that the reason for this is because they had no alternative plan at all, and I quote, Mr Speaker, from *Hansard*, what Mr Holliday prophetically said in last year's Budget session:

2015 *(Interjection and laughter)*

2020 'Last year I challenged Opposition Members the Hon Dr. Garcia, the Hon Mr Picardo and the Hon Mr Licudi to come up with their own policy statements and strategies regarding aviation, cruising, GBC and transport. It is no surprise, that none of the Opposition Members have come forward with any proposals, in any one of these issues, during the last year. Perhaps, the intention of the GSLP/Liberal Alliance, if ever elected into power'

– and this is the prophetic bit –

2025 'is to try and build on this Government's excellent initiatives and policy strategies, which not only work but have brought substantial stability and prosperity to Gibraltar.'

2030 What have the present Government come up with in terms of initiatives? More talking shops and more consulting with the industry, and I do not for one moment deny the value in consultation; but whether it is in the welcoming of Royal Caribbean cruise liners, setting up of maps and map dispensers or new airlines, the Government has been rolling out what are purely and simply GSD initiatives.

2035 We welcome them, but the only point I am making, Mr Speaker, is that seven months in – after 15 years of intense criticism – the electorate reasonably would have expected more, much more; but the reason why the people are not getting more is because a lot had already been done and what was not 'broke' should really not be fixed. The sad and, worse still, reprehensible thing is that they unscrupulously led the electorate down the garden path on this issue, as with so many others.

2040 In relation to the Upper Rock, we have seen how there is a big gulf between electoral promise in the manifesto and what happens in reality. Instead of all of us enjoying the benefit of what they described as an 'immediate commencement' of a programme to refurbish the Upper Rock Nature Reserve, what we have seen is the commencement of nothing other than a talking shop. In what is quickly becoming a hallmark of this Government, they seem incapable of taking decisions, or at least the correct decisions, because they know that when a decision is made in Government, you will always have to disappoint someone, somewhere along the way, and this is something that they find very difficult to do. *(Interjections and laughter)*

2045 This is what we have seen in relation to the Upper Rock. Here the hon. Members simply talk of the challenge that it is to balance the amenity value – whatever that is – of users on the one hand with the commercial value for other users who rely on the Upper Rock for their livelihood; but we get not even an inkling of their thoughts on the matter, other than that they will set up some signs and do something with some water tanks.

This is the case, Mr Speaker, because they *dread the day* when they will have to tell the tour operators, the taxi drivers or the environmental lobby on which side they are really on. They no longer have the luxury of taking the middle road. They either need to turn left or need to turn right.

Who are they going to favour, Mr Speaker, and who are they going to disappoint? The environmental lobby? The taxi drivers, perhaps? Because the reality is they will not be able to please everybody *all* of the time and we await on this side of the House with bated breath for a decision in this area.

I deal with Port issues next, given the considerable interplay that exists between this area of policy and Tourism. Indeed, I have touched upon the cruise industry in the context of Tourism because it of course straddles the Port and Tourism areas. The Port is another important engine of our economy and it was very early on identified as such by the first GSD Government. The changes which were carried out at the Port were revolutionary and laid the foundation stones for the success which was to come thereafter.

Again, one only needs to review the statistics to show how the statements I have just made are in fact supported by the hard facts. The 'Actual' Consolidated Fund Revenue for 2010-2011 was in total about £6.2 million, with the 'Forecast Outturn' figure for 2011-2012 being £6.7 million and the 'Estimate' for 2012-2013 set now at £6.5 million. There were also overall increases in 'Receipts', according to the Accounts of the Gibraltar Port Authority for financial years ended 2007, 2008 and 2009, which were recently laid before this House. These comprise items such as 'Tonnage Dues', 'Berthing Charges' and 'Bunkering Charges'. Year on year again, Mr Speaker, the figures increase from £1.4 million to £1.8 million to £2 million, if one excludes the Government's contribution.

We now have, according to the latest Report, which was I think laid before the House yesterday by the Hon. Minister... looking at a figure of £5 million. If a direct comparison is made with the position up until May 2011 with May 2012, both the numbers of ships calling for bunkering and cargo are up: 2,400 to about 2,500 in respect of bunkering and 63 to 81 in respect of cargo. Ships calling for repairs are slightly down from 56 to 54.

However, we know anecdotally that Gibdock is doing very well. The overall figure in terms of the number of ships calling to Gibraltar is 10,350 in 2011, slightly lower than 2010, but higher than 2009, which in itself saw the highest number of ships calling to Gibraltar, according to the figures I have available, which are from 1989. The bunker volume statistics also show the volumes maintaining themselves at 4.2 million tonnes and to put that last figure into some perspective, we were looking at 2.1 million tonnes, literally half that amount, in 1997.

The figures, therefore, Mr Speaker, speak for themselves and show the vastly improved Port which we left before we left office last year. In relation to this area of responsibility, I also want to ensure, as best as I can from the Opposition benches, that the numbers keep on going up and that this activity continues to be a source of income for our economy.

Even in these early days, however, I am already concerned about certain developments which are still salvageable.

We have witnessed how the post of Director of Maritime Affairs is vacant after the departure of Mr Tony Davis to No. 6. The former Director was immensely useful in the marketing context and was in fact dedicated to this activity having an in-depth knowledge of the – in particular – cruising market. He knows many top level executives of the cruising companies on a first names basis and it is clear that my opposite number also saw the valuable contribution which Mr Davis can bring, given that he formed part of the Gibraltar delegation which went to the UK recently, visiting, amongst others, cruise operators. We would encourage the Government from this side of the House to ensure that somebody with Mr Davis' qualifications and experience is appointed to fill the now vacant post.

Also, in relation to the Port, we have seen how seven months into their term of office we have, as yet, no appointment of the Deputy Marine Officer. This is something which I would much rather have seen developing at a quicker pace, given the crucial operational importance that this post has to the proper functioning of the Port, and I take this further opportunity, for the sake of the proper functioning of the Port, to encourage the Minister to make every possible effort to ensure that the post is filled without further delay and that the successful applicant be suitably qualified with a Master Mariner's Certificate, in order to allow him to properly deputise for the Captain, as and when he is not available.

It recently, Mr Speaker, came to my attention that the Minister for Tourism did not attend the Posedonia 2012 Shipping Exhibition, which took place between 4th and 8th June. This is, to put it mildly, lamentable on the Government's part and puts into perspective the Minister's criticisms – which we take this opportunity to completely refute – of lack of follow-up after meetings with executives by the former Administration and his philosophy of pursuing, as he terms it, face-to-face meetings.

Of course, the latter philosophy was also shared by the previous Administration and although apparently adopted by the hon. Member opposite, he fails completely to put it into practice, when an opportunity is given to him to attend one of the most important shipping exhibitions available to the industry.

This Exhibition is attended by the major players in the industry including, but not exclusively relating to cruising. The Gibraltar contingent normally comprises representatives from the whole range of Port-

related services which are provided in Gibraltar, such as the Port Registry, Ship Repair Yard, the Port Authority, etc. My party's involvement in Government was that this delegation required high-level support in the form of the Minister for the Port himself, who attended personally. It appears from this Minister's non-attendance that he does not attach the same level of importance to this Exhibition, and if this is in fact the case, he ignores Posedonia to Gibraltar's peril.

The GSD in Government, Mr Speaker, was committed to proceeding with the project to build a new cruise terminal. This included extending the facilities so that four ships could be accommodated at any given time. The plan was also to provide for turnaround and long-term stay. These plans were the result of *extensive* discussions with cruise companies which operate in Gibraltar, whose views were very much taken on board.

This, Mr Speaker, requires forward planning, which is what my party did when in Government. We planned for what the industry would bring and require in the medium to long term in, for example, accommodation of larger vessels. It is therefore not clear to us why this project has not been proceeded with given its obvious benefits to the cruise industry in Gibraltar. If the Government is truly committed to the cruising industry, we would encourage and recommend that it proceed with the terminal without delay.

I am truly concerned for the Member opposite, Mr Costa, because he must really believe his own party propaganda in relation to the arrival of the 'New Dawn'. He cannot really believe – *à la* Disneyland – that owners of large vessels, for example, are all of a sudden to express confidence in Gibraltar only because they won the last Elections and assumed office on 9th December. He must see – because I rate him – that the possibility of new investors coming to Gibraltar, given his short tenure, must be in very large measure as a result of the very firm foundations which we left and not because of his recent discovery of the value of face-to-face meetings. If he does not, then he is simply naïve and not credible.

I now turn to my other area of responsibility, Transport. Under the Transport Head, Mr Speaker, I have very little alternative unfortunately but to raise in this House the unsavoury matter of the Gibraltar Bus Company Limited and the treatment by the Government of Mr Sardeña's Industrial Tribunal claim. (*Interjections*) I say, Mr Speaker, that I have little alternative because I would not be honouring my duty to the electorate, who gave me a seat in this House as an Opposition MP, if I failed to address head-on the 'elephant in the room' issue which hampers this area of responsibility.

It is also with considerable regret that I have to occupy time in this House to deal with this issue, because I would much rather deal with the substance of transportation which is so crucial to the quality of life in this community and our economic success.

The facts surrounding this case have been the subject of considerable press coverage and I would limit myself to recanting what has already been said in the press, and in this House, and I will do so in as neutral terms as possible. I say 'neutrally', Mr Speaker, because there really is no necessity for political punch to go into the presentation of the facts, because the facts simply speak for themselves.

The first fact, Mr Speaker, is that Mr Sardeña brought a claim for unfair dismissal against the Gibraltar Bus Company Limited, a Government-owned company. The second fact is that Mr Sardeña was represented in the Industrial Tribunal by Mr Bossano, the former leader of the GSLP and now the Hon. Minister for Employment. Thirdly, Mr Speaker, the Company defends itself throughout the proceedings, on *independent legal advice*, against the claim. Fourthly, during the course of the trial – we say almost at the end, but I am willing to concede that it was halfway through – the case stopped. The reason for this is that Mr Sardeña is charged criminally with fraud.

The significance of this – if I pause here for a moment – is that these facts are very closely linked to the facts before the Industrial Tribunal Chairman. There has been no denial of this point, which we have made openly in the press, by the Government.

Fifthly, importantly and significantly for the Tribunal claim, Mr Sardeña is found guilty of fraud. He then appeals against the conviction, but fails. The now Chief Minister represented him at the appeal. This shows further evidence, if such were needed, of the very close link between Mr Sardeña and the GSLP leadership.

Then on 8th December 2011, we have the arrival, Mr Speaker, of the 'New Dawn' and the Members opposite secure power. Instead of the case proceeding to a conclusion, in an act of clear political manipulation, (**Two Members:** Hear, hear.) the Gibraltar Bus Company is instructed, not by its Board, not by its Directors, but by its shareholder, the new Gibraltar Government, to withdraw the defence. The directors of the Bus Company refuse and are dismissed.

This action is taken in circumstances where the Bus Company had, on the face of the facts as we know them on this side of the House, every conceivable chance of succeeding. When asked whether the Minister for Transport had received legal advice, he eventually said in this House, after much squirming, that the advice had been received not by the lawyer who had been representing the Bus Company all along (*Interjection*) but by his own firm, Verralls, and for free.

The Government Minister who had originally said in the press that he had reviewed the papers on the case himself, then said in this House, after much questioning from this side of the House, that he had taken legal advice and from the firm with which he continues to be employed.

2175 Even, Mr Speaker, if this interpretation of the facts is incorrect, or this presentation of the facts is incorrect or otherwise has been inaccurately presented, surely what you do not do as a party to litigation is first withdraw the defence and then try and agree a settlement; usually, and sensibly, as all of us who practise or have practised in law will know, is it the other way round.

2180 **Chief Minister (Hon. F R Picardo):** What about the –

Hon. D J Bossino: We now know –

Mr Speaker: Order! Order!

2185 **Hon. D J Bossino:** – that public statements – (*Interjection by Hon. Chief Minister*)

Mr Speaker: Order! Order! (*Interjection by Hon. Chief Minister*)

2190 **Hon. D J Bossino:** Obviously, the Chief Minister (*Interjections*) is getting excited by it – (*Interjections*)

Mr Speaker: Order! Order! The Hon. Member is –

2195 **Hon. D J Bossino:** I am grateful, Mr Speaker.

We now know from public statements made by the Government that this remarkable and astonishing chronology of events was informed by a desire to exercise the full might of Governmental power in their hands in support of the position which they had adopted in Opposition, namely that Mr Sardeña had a ‘legitimate case for unfair dismissal’. This they described as an ‘adoption of a position’, which they claimed that people had voted for when they chose their new Government. That explanation is, with respect to the Members opposite, simply unsustainable and a weak, I would say, wholly unsuccessful attempt at white-washing their decision with democratic and political legitimacy. When has it ever been argued by a political party that a view adopted in respect of a case in which they are not even litigants should somehow be adopted as Government policy on the basis that their view, which was never explained or expressed in public – certainly not during the Election campaign and I do not think even before then – should have received a mandate at the polls? It does not wash and it never will. (*Applause*)

2200 In light of these facts – (*Interjection*) Well, then, fine. Wait for the Inquiry.

2205 In light of these facts, it is simply not plausible for the Government to hide behind the cost-cutting smokescreen which they conveniently set up for themselves – an excuse, which in the context of the facts of the case, does simply not ring true.

2210 The *Chronicle*, in the editorial of 20th April, stated, and I quote:

‘The decision not to resist an action and to settle cannot be argued solely on cost grounds. The whole of the administration of justice could otherwise often be seen as an excessive burden.’

2215 The Government now faces having to pay out what could be a huge amount of money (*Interjections*) in compensation. Within just over a month of holding the keys to No. 6, the Minister for Employment changed the rules so that the basic award which successful claimants are entitled to is no longer the subject of a statutory cap. Mr Sardeña will be entitled to – using the Minister for Employment’s own words in this House – a ‘sky’s the limit’ award.

2220 I repeat the accusation in this House now, which we made in our first statement to the press, which is that the Government’s decision is at best ill thought out and irrational, and at worst a manifestation of signs which amount to political corruption. (*Interjection*) Not one of their public statements, after this party’s first pronouncement on this matter, assuages any of our concerns. We look forward to the independent public inquiry on the matter, but we will be keeping a very close eye –

2225

Procedural Re allegation of ‘political corruption’

2230 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I hesitate to rise to make a Point of Order, but I think it is important that this debate has been handled, by all parties who have made interventions to date, at least within the rules of the House.

An allegation of 'political corruption' should be made on motion, Mr Speaker, in my view. I do not think it is appropriate to make an allegation of corruption without putting a motion. It is tantamount to suggesting, Mr Speaker, that there has been abuse of position on this side of the House and I think...

All I would do, Mr Speaker, is ask the hon. Gentleman, *invite* him, to bring a motion if he wants to make that point, or at least withdraw that word and put it in any other way.

Mr Speaker: I hope the Members will bear with me while I quickly afresh my reading of... Well, there is Standing Order 45, paragraph (6):

'No Member shall impute improper motives to any other Member.'

That is one which might be considered. Then there is also 45(12):

'The conduct of...'

– and then it names a number of entities –

'members of the Parliament [...] shall not be raised except upon a specific substantive motion moved for that purpose;'

Hon. Chief Minister: Mr Speaker, I think *Erskine May* may actually help us, or the modern version may help us more.

But look, this is a debate where we say a lot of things about each other and it is right that we should and we should be free to do so, Mr Speaker. I will have something to say about the things that the Leader of the Opposition has said and the way that he characterised some of the things that were said during the Election, when he used the 'L' word. This is a debate where we allow ourselves to say a lot, but an allegation of 'political corruption' in my view, Mr Speaker, offends the Rules of the House and I think the hon. Member can put the point he is making in many other ways.

I think if he wants to make that point, I *invite* him to bring a motion to do so and we will debate his view that there is 'political corruption'; but I would ask him to withdraw it and to continue with his speech in other terms.

Hon. D A Feetham: Mr Speaker, I am not sure that in fact the term 'political corruption', which is, effectively, levelled against the Government as a whole, and the criticism, really, is of the Government as an entity, actually falls within paragraph 45(6) about imputing improper motive to any other Member, or alternatively under paragraph (12), about the conduct of Her Majesty, Members of the Royal Family, the Governor, Members of Parliament.

At the end of the day, the Hon. Mr Bossino is making a political point. He is not making a specific allegation against any individual Minister. He is making a political point, a quite valid political point, in our view, against the Government as a whole.

Now, I do not see a reason why the Hon. Mr Bossino should withdraw the point that he has made. He has made it. It may well be, in fact, that a motion is brought because as we indicated a number of months ago we want to make more use of motions, and certainly this is an area where we may indeed bring a motion so there can be a debate between this side of the House and that side of the House on this particular issue, but I do not see that the hon. Member has transgressed in any way, shape or form, the rules. In actual fact, if you were to pick him up in relation to this, quite frankly one wonders whether half the Members of Parliament would be transgressing in relation to these particular rules and I urge the Hon. Mr Speaker to be cautious in terms of how he interprets these particular rules.

But, as I say, he has made the allegation. We do not think that in fact there is a transgression, and he is moving on with the point. We may in fact bring a motion later on in the year.

Hon. Chief Minister: Mr Speaker, if I can just reply to that point.

The hon. Gentleman needs to be careful with defending anything for the sake of defending it. If he wants to bring a motion to allege corruption against this Government, and if he thinks that that word is something that is defensible and that it is right that it should be bandied across the floor of this House, well, Mr Speaker, he defends that to his peril, because if that is the sort of language that the Members opposite think is Parliamentary language, they have been in Government for 16 years, and we have issued press statements and made references to things that have gone on and we have avoided, in this House, talking about corruption.

But, if they want to 'pull that string', Mr Speaker, there are ways of characterising behaviour and ways of characterising behaviour, and if we go down the road of agreeing that alleging corruption against each other is acceptable in this Parliament – and 'corruption', Mr Speaker, is a criminal offence, and 'political corruption' is a criminal offence because it is corruption in office – then that allegation of a

2295 criminal offence, Mr Speaker, is not something that is going to run only in one direction and the hon. Gentleman needs to know the language that he is using.

2300 'Political corruption' is specifically provided for in the Criminal Offences Act: it is the corruption of an individual in public office. That is what 'political corruption' is. Now if he wants to say that he is not making an allegation of an offence and that that is not what the word 'corruption' means, then he, as a lawyer, needs to understand what it is exactly that he is invoking under the provisions of the Criminal Offences Act.

Mr Speaker: And I think –

2305 **Hon. D A Feetham:** Well, Mr Speaker, may I dare to... I do not agree with that.

Hon. Chief Minister: [*Inaudible*] you don't!

2310 **Hon. D A Feetham:** I have to say, no, I do not. I do not agree with that.

No one is accusing anybody on that side of the House of corruption in the criminal sense. Mr Speaker, there is absolutely no difference between my hon. Friend saying 'political corruption', and the Hon. the Chief Minister actually accusing us on this side of the House, when we were in Government, of choosing people and employing them *a dedo*. That is what he was saying. Well, look, it is another way of saying what my learned friend and hon. Friend, Mr Bossino has actually said.

2315 Mr Speaker, it is an accusation that the hon. Member, Mr Bossino, has made outside of this House, but there is no allegation of corruption in the criminal sense or in the financial sense made against the Government. It is a political criticism – that is what he is making. He has made it. He is moving on. It may well be that we bring a motion in the future and, quite frankly, I think that at this stage in the evening, we should get on with the Members' speeches.

2320 **Mr Speaker:** But does the hon. – ?

2325 **Hon. Chief Minister:** Mr Speaker, may I just share with the House the definition in the dictionary – not in the law if he does not want to go down that road – of the word 'corruption'? It is 'dishonest or fraudulent conduct by those in power, typically involving bribery.' *Dishonest or fraudulent conduct*, Mr Speaker.

2330 If they are not alleging dishonesty, if they are not alleging fraudulent conduct, if they are not saying that there is an offence under the Criminal Offences Act which deals with corruption in public office, then, Mr Speaker, it is very simple: he does not use the word 'corruption'. But if he uses the word 'corruption' for the effect that that word has, he has to stand by it and say that he means that we have acted fraudulently, that we have acted dishonestly or that we have acted in breach of the Criminal Offences Act. If he does not mean that – and I believe, Mr Speaker, that he does not mean – well then he needs to say that he means something else and he needs to use another word. (*Interjections*)

2335 **Hon. D A Feetham:** Mr Speaker, it is not the intention of my hon. Friend, Mr Bossino, to describe anybody as being dishonest or subject to bribery or anything else. He prefixed the term with the word 'political' – 'political corruption'. In fact, he should know – and I know that he has done some defamation in the past because I know that he has been on the other side in cases that I have perhaps been involved in when we were in different firms – the distinction is, if you call somebody 'dishonest' – or a politician 'dishonest' – that may well be defamatory; but when you say that person is '*politically* dishonest', clearly what you are doing is actually making or criticising somebody in a political context. That is the reality.

2340 Nobody is calling anybody on that side of the House, either 'dishonest' or taking backhanders, or subject to corruption, or anything like it. It is a 'political criticism', that is all, and I hope that the hon. Gentleman accepts that and he allows the Hon. Mr Bossino to get on with his maiden speech.

2345 **Hon. Chief Minister:** I see. So the argument is that he said 'corruption', but he did not mean it.

2350 Well, look, Mr Speaker (*Interjection*) in that context, if that is a withdrawal by the Hon. the putative Leader of the Opposition (*Interjection*) – 'putative', it is a prefix, like 'political': it means 'not really' (*Laughter*) – of the word 'corruption', then look, Mr Speaker, I am prepared to accept that he did not know what he meant and he therefore does not mean 'dishonest', does not mean 'fraudulent', does not mean 'corrupt', and therefore that is not the allegation made.

2355 I would like to see what it is that is being said, when the word 'corruption' is used, if it is not the dictionary definition and it is not the definition in law. It may mean 'very pleasant' in the lexicon of what he means, but the word 'corruption' has a meaning and as long as he does not mean what he says, then I am quite happy for him to withdraw it.

Mr Speaker: I think I want to hear what the Hon. Damon Bossino wants to say before I make a Ruling, if I have to make a Ruling.

2360 **Hon. D J Bossino:** Mr Speaker, the Point of Order is that I am being asked to present a motion to this House to make the allegation of corruption, and it seems that we have developed from that... well, of corruption, I think was the point – I think we have developed from that point.

2365 Simply to add what my hon. and learned friend has just said, Mr Feetham, which is that this is the allegation which has been made by this party in public statements to the press. The whole of Gibraltar has heard and read that allegation being made publicly. I am not sure why, when all I was doing – and I said so when I prefixed, by way of introduction, before I launched into the summary of the facts of the case – was simply recanting what we had said, and in fact more what we had said publicly in the press, and I am surprised that the Chief Minister should want to muzzle me using technical arguments for simply restating what has been said in public in this House.

2370 **Mr Speaker:** Yes, but with respect, what is said outside this House does not necessarily make it Parliamentary language in this House, and *vice versa*. What is said in this House, you can get away with; but the fact that it has been said outside this House and nobody has taken issue outside this House, does not make it Parliamentary in this House.

2375 I am not ruling that it is unparliamentary, but that is the point I am making. (*Interjections*)
The Hon. the Minister for Justice.

2380 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the point that you make is clearly right. Whatever may be said outside the House, the hon. Members may have to answer *outside* the House, whether in press releases, in the press or in another forum; but where a matter is repeated, and the fact that it is repeated in this House, does not make that language Parliamentary.

2385 May I assist – (**Mr Speaker:** Please.) thank you, Mr Speaker – by referring to *Erskine May*? It is in fact an old edition, it is the 19th edition, at page 429, under the heading, ‘Allegations against Members’, and it says:

2390 ‘Good temper and moderation are the characteristics of parliamentary language. Parliamentary language is never more desirable than when a Member is canvassing the opinions and conduct of his opponents in debate. The same right to plain, courteous treatment in debate is due alike in both Houses of Parliament; and abusive language, and imputations of falsehood, uttered by Members of the House of Commons or the House of Lords have usually been met by the immediate intervention of the Chair to compel the withdrawal of the offensive words or, in default, the punishment by suspension. It will also be useful to give examples here of expressions which are unparliamentary and call for prompt interference. These may be classified as follows:’

2395 There is a list, and the first one on the list is the ‘imputation of false or unavowed motives’.

The hon. Members talk of corruption and they do not mean corruption in a dishonest way, they do not mean corruption in a criminal way. They talk of ‘political corruption’. That must necessarily go to the motives of a decision which... The hon. Member has not just imputed in respect of the whole Government, because the hon. Member opposite has singled out the Hon. Mr Costa as having been the maker of a particular decision and the criticism is levelled primarily at him; but it is, in any event, an imputation of a motive to the whole Government, if not to the hon. Member. It is undoubtedly, I would suggest, Mr Speaker, an imputation of a false or unavowed motive to either the hon. Member himself, or the whole of the Government, in accusing the Government or the Member of ‘political corruption’ – it cannot be interpreted in any other way.

2405 Therefore, according to the provisions of *Erskine May*, which are there for our guidance, it calls for immediate intervention by the Chair and a call for a withdrawal of the language or, in default, suspension. We are not calling, clearly, for the suspension of the Member; (*Interjection by Mr Speaker*) we are simply proposing that if the hon. Member wants to make that suggestion, he should simply bring a motion. Certainly, he should not be able to make that point and use that language in the course of debate.

2410 **Hon. D A Feetham:** Mr Speaker, the Speaker should be very, very careful indeed about the course of action that you are invited to undertake. (*Interjection by Hon. G H Licudi*) This is not an allegation against any Minister; it is an allegation against the Government as a whole, but it is a ‘political criticism’.

2415 Mr Speaker, it is a novel concept that if this side of the House questions the political motives of the Government on the benches opposite, that that somehow is unparliamentary language or is something that entitles anyone to call for censure of somebody on this side of the House. Look, we would *all* be censured, because we are constantly calling into question the political motives, both us on their side, and them on our side!

2420 The reality of the situation is that if he had used the term ‘political dishonesty’, well, what? Nobody would have said anything. He has used the term ‘political corruption’; it means exactly the same thing – nothing more, nothing less. (*Interjection*) This issue – (*Interjection*)

Hon. G H Licudi: [*Inaudible*] what does it mean? What is it *intended* to mean?

2425 **Hon. D A Feetham:** It is calling your political *motives* into question – absolutely! (*Interjections*) Your political motives. (*Interjections*) No, the term, Mr Speaker, ‘improper motive’ cannot possibly extend to calling into question somebody’s political motives or somebody’s political decisions. It cannot – otherwise we would be completely hampered in doing our duty, not only on our side of the House, but also them on their side of the House. ‘Improper motive’ does not go to that; it goes to something other than that, Mr Speaker. (*Interjections*) I would invite Mr Speaker to be cautious about this, because the reality is that what we do not want is a Ruling from the Chair on something like this that turns out clearly to be wrong.

2435 The hon. Member has made the statement. He says that in future he might well bring a motion – in fact, I have already said that we want to make more use of motions in the future – and he is moving on with his speech. The hon. Gentlemen opposite should perhaps be less thin-skinned about criticisms levelled against them, and the Hon. the Chief Minister is going to have plenty of time to respond. No doubt he will have a field day on Thursday responding to the hon. Gentleman and everybody else! (*Laughter and interjection by Mr Speaker*) (**A Member:** Absolutely) And you should allow the hon. Gentleman to continue with making his speech.

2440 **Mr Speaker:** I think we must move away from the point. The passage which the Hon. the Minister for Justice has cited from *Erskine May* in fact reflects what 45(6) and 45(12) says. The reason why I did not promptly intervene, as the passage suggests I should have, is the use of the words ‘political corruption’, in the context of what was said by the hon. Member, did not read to me as unparliamentary; however, now on closer examination of...

2445 Before I go to that, the point about 45(6), which talks of ‘no Member shall impute improper motives to any other Member’, I do not take the view that imputing any ‘political’ motive – leaving aside the word ‘corruption’ – any ‘political’ motive is an ‘improper’ motive because all of you here are politicians. You are all motivated by political considerations. To impute any ‘political’ motive is not ‘improper’. Now, as I say, not using the word ‘corruption’ in this particular context, but we have tolerated in this House ‘political hypocrisy’, ‘political...’ (*Interjections*) No, no, sorry, the words ‘political hypocrisy’! The question is, do we tolerate the words ‘political corruption’? (*Interjections*) Yes, ‘hypocrisy’ is a milder form of criticism of any person than the word ‘corruption’ is – that is my line of thinking.

2455 Because I see the seriousness with which the matter has been raised and dealt with, (*Interjection*) I would ask the hon. Member, is he willing to rephrase that particular part of his passage – to save me going back and having to write out a Ruling for Thursday morning? I am sure the hon. Member can rephrase it and in a manner, I think, which would take the offence out of the situation. (*Interjection*)

2460 At first glance, in the context, I did not take the view it was unparliamentary; but now that the question has been raised, would the Member repeat the passage (*Laughter and interjections*) stopping before the offensive words?

Hon. D J Bossino: Mr Speaker, should the repetition include the ‘C’ word (**Mr Speaker:** No, no.) (*Laughter and interjections*) which has clearly so offended the Members opposite?

2465 **Mr Speaker:** No, I do not think we wish to compound the offence.

Hon. D J Bossino: I cannot even remember where I was, to be honest. (*Interjection and laughter*) Just bear with me.

2470 **Mr Speaker:** It was not that far back.

Hon. D J Bossino: No, no.

Hon. G H Licudi: Start with your last line. (*Interjections*)

2475 **A Member:** Take it from the top.

Hon. D J Bossino: Oh yes, here we are:

‘I repeat the accusation’

2480 – which and I am quoting from my speech, Mr Speaker –

‘which we made in our first statement to the press which is that the Government’s decision is at best ill thought out and irrational, and at worst a manifestation of signs which amount to political [...]’

2485 (*Laughter and interjections*)

Mr Speaker: Yes, exactly, in that context, I did not see it as unparliamentary, the way it was phrased; but the use of the word which is now under consideration can understandably give rise to offence.

2490 **Hon. D A Feetham:** Will the Hon. the Chief Minister accept ‘political dishonesty’ instead of ‘political corruption’?

Hon. Chief Minister: This is not a negotiation, Mr Speaker. (*Interjections*) This is very simple.

2495 Mr Speaker, either that is I think very easily rephrased and we carry on, or my speech on Thursday starts with that ‘C’ word and ends with that ‘C’ word.

Mr Speaker: Well, hopefully –

2500 **Hon. Chief Minister:** And then the temperature, Mr Speaker –

Mr Speaker: No, no, no!

Hon. Chief Minister: – the temperature will really rise in this place.

2505 **Mr Speaker:** I see that offence has been taken. Is the hon. Member willing to rephrase it or withdraw it, otherwise I will have to make a Ruling first thing on Thursday morning and we take it from there?

2510 **Hon. D J Bossino:** Mr Speaker, I am not sure how I can, other than replacing the word ‘corruption’ in deference to the sensitivity of the Government opposite, (*Interjection*) and simply replace it with the word ‘dishonesty’, if the ‘corruption’ word is so vulgar to be able to pronounced in this House.

But simply to say, the preamble... I have not had the benefit of reading the particular provision cited from *Erskine May* by the Hon. Minister for Justice, and one likes to read these things.

2515 **Mr Speaker:** Anyway, having taken –

Hon. D J Bossino: The preamble just says apparently, according to the Minister, that the debate in the House should be conducted in good temper and moderation and I think that both those adjectives apply to me. (*Laughter and interjections*)

2520 **Mr Speaker:** Well, I think... Anyway, (*Interjections*) I will make a formal Ruling first thing on Thursday morning on the terminology.
Please do carry on.

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Appropriation Act 2012 Debate continued

2530 **Hon. D J Bossino:** Mr Speaker, we look forward to the independent public inquiry on the matter – I think I may have already covered this point – but we will be keeping a very close eye as to the conduct of that Inquiry in practice.

Already in relation to the Inquiry, Mr Speaker, we have seen worrying signals that it may develop into another anti-GSD witch hunt, and I refer to the Government’s statement to the press that the Inquiry will go into, and I quote:

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‘...certain aspects of the Sardenña case’.

In the same editorial I referred to earlier, the *Chronicle* raises this issue and states that:

2540 ‘Government still needs to explain what it means by “certain aspects.”’

We have endeavoured at all times to keep to the facts in our treatment of this case and not enter into the name calling and party bickering which has plagued Gibraltar politics for so long, but this has been difficult, (*Interjection*) given the negative and hostile attitude displayed by the other side on what is such a sensitive issue.

Of course we know that the reason for this is that the Government has been intent all along in deflecting attention from the obvious difficulty it is in. Attack, in this case has, in their view, given them the best form of defence.

I now move on to Transport policy generally, the Members opposite will be glad to know. Whether it be the airport or the tunnel under the runway, I would encourage the Government to quickly understand the importance of the linkage between good transport connections and a successful economy. The Chief Minister will be glad to hear that in an article which appears in the website of the Member of Parliament for South Shields, Mr David Milliband, a fellow socialist of his, he states that, and I quote:

'It's crucial to understand that successful regions are ones which are connected to the rest of the world. Whether hard connections – like transport, airport development and fast broadband, or soft connections – like student visas for Higher Education. Investment to ensure that these connections exist is crucial.'

It is this connection which was perfectly understood by the GSD in Government. We appreciated that central to our ability to enter into the next stage of our economic development was the importance of proper investment in our airport terminal, combined with maximisation of its use – a use which had been liberated by the ability to now connect to many destinations other than the UK. This Government now has at its disposal a new airport terminal, which any self-respecting and advanced society can be truly proud of and we wish it every success into the future. They are on record as having stated, almost begrudgingly, that:

'We have to try and make it work'.

I encourage them to do so for the benefit of us all and I can assure the people of Gibraltar that I will do everything within my power as an Opposition MP to ensure that they, on that side of the House, do everything in their power to make it work.

In relation to the tunnel, we have in the past rehearsed the supreme advantage in having a dual carriageway under the runway. We have always identified this scheme as advantageous to Gibraltar as a means of eliminating very significant traffic delays and disruption caused by the need to interrupt vehicular traffic on the takeoff or landing of aircraft on the airfield. The tunnel is also a hugely useful and attractive supporting infrastructure to the new terminal.

I need only but refer to a letter which appeared in the *Gibraltar Chronicle* edition of 30th June, which states, and I quote:

'I am aware that matters concerning the new airport terminal have become party political issues, but I express these views outside of local politics and only in support of Gibraltar. [...] The new terminal building is noticed'

– and I am not quoting the full letter –

'by every visitor to Gibraltar. Visitors by air naturally, but it is also the first and last building in Gib for land visitors. I can't imagine cruise visitors not noticing it from the siege Tunnel or Princess Caroline Battery.

Every day the old terminal remains in use says to the world that Gibraltar cannot finish or organise anything. Gibraltar needs to project cutting edge ability and confidence – everything that is lacking in continuing to use an overcrowded, under-resourced old terminal that is no longer fit for purpose. How is a wheelchair bound user supposed to get a snack, for example?

Complete the tunnel under the east end of the runway. I hear of contamination issues. The world copes with nuclear waste. How bad can this be that it cannot be dealt with? Dig the trench and sink the road! Enough party politics! Finish this project which has huge implications for the quality of life in, and the international image projected of Gibraltar.'

(**Several Members:** Hear, hear.) And here ends the letter.

My advice to the new Government would be on a similar vein to that of the author of this letter which is: put your party political prejudices to one side, swallow your party political pride and continue with these GSD projects which are so crucial to the continuing progress of our economy and therefore of our political survival as a community.

If the Chief Minister's aim has always been to 'get us up to a level of a Singapore, Hong Kong etc', as he stated recently in a *Chronicle* interview, then he should 'smell the coffee' and make the transport/communications link with a successful economy soon; but I am not hopeful, Mr Speaker, because it seems that the small-minded parochial nature under which they laboured in the Opposition benches, continues to shackle them in Government, judging by the Deputy Chief Minister's contribution on the airport this morning... or perhaps yesterday. I have lost track of time now. He continues to be intent on a political assassination of my Leader and the GSD. (*Interjection*) Instead of updating this

House in his area of responsibility, which is Civil Aviation, with the future plans he has for the Airport, all he can do is look back and continue in Opposition mode. He is the Deputy Leader of the Government and he should behave as such.

2610 But if I could deal just briefly with the contracts for airport handling services which has been the subject of comment in this House and in the press, and I would say this, Mr Speaker, the whole procedure was the subject of an EU tender process and the rest of the Government should know that the appropriateness, or otherwise, to sign or not to sign a contract during the period that the Government is in caretaker mode is a decision taken with no ministerial involvement and it is right that it should be so

2615 because generally these situations represent a culmination of a tender process, as in this case, which had started before the Election.

So aspersions that they wish to attach to the chronology that somehow it was dodgy, that we rushed the signing on the eve of the Election, is wholly misplaced and an 'own goal', I am afraid. This community should not forget that when they were last in Government, they entered into privatisation contracts which tied the Gibraltar Government for *20 years* at a period of time that they were a caretaker Government.

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Mr Speaker, I now deal with our public transportation system. Here we see, once again, this obsession with denigrating everything which is GSD. One would have forgiven the Members opposite for behaving that way – however objectionable to us on this side of the House – whilst in Opposition. But, in just the same way that they have, falsely and without justification, admonished us for behaving as if we were still in the Government benches, I admonish and condemn them for behaving as if they were still in Opposition.

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People have given them a mandate to govern. Well, do just that and govern. Unfortunately for Gibraltar, and rather bizarrely, they see their role in Government different to that of all western democracies, as they see it as a means of holding the Opposition to account – they are on record as having stated that.

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This party in Government had the political will and courage to grasp the particular nettle that was Gibraltar's fledgling and antiquated bus service with its competing private interests and simply lack of service. The new fleet of buses provided a service which was unprecedented in Gibraltar and is an initiative that we as a party are proud of. Providing a high quality and free bus service costs money and we took the decision that that cost would be a cost to the public purse; but you see, that is the decision which we were happy to make because the effect of that was that people were given a choice to use a decent, efficient, safe and first class service which I can vouch for as a user myself. (A Member: Hear, hear.) A choice, Mr Speaker, incidentally, which more and more people are exercising, if the statistics are looked at.

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If a comparison is made between January and May 2011 with January and May 2012, there is a total increase from 847,000 to 986,000 in passenger numbers – that is an increase of almost 140,000 passengers.

Mr Speaker, the other side have complained about the cost of the bus company and how this is a net contributor to the allegedly strained public finances, but what alternative do they propose? As a responsible Government, they should be less concerned about mounting an attack on everything GSD, in order to buy political security in return, and more concerned about coming up with solutions to the problems which they have themselves – not us – identified as problems of gigantic proportions. Are they proposing to charge for the service? Are they proposing that a private venture takes over which will in turn, more than likely, charge for the service? How do they propose to ensure that the buses are up to scratch in terms of the service, the state they are in, safety and efficiency? These are the questions which will require answers, if the criticism is that the service is a drain on the public purse and that the taxpayer should not foot the bill. If that is their view, then spell it out.

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If their ideology, as the champagne socialists that they are, is shrink Government, then let them have the courage of their convictions and look at the people, who they promised so much to at the last Election, in the eye, and tell them that they now have to pay for the service.

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Of course, all the actions of the Government in fact point the other way. At the time of the Election, they promised the electorate in true nationalistic style that, and I quote:

2660 'We will make bus transport free *only* for residents of Gibraltar and those holding Gibraltar ID cards.'

They repeated that same claim on numerous occasions in the press, without once qualifying the use of the word 'only', until it was announced to the Spanish press at the press conference at No. 6 in February 2012, that this free 'Residents of Gibraltar only' public service would, in fact, be made available to Spanish workers on the grounds that they are taxpayers.

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Quite apart from the 'all things to all men' charge, which very quickly comes to mind, Mr Speaker, it really runs counter to the massive concern expressed of the financial hole, which they claim is the public bus service. If that is the case, the last thing you do is to make it free at all, or if you promise to make it

free to residents, also make it free to, not only Spanish workers, but any worker in Gibraltar. The inherent inconsistency of the Government's position in this speaks volumes of their lack of principle, focus and vision and of their incapability of showing true signs of governing.

Once again, in the context of the bus card, we again see how that party's only role in life seems to be to propose anything which runs counter to anything which the GSD did. Without giving any reasoning, the GSLP in its manifesto said that they did not agree with the GSD 'club card' system, which was a perfectly good and effective system. The GSD 'club card' system addressed the abuse which was being encountered when tourist agencies were selling the fact that Gibraltar provided free buses, with the result that genuine users were competing for the significantly limited space available. It addressed this issue by imposing an administrative burden which, in effect, resulted in the tourist paying for the service.

What do we have now? Well, they seem to have gone full circle and adopted the GSD bus card, in terms of its form, except that it is accompanied by a hugely complicated system of eligibility, which I strongly suspect is open to abuse and, in any event, purports to end up, I think less successfully than our system, with a result which we in Government managed to achieve in the first place. Free use for *bona fide* users of the service and no use for the abusers of the system.

It is an obvious fact, of course, that as time goes by, the buses get older and thought has to be given to replacement. It is not true, Mr Speaker, that the Government was not forward planning. The opposite is in fact the case, given that a programme to replace the buses was very much in hand and options as to what was required to affect the change were being considered going forward before the last General Election.

But I note that my opposite number, the Minister for Transport, said this morning that he is looking at the replacement of the fleet and he can rest assured that I will be quizzing him further on this in the upcoming sessions of the House. (*Interjection*) What should not be allowed to happen is to allow the current fleet to deteriorate. The anecdotal evidence that we are receiving is that the air-conditioning systems are not functional and some seats are broken. Only this morning, Mr Speaker, I was told that elderly people are having to stand in overcrowded buses with the danger that that entails and the electronic signage system, which shows the number of the bus at the front section, does not work on some of the buses.

Why are the buses being allowed to deteriorate? Has the Government not itself 'tested the market' – which is what they criticised us for not doing – as to whether the maintenance service could be cheaper? I am sure there is a reasonable explanation for allowing the buses to go down the tubes as they are doing and it is not just a malicious and vindictive way of ensuring that another GSD project is assigned to the rubbish bin. I certainly hope that there is such an explanation because the people who will suffer the consequences of such unforgivable action would be our community.

Finally, in relation to the buses, I am frankly astounded that five months after the former directors of the bus company were dismissed, no new replacement has been found. It is shameful on the part of the Government that they should allow a company responsible for our public transport system to be without a corporate head for so long.

The GibiBikes Scheme, Mr Speaker: this Scheme was introduced by the previous Administration, having been identified as one of the important features of its Transport Plan. The current Government takes – as I have already outlined in relation to all GSD projects – a negative and dim view of the Scheme by relishing on the clear teething problems which it faced. This House should not lose sight of the fact that this project was a pioneering one for Gibraltar and there were bound to be issues.

I am glad, however, to see from replies given by the Minister for Transport, Mr Costa, at the last question-and-answer session, that matters are moving in the right direction, insofar as the discussions with the company supplying the equipment are concerned, and that the contractor is currently mobilising to finalise the project.

We are confident, on this side of the House, that if the political will exists, the project can succeed. In this context, it is very encouraging indeed that the further roll-out of the Scheme, which in effect means that the other bike stations are installed and made operational, will result in a more attractive system and therefore greater usage, which in turn will result in a lessening of vehicular traffic and decongesting of our roads. The previous Government was willing to make the necessary investment, because it took the view that it was worth it. We did not have the privilege of seeing Gibraltar's first ever urban bike scheme come to a fruitful conclusion, but from these benches, Mr Speaker, we sincerely hope that it reaps the benefits it was designed to reap.

On traffic, no one can deny that the previous GSD Administration, throughout its four terms in office, made huge strides forward. Whether you look at the substantial increase in the provision of free parking – something which was anathema to the previous GSLP Administrations – new roads, widening of roads, enhancing road safety, new roundabouts, free bus service in new buses, the urban bikes scheme, there is no denying, Mr Speaker, that the last Government made a serious and, in my view, successful attempt at tackling Gibraltar's traffic problem.

This party published Gibraltar's first ever Plan in April 2010, following extensive public consultation. The Plan rightly sets out the projects which had been completed during the course of the previous GSD

Governments and then set out a game plan of what was to happen over the following years. What is wholly unclear to me, sitting on this side of the House, is why the Government seems to have decided to put the Plan to one side and then start the process again. Again, is this nothing other than that the poor Plan was always doomed to failure on the grounds that it was nothing other than a GSD inspired plan?

2735 The Government is entitled to have its own view on life, but unless you have a plan of your own which is the 'bee's knees', then it makes little sense to me to start the ball rolling again. By all means review matters, develop what was there, and come up with something that we had not thought before; but to ignore what was there, is that a good way to address the issue? With traffic, there will always be new issues and challenges coming up which face any community, particularly a small, successful one which

2740 has very limited space as this one, but does everything have to be subjected to the party political test? Indeed, the Chief Minister is on record in this House as having said that the Parking and Traffic Plan – for that read the GSD's – 'is a thing in constant motion'. Was that a moment's lapse perhaps?

2745 What is clear is that the new GSLP Traffic Plan is increasingly being used as the excuse behind which the Government hides behind when asked traffic related questions. It is almost always, 'Well, we will have to wait and see what the new Plan brings.' Again, here I ask them to get on with it and govern for the good of all.

I am equally bemused, Mr Speaker, as to the replies which I have received from the Government on this question. Again, from this vantage point, and judging by the answers I am getting from the Minister for Traffic, it really does look like a dog's dinner and he does not know whether he is coming or going.

2750 Again, here there is lack of focus, vision or indeed a plan. They first announced that the consultation exercise commenced on 11th January to end on 30th January. He was of the view and he is on record in this House as saying that this two-and-a-half week period provided sufficient time for a proper consultation. When I asked him at the first session, in what was a rather – and the Chief Minister may recall – lively exchange, whether they had in fact identified who the 'interested parties', which they had themselves identified from the press statement were, and who they said were going to be the beneficiaries of the consultation exercise by the Government. I sensed, Mr Speaker, at the time that the reality was that there were no 'interested parties' as such, but that the wording was the result of poor drafting. In other words, a copy and paste job from the party's electoral manifesto.

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I therefore offered as a possible way out for the Government whether they in fact meant the public at large. It came as a complete surprise when the arrogant reply came from the Chief Minister that I was not to propose answers and that there were people that had been identified and that a full answer would be given at the end of the consultation period – i.e. post 30th January. It came as a further surprise when after all that the Minister then tells me at the following session of the House in February that the interested parties were the general public after all. When I put to the Minister that the Chief Minister had told me in fact that there were people who had been identified by the Government and that those interested parties would be consulted by them, he tells me, poker faced – this is the Minister – that the Government have not identified these parties and that it was completely left open to the general public; but the story, Mr Speaker, does not end there.

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In the February session, the Minister then announced that the public consultation exercise had been completed and that the data collated was being analysed and a summary spreadsheet of all the findings was being prepared. When asked in March for details of the findings following the consultation exercise, I was told that in fact the public consultation exercise had not quite finished, describing it as 'fluid' and that it was not until a User and Trip Survey had been carried out that these could be made public.

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Then, lo and behold, on 11th May before the following session of Parliament, the Government advertised for tender the consultancy services in respect of a sustainable traffic, transport and parking plan. The Minister advised this House in the June session that the successful applicant will be required to assist the Government in the development of a new sustainable, transport and parking plan. Part of the services to be provided would be, in fact, the carrying out of the User and Trip Survey. It is very telling, Mr Speaker, that no mention in any of the previous sessions of the House or, indeed, in the press had been made of the possibility that the Government would be going out to the private sector for assistance in relation to the formulation of the Plan.

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In summary, all of this already shows that the Minister and his Government have no plan of action – it acts without vision and is simply out of its depth. Mr Speaker, this embryo Government is showing already that they have no plan of their own – generally I mean, not in relation to traffic. They are devoid of any ideas. They are so visionless as to where they want to take and develop Gibraltar that they can do nothing other than get a kick out of delving into the books and pathetically rubbing their hands collectively with glee, when they stumble across what *they* consider to be evidence of unreasonable financial expenditure, as another stick with which to hit the previous Government.

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The people of this community deserve better and they will soon learn that the people of this community will expect better. This behaviour is nothing other than symptomatic of a party which, despite languishing in the Opposition benches for almost 16 years, had in fact run out of ideas. Any political and objective observer will tell you that this is normally the effect of a party which has run out of steam after

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exercising power for a long period of time, but not one in Opposition. I suppose, Mr Speaker, that that is the reason why they were rejected by the electorate on four occasions in a row.

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This rather strange and bizarre behaviour is also symptomatic of the obvious fact that the party opposite still cannot understand that they are in Government and behave, on their own admission, as if they were in Opposition. Indeed, and I quote the *Chronicle* again, in its editorial today, (*Interjections*) where they say:

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‘The Opposition Leader, Peter Caruana’s advice to the Government’

– obviously –

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‘to “look forward and get on with the job” has to be right.’

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The party opposite used a policy of seduction to win votes where money was no obstacle – an attitude which was inherently contradictory to the position they adopted with regards to public debt. The Chief Minister may have used his own mellifluous eloquence to get him past the winning line on the last occasion, but in the process, Mr Speaker, he has created a tiger by promising what he knows he cannot deliver and he will end up inside this.

Many who voted for them on 8th December on the promise of a ‘New Dawn’ are seeing, with the greatest of regret, how the ‘New Dawn’ is being perpetually afflicted by a dense and menacing Levanter cloud. Roll on 2015!

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(*Applause*)

Procedural

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Chief Minister (Hon. F R Picardo): Mr Speaker, after those final compliments from the hon. Gentleman, he will see I have sent him a document to look at. I do not think anyone can bear it any more, and I therefore move, Mr Speaker, that the House do now adjourn to 9.00 a.m. – and I am sorry it is going to have to be 9.00 a.m. – on Thursday, when the Hon. Mr Netto will be the final speaker on the Bill, before I reply.

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Hon. J J Netto: Thursday?

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Hon. Chief Minister: Thursday at 9.00 a.m.

Hon. D A Feetham: Mr Speaker, there is not going to be any debate on the adjournment – (*Laughter and interjections*)

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Mr Speaker, may I also remind you, you said that you were preparing a Ruling for Thursday. May I remind you that, in fact, my hon. Friend, Mr Bossino did actually substitute the word ‘corruption’ for ‘dishonesty’ – ‘political dishonesty’ – during the course of the – (*Interjection*) Absolutely, we do not resile from anything that we have said. We do not believe that anything that he has said is any way, shape or form either in breach of the Rules or improper, but in the spirit of trying to move on, the hon. Member did in fact substitute the word ‘corruption’ for ‘dishonesty’.

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Mr Speaker: [*Inaudible*] I invited him to substitute... Sorry, the hon...

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Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, we have handed over a copy of a further extract to the hon. Member from *Erskine May*. It is an appendix of unparliamentary expressions – it is on page 445 – and I hand up a copy, just for your guidance.

Mr Speaker: Thank you. Does that appear there?

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Hon. G H Licudi: It includes the word ‘corrupt’, ‘corruption’ and also includes the word ‘dishonest’, and clearly, the whole issue depends on the context in which the word is used.

We do not believe that where language is unparliamentary, the matter can simply be saved by adding the prefix ‘political’, otherwise any sort of language would be available to be used in this House and we –

A Member: Including ‘dog’...? (*Laughter and interjections*)

2855 **Hon. G H Licudi:** I leave it to you to consider. (*Interjections*)

Hon. D A Feetham: Mr Speaker, I am not sure the word political ‘dog’ actually... where that is actually going to go! (*Interjections and laughter*)

2860 Mr Speaker, there is absolutely – (*Interjections*) It just does not even get beyond first base. Of course the word ‘dishonest’ can be in its context unparliamentary, but the words ‘politically dishonest’ in the context used by Mr Bossino cannot possibly be unparliamentary or in breach of Standing Orders, and here we are wasting our time and wasting Mr Speaker’s time with a Ruling for Thursday!

2865 **Mr Speaker:** It is not a waste of my time. I am sure I am going to learn something as I go along. When I invited the hon. Member to substitute the word, I had ‘political shenanigans’, something like that in my mind. (*Interjections and laughter*)

Anyway, I now propose the question, which is that this House do now adjourn to Thursday, 12th July 2012 at 9.00 a.m.

2870 I now put the question, which is that this House do now adjourn to Thursday, 12th July 2012 at 9.00 a.m.

Those in favour. (**Members:** Aye.) Those against. Passed.

This House will adjourn until Thursday, 12th July 2012 at 9.00 a.m.

2875 *The House adjourned at 8.45 p.m.*



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.00 a.m. – 1.10 p.m.

Gibraltar, Thursday, 12th July 2012

The Gibraltar Parliament

The Parliament met at 9.00 a.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Ruling by The Speaker Use of the phrase ‘political corruption’

5 **Clerk:** Sitting of Parliament, Thursday, 12th July 2012.

Mr Speaker: At the end of a long day on Tuesday I did say that I would deliver a ruling this morning. I am glad the hon. Member is back: I thought I would have to rule in his absence.

10 In the course of his speech during the debate on the Second Reading of the Appropriation Bill, the Hon. Damon Bossino said, when referring to the Government’s involvement in the Sardeña matter before the Industrial Tribunal, and I quote him:

‘I repeat the accusation that we made in our first statement to the press, which is that the Government’s decision is at best ill thought

out and at worst a manifestation of signs which amounts to political corruption. Not one of their public statements, after this party's first pronouncement on this matter, assuages our concerns.'

The Hon. the Chief Minister challenged the use by the hon. Member of the phrase 'political corruption' as offending against Standing Order 45 sub-paragraph (6), which reads:

'No Member should impute improper motives to any other Member'

and sub-paragraph(12), which reads:

'the conduct of Members of the Parliament shall not be raised except upon a specific substantive motion moved for that purpose'.

Erskine May at page 444 of the 24th edition – which is the 2011 edition – contains some useful commentary on personal allusions and unparliamentary expressions:

'A good temper and moderation are the characteristics of Parliamentary language. Parliamentary language is never more desirable than when a Member is canvassing the opinions and conduct of his opponents in debate.'

It continues at page 445:

'Expressions which are unparliamentary and call for prompt interference include:
1. The imputation of false or unavowed motives',

and at 4.

'Abusive, insulting language of a nature likely to create disorder.'

The Speaker has said, in this connection, that whether a word should be regarded as unparliamentary depends on the context in which it is used. Expressions are *still* unparliamentary even when based on a quotation from elsewhere.

In the course of the debate that followed on the Point of Order my attention was drawn to the appendix of unparliamentary expressions contained at page 445 of an earlier edition of *Erskine May* which reads:

'From time to time the Chair has intervened to deal with the use of certain expressions in debate which in the context in which they were used were abusive or insulting and of a nature to cause disorder'

and lists some of those expressions, among which appear the words 'corrupt' and 'corruption'.

It goes on to state:

'It must however be emphasised not only that the list is not exhaustive but also that the permissibility of some of them would depend upon the sense and temper in which they were used.'

That appendix has not found its way into the 24th edition but, insofar as those words and expressions listed therein continue to be in use in common parlance, I am happy to be guided by it.

From the context in which that phrase was used I understood the hon. Member to allege nothing more than a 'misuse of political power' and, for that reason, I did not intervene to compel the withdrawal of the offending words. If the hon. Member will now confirm that that was the sense in which the expression was used by him then I will have been vindicated in my original assessment of his intent.

Hon. D J Bossino: I do, Mr Speaker.

Mr Speaker: Thank you very much.

This ruling is based entirely on my view of the sense in which the words were used, and I must stress that it is generally *not* permissible for hon. Members to bandy about words such as 'corrupt' or 'corruption' in the proceedings of this House. Nor does the addition of the adjective 'political' make words or expressions which would otherwise be unparliamentary, palatable.

Hon. Members elected to this House are well able to, and must, therefore, strive to articulate their views and arguments without resorting to insulting or abusive language, particularly in pre-prepared speeches to the

drafting of which clearly much time and thought will have been devoted.

I conclude by re-iterating the view I have previously expressed in this House that I know of no argument that has been enhanced by insults or abuse.

75 **Hon. P R Caruana:** Mr Speaker, may I address the Chair on Mr Speaker's ruling, for which we are grateful.

Mr Speaker has indicated, if I have correctly understood him, that he does not think that the addition of the adjective 'political' makes any difference. With respect, Mr Speaker –

80 **Mr Speaker:** Not any difference, more palatable.

Hon. P R Caruana: Well, with respect, it goes – and I would ask the Chair to consider that – actually, it goes to the very root of the distinction that he himself has made, as to acceptable and unacceptability of my colleagues' strand.

85 There are two sorts of corruption; corruption where money changes hands and improper payments are made and received – that is not political corruption, that is financial corruption. *Political* corruption – and therefore you put the adjective in front of it, 'political', to make it clear that you do not mean the other one – by adding the word 'political' corruption to the front of it, you are making it clear that you are *not* alleging that the politician has charged a fee for or that money has changed hands but rather that you mean precisely abuse of political power. If you simply use the word corruption it is open to both interpretations because corruption can either be abuse of power to help your friends, with or without the passage of money, or it can mean, as politicians – happily not in Gibraltar but elsewhere in the world – appear to do, to charge money for the exercise of power. So, I want to make it clear that, both in our parliamentary and our extra-parliamentary statement, we have always meant 'abuse of power', which is why we added the adjective 'corruption', as opposed to leaving the adjective 'corruption' out.

Mr Speaker: 'Political'.

100 **Hon. P R Caruana:** Sorry, political corruption. I meant to say that.

Having made that clear, Mr Speaker, there is one issue on which you may enjoy expressing your view before you vacate the Chair, and that is this, because it has arisen both in the context of *this* issue and the previous one, when a four letter word beginning with the letter 'L' was used. There is a sort of folkloric view in this House, often heard – I think, in fact it was heard on the lips of the Chief Minister when this incident took place, I was not in the House to hear it myself – that, to do that, you have got to bring a substantive motion. There is a view, long-held amongst parliamentarians in Gibraltar, that what you cannot say *outside* of a substantive motion, you *can* say if you make it the subject matter of a substantive motion.

Mr Speaker will be aware that when I have tried that in the past he has taken the same view of the use on the language in the substantive motion that he had when he objected to its use *outside* the context of a substantive motion, which leaves this Parliament, and I suppose all Parliaments in which that rule applies if, indeed, it is the correct rule, with the conundrum if there *is* a Government or an Opposition Member who has lied in the House, or if there is a Government or, for that matter, an Opposition Member in the context of cash for questions or whatever, that *is* guilty of corruption, is there no way that the Parliament of a country can be the place where its own members and where its executive can *actually* be held to account for possible corruption and possible lying? That can only be done on the street, *[inaudible]* it can be done everywhere except in the Parliament.

I do not profess to be an expert on *Erskine May*. My view has always been that proceedings in this Parliament historically have never been with a rule book in the hand – there has always been a fair amount of latitude. But this is important because it does raise the question of whether Oppositions have a duty to expose governmental corruption or, indeed, Members on the other side a duty to expose Opposition Members' corruption or abuse of position and, if so, whether it has to be done outside of this House or whether we have to tiptoe around an allegation of lying or corruption, describing all its ingredients, so that people sitting there will know what we mean but without actually using the word, because it is the word and not the concept that is important.

125 I really would appreciate the views on that, but on a considered basis. Mr Speaker does not have to reply now.

Chief Minister (Hon. F R Picardo): Mr Speaker, if I can just start with the first issue. Of course we accept your ruling, and I am very grateful that you have taken the time to make a considered ruling on this issue, which I think is important, although my hon. learned friend had actually changed the word in his speech during the course of the intervention that we had on Friday, and went back and re-phrased it as ‘political dishonesty’ he will recall, as *Hansard* will show.

So, Mr Speaker thank you, nonetheless, for that ruling.

Taking the issue that the Hon. the Leader of the Opposition has raised that simply by characterising corruption as *political* corruption one moves it away from the suggestion of impropriety and that –

Hon. P R Caruana: Not impropriety, financial impropriety.

Hon. Chief Minister: – at least from the concept of financial impropriety, Mr Speaker – I think is wholly wrong, for this reason. He was not in the House to hear the debate that we had on this issue but the offence under the Criminal Offences Act of ‘corruption’ is corruption in public office and it does not have to be financially motivated specifically. So, therefore, Mr Speaker, the offence is ‘political corruption’. In other words, somebody who holds a political office, who allows themselves to do something in exchange for something which need not be cash... so, therefore, Mr Speaker, I think in relation to the issue of adding the word ‘political’ in front of the word corruption – I do not think it cures the ill.

It has been the case – and we all know that it has been the case, if we have been in this House for some time – but by adding the word ‘political’ in front of other words to describe behaviour like, for example, ‘political dishonesty’ that we talked about and settled on, on Tuesday, ‘political hypocrisy’ that we have often had bandied around the floor of the House, we are saying to each other ‘You are representing two points of view which are inconsistent in your political discourse.’ But, Mr Speaker, to move from that to saying that ‘political corruption’ is an acceptable turn of phrase I think is a major leap forward and I would ask you to resist that attempt to water down your Ruling – which I think, rightly, looks at the temper and manner in which the corruption word itself, without any preface, is used, rather than trying to find a way where it might stealthily be used in every debate going forward.

Mr Speaker, finally, I think that the Hon. the Leader of the Opposition fails to understand what Standing Orders provide. Standing Order 45 (12), which you referred us to earlier, actually says that issues relating to conduct shall not be raised, and it has traditionally been on that rule that the issue of the ‘L’ word has settled, other than by substantive motion.

Now, Mr Speaker, when it comes to the motion, and having had the honour to be a Member on the Opposite benches for seven or eight years, I have been threatened by the hon. Member with a substantive motion on the ‘L’ word I think on more occasions than most, and I take that as a badge of honour. He never brought the motion – I did not realise it was because you told him he should not bring it perhaps in the terms that he might have most enjoyed – but I do recall that, in this debate last year, there was a motion brought against me and you interfered, rightly, to temper the wording of that.

Now, Mr Speaker, it is of course, in the hands of this Parliament to determine whether a Member has been ‘corrupt’, or whether a Member has ‘lied’ to the House. Of course it is, Mr Speaker. But it is the *language* that is used in the process of determining that, that the rules deal with and, therefore, Mr Speaker, because somebody may have said something which is an untruth does not mean that we cannot have a motion that deals with that in parliamentary language. And the parliamentary language, Mr Speaker, as the hon. Gentleman well knows, is that a Member has ‘misled the House’, and there are more words thought of in the dictionary than just the word ‘lie’ in order to be able to express that and to reach a conclusion in this House – and I sincerely trust that it will never be necessary for us to enter into such a motion – either originating from the Opposition benches, or originating from the Government benches, because what we must do is at least accept that none of us here are here to be corrupt, or are here to mislead the House, even if we have differences of opinion as to what behaviour constitutes ‘misleading the public’. But if we were to have such an instance, Mr Speaker, the mechanisms are there in Standing Orders to do it, and all that you from the Chair ask is that we do that in temperate, parliamentary language.

Mr Speaker: I will certainly take up the Hon. Leader of the Opposition’s invitation to consider these matters on an academic basis, as opposed to any particular issue which remains pending before the House today. Probably while I am sunning myself at one of our beaches during the summer months, I will contemplate my navel and come up with something.

But on the question of the word 'lie', if I may confess, only about six weeks ago the Speaker of the House of Commons ruled that the use of the word was permissible – which I disagree with – in the context of a motion which was then before the House in connection with the conduct of the Culture Secretary in the United Kingdom but, again, I disagree with that. But I will bear in mind what I have been invited to do and will, hopefully, come up with something wise.

Hon. P R Caruana: Although, Mr Speaker, the precedent set at Westminster cannot be inviolable when it suits and – (**The Speaker:** No, no!) – not to be followed when it does not.

Mr Speaker: No, with respect, I do not consider myself, as Speaker of this House, to be bound slavishly by *everything* that emanates from Westminster. We look to Westminster for guidance. They are a far more experienced Parliament than we are, so I will always be guided by anyone wiser than I am. But, as I say, I reserve the right to say I disagree with *[inaudible]* your ruling...

Appropriation Act 2012 Debate continued

Mr Speaker: Can we move on to the Hon. Jaime Netto.

Hon. J J Netto: Mr Speaker, It is a pleasure and an honour to deliver my seventeenth Budget address to this House.

This time it will be the first occasion that I do so as a member of the Opposition. In giving my address, I am conscious of the fact that this is the first Budget presented by the new Government, a Government that has not yet completed one year in office and that it needs more time to implement its own policies. I have therefore tried to be responsible in my assessment and criticism of the Government in relation to its performance within my areas of responsibilities – social security, social services and health and safety.

Mr Speaker, in this year's presentation of the Estimates Book, we see that Head 5, in the Estimates Book for 2011-12, comprising Social Security, the Care Agency and a number of other organisations providing services to the community, has now been split into two different Heads in the Estimates Book for 2012-13. One is the new Head 26, dealing with Social Security matters and the other one is Head 16, which deals with the Care Agency and the various other organisations providing services to the community. To be able to properly analyse the expenditure that covers the same services provided to all groups of people today against the previous expenditure in 2011-12, I need to add the Estimates shown for 2012-13 of £36,108,000 in Head 26, with the Estimate of £21,481,000 in Head 16. This gives me a total of £57,589,000 against the Forecast Outturn of £53,509,000, a figure which is obtainable on page 95 of the new Estimates Book. This represents an increase of 7.6%, in money terms, over a period in which the Index of Retail Prices percent has been 3%. Therefore, after adjusting for inflation, we see an increase of 4.5% in real terms.

In order to compare like for like, the financial provision made by the GSLP/Liberal Government against that provided by the GSD Government, I have repeated the same exercise for the figures in the 2011-12 Budget, using the same parameters and the actual expenditure for 2011-12 was £48,142,547 against the Forecast Outturn of £53,509,000. This represented an increase of 11.2% in money terms over a period in which the Index of Retail Prices percent was 3.7%, thereby representing an increase in real terms, after adjusting for inflation, of 7.2%.

Mr Speaker, what these figures show us is that the rate of growth for the Budget sought in this Appropriation Bill, dealing with the overall services of what can generically be termed as the 'welfare state' in a loose sense, was greater with a GSD Government than under a GSLP/Liberal Government; in fact 2.7% greater. This, Mr Speaker, at a time when the state of the economy has never been better and where revenue over expenditure in the Government coffers has never been greater, thanks to the previous GSD Government. This brings into question all the comments made by the hon. Members opposite, when in Opposition and at the time of the General Election, that the GSD Government had never invested in the welfare state and that all the money available to the previous Government only went into grand projects like the magnificent new airport terminal. Given that we were chastised by the Hon. Neil Costa – who I notice is not here in the Chamber – during the previous term of office, for what he used to say was 'inadequate funding', and now that

the new Minister for Social Services uses the mantra that these services are woefully under-resourced, why then have they not used this golden opportunity to put right such under-resourcing at a time when they can afford to do so, thanks to the economic prosperity inherited from the outgoing GSD Government? The answer, Mr Speaker, is because it was a pack of lies then by the Members opposite.

Mr Speaker, The Minister for Equality, in her contribution to the Appropriation Bill, stated that by having a Minister dedicated for the first time to equality issues that this was an important step taken by this new Government. She also stated that this will mean that 'vulnerable people will be given priority'. Seconds later, almost in the same sentence, she went on, in her now inimitable and unnecessarily high-handed style, to spew a barrage of unfounded allegations that, I had tried to change the Classroom Aides' conditions of employment unilaterally at St. Bernadette's Occupational Centre.

Mr Speaker, her personalised criticism is not something that I am concerned about, but for the hon. Lady to say that 'priority will be given to vulnerable people', and then, almost in the same sentence, misconstrue the facts surrounding the dispute at St. Bernadette's is quite another and I am not going to let her get away with it. The hon. Lady also needs to be consistent with her own statement and not be all things to all men.

Mr Speaker, the dispute at St Bernadette's was about *some* Classroom Aides deciding not to carry out their full duties within their job description and, as a consequence of that unilateral action by them, to disregard their duties to disabled persons, which brought about a negative effect on the services provided to vulnerable people. No one's contract was changed unilaterally. Now, let's be clear, I don't make apologies for the fact that, as Minister for Disability, I placed the interest of disabled persons before the unreasonable position taken by some employees, notwithstanding the fact that I have continued to be a trade union member since the age of fifteen and an old-fashioned socialist.

What the hon. Lady cannot say, on the one hand, is that vulnerable people come first, but then criticise me for doing exactly that. Her position is not just contradictory, but shows the venom of her political inclination towards character assassination. And, for the record, in relation to the suspension without pay, it wasn't once, it was twice, and if I was placed in the same position again, I would do it again, and again because, for me, vulnerable people come first. (A Member: Hear, hear.)

Despite the fanfare of the Minister for Equality about how she will now be the saviour of minority groups, how come she has not once in her speech mentioned the plight of Moroccan workers? Is it because she may think that they cannot vote at General Elections, or is it because she doesn't care at all? It is quite shameful that the new Minister for Equality does not have on her radar screen the interest and welfare of Moroccan workers, most of which have lived in Gibraltar for 40 years.

In this regard, I do appreciate, however, that the Chief Minister is on a bind here, because on the one hand he has indicated to me that he is willing to make significant progress on the issues raised by me but, on the other, he has to contend with his Minister for Social Security who has been, is, and continues to be, totally against giving Moroccans equal treatment on benefits that that they have directly or indirectly contributed to. That said, the Chief Minister cannot sit on the fence permanently without deciding what to do. Either he comes on the side of moral obligation towards the Moroccans, or he adopts the traditional stand of his Minister. If he takes the moral stand, he will certainly have me congratulating him for his principles, but if he chooses to ignore this issue, he can rest assured there will be those, like me, that will continue to fight for a principled cause.

Mr Speaker, the hon. Lady, the Minister, charged with responsibility with women's issues, went on to lecture my hon. friend, Mrs Ellul-Hammond – as if my colleague needed a lecture from her – on why the Government will not pursue positive discrimination policies for women within the Government or society. Mr Speaker, neither my hon. friend nor, indeed, the GSD, is advocating positive discrimination policies. What *she* was talking about was positive action that the Government needs to pursue to give women a greater voice and role.

Just to give the hon. Lady an example of a very successful GSD Government policy on positive action for women, was the abundance of professional continual development courses for Civil Servants. As a result of this sustained 16 year investment, today we see many women Civil Servants in middle and higher management posts that did not exist under the last GSLP Government, which never took any positive action for women or, indeed, for the Civil Service either. Well, when I come to think about it, not only did they not do anything but they tried to decimate the Civil Service. The then Hon. socialist Chief Minister tried to privatise it, and I am glad to say that, thanks to my efforts in this matter, I successfully thwarted such right-wing policies of the then socialist Chief Minister. So, for a Minister with responsibility for women's issues not to know the difference between positive action and positive discrimination shows that it is all talk and no

substance in this Government.

As my hon. friend, Mrs Ellul-Hammond, said, thanks to the GSD's commitment to social equality and social justice, the 15 years of a GSD Government has addressed much better the balance towards a more meritocratic society. The GSD helped close the gap between men and women through the introduction of social policies, such as maternity grants and equalisation of pension rights; the support of working parents, the school lunches and family-friendly hours; and encouraging upward social mobility for women through training within the public sector.

We now seek a concerted effort to positively encourage more women to participate in bodies linked to influencing policy-making; and the introduction of further meritocratic policies, such as equality legislation. And even today, it is pathetic for a so-called socialist Government to wait for a European Directive in order to implement paternity leave in the private sector. If they were real socialists, they would have the boldness to do it right now. They even have the very successful legislation on maternity leave, brought about by the GSD Government, as a tool to emulate and implement the paternity leave, or is it that they need outside consultants, as with the Hon. Minister Cortes, to tell them how to do it?

As expected, the Minister for Social Services has claimed that, thanks to this new Government, they have brought about a 'new dawn' in which they will put right the necessary resources that are needed to provide adequate services to vulnerable people, and this will be manifested by the increase in expenditure and staff, as shown in the Estimates Book. Well, it certainly is a new dawn of glitter and press release spin, but one that lacks substance and honesty to state the enormous improvements brought about by successive GSD Governments in the field of Social Services. **(Some Members: Hear, hear.)**

I will take the 'Hear, hear' and the chance to have a bit of water.

As far as the expenditure argument is concerned, let us not forget that when we came into Government in May 1996, the budget we inherited from the outgoing GSLP Government for Social Services, and the Elderly was £1,870,000. Today the forecast outturn for recurrent expenditure for the financial year 2011-2012 is £17,991,000. This is an increase of 962% in money terms and an increase of 673% in real terms, after adjusting for inflation. Therefore, on this count alone, if the hon. Lady, the Minister for Social Services, thinks that we have not invested enough then, when compared to the pittance that existed under a GSLP Government, surely she will have the honesty to condemn her political mentors between 1988-96 in the field of Social Services and the Elderly as woefully under-resourced.

The problem with Members opposite is that they don't know, or keep to the text, of the things that they state in their manifesto. Take, for instance, the example of 'Orthopaedic Equipment' on page 82 of their manifesto. It states,

'The budget for orthopaedic equipment is presently just £30,000 and this will be increased considerably'.

Well, given the remark, I quickly went to see how much this sub-head was going to be increased by, so I dashed to the Estimates Book, went to Head 26 – 'Social Security' – down to sub-head 2 – 'Other Charges' – (2) (b) 'Home Help', and what do I see? I see that the Estimate for 2011-12 was £30,000, the Forecast Outturn is £30,000 and the new Estimate for 2012-13 is – wait for it. Any guesses from the Government benches? £30,000!

So, I then looked at (2) (c) – 'Contingencies' – and what do I see? I see that the Estimate for 2011-12 was £35,000, the Forecast Outturn is £35,000 and the new Estimate is – wait for it. Any guesses from the Government benches? £35,000! So, what can we conclude? Either at the time of the Elections they did not know what they were talking about, or they said one thing at Election time and now they are doing another.

Mr Speaker, the Hon. Minister for Social Services told us, in her Budget address, that the expenditure for orthopaedic equipment will be supplemented further by viring from other Heads or sub-heads, as and when this is necessary during the new financial year. Well, Mr Speaker, what I tell her is: 'Welcome to the real world of politics', because this is precisely what I did in some years in which the demand for further equipment surpassed the expenditure allocated under this sub-head. So she is saying she would do exactly what I did despite *all those criticisms* when they were in Opposition. Or perhaps it suddenly dawned on the hon. Lady when preparing her speech that her party in Opposition used to criticise me on this issue, realised that I would expose the inconsistency and hypocrisy on the part of the new Government and, at the last minute, sought to justify it. Well, Mr Speaker, the hon. Lady needs to understand that she can't have '*el pan mantecado por los dos lados*'. Either she criticises both the GSD and the GSLP/Liberal Government, or she acknowledges that when her colleagues criticised the GSD Government this was without any substance in

truth? So which one of the two is it? She needs to answer that question.

Again, Mr Speaker, in relation to the recruitment of extra staff, as shown in the new Estimate Book, the hon. Lady has claimed that this shows how woefully inadequate human resources were under a GSD Government in order to provide services to vulnerable people. Again, the hon. Lady needs to do the same exercise as stated before and have the honesty to state that personnel employed by the previous GSLP Government was a tiny, tiny fraction of the figures that we have today, making the Care Agency today the third biggest Government organisation after the GHA and Education, a colossal increase by the GSD Government. The employment of an extra 35 Care Workers and Social Care Workers, welcome as it is, is a small amount compared to increases in our time. Here, as elsewhere, in the Opposition political discourse during this Budget session there is an inherent contradiction; there is no money in the coffers because of the large public debt, but we have the money to employ an extra 35 workers. Could it be that, thankfully, our economy and the state of public finances are so good that it allows us to increase numbers?

Again, Mr Speaker, in her Budget address, the Minister for Social Services stated 'we have created a new post of Training Officer'. Well, Mr Speaker, this is not true: the hon. Lady obviously doesn't know what she is talking about. The fact that we can see in the Estimate Book for this new financial year a new post of Training Officer, does not mean that *she* took the decision to have a Training Officer dedicated to pursue training issues in the Care Agency. Mr Speaker, the post and the person leading the training started in my period in Government, as a direct result of my decision, as Minister, to continue to develop further more dedicated training courses throughout the Care Agency. This is a fact, and for the hon. Lady to claim credit for something that she should know was my decision, and not hers, shows a level of political immaturity which she needs to quickly snap out of. What she should do is go back to her office, get the right information, and apologise to Parliament at the first possible opportunity.

Also, Mr Speaker, the hon. Lady has stated that the coming into fruition of the Alzheimer's and Dementia Hospital and the Day Centre Facilities would further provide more job opportunities. Indeed, the completion of these ongoing GSD initiatives would have meant that whoever was returned to Government would have had to increase the number of jobs, even if we continue to witness today further delays in the opening of these facilities. It should be noted from the Estimate Book within the Improvement and Development Fund (IDF), sub-head (g) – 'Old Naval Hospital Conversion and Refurbishment Works', that there is a Forecast Outturn of £9,911,000 of works done, with a new Estimate for 2012-13 of £1 million to complete. It is obvious that, despite her attempt to rubbish what has already been done, the project is virtually complete. One hopes that, with the bulk of the works now done, we don't witness further delays and there is no attempt to claim credit for another GSD project.

Whilst talking of delays, Mr Speaker, we have a situation in which already the new independent living for the elderly at the old St. Bernard's Hospital has been completed since this last April, as stated by the Minister for Housing in Parliament, the Government has not yet opened up the facilities, thereby unnecessarily compounding the number of elderly people waiting for a place at Mount Alvernia, or by having some elderly people bed-blocking at St. Bernard Hospital, for social reasons, as opposed to medical ones. What has happened since April is that there is a tug of war between the Minister for Housing and the Minister for Social Services. The Minister for Housing quite rightly has understood from the beginning the concept behind the refurbishment, which is to provide able-bodied independent elderly persons with the accommodation it has been intended from the beginning of this project, whilst the Minister for Social Services is intent to modify the concept behind it and alter the facilities on the basis that the refurbishment is not fit for elderly persons with disability or mobility problems. This she wants to do in order to politicise the refurbishment with spurious argument that the refurbishment is not fit for purpose.

Frankly, it is a scandal that the Minister for Social Services should put petty party politics before the interests of the elderly. What the Government needs to do is to spend less time drafting press releases and getting on with finalising these GSD projects, whether this is the airport terminal, the tunnel, the power station, the Alzheimer's & Dementia Hospital or the independent living accommodation for the elderly in the old St. Bernard's Hospital, (**Members:** Hear, hear.) thereby bringing huge, huge benefits to the people of Gibraltar. This Government needs to come out of Opposition mode, and get on with governing Gibraltar! (*Interjections*).

The problem with the current policies with regard to Social Services and the Elderly is that there isn't any clear coherent policy at all. What we have is a continuation of GSD policies – even though they are constantly rubbing them – but when it comes to specifying their own policies, as stated in their manifesto, they lack detail. So far they have continued with the Alzheimer's & Dementia Hospital, although at a sluggish pace;

they have pledged to set up the Day Care Centre advocated by the GSD; they have increased Domiciliary Care funding, as has been the case under the GSD Government; they have continued the GSD Training Programme for the Care Agency – even though the hon. Lady refuses to provide me with a copy – continued with the programmes and services for Looked After Children, the Elderly, the Disabled and those with a substance abuse condition. Yes, there has been a tweak here or there but, despite the rhetoric of political distortion, nothing fundamental has changed.

On the fundamentals, the new Government is running services very much on the successful GSD formula, and the enormous amount of funding we put in place. Even the new announced policies of moving the current Day Centres for the Elderly to Waterport Terraces – which was the projected policy of the GSD, if re-elected – and, indeed, the changes to the admission policy for Mount Alvernia, one in which the GSD Government had already discussed and agreed to change upon being re-elected. So I am glad that someone, somewhere, is passing on to the Minister for Social Services the plans we had if we had got re-elected, and that she then uses these as announcements as if it were their policies. At the end of the day, we both work in the interest of Gibraltar.

On the other hand, Mr Speaker, with regard to the GSLP/Liberal policies on Social Services and the Elderly, we notice the following. When I have asked in Parliament, ‘when will the Disability Action Plan be introduced?’, the Hon. Minister for Social Services stated, ‘We are meeting all representative organisations. Once this process is complete we will be in a position to assess the content of the plan’. When I asked the Minister, ‘What features will the programme of life planning for disabled persons have and when will they implement this manifesto commitment?’ she said, ‘Yes, the Government is in the process of identifying individuals with disability.’ Well, one wonders Mr Speaker, whether it’s going to take the hon. Lady four years to identify who, and where, the disabled people are. I dare advise the hon. Lady that, by calling a meeting to her office of senior management of the Care Agency, Social Security, Health Authority, Education and Employment, by the end of the meeting, which should last not more than an hour, she will know who and where the disabled people are, and without the need of an iPad or a Mac Apple.

Chief Minister (Hon. F R Picardo): Apple Mac!

Hon. J J Netto: Apple Mac, sorry. I am grateful to the Chief Minister for that.

Mr Speaker, when I asked the Government ‘When will they transpose the UN Convention on the Rights of Disabled Persons?’, the answer was, ‘It’s not done yet, but we are working on it’.

When I asked, ‘What employment grants will be made available to disabled persons in order to optimise supported employment?’, the answer was a predictable one: ‘We are meeting all representative organisations. Once this process is complete, we will be in a position to assess the content of the plan and provide a cost’.

So far, Mr Speaker, the only quick and decisive action taken at the start of this term of office, with regard to disabled persons, has been to withdraw the Disability Allowance to disabled persons in employment. Mr Speaker, the Chief Minister, in his address, announced that disabled persons in employment will no longer have their Disability Allowance removed from them completely, as was the case before. Instead, the Disability Allowance will be removed on a staggered basis, and 25% of it will remain payable indefinitely and will not be removed. The truth is that when the Minister for Social Security gave instruction to the Department to remove the allowance to disabled persons in employment he did not have any inclination or willingness then of taking into account the personal circumstances of disabled persons.

The measure announced to preserve 25% is a direct result of *my* intervention in this House when I said that, before doing this, they should look into the specific personal circumstances of each individual person, given that many need to purchase either specialised equipment, or medical services, or both, and to remove the allowance was unjust. Therefore, I am pleased that my direct intervention has proved effective in changing their ill-thought policy at the time, even if they choose not to acknowledge my contribution. It is no wonder that the Chief Minister, in his address, did say this goes beyond their manifesto commitment. And it is incorrect to state, as the Chief Minister stated, that the Disability Allowance used to be removed before in the period of the GSD Government. The fact is that, notwithstanding the administrative system in place we, the GSD, chose not to remove the allowance.

Mr Speaker, yet whilst this goes on, the Government is about to lose a golden opportunity with regard to sustainable employment opportunities for the disabled. Last week, actually two weeks ago now, the Government placed a tender for the provision and operation of a portable/prefabricated kiosk at the children’s park at the Westside promenade. What I would suggest to the Government is to freeze the tender process and,

instead, look into the opportunity, as it exist in many parts of the world, whereby disabled persons can organise themselves into either charitable organisations or co-operatives in order to provide a service to the community, with the profits being re-invested for the development of further sustainable employment for disabled persons. Mr Speaker, the variety and extent of services that can be provided in the services of a kiosk could generate the kind of occupational activities that are necessary for some disabled persons to feel rewarded and motivated, and if the example works, then it can be extended to other places in Gibraltar.

Mr Speaker, if I can quickly just stop there: I would really like the Chief Minister or perhaps the Deputy Chief Minister, who looks into the question of tenders, to really look into this matter, even if it is a simple moratorium on that particular tender notice, in order to allow them to have the opportunity to look at my consideration. I am more than willing, if he wants to, for me to bring on a private note my suggestion, my view. I think it is a golden opportunity. It can create sustainable employment for disabled persons and if he can put just a mark on his notes and consider the matter I would be extremely grateful, not for me but at least for disabled people.

Mr Speaker, moving on, the most *astounding* remark made by the Minister for Social Services in her contribution on Tuesday was when she said and I quote, ‘the Children Act was passed with little consultation with interested parties and that the proposed legislation was not placed for consultation within Social Services’. Well, Mr Speaker, one wonders the depths of disingenuousness that the hon. Lady is prepared to sink to. The fact is that nothing could be further from the truth. Mr Speaker, the facts are that, in this matter, the GSD Government issued a White Paper annexing the draft Children Bill, with a narrative explaining the proposed draft and that this went out to NGOs, the legal profession, the management of the Care Agency, and all other relevant stakeholders. When it went out to consultation we considered the various comments and included some in amendments. The process took months. It was an unprecedented level of consultation. And doesn’t the hon. Lady not know either, from her own practice in family law, that the Ministry for Justice and my own Ministry then, prior to the issuing of the White Paper, constituted a working committee composed of senior management of the Care Agency, the legal profession and NGOs, which lasted for 2 years in the elaboration of the Children Act. Mr Speaker, there was at the time considerable interest in the media, depicting press statements and media coverage of the work of the committee. Perhaps the hon. Lady was not living in Gibraltar at the time. (*Laughter*) Mr Speaker, if this is not consulting, as the hon. Lady is claiming, then we need to redefine the meaning of the word ‘consultation’.

The issue here is that the hon. Lady has a pathological inclination to rubbish everything that the GSD Government has done, and in order to achieve this objective, anything goes, so long as the political untruth uttered is repeated often enough for the next four years. Her comments do not stand up anywhere near to the facts. As a lawyer, she should know better. Whether the hon. Lady likes it or not, the GSD Government does have a most impressive record for having achieved enormous improvements for all vulnerable groups in Gibraltar, and certainly a much better record than the awful legacy we inherited from the GSLP Government. (**Members:** Hear, hear.)

Mr Speaker, before moving to the subject of the elderly, there is one Government policy that worries me in the Care Agency. This is the introduction of the 11-month contract, which does have serious implications for the quality of service to Care Agency service-users and for our relationship with our neighbours on the other side of the frontier. There is no doubt that the introduction of this policy has been forced into the Care Agency by the Minister for Employment.

This policy is designed for the purpose of applying unwanted and excessive pressure to British and Spanish employees, so as to pave the way for getting rid of them and then employing unemployed Gibraltarians. This policy worries me on several counts. The fact that the Minister for Employment is driving, behind the scenes, such a move against hard-working and conscientious employees will mean that the Agency will be put under pressure to maintain the high standard that has been the hallmark of services to all service-users. It is no wonder that a petition by the family of service-users is already taking place. This policy can also have a double whammy effect, in that employees made redundant by the Care Agency, as a result of the actions of the Minister for Employment, will inevitably result in press comments on the other side of the frontier, thereby exacerbating the hostile climate that now exists as a result of the Government’s bad handling of the fishermen’s dispute. If this occurs, the Minister for Employment will have to share responsibility for a deterioration of relations across the frontier, something he obviously never cared or bothered about.

Mr Speaker, all things being equal at the time that a new vacancy arises, we would all agree that a Gibraltarian should get the job, but what the Hon. Mr. Bossano is pursuing is a very different matter. He is forcing good employees, in existing jobs, to 11-month contracts, with a view of replacing them by locals,

regardless of whether they are suitable or not. This is un-socialist, it is anti-trade union, and probably illegal. Already such a plan has produced one victim. As a result of trying to impose the 11-month contract to the Nursing Co-ordinator, Mrs Lynne Cowen, she has decided to return to the UK and plans are already afoot to have her position filled with a charge nurse of the GHA by direct appointment *a dedo*. The whole episode, Mr Speaker, has the hallmark of devaluing the service in the Care Agency, demoralising the staff, unnecessarily worrying the families of service-users, and increasing conflict across the frontier between ordinary working people. (A Member: Hear, hear.) It is therefore necessary for the Chief Minister to show leadership in his Government and put a stop to the antics of his Employment Minister before things get out of hand.

Moving on to matters to do with Housing, but only in relation to the elderly and disabled, I have to say that again the policy of the new Government is very much to continue with the success of GSD policies of the past, but the pace in which they are going about doing this is starting to concern me.

Already, I have stated that the independent living accommodation block for the elderly at the old St. Bernard Hospital has been finished since this last April and, instead of getting on to offer these facilities to the elderly, the place remains closed as a result of the dispute between the two Ministers mentioned: a tragedy for the elderly people in need for this facility! Perhaps the most astonishing remark given in Parliament by the Housing Minister was when I asked the Hon. Minister what new housing provisions will be made available for disabled persons and their families by the new Government? The answer was to say that they will continue with the policy of allocating ground floor flats in the Government housing stock, plus when the new affordable housing blocks emerge, this will allow disabled persons and their families to live satisfactorily therein. Well, upon hearing this, I thought to myself, where on earth has the new Housing Minister been living for the last 16 years! Why then give the impression, as they did in their manifesto, that additional and specific housing properties was going to be built by the GSLP/Liberal Government for disabled persons and their families? Again Mr Speaker, a question of all things to all men, without the slightest intention of doing anything about it.

On another question early in the New Year, Mr Speaker, I asked the Hon. Minister for Housing, whether the new Government will continue the GSD programme of lift installations, and whether they would use the rest of the previous financial year to prepare the tender documents for lift installations so as to commence early in the new financial year 2012-13. The answer by the Minister to both questions was 'yes.' Therefore, Mr Speaker, when I received the draft Estimates Book I searched the pages for the Improvement & Development Fund, Head 102 – 'Projects' 5(w) and, thankfully, I see listed the heading, 'Government Lifts'. Then I move my eyes across to see the estimate provided and, to my astonishment and bewilderment, I see the figure of £50,000. Now, Mr Speaker, I am not a Quantity Surveyor, but from my own experience at the time when I was the Housing Minister, I can tell that the average price for the construction of a shaft, and placing the lift with its appliances and machinery used to cost £75,000. Given the number of years that I have now left Housing I would not be surprised if the average cost could oscillate between £100,000 to £150,000 just for one lift – or even more. Therefore, with the provision of £50,000 for the financial year 2012-13, the Government will not be able to start fulfilling its Election pledges, even if they have the pretty pictures to show the different Tenants Associations.

Would the Minister for Housing not acknowledge that when, at the time of the Election, when they distributed leaflets telling voters that they could be trusted with their promises, that this has turned out not to be true? And when they promised the tenants of Laguna Estate, 'Vote for us and we will immediately start construction of the lifts after the Election, it was simply a pack of lies in order to get their vote by false pretences. And does the Government not understand that, by delaying, or not carrying out, the very successful GSD rolling programme of lift installation, all it means is that the quality of life of the elderly and the disabled is being constrained and devalued by the inactions of this Government?

Mr Speaker, another GSLP/Liberal manifesto promise with regard to the elderly is to build another block of flats, like the very successful ones the GSD did in Bishop Canilla and Albert Risso Houses. Yet again, when I look into the Estimate Book, I see a token amount of £100,000 for 'New Housing Projects' in Head 102 – 'Projects'. I heard *nothing* from the Minister for Housing or the Chief Minister on this. Building 1,400 affordable homes is well and good but we need to continue building rental homes and homes for our elderly, too, and I hope that in the announcement that the Minister for Housing quite curiously said that he would make imminently that they say something about this, too. I say 'curiously' because, like my colleague the Hon. Mr. Feetham, I thought Budget time was all about making such announcements. Between Mr. Cortes making announcements on Facebook and the hon. Member saying that housing projects will be announced in a press release shortly, I am beginning to wonder what Parliament is for.

The other area of importance with regards to services by the Housing Ministry to the elderly, and those with regard to a disability or medical condition, refers to the response time in prioritising such works in Government flats. At the beginning of this term of office, I asked the Minister for Housing for the amount of outstanding conversions of showers from baths and the time it would take to do the work. The answer from the Minister at the time was that there were 66 and that the works would be done in three months, something that at the time I thought was too bold for an answer, taking into account that this aspect of work only forms one part of the overall context of works by the Housing Works Agency. Now, of course, we know that not all the outstanding works have been done and there remains some still waiting beyond the three month deadline given by the Minister.

More recently, in fact at the last sitting of Parliament, I asked both the Minister for Health and the Minister for Housing if they could provide me with the number of outstanding works to be done in Government flats, arising from reports by the Occupational Therapy Department. Given that the answer provided by both differed, I had the inconvenience to ask the Minister for an explanation as to why the two figures given were different. Instead of providing a sensible explanation, or deferring the answer until they could seek clarification from their respective civil servants on this issue, I was subjected to a torrent of vitriol by the Minister for Health and the Minister for Social Services for having had the temerity of having asked for an explanation.

We witness the spectacle of the Minister for Health talking about '*heights* of hypocrisy' and the Minister for Social Services, who could not wait to have her moment of glory, saying that quote 'on one occasion a person had even died as a result of waiting for the works to be done'. Unquote. The hon. Lady felt compelled to try and score what she thought was a knockout political point, regardless of the fact that, only 30 seconds earlier, the Minister for Health had conceded that, unfortunately, delays do occur with these types of work, either because the equipment sought has to come from abroad or because of delays in the execution of the works.

Whilst I will deal in one moment with the '*heights* of hypocrisy' for the benefit of the 'new kid on the block', does the hon. Lady, the Minister for Social Services not realise that even if it were true that, in one case, unfortunately, somebody might have died before the works were done, her comments raise the question of how many other people would have died between 1988-1996 when the 'so-called' socialist government did not even provide, or thought of having, a sub-head for those unfortunate persons who could not afford the equipment or the work. And if this whole issue is such a tragedy for Members opposite, given that in their manifesto they stated that they were going to increase the Fund considerably, why then in the Estimate Book does it show the same amount as was the case when the GSD was in Government? Mr Speaker, hypocrisy, hypocrisy, hypocrisy. (*Interjections*)

What this whole episode highlights is that, despite the much proclaimed fanfare of a collegiate Government that is always in constant e-communication through their iPads, what it shows is that the left hand doesn't know what the right hand is doing! Hence the vitriolic attack against me for exposing the myth. One can always suggest to the hon. Members opposite that to improve communications further between Ministers they should get in touch with companies in the Silicon Valley in California in order for them to obtain the latest technology in holograms. This would allow the hon. Members of the Government not just to be in touch electronically, but also to have a three dimensional image of themselves in virtual reality in order to get their act together. One drawback for the people of Gibraltar, in case the Government would be thinking of projecting their images into people's living rooms, is that it will have serious adverse health risks to them which will require additional funding for the GHA for counselling therapies due to Government spin and fantasy.

Mr Speaker, the Minister for Health took offence in Question 548/2012 because I was seeking to find an answer to the different figures being produced by different members of the Government. Instead of providing an adequate answer as to whether such outstanding works would be done in this financial year, he conveniently digressed away from the question by saying that it was the height of hypocrisy by the GSD to accuse the new Government of delays in the execution of the works.

Mr Speaker: I should remind the hon. Member he is using the word 'hypocrisy'. It is one of the words on the glossary of words not permitted.

Hon. J J Netto: Can I prefix it with 'political', then?

Mr Speaker: I beg your pardon?

Hon. J J Netto: Can I prefix it with 'political', then?

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Mr Speaker: Anyway, I should remind Members it is not acceptable.

Hon. J J Netto: Well, this is what *he* said.

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Mr Speaker: I know but, previously, it was used –

Hon. J J Netto: I am quoting what he said.

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Mr Speaker: I know, but I am taking up the point from the point where the hon. Member used the word 'hypocrisy' and, for good measure, repeated it twice more, so it is three times as unacceptable.

Hon. J J Netto: Well, Mr Speaker, one wonders –

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Hon. Chief Minister: Mr Speaker, on a Point of Order. You actually said earlier, in the course of the ruling, that the fact one was *quoting* from a source did not in any way, either, exempt the words.

Hon. J J Netto: He can say it, but I cannot. Is that what you are saying?

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Mr Speaker: No the point made (*Laughter*), the point made by the Hon. Chief Minister and that I have already made in my ruling is the fact that when you are quoting someone else does not make it more palatable here.

Hon. J J Netto: Well, Mr Speaker, one very much welcomes an exposition of the word that *he* said and that I am not saying now – (*Laughter*)

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Mr Speaker: That suits us well.

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Hon. J J Netto: For the benefit of Members of this House and for the benefit of members of the public, in this tabulation of examples, we can compare the delays of carrying out O.T. works in Government flats, against the fact that the Socialist Government – of which he is now one – never provided for any money, or resources, to do this kind of work between 1988- 1996.

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Perhaps the fact that, after the construction of Dr. Giraldi Home it stayed closed for two years because, in the words of the then socialist Chief Minister, 'employing professional people would be too expensive'; or rejecting a plea from the Board of Governors of Mount Alvernia to have an increase to the GSLP Government subvention was denied by the socialist Government when, at the time, most occupational activities at Mount Alvernia were carried out free by the Friends of Mount Alvernia, or that the building was closed by two thirds because it needed money for refurbishment; or the fact that hundreds and hundreds of elderly persons did not have either income at all, or very little, and it took a GSD caring government to introduce the Minimum Income Guarantee...

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Mr Speaker. the truth is that I could go on and on... so if the Hon. Minister has a desire to speak of the things which I cannot say, but *he* said it, that is fine with me, but let's keep the argument empirical and not theatrical. (**A Member:** Hear, hear.)

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Mr Speaker, another example where the left hand does not know what the right hand is doing in Government is in relation of the close collaboration that should exist between the Care Agency and the Employment Service. At the beginning of this term of Parliament I asked how many Looked After Children were in training programmes. The Minister for Employment answered – although I should say in a supplementary question – that there had been a lack of communication between both Agencies, which had resulted in the Care Agency not passing the details of the then seven juveniles affected by this, and that this would be rectified *immediately*. Today, some seven months later, there continue to be at least five Looked After Children still awaiting a work placement in order to start learning the importance of training in occupational skills in order to set such juveniles on a strong path for the future. This lack of communication

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and effort shown by both Agencies is worrying, as the Care Agency does have parental responsibility for the welfare of any Looked After Child. Any further delays in actually delivering such opportunities will have a detrimental effect on the juveniles at a time which is crucial in their lifetime development as a person. I do sincerely hope, that by the time I ask this question again, which will be in a couple of weeks time, the matter will have been finally resolved.

Mr Speaker, the Chief Minister in his inaugural Budget address alluded once more to the fact that the previous GSLP Government did a wonderful job when *they* introduced the Standard Minimum Wage, well ahead of the UK Government. However, given the manner upon which they did it, which was so disgraceful, I feel obliged to put the record straight once and for all. To the extent that the Standard Minimum Wage was introduced in 1989, this is certainly correct but, given the incomplete story of this GSLP Government initiative, I will take the trouble to complete the picture, so that ordinary people can draw a proper conclusion from a very 'un-socialist' piece of legislation at the time.

In August 1989, the GSLP Government introduced the Standard Minimum Wage Order in Gibraltar for weekly paid employees only. The only discernible reason for restricting the Standard Minimum Wage generally was that, at this time, the Administrative Assistants' hourly rate of pay was £1.68 for a 16 year old person, £1.82 for a 17 year old person, £2.22 for an 18 year old person and £2.36 for a 19 year old person. This, obviously, was less than the hourly rate of pay for the newly introduced Minimum Wage of £2.50. Therefore, the GSLP Government designed a Minimum Wage Order in which the GSLP Government as an employer could use the *deliberate loophole* of not applying the Minimum Wage to its *own* employees because Administrative Assistants were paid monthly. So we had a *so-called* socialist Government deciding, as an employer, to keep its own Administrative Assistants below the Minimum Wage. Quite shameful and, to boot, when private sector employers found out, at the time, that by transferring their weekly paid employees to monthly paid, they could pay less than the hourly rate of the Minimum Wage, we witnessed a movement to circumscribe the legislation, thereby negating the Minimum Wage concept as a living wage. Mr Speaker, to borrow a popular phrase from the Hon. Mr Costa, 'Shame' on the socialist Government of 1988-96. (*Interjection*)

Mr Speaker, It took a GSD Government to close the *deliberate loophole* created by the GSLP Government, thus making all employers in Gibraltar comply with the minimum wage both in the private and public sector for weekly and monthly paid employees. This was set as from the age of 16 thereby, closing all the deliberate loopholes of the *so-called* socialist Government. (**A Member:** Hear, hear.)

Mr Speaker, in terms of the big issues, to keep an on-going eye within the Social Security Department – the reform to the Social Insurance that the Minister has alluded to in previous Question and Answer sessions in Parliament – it remains to be seen how the details of such proposed reforms, inasmuch as future funding liabilities is concerned, and inasmuch as the benefits to be drawn by current and future recipients, develop. One hopes that, despite indicating this matter in his address, he will give plenty of advance notice of any changes, not just to Parliament, on such an important and fundamental issue, but also to the social partners in the Trade Unions and the business organisations about the general principles behind the reform and the details of such, so that people can be better informed of what is likely to affect them now and in the future in such an important area of our lives.

Mr Speaker, the Government in their manifesto, talked about legislating in order to protect people fully from discrimination. Although one feels that this is yet one more commitment that has been kicked into the long grass, what the Government can do, as I was doing as Minister for Social Security in the short term, is to continue to update antiquated and discriminatory legislation within Social Security matters. At the moment, for instance, same sex couples are not taken into account for the purpose of certain benefits, such as Unemployment Benefits, Social Assistance, Minimum Income Guarantee, etc. Changes to the existing rules can be done quickly and promptly without having to wait for the completion of a review of all current legislation. Indeed, they might also wish to review how benefits affect common-law partners, too. This is something that can be done within the next six months if the will is there.

Mr Speaker, moving on to my last area of shadow responsibility, which is Health and Safety, well, Members will remember that, whilst talking of Social Services, I stated that the Government lacked a coherent policy at all. However, with regard to health and safety, we don't even have an idea of an idea in terms of what to do. This however is a pity, because when I went to the IOSH inauguration in the John Mackintosh Hall earlier this year, the Minister did inspire me at the time when, in his speech, he did say, 'the problem with Health and Safety practices is that it is very reactive and not proactive'. So when I heard the Minister say that, I thought to myself, well, here is a man who knows what to do and is going to make a big difference in

showing how to overcome them. Unfortunately, Mr Speaker my expectation was short-lived. The only glimmer of hope so far is that the Minister has indicated to me that the Government might employ some more Factory Inspectors, although this is not shown in the new Estimate Book. That said, Mr Speaker, the Hon. Minister for Health & Safety's contribution to the Budget Address sadly lacked vision, enthusiasm and knowledge of the issues that need addressing.

Mr Speaker, month after month when I ask my questions about which industry groups have been targeted for inspections, the practical totality has been to the construction industry. There seems to be no desire, willingness or concern about using the existing resources available to spread more evenly across the whole spectrum of all industry groups, giving the same treatment for inspections across the whole breadth of the legislation that they need to monitor. It is as if the Government is signalling to all other industry groups, other than the construction industry, 'Do whatever you like, legal or not, because the policy of the Government is to turn a blind eye.'

But it gets worse, Mr Speaker. The whole episode of the KGV Hospital shows how the Government prefers to abandon common sense rather than allow good practices to prevail. Instead of accepting that the trainees on the scaffold had been unsupervised for many days, and that good practice for trainees would have meant wearing hard hats, it automatically rejected *all of this* simply to give an erroneous image that the Government never gets anything wrong. Well, what trainees need is to be supervised and taught in order to avoid potential hazards, and to be supervised in order that they may learn a trade and to wear hard hats so that good standards are instilled on the youngsters, thereby avoiding future accidents.

Mr Speaker, for the last six months I have been asking the Minister for the statistics in relation to 2011. At first the Minister told the House that his ministry had bought a new software programme and that, by April, the figures would be available. Then, when I asked the question again, he told me that there had been some difficulties with the new software programme, but he would be in a position to give me the data soon. Today, I still have not got the data and the Minister just has not got a clue as to when the data will be available. Lately, as seen in the last session of Parliament, the answers given to my questions do not even provide a clear and precise breakdown of the information requested. What we are witnessing is that, as time passes, instead of improving the systems and procedures inherited, we are actually going backwards.

Mr Speaker, if the Hon. Minister for Health & Safety sincerely wishes to have a proactive policy for health and safety, then he could well start by looking at *my* policies, at the policies that *I* developed between 1996-2000. In that period, I constituted a Health & Safety Advisory Council with specialised practitioners who used to advise me, as Minister, for the development of Government policy. We started doing Codes of Practice in order to self-regulate specific industry groups or activities, we held annual health and safety seminars in which large numbers of organisations and trade unions participated, and we applied a holistic approach to health and safety legislation across the whole spectrum of industry groups.

In a nutshell, there are three pillars for a proactive approach to health and safety. The first, up-to-date legislation. Two; proper monitoring and enforcement across the whole spectrum of all industry groups; and, thirdly, ongoing training and awareness to all industry groups and social partners.

I really hope that I may have given the hon. Member some food for thought in the development of proactive policies on health and safety as, otherwise, we are never going to get this show on the road.

In summary, Mr Speaker, I can conclude that, so far into the term of the new Government, in relation to spending into the 'Welfare State', the rate of growth has been less than last year's budget of the GSD, after adjusting for inflation, down by 2.7%.

The new facilities for the elderly at the old St. Bernard's Hospital remain closed, despite the facilities being ready for use, as a result of a dispute by the Minister for Social Services, who is more intent to score cheap political points than improving the services available for the elderly.

The Government is not honouring its pledges with regard to the disabled and the elderly, and is lowering the standard of services in the Care Agency as a result of the introduction of the 11-month contract.

Finally, on health and safety, the Government just has not got a clue on how to develop any positive ideas and, instead, feels content to just plod along and dig its head in the sand.

Mr Speaker, as always in my Budget addresses, I would like to give my sincere thanks to the staff at the Department of Social Security, and the Care Agency for their hard work and dedication to the services they provide to the community. Also, in my new role as an Opposition Member, to all the staff in Parliament for their guidance and help in adjusting to my new role. Without their help, my work would certainly have been much more difficult.

Thank you, Mr Speaker. (*Applause.*)

Hon. Chief Minister: Mr Speaker, I think that might be a convenient moment to break for five minutes before I reply.

790 **Mr Speaker:** The House will recess for five minutes.

*The House recessed at 10.20 a.m.
and resumed its sitting at 10.30 a.m.*

Mr Speaker: The Hon. the Chief Minister.

795 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, two long days of speeches!
Ministers have put a *massive* amount of detail into the public domain about the progress of a new Government, seven months in, and also what will happen for the next 12 months.

800 Mr Speaker, before I carry on, I think it is appropriate, at this juncture, to congratulate all the novice speakers in this debate, on both sides of the House – but, really, one might have expected a lot more from the Members on the Opposition benches. The Government feels that there has been so little substance raised in the speeches of the hon. Members opposite that one might as well simply get up and commend the Bill to the House because there is very little relating to the Estimates that has been raised at all.

None of them, in my view, have done *any* meaningful analysis of any of the numbers in the Estimates Book: not really until this morning from Mr Netto, any comment about expenditures up or down.

805 Nothing really at all, Mr Speaker, on the massively important import duty reductions that we have delivered to Main Street, to stimulate the retail distributive trade.

Not a peep, Mr Speaker – not a peep – about the changes that take the lowest paid out of taxation this year, and next year even more.

No comment, Mr Speaker, on the increases in the minimum wage.

810 Mr Speaker, I did not hear a dickybird from the other side about the fact that we are taking pension income outside of the computation for taxation. Not a dickybird, Mr Speaker! Well, at least Mr Figueras acknowledged the new Government's very positive approach to the environment, by our reduction of import duties on hybrid vehicles to 2% - a flat rate of 2% and a very generous system of cash-backs that is introduced for the first time in this Budget.

815 So, instead of comment on any of those issues, congratulations, perhaps, to the Government for such a well-balanced Budget, Mr Speaker, (**A Member:** Hear, hear.) what did we get, instead? A re-run of all the arguments from the Election that they lost and then, Mr Speaker, something quite novel, which was a team reading of the *Hansard* between January and June. They all read very well, but that was all it was! It was us being treated to the arguments pre-8th December and what it is they have asked questions about and promoted debate at Question Time, which is not about debates, on the issues that they have raised.

820 Well, Mr Speaker, I remember when the Hon. now the Leader of the Opposition used to rule the roost on this side of the House, he used to tell the hon. Lady, Miss Montegriffo, who I had the pleasure of being in this House with – for reasons that I will come to later, when she was here is important – in this debate he used to say to her that she simply spent her Budget speech regurgitating her press releases and questions from previous sessions. And I recall, Mr Speaker, at one stage he said that was cumulative and, actually, she had been in Parliament for many years and, by the time she left, she did speak for quite a while.

825 But what a humiliation, Mr Speaker! What an utter humiliation, to now see him and his whole team do exactly the same thing. Exactly the same thing. Except, of course, without Miss Montegriffo's innate political flare and panache. I almost felt for him, Mr Speaker – and my feelings of empathy grew as I heard him rely on an argument, not from 8th December 2011, not from this Election, but from an Election 40 years ago – from the 1972 Election.

830 Mr Speaker, 1972 is the year when Mr Bossano was first elected to this Parliament, it is the year when Mr Bossino and I were born! What currency and argument from the 1972 'Big Lie' Election – well, actually, you know what, Mr Speaker, perhaps it is because 1972 is the year that I was born, the arguments struck a chord with me: the 'Big Lie' Election. I found myself, for once, in 'man bites dog' category: I actually agreed with him. I think there was a lot to be said in characterising the Election of 2011 as a 'Big Lie' Election because, you see, Mr Speaker, in the same way as Sir Joshua had seen off the 'Big Lie', so had we. So had we.

835 In 1972, the electorate saw through a big lie. That was *his* argument when he made it on Monday. Well, Mr Speaker, if the analogy is appropriate, then the electorate saw through a collection of big lies in 2011. (**A**

Member: Hear, hear.) Does he not want to hear it? Sir Joshua *won* in 1972. *We* won in 2011. The ‘Big Lie’, as he characterised it – and this is his argument, not mine – must, therefore, have been on the lips of the incumbent. And if the analogy, Mr Speaker, is to be seen through, then the ‘big lies’, if that is analogous to 2011, must have been on the lips of the incumbent and that is him. *He* was the incumbent in 2011.

Well, Mr Speaker, at least in 1972 there was only *one* alleged lie. You see, in 2011, in the analysis of the hon. Gentleman, there was more than one ‘big lie’ at the Election. He took a complete scattergun approach at what he says were our ‘lies’ at the Election. He said, Mr Speaker, that debt was actually what he always expected it would have been in 2011, that our manifesto *is* unaffordable, and he said, Mr Speaker – repeatedly – from the moment of this Budget debate, if not before, up to and including Election Day, that we, and in particular I, were unfit to govern.

Well, Mr Speaker, just like in 1972, the lies that he said then were on the lips of the incumbent were seen through by the electorate. We know that the public chose the right team for Government and the right manifesto for the future of our nation. What we did not all know was that the hon. Gentleman would find it quite so difficult to get over, that, seven months later, he is *still* trying to make the same arguments that the electorate saw through, that he is *still* going on about it.

Mr Speaker, he was Chief Minister for 16 years. I think the public will have forgiven him for having raised the same arguments that he tried to raise in the General Election at the Ceremonial Opening of the House. The man has been there for 16 years: twenty one days after losing an Election, he still wants to continue fighting it. I do not think it was a particularly elegant address at the ceremonial opening but I think the public might have forgiven him for it.

But, Mr Speaker, in the seven months that there have been between now and the Election I thought he was starting to realise that his role in this place now is to ask questions and he less frequently breaks out into soliloquies, into chiefly soliloquies, that you have to pull him back from. One would have thought that, by now, by the Budget debate, we would all know what our roles are in this new world order. But he gets up, Mr Speaker, and tells us that *we* have to snap out of Opposition mode and stop rubbishing *his* ‘golden legacy’.

Well, Mr Speaker, *he* needs to snap out of it. Why is it that he has put himself in a position where he is going to invite me to *explain* the hollow ‘golden legacy’ to all and sundry. Has he taken leave of his political senses? Does he not realise it is going to be worse for him in the long run to make allegations of that sort?

The reason why we sometimes have to criticise what happened before 8th December 2011 is because there is important material that has to be put into the public domain. And the reason he wants us to stop doing that is because he knows that there is a lot that, justifiably, will not stand up to scrutiny when it is put out in the public domain. In fact, Mr Speaker, he made a list of the things that we had said about events pre-8th December 2011 and he enumerated the *excellent* press releases that have been issued by the Government dealing with all of those issues.

But did he tell us what the counter-arguments were? Have they replied to all of those press releases? Where are, Mr Speaker, the detailed explanations? Where are the rebuttals to all of those arguments? Nowhere.

Mr Speaker, we had to say to the public, who are entitled to know, that pretty pictures in the GSD manifesto were paid for by the taxpayer. I thought it was bad enough that they were using taxpayers’ money to fund their campaign in *Seven Days*. (**Hon. N F Costa:** Shame!) Pictures in their party political manifesto paid for by the taxpayer and yet we have not heard a word either of explanation or apology from the opposite benches. They have just made a list of the things that they would rather we did not say.

Mr Speaker, on the Culture and Heritage Agency, where we had a debate across the floor of this House, where I gave him the Principal Auditor’s Report, he has said twice in Question Time that he is going to deal with all the criticisms that the Auditor made, that I raised in the course of those debates. Mr Speaker, nothing has been said to date. Nothing! Either the bold assertion that ‘everything was done properly’ but no descending to particulars. Well why, Mr Speaker – why is that the case? Well, it is simple, because there are no good explanations for the many issues that we have raised and the hon. Gentleman, taking something out of the most basic 2.0 Rulebook, as it is known in modern parlance, on how to manage the press, do not want to go into a political argument that they know they cannot win.

Just for a moment moving on to something that Mr Bossino talked about – editorials in one particular local newspaper – let me assure him, Mr Speaker, that for the Government to put into the public domain information relating to the things that the previous administration did is not trial by media. Trial by media, Mr Speaker, was the sustained attack on me and on my colleagues, and on me in particular, which was funded and orchestrated from No. 6, Convent Place, when the party he now sits on the opposite benches with was in

power. *That* was improper use of Government resources. *That* could properly be referred to using the word that he used, then withdrew, and which you have, quite rightly, said we should not bandy lightly across the floor of this House. £150,000 of taxpayers' money spent on GSD propaganda to attempt – *attempt* – trial by media against members of the now Government, then the Opposition.

Well, Mr Speaker, they used to say that *Seven Days* was not a taxpayer-funded political rag but, if any proof were needed of what *Seven Days* was, *vide* the fact that the said publication is no longer in print, once the taxpayers' subsidy was choked off and proper democratic accountability re-established as from 9th December 2011 – that new dawn, Mr Speaker, the sun of which so burns their eyes... So, Mr Speaker, when Mr Bossino makes the mistake of making a reference to the 'c' word, I warn him not to develop that theme too much or it may come back to haunt his colleagues who were previously in Government, in the months and years to come, to the *massive* political benefit of the current Government.

But what rudderless and leaderless Opposition they have become and what an interesting role my old classmate, Mr Bossino, is now playing in it. Mr Speaker, can you imagine, last year, anyone in the GSD delivering a speech in flat contradiction of the political theory of the then Chief Minister, now Leader of the Opposition. Never, Mr Speaker. In fact, I would less fancy the chances last year of a GSD Minister who went off-Caruana-message than I might have fancied my own, actually taking him on from where he is sitting today. (A Member: Hear, hear.) (Laughter)

But I won, when I did take him on and yet, this year, Mr Speaker, hardly seven months after he lost power, he is already being challenged on core GSD messages – but not by his Deputy, the one who sees himself as the shoe-in for his job. No, but none other than by, Mr Bossino, whose address was totally contrary to the GSD dogma on what our Election programme is. And if it was not enough that he said it in this House, I congratulate him, Mr Speaker, for sticking to the message and saying it last night in his snippet, or sound-bite, on GBC's *Newswatch*.

Well, Mr Speaker, we know that the GSD approach – it is a political approach, it is up to them – is to develop a theme and stick with it, even if it does not work: if you say it often enough, you hope that that will stick. It is the media world in which the Leader of the Opposition was brought up in the mid 90's. It used to work then. I do not think it works now, with so much disparate social media etc, but it used to work then, when there were two or three television channels and the odd newspaper that everyone would read. Repeat it, repeat it, repeat it... and it will stick, whether it is true or not, whether it is realistic or not.

Last year the theme was 'Picardo is this, Picardo is that' – it does not matter that it would not stick – and, this year, Mr Speaker you can see those themes developing. One does not have to be a rocket scientist to observe what one's political opponent is trying to do. So, Mr Speaker, *everything* we do is a U-turn – even though we said we were going to do it and it is set out in our manifesto! All we are trying to be is 'all things to all men', and just because we get on with people, Mr Speaker, we talk to them and we do not tell everyone what it is that they have to do and impose our will on them – 'all things to all men.'

Importantly, Mr Speaker, and this is why this is relevant to this analysis, the GSD dogma, in seven out of eight speeches – sorry, six out of seven speeches – Mr Netto went on for so long I thought it was almost two, that is value for money for you – the thread is that we promised *too much* at election time, that our manifesto was *too full* and we cannot afford to deliver on our manifesto commitments. And *that*, Mr Speaker, is why we are talking about the problems of public finance – as an excuse, a door the Hon. the Leader of the Opposition said, through which I will walk whenever I want to cry off any of the manifesto commitments that we cannot then fund – not because the money is not there but because we did not cost our manifesto properly. That is the thread and it has been constant since the ceremonial opening of this House.

Well, Mr Speaker, imagine my surprise when, off-message, stage left, I heard Mr Bossino say yesterday in this House, and on GBC, that we have actually an empty, vacuous programme for government. So, six out of seven say we have got too much to do, we cannot afford it and one out of seven says 'That is why you are spending so much time criticising what we did, because you have got nothing to do, nothing to be getting on with, there is nothing in your programme.' Well, somebody is standing out from those benches, Mr Speaker! I commend him for taking that line, even though, of course, both lines are completely wrong. Our programme, which people have rightly chosen, is the fullest, most ambitious, most properly costed and deliverable programme that Gibraltar has ever selected at a General Election! (Applause) (A Member: Hear, hear.)

But could it be that somebody is actually going to challenge Mr Caruana before he finally goes? Well, Mr Speaker, it may be that it is Mr Bossino. I guess that, for both of us, life really does begin at forty! (Laughter) What happens on the Opposition benches is a matter entirely for them. I am not going to get involved in their

leadership issues, as the Hon. the Leader of the Opposition used to so enjoy doing when he was Chief Minister and, look, I know that a kiss from this side of the House to anybody there in respect of the leadership is probably a kiss of death so I have no intention of pressing my lips to anybody's flesh across the way.

What is clear, and it is becoming clearer beyond peradventure, is that there really is not, on substance, other than on spin – on substance – a unified message coming from those benches any more. So, some of them, Mr Speaker, say that we have too much to do and we cannot afford it. Others say that we have nothing to do except act like an Opposition. Well, Mr Speaker, look, hapless, divided and rudderless – hapless, divided and rudderless – that is what the Opposition has become in the seven months since they lost the throne of office.

In fact, Mr Speaker, it is neither of those because, if hon. Members opposite had bothered to actually listen to the speeches to which they had already carefully crafted replies, they would have realised, actually, quite how advanced we are on delivery of the manifesto which the people chose in December. How, Mr Speaker? We have actually re-committed ourselves to delivery of the manifesto commitments. I have not walked through the door that the Hon. the Leader of the Opposition suggested I was purporting to prepare to walk through, and what we are sure of is that we will deliver on these manifesto commitments without having to walk through the trapdoor that the Hon. the Leader of the Opposition was setting for us.

Mr Speaker, perhaps that is why they so fear the press releases of Dr. Garcia when he sets out more and more fully completed, entirely delivered and honoured, manifesto commitments already in just seven months. They must *hate* it every time those lists with hundreds of completed commitments hit the news racks. *Our* political success is the salt to the fresh wound of their electoral failure.

One of the main things that we are already delivering on is the reduction of our nation's debt. I have already shown, in my first intervention, that this year – in this financial year – we will be reducing gross debt by one eighth, that is, Mr Speaker, from £518 million, down £68 million to £450 million, bang on track to deliver the 50% reduction in gross debt that is set out in our manifesto.

Could they at least not have said that, although they believe that we should be reducing, if we want to reduce anything, *net* debt, could they at least not have said, 'Well, look, your manifesto says you are going to reduce gross debt by half – one eighth in your first four years – if you continue to deliver, it will be four-eighths in four years, ie. half: you are on track to deliver that which we believe you should not deliver but, *chapeau*, you are on track? No. Well, I suppose, Mr Speaker, it is a novel concept because, as the Hon. the Leader of the Opposition, when he was incumbent Chief Minister, said during the course of the General Election debates and, in particular, one interview on radio, for *them* their manifesto is an expression of hopes and wishes, not a binding commitment with the people, as it is for us. I guess that is why it does not matter to them that we are delivering on what we promised. It has never been relevant to them.

Why is it that we *have* to deliver on debt reduction as a priority? Well, because, Mr Speaker, whatever he may say now, the hon. Gentleman knows that debt has got too high in the spending frenzy that he embarked on in order to try to get himself re-elected. I guess that is what happens when a tired administration tries to spend its way back into power.

But what demonstrates all that, Mr Speaker, in financial and accounting terms – which is what this debate should always be about – is the *stunning* statistic that I disclosed during the course of my intervention on the Second Reading to move the Bill. I told the House then – and I feel I have got to repeat it because it is essential that the hon. Members opposite understand why we make this argument – they spent *more* on capital projects in the *last two years* of the last Parliament than they had in the 13 previous years since 1996. They spend *more in two pre-election years* than they ever had before. It is an absolute political scandal, Mr Speaker.

But it is worth analysing how the debt grew, in gross and net terms, under the hon. Members when they were in government and, Mr Speaker, of course the figures I am going to refer to are all the figures provided to me by the Treasury and the Ministry for Finance.

Also, Mr Speaker, it is worth noting, and I will do this analysis at the same time, how it is that that growth in gross public debt and net debt is *completely contrary* to what the hon. Gentleman used to say were the 'golden rules' of his economics. In this debate, Mr Speaker, before your time and before my time, in 2001 the hon. Gentleman explained that the fourth of what he then called his four economic policy objectives was this; that capital should be invested, whilst maintaining reserves at a prudent level, whilst maintaining public debt at a prudent level and using mainly budgetary surpluses to finance capital investments and thus ensuring that we do not raise public debt significantly or substantially and thus avoid mortgaging future generations with things we do today.

He did not say then, Mr Speaker, whether the raising of debt etc. that he was against was in cash terms, in ratio terms, or as a percentage of GDP, but it is really not relevant that he did not say that because, before the hon. Gentleman was possessed by the desire to build a Pharaonic project like the air terminal, which has mortgaged to it, in our view, Mr Speaker, many generations of Gibraltarians *and* hypothecated to it the many other projects that should have come before such a lavish air terminal, he said more about the 'golden rules'.

In 2003 he re-visited his 'golden rulebook' and there he was specific about what he meant in respect of his fourth rule. The fourth golden rule, as explained to this House in 2003, was a prudent, conservative – that word does suit him – policy of public finances that will curtail public borrowing and maximise public reserves. *Curtail* public borrowing: well, in 2003, before I was elected, in that Budget debate the Hon. the then Chief Minister gave himself, as he was wont to do in these debates, a glowing report for having complied with his four 'golden' economic policy rules.

That year, Mr Speaker, the position was that gross debt was £78 million on a borrowing limit of £100 million. It was actually the Hon. Mr Feetham, the leader, then, as he was, of a third party, who spent much of the 2003 campaign *criticising* that level of debt. Incidentally, Mr Speaker, Mr Feetham was then also proposing the introduction of capital gains tax, raising the tax of Category 2 citizens by 50% and calling the Theatre Royal – which the hon. Gentleman used to call 'his vision' – a white elephant. Well, what can I say! (A Member: A lot.)

Anyway, I just pause there, Mr Speaker, to tell the hon. Gentleman that I have in my office a painting by the excellent Gibraltarian painter, Karl Ullger, of the Theatre Royal as it used to be: it does not belong to the Ministry of Culture, it belongs to me. It is from my personal collection, and I hang it in 6 Convent Place to remember *always* the dangers and folly of Chief Ministerial visions and where they can take us – almost £10 million down a visionless black hole. I suppose Mr Feetham and I still agree on some things! Perhaps more than one might air in this debate.

Well, Mr Speaker, let's cut forward from that glowing report he gave himself in 2003 to last year, to 8th December, in fact to 7th December – the evening of 7th December – when he and I had the pleasure of debating at the leader's debate with Mr Azopardi. Then he said something that caught Mr Azopardi, Mr Neish and myself completely unawares. The whole Election campaign had been predicated on the gross debt of £480 million but, on that day, the hon. Gentleman let the stink bomb down in the studio that, actually, *gross* debt was closer to £520 million!

The hon. Gentleman last year in this debate – surprise, surprise – also gave himself a glowing pre-Election report, much as he had done in 2003. But in 2003 his glowing report was based on having complied with the 'golden rule' that was to curtail public debt. In 2011, the glowing report ignores the fourth 'golden rule' and gives himself a glowing report, despite gross debt having rocketed.

Well, Mr Speaker, bang goes another GSD myth. The 'golden rule' had been smelted to dust. The once economic policy objective, the curtailing of public borrowing, was now a rotting, forgotten footnote to Gibraltar's economic history. Borrowing had rocketed. Prudence was banished to her room, and debt was the financial drug of choice. The principle that we should not mortgage future generations was hypothecated to the lure of spending one's way back into office.

Goodbye, golden rules! Therefore, Mr Speaker, when the analysis continues we will demonstrate goodbye to the myth of the 'golden legacy'. In fact, Mr Speaker, if Mr Feetham, who is the one who usually enunciates the vein, the spin of U-turn – he is the one who talks about the U-turn, that is his mantra – wants to know what a U-turn looks like, he should learn from his fading leader's tossing and turning on debt.

If the public want to see a U-turn, Mr Speaker, all they need to do is look at the 'golden rule' of 2003 and the Estimates Book of 2011/2012. That is a U-turn and the rest, as they say in Spanish, *es historia*. But then – Mr Feetham may not want to hear it – anybody who goes from being the putative leader of the GSLP to becoming the putative next leader of the GSD does not need the hon. Gentleman to teach him what a U-turn is. I guess that he has his tongue firmly on his cheek when he says that *we* want to be all things to all men. But I must say, Mr Speaker, I guess that going from anti-GSD putative leader of the GSLP to being anti-GSLP putative leader of the GSD is a little bit like a military march, 'Left, right, left, right'. So much so, Mr Speaker, that now every time that I watch one of the splendid parades that the Royal Gibraltar Regiment put on and I see them march off to the refrain of the Sergeant Major's, 'Left, right, left, right', I am always put in mind of the hon. Gentleman going from the GSLP to the GSD!

Mr Speaker, when the Hon. Leader of the Opposition was first elected as Chief Minister in 1996 he also made great play of the fact, in that first Budget debate, that he was going to ensure, then in respect of companies, that all Government expenditure was reflected in the Estimates. He said, in his first Budget

1060 speech, that the book had been restructured for that purpose and this brought clarity at last to the public
accounts of Gibraltar. Well, Mr Speaker, how that attitude changed. Another U-turn: so many millions of
1065 recurrent company losses were parked off-balance sheet by the hon. Member that one can only conclude that
that must have been designed, as his lustre as a political leader faded, to try and artificially boost numbers to
reflect a better economic performance than was the case in pre-election years. Indeed, Mr Speaker, keeping
those losses out might have produced a much larger surplus every year but it would not be a real surplus at all.
It would have been, as it was, a surplus born from that discipline of economics that he used to cry off so
much. It would have been, Mr Speaker, a surplus of voodoo economics – voodoo economics – that he decried
so often and then gorged himself on in the final years of his stewardship of our public finances.

Let us face it, Mr Speaker, even in the simple grocery example that he gave of accounts, you have always
got to factor in all your recurrent expenditure before arriving at your net cash surplus position. And he is
1070 wrong, and in my view, he knows that he is wrong when he says that we have included in the £28 million
amounts which amount to capital before we make the deduction on the surplus. He says, Mr Speaker, that we
are including there not just recurrent expenses but capital expenditure. It does not, Mr Speaker. The £28
million does not include *a penny* of capital expenditure. *All of it* is recurrent. All of it is recurrent and,
1075 therefore, is *rightly* applied to the calculation before determining what is left over, ie. the surplus. Every
single amount deducted is a recurrent, continuing cost, not a capital cost.

I told him where the capital costs of the company losses would be met from, from the I&D. There is no
secret in that at all, and it does not affect his surplus. So, Mr Speaker, when he makes an argument that we
included, in the £28 million deduction, some capital elements, he is wrong. And unless he has completely
1080 forgotten everything that he knew on 7th December, before we both met our fate at the polls, he knows that
what he is saying is not true, and I am left, Mr Speaker, with the view that there can only be one conclusion,
as a result. That is that he is setting out to mislead the general public.

Mr Speaker, we now also know the figures for unemployment given to us last year were not correct. Mr
Bossano gave us the detail of that. But I guess it sounded good, in an Election year, to pretend that
unemployment was down. It sounded good to say, when you are going to the polls, ‘remember there are less
1085 unemployed’, but it was not true, Mr Speaker. Therefore, Mr Speaker, I assume that there was a hidden
meaning when the then Minister of Employment under the hon. Gentleman came to this Parliament, brought
us the Employment Survey and you said, when he tabled it that, it was ‘ordered to lie’. I have not quite
picked up how easy it is to use the ‘L’ word in this House!

The reality, Mr Speaker, was that there were many more unemployed. And it was given away by the Hon.
1090 Mr Feetham in the course of the pre-Election debates when he said he had calculated what the Future Job
Strategy would cost. Well, of course, it did not make sense, based on what *his* interpretation of what the
Future Job Strategy was and the numbers of unemployed that there were, but he was bandying about the
figures that he was bandying about. Mr Bossano has told us the reality of that in this debate, Mr Speaker. The
1095 Employment Survey this year is ordered to inform the public of reality, and not to lie, and we have the good
news, in the course of this Budget debate that, each month now, Mr Speaker, there are more Gibraltarians in
employment in our economy. *Exactly* the trend that we want to see, but apparently a *huge* disappointment to
the hon. Members opposite, who are Members for *el campo de Gibraltar* more than they are the Members for
the local resident unemployed.

In fact, it was interesting to hear the Hon. Mr Feetham talk about our obligations under the European
1100 Treaty. He will know that I have given the same answer in this House about what the Treaty of Rome says
but, Mr Speaker, I did not perceive that that was an attack by Mr Feetham on the policy of the Government. I
concede that, in saying what he said, he was not attacking Mr Bossano, he was not looking for a *mano a mano*
with anyone on this side of the House, Mr Speaker. This was all part of a wider political plan, because it
1105 seemed to me, Mr Speaker, that that remark about Gibraltar, and Gibraltar’s obligations under the EU Treaty
etc., was a carefully aimed dagger at the heart of the person who stood up in this House and said that the
Government was implementing a new plan to ensure that, in cleaning and in construction companies, no
Government contract would be given to any company that did not henceforth employ as many Gibraltarians as
possible (*Applause*) and he said it, Mr Speaker, with the support of those of us who were then sitting where he
1110 sits now. But it was none other than the Hon. the now the Leader of the Opposition, then the Chief Minister,
who made that speech.

So, Mr Speaker, when Mr Feetham now appears to take a contrary position and Mr Netto takes a contrary
position and starts talking about the need to create employment opportunities for people in the *campo*, I
appreciate that this is another manifestation of the rudderless and leaderless Opposition that we now face and,

1115 of course, in that very clear and pointed contradiction to that policy enunciated by the hon. Gentleman when he was Chief Minister, perhaps a first step towards the heart that makes those statements. Or, Mr Speaker, another U-turn.

1120 One year a GSD leader says 'we will favour local residents for employment'. Another year – almost 365 days to the day – a previously anti-GSD GSLP member, putative GSLP leader, now anti-GSLP, putative GSD leader says the opposite. Well, thank goodness, Mr Speaker, that we are committed, as the hon. Gentleman said *he* was last year to, first and foremost, reducing local resident unemployment and that *this* party is the party delivering on all its commitments and Joe Bossano is in charge of that and is doing a magnificent job implementing the policy that the Hon. the now Leader of the Opposition enunciated from this place last year. Thank goodness, Mr Speaker, that this rudderless, almost leaderless Opposition did not win the Election and that we did and are delivering beyond expectation.

1125 Another one of our commitments is that we will not be putting up utility charges. We thought, Mr Speaker, having heard the hon. Gentleman in last year's debate, that that would mean that it would stick post the 3% increase in electricity charges that he announced to the House last year. Imagine our joy when we found that, in fact, we could go further and, because the 3% had not yet been introduced, we could, in effect, stick to where we are and therefore reverse the 3% increase that the hon. Gentleman had announced last year!

1130 But, look, I agree, talking about electricity that, if possible, the power station going forward should not be an issue of division. We all agree that something needs to be done as quickly and as reasonably as possible about our three existing, ageing facilities and their location. But why is it so urgent, Mr Speaker? Because we have had 'power station' from most of them: 'power station, power station, quick – tunnel, power station.' Well, Mr Speaker why is it so urgent? Why is it that the Government has been here for seven months, even when it was here for two months, for three months, for four months, for five months, for six months, was being told: 'Power station, it is urgent. You have got to do it quickly: power station, urgent. Do it now.' Mr Speaker, is it, perhaps, because they did nothing about it in 16 years? Or, at the very least, in the past *nine* years when they were in possession of the PB Power Report that told them, in 2003, that by 2010 we would all be suffering power cuts because of the state of Waterport Power Station?

1140 Mr Speaker, if they were told in 2003 that something had to be done and by the time we were elected in 2011 – almost 2012 – nothing had been done, could they at least, when they urge us to do something about the power station, put their hands up and say 'please act quickly, because we didn't?' Is that not at least the politically honest, mature approach to take if we are going to be non-partisan about this?

1145 Mr Speaker, 2003 to 2011, December 2011, almost 2012, is two Parliaments – *two* Parliaments – and, as I will tell Mr Figueras later when I deal with his intervention, in that period of eight years he will not be able to rely with many of the excuses that he referred to in the course of his intervention as to why progress had not been made.

1150 Mr Speaker we have been here seven months – they had *96 months* to do something about it! And moreover, Mr Speaker, I am going to give *you* an exclusive today: you, Mr Speaker, and just the people within these four walls and anybody who might be listening – just between you, me and the microphone – the thing that was not said by the hon. Members during the General Election campaign that they have tried to re-run in argument in the past 48 hours of debate of this House, is that when they *finally* did something about it, in the dying months of the *ancien* regime, what they signed up to but did not tell anyone during the Election campaign... because they wanted to be all things to all men, which is what they say when we do not say something during an Election campaign. Do they say it because they want to be all things for all men? So, therefore, what is good for the goose is good for the Opposition gander. What they did not say in the Election campaign about their new power station was that, in order to finance it, the document that *they* were going to sign for financing would commit Gibraltar to increased electricity charges by 5% every year for 20 years! (A **Member:** Shame, shame!) (*Applause*)

1160 Mr Speaker, if they did believe in transparent and open Government, if they did believe that during a General Election campaign one has to explain all the nuances of every potential policy, if they did believe that finances were not too high, or debt was not too high, why did they not tell us that, actually, for the power station they would have increased the cost of electricity by *100%* over the 20 year period and that the party opposite them, in the General Election campaign, were saying zero electricity rises. That is the choice, in fact, facing the public on 7th December but hidden from them by the hon. Members. So they kept *that* pretty quiet during the General Election campaign, Mr Speaker.

1165 Let me turn now to one particular aspect of what the Hon. the Leader of the Opposition said about public debt. And I promise, Mr Speaker, that I am not going to keep him three and a half hours, like he used to keep

1170 us. I am just going to do a little bit more of analysis. As I have said before, when we first arrived in office
there was barely £20 million left for Gibraltar to spend. We had not yet been brought our first and very
convivial cup of tea at No. 6 Convent Place when the highest official at the Treasury put before us a
1175 resolution. A resolution, Mr Speaker, that was necessary to go beyond the £20 million because the borrowing
limit was going to be reached and, therefore, we needed to come to this House to seek further funding and £20
million in December, with four months left to run of the financial year, was not very much! Especially given
the millions of pounds committed to GSD capital projects still to be incurred!

We were advised, Mr Speaker, given the rate of burn – cash burn on these projects – ‘You have got to go
to the House as quickly as possible with this resolution, in order to be able to exceed the current legal limits
on debts’. Mr Speaker, I almost fell backwards. Not out of concern, because I know that with the people that
1180 I have in my team, with cash I have no problem. This party will comply with its obligations to reduce debt
and to increase the GDP. But, Mr Speaker, what was it that I said in what I regard to be my famous, not
infamous, Facebook podcast? That we were reaching the limit on debt, we were reaching the limit on debt and
this could not go on and, Mr Speaker, I have it on good authority that the campaign that the hon. Gentleman
ran against that podcast was actually something he had promised all the people around him would be one of
the things that would win them the Election – Picardo’s *mistakes* in the Facebook podcast.

1185 One of the themes of the Election was how high debt was, and one of the themes of the podcast, the
famous, successful – obviously we won the Election – podcast, was that we were reaching the limit on debt. I
was told repeatedly in this House, I faced a motion on it, Mr Speaker, and I arrive at No. 6 Convent Place, I
have not yet sat down, they have not brought me my cup of Earl Grey, (*Laughter*) and the highest official in
the Treasury tells me: ‘You had better quickly go to Parliament and get this resolution approved because you
1190 are going to hit the limit on debt.’

Mr Speaker, the hon. Gentleman brought the motion on the Facebook podcast, spent six months
rubbishing *me* and it and, in his first intervention in the *Ceremonial Opening*, disclosed to us, by what he said
about the resolution and what he has said about it 48 hours ago, that he knew exactly as much as the officials
1195 at the Treasury knew about those numbers and about the need to come with a resolution to this House to get
further funding because, otherwise, we were going to hit the limit on debt. QED, Mr Speaker! *He knew* that
the limit on debt was going to be exceeded and that it required, therefore, an action of this House, either by
change of law or workarounds of the law, as provided for in the existing legislation, to exceed the limit set out
in the law. And he actually offered us, Mr Speaker, very generously, his support, should we bring such a
resolution to the House and he repeated it again in *this* debate that he would have done that.

1200 Mr Speaker, does he think we are going to fall for a trap like that? To borrow more when we have
promised to borrow less? But what does this mean in respect of the central arguments that he put? Given that
he wants to re-run the General Election campaign, let us re-run it, Mr Speaker, but let us re-run it with all the
information on the table – with *all* the information on the table. That argument was clearly, objectively, only
1205 capable of resolution – if you will excuse the pun – in favour of the argument put by us that we were about to
hit the limit on debt. And once you hit the limit you either come to this House and change the law as to how
the formula calculates debt or you change the provisions of maximum debt by a resolution of this House.

So, Mr Speaker, despite the bluster and the eloquence, for which I have always had the maximum respect,
we were right and he admits it, whilst pretending not to. That means that the hon. Gentleman is actually
1210 himself what he called me in the last debate, on these Estimates a year ago. *He* Mr Speaker – and I am using
his words – is the ‘political con artist’. He admits the crime, Mr Speaker, in the same sentence as he pleads
not guilty. ‘The debt is not too high, you are not going to reach the limit, there is nothing to worry about.
Come to the House with a resolution and you will be fine!’ Mr Speaker, why come to the House with a
resolution to go beyond the limit if we are not going to hit it? His argument, Mr Speaker, does not admit of
any intellectual rigour once all the facts are on the table.

1215 Mr Speaker, in his analysis now, in this debate, he said that Mr Bossano, when he was Chief Minister, was
more bullish about debt levels in 1996 than I am now in respect of the ratio to GDP. He even went back to, I
think, one of the debates in 1988. Well, Mr Speaker, if he wants to look at what Joe Bossano’s attitude was in
1996 to debt then we also have to look at what *his* attitude to debt was in 1996. You see, in 1996, *net* debt
1220 was *zero*, and he says that the appropriate measure of debt is not gross debt, it is net debt. Net debt was zero.
There was a gross debt of £83 million, £60 million of reserves in Community Care and other reserves. I
reminded him last year, Mr Speaker, on that gross debt of £83 million, on a GDP of £327 million, he said that
the level of debt, his party said that the level of debt was ‘a millstone round the necks of Gibraltarians’. That
was the campaign. ‘Gibraltar is bankrupt. £83 million of debt. Gross debt is a millstone round the necks of

1225 Gibraltarians.’ That was his attitude to debt in 1996, and yet now, Mr Speaker, he calls the ‘golden legacy’ of £520 million of gross debt on a GDP of £1 billion perfectly manageable.

1230 Because he does not like what we are doing, when looking at the recurrent side of the book, by bringing in all the recurrent expenditures from his companies, he says – headline grabber, spin artist of the mid 90’s that he is – ‘You are cooking the books!’ Well, Mr Speaker, if by applying all the recurrent expenditure properly, and without capital, to all the recurrent income, before calculating the surplus, we are cooking the books, well, then, Mr Speaker he is a veritable Nigella Lawson without pouting lips. He is a Jamie Oliver without the Cockney twang. His forked economic analysis is worthy of a number of Michelin stars, but only for the creative aspect to his accounting. Mr Speaker, saying that we are ‘cooking the books’ is a very serious allegation, which suggests that, in seven short months after the cup of Earl Grey, we have been able to persuade the Financial Secretary, the Accountant General and everyone in their Departments to re-state expenditure in an inappropriate manner. How dare he impute such professional breaches to people who also served *him* so loyally for so many years.

1240 Mr Speaker, at least he had the decency to say, after the Election, on a number of occasions, including in this debate, that they would have increased the legal debt limit for the power station and the tunnel, although he never made any remarks about how they were going to pay for the power station eventually.

1245 Mr Speaker, there again, looking at the ‘big lies’ of the Election campaign – another admission! A power station and the tunnel would have been paid for with further public debt. Well, Mr Speaker, I am vindicated. I went round the estates saying that if the hon. Members won the Election they would finance their manifesto with D.E.B.T – debt. We were right, we were right! So, thank goodness, Mr Speaker, that Gibraltar was not captured again by the GSD and escaped the asphyxiation of debt and borrowing that we would have been subjected to if they had pulled the wool over people’s eyes and people had not, as they did in 1972, seen through the ‘big lies’ that were presented to them by the incumbent at the General Election.

1250 On another occasion, Mr Speaker, he said that we were bringing in items of capital expenditure against recurrent expenditure or against recurrent income, something which I told him is not the case, but he said that we are mixing apples and pears in that respect. Well, look, Mr Speaker, by analogy he must have made a veritable fruit salad of the Government’s finances. He has changed the layout of the Estimates Book, in the 16 years that he has been in Government, more than anyone has ever before. He has changed the legal definition of net debt twice, he has really messed it up so much, Mr Speaker, that it is impossible to follow the Book from year to year and he finally got himself caught up in the mix on 8th December, and I think will never politically recover from that.

1255 I recall that, on this debate, on every occasion that I have been in this House, he used the opportunity to tell Mr Bossano that he felt that leaders around the world who lost political elections should immediately resign and make way. I believe, Mr Speaker, that I am now echoed in putting the same thing to him by at least two Members of the Opposition benches. But, Mr Speaker, he is still a master at least of spin, or at least attempted master, if much diminished, but nonetheless a master of that dark art of spin. He said the GSD have left Gibraltar, or ‘*a Gibraltar*’, that shines when contrasted to the rest of the EU. Their hands must have hurt, Mr Speaker, from the amount of banging that they did on the table, but what sparse ambition for our nation. How can they clap and hail the fact that we are doing well, compared to Spain or Greece, or the rest of the EU? If he had said ‘With growth rates beyond Hong Kong and Singapore I leave you a golden legacy’, they should have *bled* their hands in banging the table. But to compare us to Spain, to Greece, to the EU that is suffering, and to cause on his own benches such fervour really shows what little ambition they have for where our nation should be and how we should be performing economically.

1270 Mr Speaker, in that context, and given the ‘golden legacy’, and the ‘golden rules’ and how well they have done, one would have thought that *they* would have they seen themselves as clearly to be returned to office on 9th December, as they announced constantly whenever they could, so why, Mr Speaker, why sign contracts 24 hours before the Election? A week and a half before the Election? Why the frenzy of signatures if you are so assured because you have done such a great job? Surely there is no need to insure oneself, or the people one has been doing business with, against an *impossible* eventuality of an Election lost?

1275 There were many contracts signed just before the Election. Some of them were signed as contract extensions on 30th November, committing the Government, already in the middle of a General Election campaign, already as caretakers, to millions of pounds of expenditure: some of it in respect of consultancy fees, payable, in some instances, in almost hundreds of thousands of pounds a month! And again, without tender, and signed by the person who used to sit outside his door when he was the incumbent at No. 6 Convent Place. In some months up to £120,000 of expenditure committed to on 30th November. The Hon.

1280 Mr Bossino said, in respect of a press release on that subject issued by the Government ‘Well, the GSLP did it, too, so what are you complaining about?’

1285 Well, Mr Speaker, in what was undoubtedly, I must say, the most eloquent of all the speeches from the Opposition benches, even including the Hon. Mr Caruana’s lacklustre contribution this evening... but Mr Bossino needs to look at what the Constitution says now and what it said before 2006. Given that one of the ‘golden legacies’ that they claim they have left Gibraltar and us is the new Constitution, one would have thought that each of the Members would be able to recite some of their most operative sections by rote. Does he not remember how we were taught to learn Chaucer and recite it at the drop of a hat? Can he not recall section 45 (9) of the Constitution? Does he not know that it was not there in 1996 and it was included in 2006 at the *insistence* of the then Chief Minister? And does he not know, Mr Speaker, that *that* clause since 2006 *prohibits* a Government, once an Election has been called, from committing the Government of Gibraltar to expenditure? Is he saying, Mr Speaker, that if it is done by a wholly owned Government company, the Constitution does not apply? Is that the rule, as they interpret it? Is he saying, Mr Speaker, that if the director of that Government company sits outside the door of the then Chief Minister, closer than his secretary, and commits the Government to expenditure through a company, contrary to the rule in the Constitution, that that is alright? Mr Bossino should know, Mr Speaker, in my view, that eloquence will not be enough to put him in the place that he appears to be gunning for. He needs to be more careful, Mr Speaker, when he spits into the air next time.

1295 The hon. Gentleman says, of course, that we should not be going back to that point, we should only be looking forward, but they spent most of the time that *I* was in Opposition in debates of this sort, talking to us about what happened between 1988 and 1996. In fact, Mr Bossino today talked about – or when he gave his speech – what had happened in 1996 when he talked about agreements signed during a General Election campaign. So they do not want *us* to talk about what happened before 8th December but *they* want to be able to talk about what happened before 1996.

1300 One of the ‘golden legacies’ that they like to talk about, Mr Speaker, is the on-line gaming industry that we have been bequeathed. There are two types of politicians – those who say the world started ‘when I was elected’ and those who say ‘I will build on and fix, where necessary, what was there before’. In the Budget speeches that I have read, in particular the Budget speeches of May 1996, which were the first when the hon. Members were in power, he will see that there were members of the then GSD who acknowledged what the GSLP had done before the date of the Election and said they would build on it, people of the temperance of Mr Azopardi and people of the temperance of Mr Montegriffo. There was one Member, who moved the Bill, who pretended that the world had started the day that the GSD was elected, or *otherwise*, Mr Speaker, would he not have acknowledged that the remote gaming industry already existed before 1996, that the first licence was granted by the Hon. the then Chief Minister, Mr Bossano, before 1996, to Ladbrokes, that, in those days, that vision was in the GSLP?

1310 Look, I am quite happy to admit that it was developed by the GSD since then. Because I am not one of those politicians, Mr Speaker, who believes that the world started on 9th December 2011. We have identified what we said was wrong on 8th December and what we will fix, but Gibraltar did not start then. Neither did it start when they were elected in 1996. But I commend to Mr Bossino and to anybody else who may be on the Opposition benches a read through the contributions of his present leader in this debate to see how it is possible to move Genesis forward from the Garden of Eden to the Mackintosh Hall on the day that the GSD were elected in 1996 and to say that Rome was not built in a day, will make him quiver when he sees the way that the hon. Members opposite pretended that *everything* started with them.

1315 Another ‘golden legacy’, Mr Speaker, in the list of ‘golden legacies’ – I am starting to think that Odyssey should be contacted to try and find these golden coins that nobody can locate – was company tax down by three quarters – a ‘golden legacy’. Mr Speaker, that was not by choice, that was with a gun to the head because the hon. Members’ *first* plan in respect of corporation tax was to reduce all companies to zero and it was despite the first ‘state aid’ gun to the head, only with a second ‘state aid’ gun to the head that that would not be acceptable that they moved to the 10% plan. So things which one does with a gun to one’s head, one really should not then claim, three years later, is one’s ‘golden legacy’. But I could see how things were going and how badly things were developing for the Leader of the Opposition when he claimed for himself one other ‘golden legacy’ – the bus shelters! If I had not been sitting, I would have fallen from a standing position! What a legacy, Mr Speaker! For a man who has portrayed himself, and persuaded others to portray himself, as a political giant of Gibraltar, to claim the *bus stops*! Mr Speaker, even I could argue that he has better legacies than the bus stops... He is a very good interior decorator, Mr Speaker. No. 6 looks very good

indeed.

1335 'A stable and secure Gibraltar' – a stable, secure and prosperous Gibraltar, that is the legacy. Wow, 'stable and secure' with the world in the worst credit crisis in which it is in and 'prosperous' with half a billion pounds of debt, £20 million to spend in the final quarter and the Financial Secretary saying to you 'there is a paper you need to take to the House quickly': not even he can believe that porky.

1340 The world did not start on 9th December and we will build on what we believe is there that is worth building on and we will fix the things that were there that we believe need fixing and we will do new things, but we will do it, Mr Speaker, with a much more prudent approach to debt and a much healthier approach to employing local residents.

1345 Mr Speaker, talking of legacies, the GSLP did leave an *excellent* legacy to us in 1996. And yet, despite my very carefully worded invitation about Community Care, not even a peep from the hon. Gentleman as to what his proposals might have been that he referred to during the course of the earlier interventions that I alluded to in my intervention. Not even a 'I will tell you privately'. So, Mr Speaker, I think it is possible now for listeners – and I hope, in the future, readers – to realise that what the hon. Gentleman said before in 2010 and in 2011 that he was going to replace Community Care with an alternative system which would be future proof *and* would mean nobody would suffer any loss, he had no alternative system, he was speaking with forked tongue firmly in cheek on this, and on so much else, to the electorate.

1350 Mr Figueras, who I consider to be a close personal friend, said that Ministers' speeches on this side of the House were like Opposition speeches, not Ministerial speeches, because we referred back to what had happened seven months before instead of only looking forward to what was going to happen in the future. Well, Mr Bossino says nothing is going to happen in the future because there is nothing in our manifesto... But the hon. Gentleman, if he is going to be a politician, needs to engage some time in understanding the place in which he comes to do gladiatorial political battle. He needs to read some of the *Hansards* of what it was that his hon. predecessors for the GSD used to do as Ministers.

1355 There was not one Government speech whilst I was in this House as an Opposition Member between 2003 and 2011, that did not say, 'Mr Speaker, between 1988 and 1996...', 'between 1988 and 1996'... It was constant. I still hear it. Mr Netto, who now *should* be giving an Opposition speech, gives the same speech from the Opposition benches in relation to the GSLP, as he used to give from the Government benches. So before spitting up in the air, the Hon. Mr Figueras should do a bit more reading to understand that if he is trying to – with that device – ridicule these Ministers, he is ridiculing *those* Ministers who used to do the same thing when they were here.

1360 Mr Speaker, it is one thing to do it seven months after you are elected. When you are dealing with a Book that, in great measure, represents – as I said when I started – eight months of income and expenditure under *them* and four months under *us*, it is perfectly justifiable, when you talk about the whole year, to talk about what happened before you were elected, because the year includes parts and months when one was not elected. But, Mr Speaker, *his* party – and therefore he must agree that it was right because he stood with them based on that record – used to do it *sixteen years after* the GSLP had gone into Opposition. And he said, I guess not taking his cue from those who say that we only need to look forward, he said on planning, 'How can you take the position you take, given what the GSLP did in respect of the Dockyard Gates?' – I think that was in 1989 – and I am not going to say which was the Minister responsible, or who was the Minister responsible. He opens himself and, unfortunately, his Leader to a retort which is not pleasant, which is to say 'Look, actually, I was in school when the gates to the Dockyard were destroyed. I don't know what was behind that, but I was in Parliament and in politics when the Rosia Tanks were destroyed (**Members:** Hear, Hear.) (*Applause*) on their watch – the tanks from which *Victory* victualled herself before going to Trafalgar... and he is going to come to this House to talk about planning and heritage.

1370 And then he said, Mr Speaker 'They are sitting there, although they have the slimmest of victories in the polls'. That was a theme that trickled through all of those benches. Well, Mr Speaker, you know what, I used to say that, too. I used to say that, too, and I suppose it is not a bad thing that nobody enjoys massive majorities, although when you use the term 'majority' you need to be careful, in our Parliament, not to seem not to understand the fact that there are three more here than there, which is quite a *big* majority, given that, before, the majority used to be one, and one is talking in electoral percentage terms.

1380 The Hon. the Leader of the Opposition used to say, when he was Chief Minister – and I used to goad him, he might remember – 'You got in by a whisker over four hundred votes'. 'So what', he used to say, 'I am here, you are there: the people have chosen.' So, look, Mr Speaker, if it was the 'slimmest of majorities' he and I need to take only one cue together from that, which is slim – we have to accept that we are here and they

are there.

1390 And ‘Government projects are not going to planning, as you said they would,’ he said. Well, Mr Speaker, look, the position has been made clear to him so often that I am going to assume that, despite the fact that he has got ears, he can’t hear. Government projects are already going for guidance to the DPC. The position going forward has been made clear by the Deputy Chief Minister. Unless there is a security reason, things do go for guidance to the DPC *already*. ‘But’, he said, ‘you have got to ensure, as a Government, that you lead, that you build, that you do what the community needs. You have to build airports...’ Well, we are going to have to build airports and that is a reason, apparently, why Governments should not go to the DPC because you have got to build airports, you have got to get on with it.

1395 Mr Speaker, does he never listen to the British news? Has he never read a British newspaper? Does he know what the potential for one runway to be built at Heathrow is causing, in terms of analysis in the United Kingdom? The number of processes through which an application for a new runway at Heathrow will have to go through, or the opening of a new runway at Gatwick, or the creation of an airport in the Thames Estuary? Does he know that? Does he know that, or is it that he pretends not to know it and therefore suggests that, in our community, *our* citizens should have less rights than those in the United Kingdom who might have an airport, to take his example, built next to them?

1400 That is why, Mr Speaker, he has been told, repeatedly, that absent security concerns, urgency concerns, safety concerns, all the things that Dr. Garcia told him, this Government will be going for opinions to the DPC and fulfilling our wider manifesto commitments in respect of the DPC but I guess, Mr Speaker, that is not what he wanted to hear. What *we* say is never going to affect the fact that they want to say something which may be contrary to reality.

1405 ‘Paralysis on the power station’, said the newly elected Minister for the Environment and I thought that this was one of the many jokes that he and I have shared over the years which I enjoy so much. Paralysis on the power station: Mr Speaker I am not going to tell him again when the problems with the existing facilities were first identified and the failures of his Party in respect of that. But, I will tell him this, I will tell him this: the arguments deployed to justify the delay from the moment that the GSD was told that Waterport Power Station was no longer going to be viable after 2010 are not, cannot, enjoy play from 2003. There was no residential development near Lathbury that could have injuncted the Government in 2003. There was no financial crisis that might have made it impossible to secure financing in 2003. *All of those excuses* deployed in this debate, and before, by the hon. Members have played *only*, if one accepts that his Party delayed the necessary steps to build a new facility *until* there was already a residential facility close to Lathbury and there was already a financial crisis.

1410 Then he said ‘all these environmentalists’ on the Government benches, what are they doing creating *double* car parking in the town area, I suppose influenced by the very laudable ‘In town without my car’ campaign. Look, Mr Speaker, there are people who live in town and they also deserve a place to park, or is it that GSD policy is to develop car parks in residential areas outside of the town area, but never to provide for people in the town area. We believe, Mr Speaker, that if we needed more parking in the area of NOP because there is a need to provide also for people who live in the town area but, that’s alright, they all know now that he does not believe that they deserve a place to park. And, anyway, they say they still can’t believe that Commonwealth Park will happen and all the rest of it. He will see, Mr Speaker, when he walks along the grassy byways and highways of Commonwealth Park.

1415 He said that the World War II fortifications demolished was ‘a scandal’, that this showed that we were not committed to the Government being subjected to the planning process. Well, Mr Speaker, is it that he doesn’t know, despite being told repeatedly in this House that this was a GSD-approved project that was already ongoing when we were elected, or is it that he is saying ‘Get on with things, but even if they were things that were started before you were elected and started by my Party, now you take them to the Development and Planning Process and stop them half way through’? Is that what he is saying? That has no logic at all and I am just going to assume, Mr Speaker, that he did not have time to clear his speech with those more senior on the Opposition benches, who might have pointed out to him that he was actually going to commit “political hara-kiri of his credibility by taking that position.

1420 But he went further than *that*, Mr Speaker. On that issue he says: ‘When I was told that they had demolished the World War II walls, I could not believe my luck’. Those were his words! Those were his words. ‘I could not believe my luck’. Well, Mr Speaker, it shows he really didn’t care about the World War II wall. It is an admission that he *is* a political opportunist, that all he wants to do is to rubbish, rubbish, rubbish. He doesn’t care about the wall, he cares about the argument he is going to build because the wall had

1445 been demolished, without thinking, of course, that it was *his* Party that started the project and decided to demolish the wall.

1450 There was a bit that I heard – I forget – I think it was during the course of the last Question Time, where people were expressing concern that World War II veterans had not been consulted in the demolition of this wall. Of course, concern expressed by the Party that ordered the demolition of the walls, but now *faux* concern that World War II veterans had not been consulted on the demolition of the walls. So, Mr Speaker, how can we juxtapose that *faux* concern with ‘I couldn’t believe my luck when I heard the news that that the World War II walls had been demolished’. I will put it down to this. It is his first Budget debate. All he cared about was writing a speech to fill an hour: when he has made public statements all he cared about was writing a press release to fill a column, writing, though, Mr Speaker – and I say this in political terms, never in personal terms, I hope – his own political obituary because he has displayed in this first substantive debate, where he had an opportunity to wow us and perhaps even take a putative step towards the leadership of his Party, that all he has displayed is cynical – (*Laughter*) don’t worry, I am going to sponsor Jaime Netto, as well, (*Laughter*) – cynical opportunism and cack-handedness by disclosing his feelings of glee. I honestly, honestly, expected better. I really think that we are not getting bang for our £25,000 of his Opposition salary.

1460 And then he said, Mr Speaker, look at what has happened in one establishment at the beach. No planning permission in respect of something refused by the previous administration. Well, he also needs to check his law. Temporary Erections – amusing though that may sound! (*Laughter*) – do not require planning consents. It is only permanent structures that require planning consents. What that establishment required, as a consent, was landlord’s consent. Nothing to do with the DPC. The Government, as landlord, allows people to do things on property, as head lessor, or doesn’t allow it. That is the control that Government has. Government, as landlord, has given consent for things to happen there but, Mr Speaker, he should be very careful, in my view, not to push too hard on the door of the treatment meted out to that particular establishment last year, and in years before, by *his* Party when they were in office, because he might find, Mr Speaker, that that actually opens the door to bigger problems than he bargained for. Perhaps, next time, he should have his speech checked by one of the more senior members of his Party before he gives it because, then, he went on to say, 1470 ‘The GSLP, in Government, when they were last in Government, they did not have a Ministry for the Environment: we created it’. Wrong! You need to check these things. Of course there was a Ministry for the Environment in 1996 and the argument is so contradictory, Mr Speaker, because, on the one hand, he says you don’t *care* about the environment... Doesn’t he know that there *was* a Ministry for the Environment? Doesn’t he know that the Upper Rock Nature Reserve was created by the GSLP? (**A Member:** Hear, hear.) 1475 Doesn’t he know that there was no culling of apes before 1996? Doesn’t he know, Mr Speaker, despite the constant references to it in this place and in the press, that the Nature Protection Act was made in 1991? Did he miss that? Wasn’t he saying that Mr Cortes cares too much about the environment and that is why he is hard-headed? And now he says ‘Ah, but you are the Party that doesn’t care about the environment’. Where is the logic, Mr Speaker?

1480 It is not difficult. Come on, at least to deliver a speech that is internally logical. But he says that caring for the environment, in effect, may be bad for the economy. Mr Speaker, wrong again. Caring for the environment actually creates many economic opportunities – many – not least in Tourism. Look at my Budget measures and how those may stimulate some businesses and do well for the environment, as well. And I know, Mr Speaker, that what it is with Commonwealth Park is actually a quite genuine and quite proper, I think, political fear that when this magnificent park is developed in the centre of our city – and I very much hope he comes and enjoys it, and he parks his hybrid or his electric car in one of the car parks – that that will be such a magnificent facility that the people of Gibraltar will (a) always thank those who did it and (b) never forgive those who opposed it.

1490 I think that what happened here, you see, Mr Speaker, is that Mr Figueras really had nothing to say about the *excellent* and exemplary manner in which Dr. Cortes is running the Environment Ministry. ‘Mr Environment’, now Minister for the Environment. So with nothing to say, Mr Figueras, like the others, decided to run a critique of our Election campaign and our Election strategy, which was so successful, and had nothing other than that to say – I can understand that representing the Party that took five years, *five* years, to prepare an Environmental Charter – that it was drafting a Charter, that it was looking at ‘the detail of every word’, that this was going to be ‘a Charter for Gibraltar’, but then came up with a Charter which was one word different from the Overseas Territories Environmental Charter that had been there for ten years. 1495 What can he say on the environment? Even the penguins in the Antarctic Territory beat us to the Environmental Charter. Well, look, Mr Speaker, I think his speech on the environment was really a much

better contribution, or would have been a much better contribution to the comedy channel than it was to the debate on these Estimates: 'Commonwealth Park is just a pretty picture for their manifesto'.

No. But, look, if it was, at least we paid for it! We didn't rely on everybody's tax pennies to fund the pretty pictures in our manifesto. If it *is* just a pretty picture, at least we paid for it. And he seems to be *against* planting more trees. I mean he must be the only person represented in a Parliament with a responsibility for the environment, who is *against* planting more trees. Against – I just couldn't get it. Is this actually happening? I suppose, Mr Speaker, I couldn't believe my luck... A person with parliamentary responsibility for the environment saying that there should be less trees. I mean, where is he living, Mr Speaker? Planet Clarkson? Was he in Top Gear mode when he said he would insult Dr. Cortes by calling him a tree-hugger? Mr Speaker, to Mr Cortes, to me, to every Member on these benches, a tree-hugger is a compliment, not an insult. Please feel free, petrol head!

Anyway, I thought he was wrong, though, Mr Speaker. I thought he was wrong to then take on Dr. Cortes for having used a ministerial car. As I told him afterwards, but I think it is important to put it on the record, the reason Dr. Cortes has had to use a ministerial car is because he had a broken leg from which he has not yet fully recovered and he cannot walk certain distances and, for that reason, he uses a car. But always for longer distances, as I understand it, than the Hon. Mr Reyes who, as he will recall, I had cause to criticise last year in this debate for having used a car – a ministerial car – to take him from National Day concert at the coach park to his home at Harbour Views. The Hon. Minister explained that he had been to other functions that evening and that is why he had the car. Fair enough, Mr Speaker, but look, if he was then going to go home after the concert, one would have thought, given the sort of concern that the Hon. the Member for Planet Top Gear has now put, one would have expected that Mr Reyes would have wanted to walk home the short distance between the coach park and his home and relieved us of the burden of overtime for the chauffeur.

Mr Speaker, I mean honestly, despite my deep personal affection for him – and that will endure despite our political differences – I am sorry to say that, in political terms, he is becoming just an unfunny comedian who really needs to ensure he doesn't lose the day job. He said, as well, that I had rightly been taken on for saying that culling of apes was 'killing' of apes, for using that sort of language in respect of that matter. Well, Mr Speaker, can somebody please tell me what 'culling' means, because the last time I checked it meant killing and he says that I should not have used that argument when I was talking about the apes, because that was inflammatory. If that is the case, if when *they* were setting out to kill apes – which they called 'culling' because culling means killing – I should not have used the killing word, I should have used the culling word because, otherwise, I was being emotive and over dramatic. Well, then, Mr Speaker, he needs to tell his colleagues, Mrs Hammond and Mr Feetham, that they should *certainly* not use the culling word in respect of whether people are in employment or out of employment. Because culling meant *killing* a year ago and it means killing today. And if it was over-dramatic to use the word culling to describe killing, which is what it means, then how unnecessarily over-dramatic is it to use the word culling to describe whether somebody gets a job or doesn't get a job?

Anyway, Mr Speaker, that policy of culling, which he commends to Dr. Cortes as the right thing to do because it was *their* policy, their policy of *killing* mammals – which was their policy and he now appears to be so proud of – doesn't he know that, because of the pressure I put, and others with me, from the International Primate Protection League etc., they stopped it. Does he know that, Mr Speaker? Doesn't he know, Mr Speaker, when he makes his political argument that the population of Macaques in 1996 was lower than the population of Macaques in 2011? So, Mr Speaker, who is he trying to kid? He can't make a monkey out of us; he is making a monkey out of himself with those arguments.

So, on all of those issues, Mr Speaker, on an increasing population of Macaques, on a delay on building a power station, on *all* of those issues, when he complains, when he wants to understand what went wrong, when he wants to press, let him press and ask and look to the side, and not forward, because the fault lies on the benches opposite, not here. He said, Mr Speaker, that we haven't progressed enough in respect of alternative energy because the hon. Gentleman, Mr Cortes, has an adverse, hostile, reaction to wind turbines affecting birds. Well, that is actually a view that I and all the other Members here responsible for the governmental environmental filter may share in some respects, and may be resolved in some other respects, as technology changes. If there is not a wind turbine in Gibraltar today, in July 2012, it is not because Dr. Cortes has stopped it, it is because Mr Caruana wouldn't allow them before 8th December 2011. So look to your left to ask the question.

Alternative energy should be a priority, I agree. Look at the answer that Ernest Britto gave me – if you do your research on this issue – when talking in this House about the GSD's commitment to alternative energy in

1555 the 2007 manifesto, where he *admitted* that they had done nothing and not enough and they were going to miss their own targets. That's why, Mr Speaker, we agree with him: alternative energy is just not a priority now, it *should have been* a priority before.

1560 So look left and ask the question why has nothing been done for sixteen years. The 'bad old GSLP', he says: well, Mr Speaker, look, there is as much good and bad old GSLP here as there is there these days, so perhaps he should also look left to his next putative leader if wants to make those arguments – an infection of course Mr Speaker, that doesn't affect Mr Bossino, given that he and I were together with Mr Garcia in another Party at the time. But, anyway, Mr Speaker, in that alleged vein of the old GSLP 'spectre' that they like to raise – not the 'good old GSLP', the 'bad old GSLP' – in that vein, Mr Reyes said that people are saying – faceless people – that only party supporters of the GSLP will be appointed to middle and top management in the Civil Service under us. Where has he been? Do they believe that people will simply forget what happened in the last twelve months of their reign, because that is how appropriately one can describe the manner that Government was run before. Actually, what has happened since 8th December, but which is ignored by Mr Reyes for the purposes of putting together the speech that he obviously quickly needed to scribble to deliver, is that we have released the Civil Service to start filling vacancies for itself, with the PSC, with nobody being told who gets appointed to where, with nobody being appointed *a dedo*. Who is it that we are going to forget who was made Grade V in the GSD *a dedo*? Or was then made a Civil Servant *a dedo*? Who was appointed to the Culture and Heritage Agency *a dedo*? Whose salary was fixed *a pluma*. That's not just us saying it, Mr Speaker. It is not *us*. It is the Principal Auditor saying those things, Mr Speaker. They want to raise a spectre, Mr Speaker, an image. Well, that's their spin of things going wrong and heads being cut off. But, Mr Speaker, it can't stick, and it won't stick because, if there is one cardinal rule in politics, criticism has to be based on reality, not fantasy. Otherwise it does not stick.

1570 Well, Mr Speaker, we come to that part of the debate where I felt I had to rise to make a Point of Order. In what was otherwise, in terms of delivery only, an excellent maiden speech, on which I congratulate my old classmate, Mr Bossino, he marred the whole debate and *his* contribution, by a massive wobble on the use of the 'C' word – the word corruption – which Mr Speaker said we should not be using in Parliamentary language. Clearly, Mr Speaker, something designed to grab headlines. It was designed to grab a headline in their press release: it grabbed a headline. It was designed to grab a headline here: it grabbed a Point of Order and a Ruling. But, look, I am very grateful to the hon. Members, in the course of their wobble, for having admitted that when they put the eye catching word 'corruption' in their press releases and when they used it in this House, although I hope that, given Mr Speaker's Ruling, we won't be going down that route, they don't actually mean 'corruption', they just mean not so nice. So, the headline that said 'political corruption' meant political behaviour that was not so nice.

1585 **Hon. P R Caruana:** Now that is not true. No, Mr Speaker, that is not true. That is... What he has just said is simply not representative of what we have expressed in this House. We *meant* corruption, in the context that we used it, which the Speaker has ruled not to be out of order. I do not see why he is re-inventing what anyone who has been sitting in this House still remembers.

1590 **Mr Speaker:** I think we reached a conclusion that the hon. Member who used the word accepted that it was really intended to mean 'a misuse of political power'. I think that was the final conclusion.

1595 **Hon. P R Caruana:** Yes and, on that basis, the use of the word was not out of order. That was your Ruling.

1600 **Mr Speaker:** Because of the context, yes.

A Member: Exactly.

1605 **Hon. Chief Minister:** Well, Mr Speaker, he needs to read what his deputy/putative Leader said during the course of the debate and what the wobble actually was - because he was not here at the time - and then he will see exactly why I have said what I have said. It doesn't relate to this morning, it relates to late on Tuesday.

So thank you for having clarified, late on Tuesday, that 'corruption' does not mean corruption because, Mr Speaker, I am quite happy to have a debate on corruption, if he wants and I hope that we don't ever have to go

1610 down that route in this Parliament because if misuse of political office is what corruption means, then, Mr Speaker, we are going to have a lot of fun analysing again, how much was paid to *Seven Days* for what period, how much was paid to what law firm for what period, how much was paid to what individual lawyer for what period and what that individual lawyer might have been paid for in that period. Not least, Mr Speaker, what taxpayers' money may have been used for, including funding pictures in party political manifestos.

1615 But, Mr Speaker, on the Sardeña case, he said 'It is totally improper of you to have dropped a defence and then negotiate a settlement. That is the evidence of what you are doing wrong. That is the evidence of how badly you are behaving. That shows that you have misused your public political office.' Mr Speaker, dropping the defence and then allowing the Industrial Tribunal to come up with the compensation is exactly –
1620 *exactly* – what the GSD did in Government in respect of the other Industrial Tribunal case, Joanna Hernandez. They did it, Mr Speaker, so all of the things that he has said *ab initio* of that political 'C' word is exactly what his *current* Leader did in respect of another Industrial Tribunal case. Again, Mr Speaker, next time check it out before you spit up into the air.

Mr Bossino, who was developing this concept of how the economy had grown under the GSD – he said it again last night – this 'golden legacy' that we must not vanquish. But let's do a bit of maths here, you know.
1625 They don't want *us* to go back to before 8th December, but *they* want to constantly go back to before 8th December. Well, let's go back to 1996, which they used to enjoy doing so much. The rise in GDP between 1988 and 1996 amounts to an average rise in GDP of 14.6% per year. That is worth banging on the table.

The rise in GDP in the *sixteen* years between 1996 and 2011, on average per year, is 11.5% – that is a whole quarter down. A whole quarter down. So if I *was* to accept the hon. Gentleman's argument that we have had a 'golden legacy' – which for the reasons I have carefully gone through, I have shown him is an unsustainable argument – if I *was* to accept that, at least on GDP, he should have the confidence to get up and say, 'You are right. The golden legacy was the GSLP golden legacy on growth of GDP between 1988 and 1996.'
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He should go further, Mr Speaker, and say the golden legacy in respect of reserves was the GSLP golden legacy because, when you look at reserves compared to borrowing, and you include the £60m in Community Care, that was a golden legacy compared to £520m of debt in an economy of one billion.
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And when it comes to the quality of democracy, Mr Speaker – look, this is a bruising debate, it always is – but the level of communication that there now is between the Leader of the Opposition and the Chief Minister, the information that Members have about when Parliament is going to meet, the attempt to accommodate them as much as possible which I think has been seen from the attitude the Government has taken to this debate in particular, the opportunities for Questions, the opportunities for motions, *that*, Mr Speaker, has just been *transformed* since 8th December.
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Despite how well that may be going, elderly people have to stand on the bus, he said. At least we were spared, Mr Speaker, fifteen questions on the bus timetable, which is how he started in January but we will put that down to a learning curve. Elderly people have to stand on the bus. Well, Mr Speaker, I agree with the hon. Gentleman that should not happen. Whenever there is an elderly person standing on the bus, there is something wrong. We have got to make sure that either a younger person gets up and lets them sit down or that we have better systems to ensure that elderly people do not stand on the bus. We need to ensure that there are not broken seats, but we have been here for seven months, they have been there for sixteen years. Their buses are nine years old, eight years and six months old, the day they left office, with broken seats.
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So, Mr Speaker, taking all those things into consideration I assume that his speech in that respect was a *slap in the face* to the Hon. the Leader of the Opposition. An intended slap in the face, another step, perhaps, towards the Chair it appears he is so interested in slyly taking. Because, wasn't it, Mr Speaker, under the old GSD administration that elderly people were not just standing on the bus, elderly people were left standing at the bus stop, not the ones that protected you from the sun, the ones before them, because the buses were full of tourists because they were free for everyone. What a disaster, Mr Speaker. (*Applause*)
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He is right. (*Applause*) He is right, slyly and coyly as he does, to slap his Leader in the face for having done that. Well done, Mr Bossino, and I extract from what you said, what you wanted extracted and deliver it in that way for you.
1660

My concern for the elderly, Mr Speaker – that, obviously, does not apply to the elderly at Both Worlds (*Laughter*) – there is a concern for the elderly in other geographical areas, I assume. But, look, I am delighted, Mr Speaker, that the elderly at Both Worlds *are* considered by this side of the House and, therefore, also have their service. He also complained that, for five months, the bus company had been without directors. *Five*

1665 months the bus company had been without directors. It cannot be, this is bad for governance, bad for governance. Right, okay. I extract from what he said, Mr Speaker, rightly and coyly and slyly, another slap in the face for his Leader and I am happy, because he has obviously got vested interests, that I should be the one to deliver it but look, it is fine. (*Laughter*) He and I are obviously understanding each other because wasn't it, Mr Speaker, not the Gibraltar Bus Company, GBC, but the Gibraltar Broadcasting Corporation, GBC, that was without a General Manager, or a CEO, for almost *four years* under the previous administration.

1670 (*Applause*)

If it is bad for governance for GBC, the bus company, to have not had a CEO for five months, what did it do for governance at the Gibraltar Broadcasting Corporation, GBC, for *it* not to have a General Manager or a CEO for *four years* and defending that in this House, as they were. So, Mr Speaker, the hon. Gentleman wants me to say those things, I can appreciate, from his speech, but he is not foolish enough to have said those things, without understanding the consequences of the argument and he wants me to deliver that slap in the face to his present Leader and I do, not with pleasure, because I don't think that politics should be about slaps in the face. But, Mr Speaker, GBC, the broadcasting company, was without a General Manager through a General Election campaign, and we have said how dangerous that was, we have maintained that we think that that was dangerous and that, in our view, did serious damage to governance at GBC.

1680 Having said that, Mr Speaker, I am going beyond GBC. If he says five months for a vacancy is too long, he needs to understand that not just at GBC, but throughout the Civil Service, his Party in Government, his Leader – I was going to say previous Leader, excuse me, his Leader, mustn't pre-empt anything – left *hundreds* of vacancies open in the Civil Service, in the Development Corporation, in Agencies, hundreds open and that is why we have had to unblock promotions.

1685 So if leaving a vacancy open is bad for governance, as he says, and he is clever enough to have understood these things, then he must also be saying to me, deliver another slap in the face to the man who led the previous administration and tolerated that. And I reluctantly accept his invitation to do so and realise that he is clever enough to have said all of those things, knowing that it would result in that. Because the other alternative, Mr Speaker, is that he has said those things without thinking of the political consequences, without putting them in the political context and would have been very foolish to do so. And out of respect for the fact that we come from the same *alma mater* and in the same year, I will believe, and wish to believe, that he actually was much more politically astute than that. But then, Mr Speaker, he describes the mild mannered and temperate Deputy Chief Minister, who would not hurt a fly because he is such *buena gente*, Mr Speaker, as 'vicious' (*Laughter*) – as vicious. Mr Speaker, he does not understand 'vicious'. He does not.

1695 By addressing these arguments that they have put, and not *them*, I am being a pussycat compared to what the mover of this Bill in this House was like last year. If he wants to see viciousness, Mr Speaker, he needs to see the hon. Gentleman with the venom on the tip of his fangs wringing for my neck last year. If he wants to see political annihilation, he needs to see a Party that stood here and didn't just go to play the man instead of the ball, which might have been bad enough, they went to play the man, his personal life, his political life and his professional life, all as part of the cynical attempt to save themselves from electoral defeat. I commend to the hon. Gentleman a reading of the last debate in this House, in particular his current Leader's Reply. I actually enjoyed it as a study in psychology.

1700 And then, Mr Speaker, the Hon. Mr Netto called Miss Sacramento, this morning, a 'character assassin'. A character assassin! Come on! I mean, I will keep saying this, you have got to hang your political argument on a hook of reality. All Samantha Sacramento has done since she was, rightly, elected to this House by the people of Gibraltar, who deposited their trust in her and us, is work hard to sort out the mess that she found at the Social Services Agency, and well done for what she has done to date. (*Applause*). But 'character assassination, viciousness and annihilation', Mr Speaker, come on! Mr Bossino and Mr Netto – and Mr Netto was here – Mr Bossino at least should read the *Hansard*.

1710 Never, Mr Speaker, never whilst I am Chief Minister will there be a Budget session of Parliament like the one last year. Never ever, because the then Chief Minister approached it with such personal animosity towards the then Leader of the Opposition, with such attempts to denigrate me, personally and professionally, that I believe that the office of Chief Minister was brought into disrepute and the people of Gibraltar delivered their verdict on who was, and was not, fit to be Chief Minister on 8th December, 2011. (*Applause*)

1715 And we are talking of Tourism, Mr Speaker and, again, I know that he has been very sly and very politically astute by saying that we are wrong to have made no investment - despite our promises - in the Upper Rock in the past seven months. I once again pick up his request that I should slap in the face his current Leader for the *sixteen years* of under-investment in the Upper Rock. But, Mr Speaker, next time – it is getting

1720 tiresome – next time he wants to deliver a political slap to the GSD, can he please stand up and do so himself. I have already been put in a position where I have to deliver three: can he please – because I know he thinks and he realizes that this is going to be the consequence of saying stuff like that about the Upper Rock – can he please deliver the next slap himself. It might do him good; it might raise his profile in the Party.

1725 Then Mr Feetham said that the GSLP had built nothing for rental for people who are on the housing waiting lists in the 80's to 90's. Look, Mr Speaker, again you see you test an argument and you apply pressure to an argument by looking at the facts that underlie it. We might not have built as much housing for rental as they did, we might not have developed an estate, but housing for rental we did develop as part of the existing estates. So if you want to be taken seriously, and an anti-GSD putative Leader of the GSLP, now anti-GSLP putative Leader of the GSD, must want to be taken seriously, at least initially by his Party and then by the electorate, *you have got to get your facts right*.

1730 Then he said all this business about employment: 'I myself put 47 people in employment in construction when I was Minister for Justice'. Mr Speaker, he was talking about putting Gibraltarians in employment and then he said that that was contrary to EU law. He said the more that this is talked about, the more it imperils Gibraltar because you are employing Gibraltarians at the expense of Spaniards – and then promptly continues talking about it and he is the only one who is talking about it! But, Mr Speaker, it is transparently clear that he does not care about imperilling Gibraltar. All he cares about is that he should become Chief Minister at some stage in his life and that, Mr Speaker, means that, first, he wants the chair to the left of him and then he wants the chair opposite him. That's all that matters. (*Interjection*)

1735 That's all that matters. And he will accuse the Government, Mr Speaker, of any falsehood or of any failure that *he* thinks will get him closer to assisting him in that agenda. But let me take one point, Mr Speaker, because, again, you see I don't think these arguments have been thought through. If *he* put 47 people in employment in the construction industry in Gibraltar in the last few months that he was Minister for Justice, what the bleeding heck was the Minister for Employment doing? That Minister for Employment that he represents in another capacity and is saying to us we should take on to do a job that obviously *he*, when he was a ministerial colleague didn't believe that he could do. But, of course, Mr Speaker he did not care about young people until a few weeks or months before the General Election. Because he says to us, we don't want people languishing as trainees on the minimum wage. We don't want people languishing as trainees on the minimum wage.

1740 Mr Speaker, how can they say that with any shred of political credibility, when they allowed those same young people to languish in their scheme at *half* the minimum wage. (*Applause*) It beggars belief, Mr Speaker. I assume what he is saying to this House is that he is maintaining the position he had before the General Election, that the Future Job Strategy is not affordable and that what he is saying by saying we do not want them languishing as trainees on the minimum wage is that he wants us to take them back and *cut their pay in half*. It is not going to happen, Mr Speaker. But the level of political hypocrisy is just *staggering*. Political hypocrisy –

1755 **Hon. P R Caruana:** The word hypocrisy can now be used.

Hon. Chief Minister: With the epithet political.

1760 **Hon. P R Caruana:** Sorry, if the epithet is political, [*inaudible*] applies to the Opposition.

Mr Speaker: No, I have not ruled against the Opposition using that phrase.

1765 **Hon. P R Caruana:** [*Inaudible*]

Hon. Chief Minister: But, Mr Speaker, look –

Mr Speaker: No. Political hypocrisy, I have not ruled against the Opposition for its use.

1770 **Hon. P R Caruana:** The word 'hypocrisy' has been referred to this morning as being on the list of forbidden words.

Mr Speaker: Yes, but –

1775 **Hon. P R Caruana:** Putting the word ‘political’ in front of it is thought to be unsuccessful in sanitizing it.

Hon. Chief Minister: And so, Mr Speaker, despite the *nervousness* on the Opposition benches, I have to go on and say to the hon. Gentleman you have got to be very careful with what you say, unless Mr Feetham is also engaged in this astute game, which is to criticize things done by my predecessor – his current Party Leader – in a manner that then he knows is going to result in my getting up and slapping his current Party Leader around the political face because of the things he used to do. I think Mr Bossino is astute enough to pick that up. I didn’t think *he* was, but I will give him the benefit of the doubt.

1780 ‘Don’t dumb down entry into the Civil Service’, he said. Well, Mr Speaker, doesn’t he know, in respect of the public sector, that the ones who dumbed it down the most are them, when they were in Government. Given that people were taken into the public sector who have absolutely *none* of the qualifications that one was always required to have to enter into the public sector, some with no qualifications at all, some of them even without speaking English because they are not local residents – incredible, Mr Speaker. It is incredible! It beggars political belief.

1785 And then, Mr Speaker, he has this game where he tries to characterise Mr Bossano as the person baiting him to go downstairs and he talks about the *mano a mano*. Why does he make me get up in this House and say that people are not stupid and that when they read *Hansard*, they will see that the phrase, *mano a mano*, is only on *his* lips, that he comes up with the terminology of the *mano a mano*. He baits, he cajoles, he tries, he swings and then he says, ‘Ah, you challenge me to a *mano a mano*.’ How cheap, Mr Speaker, to bait the Father of the House, a man thirty years his senior. But I guess that is what ends up with debates being personalised and petty.

1790 And they criticise, Mr Speaker, our Future Job Strategy and how that might have had an effect in the Election campaign and Mr Bossano has explained how well that is going. And they say it was an Election bribe. Well, Mr Speaker, clearly it was not, but what is coming across from this re-running of the General Election campaign is actually quite a convoluted *chapeau* from the Opposition benches, because what they have done is say ‘This is what you did for the General Election campaign: this is what you did and this is how you did it.’ Of course, what they don’t say is – ‘and you won. Well done’. So thank you for the compliment, we take it in the spirit in which it was not intended.

1800 So he said, Mr Speaker, in respect of one particular thing on the age of consent and the Criminal Offences Act, ‘we have got to protect our young people. We have got to stop internet paedophiles from grooming young people in Gibraltar.’ All of the things that everybody would agree with, Mr Speaker, because that is where he likes to be, on the ground where he is all things to all men. That is where he feels more comfortable. And he presses the Hon. the Minister of Justice, who has other responsibilities, and does such a fantastic job in all of them, for not having transposed the Criminal Offences Act version that is now available into law already in the seven months that he has been there. And he says he will give us a year, otherwise he will be ‘hard on our heels’. I can feel the rabbits trembling already, Mr Speaker.

1810 He was in Government for four years and I am not going to say that his arrival on those benches is what was the final *dénouement* of the GSD because that is much more convoluted than that. But, in those four years, he had time to draft a law, bring it to Parliament and make it law – and he didn’t do that. Four years! Four years of internet paedophiles not being subject to the punishment that they should be, subject etc. Now we are here seven months and we should have done it already, otherwise it is all our fault. Doesn’t he remember, Mr Speaker, that I had to put questions and a motion on this issue? Mr Speaker, doesn’t he remember that he was here for four years with the power to bring a Bill and get it passed and just suspend one or two sections, if necessary. *If he had a shred of real concern* in respect of any of the matters that he highlighted, he would have acted, instead of meekly keeping quiet, as he did when he was told to shut up and sit down by his then Leader.

1815 Then he says to us, Mr Speaker, on that and on other issues, ‘I have always tried not to politicise issues. I want to work for the good of Gibraltar.’ But, Mr Speaker, again these things have to be hung on a hook of reality.

1820 Does he think for one minute that we, or people outside this place, are stupid enough not to see through his *faux pretense* at constructive politics? Doesn’t he think, Mr Speaker, that people now know him and his political style well enough to know that the only thing he is interested in working for is not Gibraltar, it is P.O.W.E.R., Mr Speaker, and I don’t mean the station. All he is interested in is in pretending to depoliticise issues in order to get closer to the chairs that he craves. Well, he still doesn’t appear to understand the difference between an announcement and a restatement. All this banging on about Facebook, saying things

1830 which Mr Cortes did not even put on Facebook, about directions to police etc. etc. He just doesn't care, Mr. Speaker, that what he is saying is picked up in Madrid – the *Partido Popular* comment in the Spanish press about the fact that they are siding with them on the '99 Agreement. He does not care because it has never been about Gibraltar and Gibraltar's widest interest. Never! It has always been about becoming Chief Minister.

1835 Mr Speaker, advice was given, or comment was made, in respect of Macbeth's own ambition, which in that Scottish play was said to have 'o'er leaped' itself and fallen on itself. I commend to him, Mr Speaker, more reading of Shakespearian tragedy and less watching of Laurel and Hardy, if he wants to make a serious contribution to debates like this, because his quotes were from a Laurel and Hardy episode rather than from the Bard. Bless you. And he becomes, in this House, an advocate for the same argument as Mr Margallo, for the same argument as Mr Landaluce, for the same argument that Mr Masa put in the Spanish press. Well, look, I suppose they have to be represented. They have to be represented. Whatever it does for our community, it has to be represented here in some way.

1840 Mr Speaker, this is the politics that does so little for our community, but the politics of substance, the politics that really is designed to deliver for our people, that, Mr Speaker, is the politics that Joe Bossano has represented for forty years and I want to pause for a moment, Mr Speaker, to embarrass him again, and congratulate him on his 40th intervention in this debate. (*Applause*)

1845 It is relevant because, of course, Mrs Hammond was talking about 'culling' of Spanish workers and we had that issue with the word 'culling' and whether it was killing or not. It is really, Mr Speaker, quite unfair to use that argument to describe the work that Joe Bossano is doing to get more Gibraltarians into employment. But, Mr Speaker, I am afraid I have to say to Mrs Hammond that her contributions will also be tested and the quality of them will be tested by checking them against empirical data to analyse whether what she is saying stands up to scrutiny or was wrong. And I am sorry to say to her that, on a *simple* reading of her speech, it falls at the first hurdle.

1850 I agree with her that the more women there are in this House, the better. But, Mr Speaker, it is not true to say that, on this occasion, Parliament has more women than ever in it, one on each side of the House. That is what she said – she can check her speech and if she likes I will read it for her. Since the year 2000 and until the year 2007, Mr Speaker, there were two women in this House, one on either side of the House, Miss Marie Montegriffo, with whom I had the pleasure of serving as a Member of the Opposition, and Mrs Yvette Del Agua, who appears to have quickly slipped out of her memory now that the people rejected her in the Election campaign. So Mr Speaker, *everything else* that she has said has to be seen in the context of the fact that she got something *as simple as that wrong*. As simple as that. And it is not difficult to check that, because one of the magnificent reforms that we made shortly after being elected and which Dr. Garcia led, was the creation of a Parliament website, *Parliament.gi* and there, Mr Speaker, I was able to confirm myself my recollection by checking the results of the 2000 and 2003 General Elections.

1860 So, Mr Speaker, Mrs Hammond, who I welcome to this House as much as I welcome all the other novices who have contributed to this debate, needs to understand that there needs to be rigour in checking one's facts before coming to this House with argument. Mr Speaker, Mrs Hammond also said that Dr. Cortes has visited the UK on three occasions. It appears from Dr. Cortes' diary, which we checked in order to make sure that we are not getting this wrong, that he has only been to the United Kingdom on *two* occasions to deal with these issues: one to deal with GHA matters and one with environmental matters, but we stand to be corrected, if Mrs Hammond, who said that he had been there on three occasions, to build her argument about how he was going off to take advice, if she can substantiate that there were, in fact, three occasions.

1870 And she said, Mr Speaker, that the NHS has been characterized as seriously dysfunctional, that Dr. Cortes refuses to listen to experienced professionals in the GHA who might help him ensure the GHA doesn't go down that route. Well, in fact, Mr Speaker, Dr. Cortes has consulted *more* than any previous Minister of a GSD administration. *Some* people are saying to Dr. Cortes – the professionals – 'Wow, it is the first time I have ever been in the Minister's office: thank you for listening to me.' One very high ranking member of the management of the GHA, perhaps the most high ranking except for the Minister, has said to the Minister, that he has listened more to anyone than ever before and that he puts in more *hours* than any Minister ever before.

1875 She said that the Board was not meeting often enough with the Minister. Well, in fact, it has met more already with the Minister that it met with the previous Minister. In some years there were no meetings of the Board, or one only in one year.

1880 The Board, Mr Speaker, had concerns before 8th December about KGV but nothing was done so the Board was not listened to. Now it is listened to and quickly action taken on KGV. She does not like the policy of openness and of holding meetings in the open, but doesn't she know, Mr Speaker, that that is the

1885 way that similar Boards meet now elsewhere in the European Union. But at least I respect the fact that she stands up and says that she is *against* transparency, she is *against* openness and she wants to move *back* to secret meetings of the Board of the GHA.

1890 Mr Speaker, I met with consultants before the General Election and I have had meetings with various consultants after the General Election, so has the Minister. Mr Speaker, they have been kept aware of exactly what discussions and proposals are being maintained in respect of their contracts, and have had more information, and have had more debate and made more progress in respect of their contracts in seven months with this administration than in sixteen years with the previous administration. And, Mr Speaker, in respect of her arguments about what a fantastic GHA they left us – another ‘golden legacy’ – and the record that she talked about, doesn’t she know, Mr Speaker – or perhaps she is the most politically astute of all, and really wants *this* slap in the face delivered to the now *departed* Leader of the Opposition – that, since 2006, there have been recommendations for urgent action to develop a dementia facility and *nothing was done about it* and Gibraltar, therefore, now has a *serious* problem with elderly people who cannot be cared for at home and for whom there is no space in a medical hospital.

1900 Mr Speaker, Mr Netto this morning I also congratulate for having made what I considered to have been his most animated intervention in the time that I have been in this House. He said that the Minister of Social Services had said nothing about Moroccan workers, he never mentioned them. Well, Mr Speaker, the time I have been there on those benches I don’t recall serious mention of the plight of Moroccan workers *at all* by the hon. Member, or any Member here. Is it, Mr Speaker, that he forgot about them for sixteen years and has remembered about them now because it sounds good? Well, I will tell him what, the policy conference of Unite was very clear about how they felt about the treatment of Moroccan workers before 8th December and very happy about what has happened since then. But there, Mr Speaker, and not for political gain, I know that what he is doing is setting his Leader up because he knows the problems that he created for them.

1905 And then he went on to talk, Mr Speaker, about the disability allowance. I didn’t hear him talk about the *increase* in the disability allowance. I didn’t hear him talk about the fact that disabled people are being taken out of taxation. I didn’t hear him talk about the plans there are for disabled people to have sheltered, indefinite future-proofed employment going forward. I didn’t hear him talk about the fact that they are going to earn a lot more and they are on the minimum wage. None of that. Just ‘you shouldn’t take the disability allowance from them at all’. Well, Mr Speaker, the disability allowance was removed *entirely* from a disabled person before 8th December if they went into employment – *entirely*.

1910 And after 8th December it is removed on a staggered basis but 25% always remains payable. *And* when they go into employment, instead of earning half the minimum wage, they earn the full minimum wage and because they are disabled people, all of that – the minimum wage full amount and the disability allowance – which *might* take them into taxation, depending on how the disability allowance and the minimum wage rises, is exempted from a tax computation. And they are *massively* better off as a result. I didn’t hear him talk about any of that but I heard him talk about a hologram. Maybe, Mr Speaker, it is one of the things we could create with a Mac Apple in the future! (*Laughter*).

1915 He said that we should create holograms of ourselves. (*Laughter*) No need, Mr Speaker. We are all perfectly comfortable in our own skins. But one of the things I am going to pursue, as a result of his intervention, is the creation of a hologram of the Member who used to stand *here* in these debates and the feeding into the hologram of the *Hansard*, so that when we do televise – not just on GBC, as the Hon. Mr Feetham suggested – but in every media, making available a feed from this Parliament to all newspapers, to all broadcast media, to all internet facilities, maybe one of the things we should be re-running are the episodes going back, as well as current, so that people – or rather, as that *Seven Days* used to put on its front page so often – ‘Lest we forget’.

1920 Well, Mr Speaker, the Hon. Mr Reyes said that people were having their heads cut off, as I said before, but it has no credibility. Have they forgotten, when he talks about senior people only being promoted if they were members of the GSLP, have they forgotten – or is it that Mr Reyes also wants me to give his Leader a slap in the face ? – the *enchufes* that went on in the twelve months before the General Election, let alone sixteen years? Have they forgotten that, Mr Speaker? I don’t think they have. It is just that for pensioners, for workers, for the business community, for the disabled, for young families, this has been not just a good Budget, it has been an *excellent* Budget.

1925 But, Mr Speaker, for the Opposition, this has been a very bad Budget indeed. No imagination, no analysis, just a re-run of the General Election arguments, which they lost. But, Mr Speaker, I want to thank them for not having done better. They are, single-handedly, embarked on a process to guarantee us the public

- 1940 support in increasing numbers at the next General Election. Please, Lady and Gentlemen, do keep it up.
- 1940 My concern, Mr Speaker, is to see what little value for money the Opposition are giving to the people of Gibraltar. I mean, what a poor performance, what an inability to co-ordinate to sing from one hymn sheet. There are so many factions by the end of my analysis, Mr Speaker, I really don't know who is going to be the next Leader of the Opposition. But in that context, as I started, Mr Speaker, I realise, that when we put our minds to it, how much we can agree on.
- 1945 For the reasons I have already gone through in detail – excruciating detail for them, I know – it was a 'Big Lie' Election. The *lie* that employment was about four hundred, the *lie* that debt was under control, the *lie* that we had healthy cash reserves, when it was almost running out at £20m, *lies* that are uncovered now. A 'golden legacy', Mr Speaker? Unemployment at over 1,000, housing over 1,600 people on the waiting list, four times what they inherited when the best Housing Minister Gibraltar had ever had, Pepe Baldachino, left office in 1996, and a debt, Mr Speaker, of over half a billion pounds. A 'golden legacy' much like the 'golden rules', abandoned, smelted, rotting.
- 1950 And on democracy, Mr Speaker, on democracy, that we were failing in not coming to this House and giving full answers etc. And Mr Feetham saying that it is 'terrible', in public statements, that we would not read our press releases of 2006 to him and would not read our manifesto: we would just refer them to him.
- 1955 Wasn't he here, Mr Speaker, when I asked a written question and an oral question that the Hon. the then Chief Minister and Leader of the House felt were similar and decided that he was not going to answer the oral one and I could have the written one and, therefore, prevented us from having a debate on the issue.
- 1960 Mr Speaker, we have delivered a development and planning process that is more open than ever, a Parliament that is more open than ever, a timetable which they can use to plan their professional lives around their political responsibility but they say, Mr Speaker, that *everybody* wanted monthly meetings. Well, Mr Speaker, I take once more, finally before I sit down, the opportunity that Mr Feetham gives me, either because he is too stupid to realise that I am going to do it, or because he is very astute indeed and wants me to do it, to say that the fault that we did not have monthly meetings of this Parliament for the previous sixteen years was of the current Leader of the Opposition.
- 1965 Mr Speaker, they have called me many things in the past year but I am certain that politics are about substance. It is about what people really see, it is about reality and it is not about making an issue where there is none. And I would invite them, Mr Speaker, in particular all of those – and I have lost count of how many there are now on those Opposition benches who want to be Leaders of their Party – to become Leader of the Opposition, to have a chance to take a jump at the chair in which I now sit, to understand that, despite how much they denigrate me – and I am not one to sing my own trumpet – I am actually the most successful Leader of the Opposition ever, having held the post only for seven and a half months before elevating myself, thanks to the confidence of the people of Gibraltar, to the post of Chief Minister. So, perhaps, instead of so much denigration, a bit of study of how we did it. (*Laughter*)
- 1970 Mr Speaker, this is not an austerity Budget, it is a Budget of common sense and prudence. This is not a Budget crafted pretending we are in splendid isolation from the rest of the world, but a Budget for the less well off, for the disabled and for business. And nothing that has been said by the Members opposite has addressed that careful calibration that we have done to deliver on all fronts and implement the best manifesto Gibraltar has ever seen.
- 1975 *Nothing* that has been said so much as dents the public's confidence that this Government is clearly on track to deliver. Nothing, Mr Speaker, to deter me from once again commending this Bill to the House. (*Applause*)
- 1980 And I move Mr Speaker that we now adjourn for a good lunch.
- 1985 **Mr Speaker:** May I suggest that I put the question to conclude. It will only take five seconds, I hope. I now put the question, which is that a Bill for an Act to appropriate sums of money to the service of the year ending on 31st day of March 2013 be read a second time.
- Those in favour. (**Members:** Aye.) Those against. Passed.
- 1990 **Hon. Chief Minister:** Mr Speaker, I now move the House do adjourn until 2.30 p.m. this afternoon.
- Mr Speaker:** Is that convenient to all the hon. Members?
- Members agreed.*

1995

Mr Speaker: This House will adjourn until 2.30 p.m. this afternoon.

The House adjourned at 1.10 p.m and resumed its sitting at 2.30 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 2.30 p.m. – 5.25 p.m.

Gibraltar, Thursday, 12th July 2012

The Gibraltar Parliament

The Parliament met at 2.30 p.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Order of the Day

Appropriation Act 2012
Committee Stage and Third Reading to be taken the same day

Clerk: The Appropriation Act 2012.

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (*It was agreed.*)

Committee Stage and Third Reading will be taken today.

**A Bill for an Act to amend the Magistrates' Court Act
First Reading approved**

Clerk: A Bill for an Act to amend the Magistrates' Court Act.

The Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Magistrates' Court Act should be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Magistrates' Court Act be read a first time.

Those in favour. (**Members:** Aye.) Those against. Carried.

**Magistrates' Court (Amendment) Act 2012
Second Reading approved**

Clerk: The Magistrates' Court (Amendment) Act 2012.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I have the honour to move that the Bill be now read a second time.

Mr Speaker, this is a very short Bill. It simply amends section 9 of the Magistrates' Court Act, so that for the word 'seventy' there is substituted the word 'seventy-two'.

The effect of this is that magistrates – lay magistrates – who sit on the Bench as Justices of the Peace will not be required to automatically go on the supplemental list and therefore retire from the Bench at the age of 70; this will happen at the age of 72.

This Bill comes about, Mr Speaker, as a result of representations made by the Gibraltar Magistrates' Association. They felt that causing Justices of the Peace to retire when they reach the age of 70, in their words, 'causes a loss of valuable knowledge and expertise to the judiciary, given the experience lay magistrates can bring significant depth to the Bench' and they felt it was not in the interests of the judiciary.

Having canvassed the views of the Chief Justice and the Judicial Services Commission and also of my hon. colleague, Mr Cortes, who was himself an active Justice of the Peace, just before the Elections, we have come to the conclusion that it is right to increase the age from 70 to 72, in line with judges in any event. But it will be, of course, up to the Bench to decide in respect of any particular person whether they are fit and active to continue sitting until that age.

That is the simple purpose of this Bill, Mr Speaker.

Mr Speaker: Before I put the question does any hon. Member wish to speak on the general principles and merits of the Bill?

The Hon. Daniel Feetham.

Hon. D A Feetham: Yes, Mr Speaker, we will be supporting the Bill. It is a sensible move. I have always felt myself that there is an inherent contradiction in the way that we allow, for example, Court of Appeal judges to sit here in Gibraltar, and some of them are obviously over 70 years old and yet we force lay magistrates to retire at the age of 70, so certainly we feel it is a sensible move. It will provide the justice system with a valuable resource – people who are experienced – for an extra two years, and we will be supporting the Bill.

Mr Speaker, may I also take this opportunity, perhaps, to ask – I did not hear it from the Chief Minister in his reply – the hon. Gentleman whether he wants to associate himself with my words yesterday in relation to the honour awarded by Her Majesty to the President of the Gibraltar Courts?

Mr Speaker: Does any other hon. Member wish to speak on the general principles and merits of the Bill?

The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo) Mr Speaker, I am grateful for the opportunity to rise to deal with that point.

The hon. Gentleman is right, he said those things in the course of his intervention and I was dealing with the politics of his intervention in the Appropriation Bill and did not associate myself and the Government with that honour, which I now do and I am happy to do.

75 Sir Murray Stuart-Smith has been associated with Gibraltar in the Court of Appeal and as the first Head of the Judiciary in Gibraltar after the legislative changes that were voted for by this House. The hon. Gentleman knows that we did not agree with the structure of that, but that is not to denigrate from the job that Sir Murray did, when he was in Gibraltar, when he associated himself with Gibraltar for the benefit in the end of the jurisdiction.

80 **Mr Speaker:** I do not suppose the mover of the Bill should add anything?

Hon. G H Licudi: Mr Speaker, simply to say that we are grateful for the support of the Opposition on this matter. It is going to bring matters in line at the age of 72 and hon. Members in line with that initiative.

85 Hon. Members will see that there is another Bill in the Order Paper, which is not going to be taken today, which amends the Supreme Court Act, which essentially does the same for lay assessors.

There will in fact be a slight amendment to the Bill, for which I will give notice, but it will not affect that particular part, so that everybody that sits on the Judiciary will have a common age of 72.

90 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Magistrates' Court Act be read a second time. Those in favour. (**Members:** Aye.) Those against. Carried.

95 **Magistrates' Court (Amendment) Act 2012**
Committee Stage and Third Reading agreed to be taken the same day

Clerk: The Magistrates' Court (Amendment) Act 2012.

100 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

105 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (*It was agreed.*)

Committee Stage and Third Reading will be taken today.

110 **COMMITTEE STAGE**

Appropriation Bill 2012
Magistrates' Court (Amendment) Bill 2012

115 **Clerk:** Committee Stage and Third Reading, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: the Appropriation Bill 2012; and the Magistrates' Court (Amendment) Bill 2012.

In Committee of the whole Parliament:

125 **Appropriation Bill 2012**
Clauses considered and approved

Clerk: A Bill for an Act to appropriate sums of money to the service of the year ending on the 31st day of March 2013.
130 Clause 1.

Mr Chairman: Clause 1 stands part of the Bill.

135 **Clerk:** Clause 2, Consolidated Fund Expenditure – Head 1, Treasury, subhead 1, Payroll.

Mr Chairman: Clause 2, Head 1, Treasury, subhead 1, Payroll stands part of the Bill.

Clerk: Subhead 2, Other Charges.

140 **Mr Chairman:** Subhead 2, Other Charges stands part of the Bill.

Clerk: Head 2, No. 6 Convent Place, subhead 1, Payroll.

145 **Mr Chairman:** Head 2, subhead 1, Payroll stands part of the Bill.

Clerk: Subhead 2, Other Charges.

Mr Chairman: Subhead 2, Other Charges stands part of the Bill.

150 **Clerk:** Head 3, Customs, subhead 1, Payroll.

Mr Chairman: Head 3, Customs, subhead 1, Payroll stands part of the Bill.

155 **Clerk:** Subhead 2, Other Charges.

Mr Chairman: Subhead 2, Other Charges, stands part of the Bill.

Clerk: Head 4, Broadcasting, subhead 2, Other Charges.

160 **Mr Chairman:** Head 4, Broadcasting, subhead 2, Other Charges stands part of the Bill.

Clerk: Head 5, Income Tax, subhead 1, Payroll.

165 **Mr Chairman:** Head 5, Income Tax, subhead 1, Payroll stands part of the Bill.

Clerk: Subhead 2, Other Charges.

Mr Chairman: Subhead 2, Other Charges stands part of the Bill.

170 **Clerk:** Head 6, Parliament, subhead 1, Payroll.

Mr Chairman: Head 6, Parliament, subhead 1, Payroll stands part of the Bill.

175 **Clerk:** Subhead 2, Other Charges.

Mr Chairman: Subhead 2, Other Charges stands part of the Bill.

Clerk: Head 7, Human Resources, subhead 1, Payroll.

180 **Mr Chairman:** Head 7, Human Resources, subhead 1, Payroll stands part of the Bill.

Clerk: Subhead 2, Other Charges.

185 **Mr Chairman:** Subhead 2, Other Charges stands part of the Bill.

Clerk: Head 8, Immigration and Civil Status, subhead 1, Payroll.

Mr Chairman: Head 8, Immigration and Civil Status, subhead 1, Payroll stands part of the Bill.

190 **Clerk:** Subhead 2, Other Charges.

Hon. D A Feetham: Mr Speaker... Mr Chairman, I beg your pardon.

195 EU format passports and Identity Resident Cards, the increase in expenditure: I presume that the new format of ID cards will presumably make them more difficult to actually forge – what about the EU format passports?

Chief Minister (Hon. F R Picardo): Mr Speaker, if the hon. Gentleman looks at (2)(b), that is the EU format passport and he will see that there is an increase in expenditure from the forecast outturn.

200 What happens there usually, as I understand it – and in fact not from my time in Government, but from my time in Opposition, when we used to query this issue – when you see an amount of about a quarter of a million being spent, that is usually stock being brought in of passport books and those are the EU format passport books; and then the Identity and Residence Card which is what the hon. Gentleman has identified, which is the potential change in the way that those cards are dealt with to avoid the problems with forgery etc.

205 **Mr Chairman:** Subhead 2, Other Charges stands part of the Bill.

Clerk: Head 9, Financial Secretary's Office, subhead 1, Payroll.

210 **Mr Chairman:** Head 9, Financial Secretary's Office, subhead 1, Payroll stands part of the Bill.

Clerk: Subhead 2, Other Charges.

215 **Mr Chairman:** Subhead 2, Other Charges stands part of the Bill.

Clerk: Head 10, Procurement Office, subhead 1, Payroll.

Mr Chairman: Head 10, Procurement Office, subhead 1, Payroll stands part of the Bill.

220 **Clerk:** Subhead 2, Other Charges.

Mr Chairman: Subhead 2, Other Charges stands part of the Bill.

225 **Clerk:** Head 11, Civil Aviation, subhead 1, Payroll.

Mr Chairman: Head 11, Civil Aviation, subhead 1, Payroll stands part of the Bill.

Clerk: Subhead 2, Other Charges.

230 **Hon. D J Bossino:** Mr Chairman, I note that under 'Other Charges', (1)(d), there is a reference there to Aviation Security and there seems to be a bit of a jump from the actual expenditure to, I think, it is the estimated column of about £78,000. Is that on account of the 40 new employees being employed by the Borders Agency or not?

235 **Deputy Chief Minister (Hon. Dr. J J Garcia):** The expenditure on the Borders Agency is on page 165, so that is something else.

240 **Hon. D J Bossino:** Mr Chairman, if I can assist, I think... Mr Chairman, I have a note here taken from the Deputy Chief Minister's address on Monday, where I think you were going to employ a dedicated quality control officer – maybe it has got to do with that.

245 **Hon. Deputy Chief Minister:** No, Mr Chairman. I am told the increase in the salary of Mr Gonçalves, that salary is to be included with salaries at the top and this time it has been included at the bottom. (*Interjection by Hon. J J Bossano*) Because they are consultants, that is right.

Hon. Chief Minister: Created by the hon. Members opposite, before 8th December. (*Interjection*)

Mr Chairman: Subhead 2, Other Charges stands part of the Bill.

250 **Clerk:** Head 12, Town Planning and Building Control, subhead 1, Payroll.

Mr Chairman: Head 12, Town Planning and Building Control, subhead 1, Payroll stands part of the Bill.

- 255 **Clerk:** Subhead 2, Other Charges.
- Mr Chairman:** Subhead 2, Other Charges stands part of the Bill.
- 260 **Clerk:** Head 13, Health, subhead 2, Other Charges.
- Mr Chairman:** Head 13, Health, subhead 2, Other Charges stands part of the Bill.
- Clerk:** Head 14, Environment, subhead 1, Payroll.
- 265 **Hon. S M Figueras:** Mr Chairman, in relation to the Ministry on payroll, it has been transferred to Technical Services. Perhaps the hon. Gentleman can explain, can just confirm what we suspect, which is that because he is in two Ministries, the Ministry staff has been reallocated too?
- 270 **A Member:** We can't hear.
- Hon. S M Figueras:** In relation to the Ministry of the Environment, can he just confirm what we suspect is that, given that he is in two Ministries, Health and Environment, that they have just been transferred to Technical Services for better use? It is just that the Head is now under Technical Services, as per the note.
- 275 **Hon. Chief Minister:** No, Mr Speaker, that has got less to do with anything related to the Department, but what I told the hon. Members when I presented the Bill at the First and Second Readings, the way that the Book has been reorganised, so that it flows better in a particular way.
- 280 So if the hon. Gentleman looks at what I said, that is why he would have seen actually, a moment ago, when we were considering Town Planning, that Town Planning had moved from the Enterprise Head. Previously, they were grouped in a different way; now they are grouped in a way that we hope will be easier to follow in future years, so you will not have the instance of Heads disappearing and that is the rejigging of Heads which I talked about and which was done principally by the Financial Secretary, in the way that he felt it was easiest to understand the Book, now and going forward.
- 285 **Hon. S M Figueras:** I am grateful for the clarification.
- Mr Chairman:** Head 14, Environment, subhead 1, Payroll stands part of the Bill.
- 290 **Clerk:** Subhead 2, Other Charges.
- Hon. S M Figueras:** Mr Chairman just a couple of questions in relation to this. In relation to subhead (3) and Apes Management, the forecast outturn was £42,000 versus an estimate of zero and now a new estimate of zero – perhaps, and I do know that the Management Plan is being reviewed – but perhaps the hon. Gentleman could provide just a little more information in relation to that particular anomaly?
- 295 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Sorry, in respect to what exactly?
- 300 **Hon. S M Figueras:** Under 'Other Charges', subhead (3).
- Clerk:** Subhead 2(3).
- Hon. S M Figueras:** Subhead 2(3), yes – (a) and then 'Apes Management'.
- 305 **Hon. Dr. J E Cortes:** Ah yes. No. It is elsewhere... (*Interjections*)
- Hon. S M Figueras:** *Como que está* elsewhere? No, no... There are two instances of Apes Management: (f) is also there, but it is also listed under (a).
- 310 **Hon. Dr. J E Cortes:** Yes, Mr Chairman, this is because these employees have now become civil servants and therefore they appear elsewhere under the salaries. They were former GDC who opted to join the Civil Service and it is purely a shifting of the sum from one place to the other. It is not that anybody has disappeared and it is not at all related to the Management Plan.
- 315 **Hon. S M Figueras:** I am grateful.

Then further down, at (f) where the hon. Gentleman first pointed on the mention of the Apes Management, there is an extra provision of £20,000 also. Is this as a result of the consultation and the redrafting, the recosting of the Barbary Apes Management Plan?

320 **Hon. Dr. J E Cortes:** This is in advance of that so that there will be funds available to be able to initiate the programme, but it does not consider whether that will encompass everything.

325 Since clearly the new Plan would not start at the beginning of a financial year, we would not expect a full 12 months' worth and therefore there is a token plus amount there in anticipation of the Management Plan.

Hon. S M Figueras: I am grateful and, Mr Chairman, just one other point on that and that is under (h) Control of Seagulls – there is a reference to GONHS and then 'Other Contract'. There is a forecast outturn of £103,000 and an estimate of £110,000. We have discussed in the House that the FERA contract was now complete. Perhaps the hon. Gentleman could clarify a little bit on that?

330 **Hon. Dr. J E Cortes:** Yes, the FERA contract is complete, but was completed during this financial year and, therefore, part of the £110,000, I am not exactly sure how much, but it is possibly about £70,000, but I do not have the information here.

335 But part of that £110,000 is in order to be able to pay for the FERA contract last year, which ended a few weeks ago, in this financial year.

Hon. S M Figueras: Grateful, Mr Chairman.

340 **Mr Chairman:** Subhead 2, Other Charges stands part of the Bill.

Clerk: Head 15, Housing – Administration, subhead 1, Payroll.

Mr Chairman: Head 15, Housing – Administration, subhead 1, Payroll stands part of the Bill.

345 **Clerk:** Subhead 2, Other Charges.

Hon. E J Reyes: Yes, Mr Chairman, for the sake of clarity, under subhead (2)(j), it says Government Rental Estates and there is an estimate of £1 million there. Is the Hon. Minister able to enlighten anything in what actually refers to Government Rental Estates – expenditure in respect of what?

350 **Minister for Housing and the Elderly (Hon. C A Bruzon):** That is (2)(j)?

Hon. E J Reyes: Subhead 2(2)(j), yes .

355 **Hon. C A Bruzon:** And what does the hon. Member wish to know?

Hon. E J Reyes: It says Government Rental Estates are making a new provision for £1 million – £1 million to go towards what? Is it repairs, is it – ?

360 **Hon. C A Bruzon:** Yes, exactly that: it is a provision for the works.

Hon. E J Reyes: For repair works or

365 **Hon. C A Bruzon:** Maintenance, repairs for all Government Estates that are currently contracted out, particularly to GJBS.

Hon. E J Reyes: Thank you, Mr Chairman.

370 **Mr Chairman:** Subhead 2, Other Charges stands part of the Bill.

Hon. D A Feetham: Can I, Mr Chairman, ask: is that £1 million also in respect of the cladding of the three estates that he mentioned during the course of his speech? (*Interjection*) No? It would be I&D.

375 **A Member:** Yes.

Clerk: Head 16, Family and Community Affairs, subhead 1, Payroll.

Hon. J J Netto: Yes Mr Chairman, if I may, obviously this is a new Ministry for Family and Community Affairs and on page 59, we have the new structure that will support the Ministry. So we have the SEO, the HEO, the EOs, the Personal Secretary and the Administrative Assistant. What, perhaps, I would like, if it is possible, from the hon. Lady, the Minister whether she can enlighten me as to these which are new posts, which ones are already filled or which ones are still empty or which ones are occupied on an acting basis, perhaps?

If we can go quickly, perhaps... The SEO post which is at the top of the Ministry, has that been filled at the moment or not?

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Chairman, there is only one person in the office, the former HEO, who is acting SEO.

Hon. J J Netto: So therefore all the other posts are not filled at the moment (**Hon. Miss S J Sacramento:** No.) – something that will eventually go through. Okay.

Hon. Miss S J Sacramento: Yes, Mr Speaker.

Hon. J J Netto: Okay, that is fine, Mr Speaker.

Mr Chairman: Head 16, Family and Community Affairs, subhead 1, Payroll stands part of the Bill.

Clerk: Subhead 2, Other Charges.

Hon. J J Netto: Mr Chairman, if I may, on Other Charges – over on the next page, item (6) Equality, could the hon. Lady perhaps enlighten us what this new expenditure will be for?

Hon. Miss S J Sacramento: Mr Speaker, that is a figure estimated in particular for the setting-up of the Equal Opportunities Commission.

Mr Chairman: Subhead 2, Other Charges stands part of the Bill.

Clerk: Head 17, Education, subhead 1, Payroll.

Hon. Mrs I M Ellul-Hammond: Mr Chairman, can I refer the Hon. Minister to the previous page of the Establishment figures, under 'Head Office'. I note there is an increase of three Executive Officers. Are these the one for Bayside, one for Westside, or are they all for... and the other one for Head Office?

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): These ones include those two: the one for Bayside and the one for Westside. There is an increase in the complement in Education of an additional Executive Officer. That person previously came under Training, but now we have split Education and Training, and Training comes under the Ministry of Employment; but we have retained some responsibilities in the Department of Education for professional training rather than vocational training and therefore there is one post which now comes under Education which previously came under Training.

Mr Chairman, given that we are on the Establishment, can I just correct one figure, simply for the record, otherwise the wrong impression might be given.

Under the College of Education, where we see Teachers, we see last year there were 20 and this year, it suggests 18 and that could suggest a reduction in the complement of teachers. That is in fact incorrect. The correct figure should be 20 also for this year.

The corresponding decrease would come under Schools, where it says Teachers, where all the schools are global in terms of the number of teachers, that would come down to 344.

But I can in fact say, Mr Speaker, that as a result of a staffing exercise that has been done, the figure for the complement will increase, although it does not need to be changed here. It will increase in September and it will in fact be 23 teachers in the College and the number under Schools will clearly come down, but that is for September.

But for the moment, I wanted to correct that and show that there is no decrease in complement and it is in fact 20, as at 1st April 2012.

Hon. Mrs I M Ellul-Hammond: I am grateful to the Hon. Minister, because in fact I was going to ask him about that.

I have another couple of questions on Payroll. If I can refer the Hon. Minister to page 64, under 'Temporary Assistance', (d)(I) Specialists: there is a reduction of £264,000 in the estimate. Can he explain why this reduction?

Hon. G H Licudi: Yes, Mr Speaker. I am in fact very pleased that there is a reduction in this figure. This figure is what was used, £440,000-odd was used for supply teachers and it was under this Head that the supplies that were on permanent supply were paid.

Now of course they are no longer permanent supply. We have, as I have announced on a number of occasions, increased dramatically the complement of teachers. Therefore we expect a reduction in the need for supply workers and consequently that figure has fallen.

I am very grateful for the opportunity to explain that.

Hon. Mrs I M Ellul-Hammond: And Mr Chairman, further down under Temporary Assistance, there seems to be a new subhead (V), Prison Enterprise, £11,000. Could the Hon. Minister perhaps elaborate on that a little further?

Hon. G H Licudi: Yes, Mr Speaker. There is a need, from time to time, to send a teacher, a supply teacher, possibly a retired teacher to the Prison In particular, whenever there is a juvenile in prison, we do not want to neglect their educational needs. In fact I did say in my Budget address, I seem to recall, that we are making provision for education in the Prison and that is what that is intended to cover, either for the payment of the supply worker or, if we use a retired teacher as we have been using this last term, for example, when there has been a juvenile in prison, that will be taken from that Head.

Hon. D A Feetham: That is in addition to the teacher that has been teaching up there, I think it is once or twice a week, over the last x number of years? So it is in addition to that?

Hon. G H Licudi: Yes, this is in particular in relation to juveniles and sending someone specifically for the juvenile, apart from, clearly, the hon. Member is referring to where there is a classroom facility in the Prison and there is education imparted to those people who are either in remand or are convicted prisoners and that will clearly continue.

Hon. Mrs I M Ellul-Hammond: Mr Chairman, under Training, (g) Salaries, can the Hon. Minister explain: the £53,000 relates to which particular training post?

Hon. G H Licudi: As I explained earlier, in relation to the establishment, the Executive Officer and we are envisaging, there is also an Administrative Officer that will be part of the complement for Training so those two salaries are included there.

Mr Chairman: Head 17, Education, subhead 1, Payroll stands part of the Bill.

Clerk: Subhead 2, Other Charges.

Hon. Mrs I M Ellul-Hammond: Yes, Mr Chairman, with respect to Scholarships and (b) Discretionary, as part of the £478,000, there is an estimate of £110,000 for new scholarships and grants and £52,000 for tuition fees. If the Government's policy is to stop the discretionary scholarships, should this not be under the heading or subheading of mandatory scholarships?

Hon. G H Licudi: No, Mr Chairman. The discretionary award has not been completely eradicated. What Government has done is extend the mandatory scholarship provisions, in particular for people who want to do a masters and post graduates, but there are people who want to do other types of courses.

For example, someone who has not wanted to go for teaching and then wants to do a PGCE, they ask for a discretionary award. Someone who wants to do a conversion course, having done a degree and maybe wants to do a conversion course to Law, that would come under the discretionary award.

So you will see that the amount has been reduced because, as I explained during my Budget speech in fact, a fifth of the 70 applications for discretionary awards that there were this year, 49 were considered mandatory and therefore came under the other Head, but there is still going to be an ongoing requirement and we have still made a substantial provision, even though we have extended the mandatory scheme, we have still provided for a substantial amount in order to meet these other ones that need discretionary awards.

Hon. Mrs I M Ellul-Hammond: Mr Chairman, under subhead 9, Trainee Nurseries, this token figure of £1,000, is there a likelihood of it increasing?

Hon. G H Licudi: Possibly, Mr Speaker. What we have done is created the subhead and put a token amount there. The hon. Member is aware of the Government's commitment in respect of a free nursery education option for children just before the mandatory school age. I know there is going to be a question on that at another time, but that is simply creating a token provision. In the event that that is needed, going forward, then we will increase the amount that is required.

Hon. D A Feetham: Can I just go back to the answer that you gave earlier? Do I take it then that the Government policy is that, in relation to masters and doctorates, those are subject to a mandatory award, but if somebody, for example, wants to become a school teacher, where the decision as to whether the Government funds that year that teachers will do – that extra year after your degree that teachers will do in the UK; or indeed, for example, if you do a law degree, and you then want to go off and do the Bar, or do the Law Society exams, that those will be discretionary?

Hon. G H Licudi: No, Mr Speaker, on neither account. Perhaps I might need to explain this issue of the teacher... the PGCE, in particular.

Where the extra year, or the additional studies that are required, are part of the professional qualification that is required, in order to be able to embark on a career, so that where somebody does a law degree, for example, and then wants to do the bar or the vocational course with the (A Member: LPC.) LPC for solicitors, that will clearly be included as part of the award and is considered mandatory.

In the same way, where somebody wants to be a teacher and indicates they want to do a degree and then go on to do a PGCE, that is always included; but where somebody does something else and *then* decides to do a PGCE, traditionally that has been considered part of the discretionary award and applications may well be made for that. But not where somebody indicates from the outset that they want to be a teacher: that will clearly be funded from the mandatory base.

Hon. Mrs I M Ellul-Hammond: Mr Chairman, just one final question under Other Charges. Under subhead (10), Training and Development Courses, is this a new subhead for which £600,000 has been estimated? And perhaps he could explain further what this money will be for.

Hon. G H Licudi: Mr Chairman, as I explained earlier, we have now split Education and Training, and separated Training to a different Department; but the Department of Education has kept responsibility for training, primarily within the Civil Service, for professional training within the Service, so this is a new provision that is made but previously came under the general Head of 'Training' both for vocational and professional, which was managed within the same Department. But given that part of the responsibility has now gone to the Ministry of Employment, we have retained an element of responsibility and therefore need funds for that training, in particular professional development for the Civil Service.

Hon. Mrs I M Ellul-Hammond: I am sorry, in fact I do have one final question, Mr Chairman. Under subhead (11), Contribution to Gibraltar, GDC Staff Services, there is a figure of £53,000. Is this the same one that was for the training officer on the previous page under Training Salaries or what education post is that in relation to? Subhead (11).

Hon. G H Licudi: Mr Chairman, we are trying to find out the precise information in fact.

The position is that, previously under Training, there was a contribution to GDC staff services. If the hon. Member looks at page 66, towards the bottom of the page, under 'Other Charges', there is £376,000.

As I have said, we are retaining in the Education Department some part of the training and one of the officers is a GDC officer, so that covers a salary for that purpose.

Hon. E J Reyes: Mr Chairman is that the office I referred to on page 63, just before the summary, where the Establishment has been listed, it says 'Gibraltar Development Corporation Staff' and for this year is a provision for one? So that must be corresponding to that one.

Hon. G H Licudi: Yes, Mr Chairman. The hon. Member is absolutely right.

Mr Chairman: Subhead 2, Other Charges stands part of the Bill.

Clerk: Head 18, Policing, subhead 1, Payroll.

Mr Chairman: Head 18, Policing, subhead 1, Payroll stands part of the Bill.

Clerk: Subhead 2, Other Charges.

Mr Chairman: Subhead 2, Other Charges, stands part of the Bill.

565 **Clerk:** Head 19, Financial Services, subhead 1, Payroll.

Mr Chairman: Head 19, Financial Services, subhead 1, Payroll stands part of the Bill.

Clerk: Subhead 2, Other Charges.

570 **Mr Chairman:** Subhead 2, Other Charges stands part of the Bill –

Hon. D A Feetham: Just in relation to that, the same point as the hon. Lady, so the contribution to the Gibraltar Development Corporation staff services, £250,000, that then relates back to the three GDC employees, £250,000?

575 **Hon. G H Licudi:** Yes, those are employees in the finance centre who are GDC employees.

Mr Chairman: Subhead 2, Other Charges stands part of the Bill.

580 **Clerk:** Head 20, Prison, subhead 1, Payroll.

Mr Chairman: Head 20, Prison, subhead 1, Payroll stands part of the Bill.

585 **Clerk:** Subhead 2, Other Charges.

Mr Chairman: Subhead 2, Other Charges stands part of the Bill.

Clerk: Head 21, Gibraltar Law Courts, subhead 1, Payroll.

590 **Mr Chairman:** Head 21, Gibraltar Law Courts, subhead 1, Payroll stands part of the Bill.

Clerk: Subhead 2, Other Charges.

595 **Hon. D A Feetham:** Yes, Mr Chairman, the provision of £60,000 is the security that the hon. Gentleman referred to during the course of his speech, so that is the estimate of the cost of the security service for the Courts?

Hon. G H Licudi: Yes that is correct, that is the amount that the Courts Service has requested for the service that they want to provide through security guards.

600 **Mr Chairman:** Subhead 2, Other Charges stands part of the Bill.

Clerk: Head 22, Gibraltar Regulatory Authority, subhead 2, Other Charges.

605 **Mr Chairman:** Head 22, Gibraltar Regulatory Authority, subhead 2, Other Charges stands part of the Bill.

Clerk: Head 23, Attorney General's Chambers, subhead 1, Payroll.

610 **Mr Chairman:** Head 23, Attorney General's Chambers, subhead 1, Payroll stands part of the Bill.

Clerk: Subhead 2, Other Charges.

615 **Hon. D A Feetham:** Mr Chairman, the £230,000, Briefing Out – Specialist Matters: can he explain why there is a significant jump in the briefing out of specialist matters? I think I have got an idea, but I would just like the hon. Gentleman to confirm it.

Hon. G H Licudi: Mr Chairman, there is an ongoing case on which Counsel from London is engaged, which requires specialist advice.

620 **Hon. D A Feetham:** So it is one case?

625 **Hon. G H Licudi:** There is one case which will clearly require a certain amount of funds; but this is the estimate for the general funds needed for the whole year – maybe for other matters as well. But the increase from what we have had this year to what we expect next year is accounted for, primarily because of that particular case.

Mr Chairman: Subhead 2, Other Charges stands part of the Bill.

630 **Clerk:** Head 24, Legislation Support Unit, subhead 1, Payroll.

Hon. D A Feetham: Mr Chairman, can we go back to Establishment?

635 **Mr Chairman:** Certainly, yes.

Hon. D A Feetham: I see 'Law Drafter' and there is an increase from two to four. Is that because the law drafting complement is going to be increased, or is it because there is a shift from, say, the EUID onto here or is the intention to recruit two extra drafters?

640 **Hon. G H Licudi:** Mr Chairman, that is precisely because of an increase in the complement with additional drafters engaged. The process is almost complete. I would have hoped that the drafters would have been engaged already.

It does not represent a reduction in the EUID drafters; in fact on the contrary, we are also increasing the complement of drafters in the EUID by another two.

645 **Hon. D A Feetham:** Well, I think it is very much needed.

Mr Chairman: Head 24 –

650 **Hon. D A Feetham:** Sorry, one more?

Mr Chairman: Yes, of course.

655 **Hon. D A Feetham:** Can the hon. Gentleman just explain in the light of that, there are two more bodies and yet one looks at Payroll over the page, the actual payroll comes down from £356,000 forecast outturn to £296,000. I know that part of that is because of the £44,000 relating to the Industrial Tribunal, that is moving to Employment, presumably.

660 But of course, even taking that into account, one would have expected a higher payroll figure, bearing in mind that you are recruiting two law drafters and if I know something about what is paid to law drafters, one would have expected actually to see an increase on the forecast outturn.

Hon. G H Licudi: Mr Chairman, the complement has been increased. The law drafters are not actually in place at the moment. Therefore we are not incurring *at the moment*, the expense of –

665 **Hon. D A Feetham:** So it is an estimate?

Hon. G H Licudi: It is an estimate and it really depends on the time that the law drafters are engaged. It may well be that that... It is as the hon. Member says, just an estimate and it may well be that that increases when we come to the forecast outturn for next year.

670 I will also say that the post of Senior Officer, although the complement is currently vacant and therefore that expense is not being incurred, so that will probably be taken into account.

Mr Chairman: Head 24, Legislation Support Unit, subhead 1, Payroll stands part of the Bill.

675 **Clerk:** Subhead 2, Other Charges.

680 **Hon. D A Feetham:** Mr Chairman, Printing and Stationery goes down from the forecast outturn of £210,000 to £130,000. Is that because the Government has taken a policy decision in perhaps not contracting out some of the stationery and printing, for example in relation to some of the Bills, but rather sending them by electronic means to lawyers and accountancy firms, etc?

Hon. G H Licudi: Mr Chairman, as the hon. Member well knows, he was rather busy producing Bills last year, a few of them really quite substantial. That happened last year and that is why the forecast

685 outturn went up so much from an estimate of £93,000 to a forecast outturn of £210,000, but we considered that that was extraordinary expenditure which is not likely to be repeated year on year.

What we have in fact done is increase the estimate from last year's estimate, but it does not take into account the very substantial Bills and legislation that the hon. Member brought to Parliament last year.

690 **Hon. D A Feetham:** So it is due to the wonderful work the Ministry of Justice did last year!

A Member: Hear, hear!

695 **Hon. G H Licudi:** Mr Chairman, all that work, like the Insolvency Act, the Crimes Act, the Legal Aid and everything that they drafted, but they never implemented.

Hon. Mrs I M Ellul-Hammond: Mr Chairman, in relation to subhead 2(2)(c) – GHA Complaints – Independent Review Panel – is the £30,000 sum there for a continuation of the GHA Complaints Review Panel? Because it is not under appendix A for the Public Services Ombudsman. If he could clarify this?

700 **Hon. Dr. J E Cortes:** Sorry, the clarification that – ?

Hon. Mrs I M Ellul-Hammond: Yes, it is the same, it has remained there, as it did last year, so does that mean it continues as it was?

705 **Hon. Dr. J E Cortes:** No, Mr Chairman, the complaints system is under review, but we do not have dates for the implementation of the review, so it was logical that the existing provision should remain, because the system remains as is until it is reviewed. That is the only reason why it is there. There is no implication that it will remain beyond this financial year.

710 **Mr Chairman:** Subhead 2, Other Charges stands part of the Bill.

Clerk: Head 25, Gambling Division, subhead 1, Payroll.

715 **Mr Chairman:** Head 25, Gambling Division, subhead 1, Payroll stands part of the Bill.

Clerk: Subhead 2, Other Charges.

Mr Chairman: Subhead 2, Other Charges stands part of the Bill.

720 **Clerk:** Head 26, Social Security, subhead 1, Payroll.

Mr Chairman: Head 26, Social Security, subhead 1, Payroll stands part of the Bill.

725 **Clerk:** Subhead 2, Other Charges.

Mr Chairman: Subhead 2, Other Charges stands part of the Bill.

Clerk: Head 27, Employment and Labour, subhead 1, Payroll.

730 **Hon. J J Netto:** Mr Chairman, although really it is a Health and Safety question but unfortunately it falls within Head 27, which is Employment. If we look at page 96, where we have the Establishment figures and we look at the top level, Employment and Labour, half way through the middle, we see Health and Safety Officer III, one and Health and Safety Officer IV, two.

735 What I would like to know, if it is possible, by the Minister for Health and Safety, in relation first of all to the Health and Safety Officer III, whether the person carrying out those functions at the moment is on an acting basis or on a permanent basis.

Also in relation to the Health and Safety Officer IV, for which we have two and two – two for 2011-12 and two for 2012-13 – one at least is in post. I would like to know if the other is a vacancy which is outstanding or if perhaps someone is filling that particular extra post?

740 Perhaps, if the hon. Member, the Minister for Health and Safety could provide some information.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): The vacancy for the Health and Safety Officer III, that vacancy has not been filled. Obviously that will be put right, that vacancy will have to be...

745

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Yes. In the course of this year.

750 **Hon. P J Balban:** During the course of this year.

Hon. J J Netto: I am grateful for that. That answers one of my two questions which is relation to Health and Safety Officer III.

755 But, in relation to Health and Safety Officer IV, to the best of my recollections, I know that there is one in post, but what I do not know, given that we have two here, whether there is an outstanding vacancy to be filled later on during the course of the financial year or perhaps whether somebody is actually acting in that post already.

760 **Hon. P J Balban:** Mr Chairman, there has actually been no change in this, from the past. We have two persons in the Department, one of whom is covering the vacancy for the third, for Officer III. That is how it has been for quite a while, since the previous Head of Department retired, quite a few years ago.

Hon. J J Netto: So just for the sake of confirmation, the answer is yes to my question? Yes.

765 Can I also ask, because I do recall some months back – quite a few months back – at question and answer sessions, that I had seen some other people within the Civil Service which had been drafted in to support the factory inspectors and the hon. Member actually confirmed that. I think that he actually classified him under a different name. I have got the face of the chap, but I cannot remember the name, which is immaterial. But those particular persons, who are assisting currently the two factory inspectors, I do not see them here. Is it because they are in a different – ?

770 **Hon. J J Bossano:** Because they were short of staff, Mr Chairman, what has happened is that we have given them support from another Department, so that instead of the two inspectors having to go to one place, there is an inspector and somebody to help the inspector, as it were, who has been sworn in and so forth, to comply with the law, which allows each one of the two inspectors to work independently of the other. Before they had to go both to the one situation, because we were told one could not go alone.

775 The people who are providing the support are people who are already in the Service and are in another Department, but have got qualifications related to safety, but have not worked as Health and Safety Inspectors and not in this complement and are not being paid as such.

780 **Hon. J J Netto:** So do I take it then that those two particular persons are civil servants and their figures are reflected in another Head? Is it the Housing Works Agency?

785 **Hon. J J Bossano:** That is right. The effect of being able to give them that back-up is that they are able to handle more work because each one of the qualified persons can go on his own with somebody to assist him, whereas before the two went together.

Mr Chairman: Head 27, Employment and Labour, subhead 1, Payroll stands part of the Bill.

Clerk: Subhead 2, Other Charges.

790 **Hon. D A Feetham:** Mr Chairman, on Payroll: number (1) Salaries, you have an actual 2010-11 of £338,000, then it jumps to £870,000 estimate and a forecast of £846,000 and then it comes down to £410,000. Is that GDC related, the decrease from £846,000 to the £410,000?

795 **Hon. J J Bossano:** There is no reduction anywhere that is GDC related, because what has happened is that in the provision originally, in last year's Budget, the people who moved from the GDC to the Civil Service were not included. Had they all decided to stay, then all their pay would have appeared under 'Personal Emoluments'. Given that a lot of the people in the employment are in the GDC it appears under 'Other Charges'. But it is not that there is a decline because people have been removed from the £846,000.

800 If the hon. Member looks at the numbers in employment, he will see, on page 96, that the numbers from last year and from this year have not changed, because change is whether some people are shown as being in the GDC, where you have got 48 instead of 20. Part of that is the fact that there were people in training, in Bleak House, in the ERDF all of whom are now in employment. So you have got –

805 **Hon. D A Feetham:** Is there any explanation for the decrease from £846,000 to £410,000?

Hon. J J Bossano: Well, I need to find out exactly how the £846,000 was actually made up...

Apparently, Mr Chairman, the £846,000 was put there at the time when it was thought they were all moving into the Civil Service.

Hon. D A Feetham: That is exactly what I thought – that it is GDC related.

Hon. J J Bossano: So in fact, yes, but it is not GDC that... They were erroneously included in the Civil Service, because the £874,000 did not include GDC.

So the drop should have happened in the forecast outturn, not in this year's estimate. There were people who were being added there from the GDC who eventually decided not to stay in the Civil Service and came back to the GDC and therefore –

Hon. D A Feetham: That is what I thought was the explanation, yes.

Hon. J J Bossano: – the £846,000 is in fact an overstatement, because not coming out meant that it was treated... They were supposed to have been moved in April, even though the decision was not taken until October. In October, after the Elections, a number of them were given the option and most of the people in the Labour Department decided to stay with the GDC.

That figure should have been corrected, so the drop should have been reflected in the £846,000, and not in this financial year. That is the explanation of the figures.

Hon. D A Feetham: Yes, I understand exactly – there is a difference of opinion in relation to what happened, but I understand what the figure relates to! That is what I thought.

Mr Chairman: Are we content to move to Other Charges now, yes?

Hon. J J Netto: Yes, Mr Chairman, on Other Charges –

Clerk: No, not yet – we are not there yet. Sorry about that.

Mr Chairman: No, I did rule, so to speak, that subhead 1, Payroll stood part of the Bill, when the Hon. Daniel Feetham asked for the question.

Clerk: Subhead 2, Other Charges.

Hon. J J Netto: Yes, thank you.

On Other Charges, 2(2)(d), which is 'Health and Safety Programme', we have a small amount of £1,000 in the new estimate, just the same as it was in the forecast outturn and indeed as it was in the previous estimate for the last year. For my own benefit, given that I am going through a learning curve, when we talk about 'Programme', what programmes are we talking about? Is it that it is a payment for a licence of a programme, perhaps that the factory inspector may be affiliated to the HSE in the UK? Could the Hon. the Minister for Health and Safety please clarify for my benefit?

Hon. J J Bossano: Mr Chairman, like the amount voted last year in the Budget and the outturn, I think there is a sum that the Health and Safety Unit has to meet all running expenses of the work they have to do. There is no breakdown for last year. It is not broken down into £1,000 made up of x pounds for so and so. It is a figure that they ask for as part of the running expenses. That is how it was last year and we simply repeated the amount, because they asked for the same money as they had asked for the previous budget.

Hon. J J Netto: So for the sake of clarification, running expenses as opposed to paying a licence for a programme to have accessibility to data, the UK, HSE –

Hon. J J Bossano: There is no indication in the breakdown of last year that it was used for anything specific, other than on whatever running expenses they may need to meet. Therefore when it was included in this year's Budget, it was included on the same basis as in last year's Budget without identified items of expenditure.

Hon. J J Netto: Mr Chairman, the reason why I ask this really is because the Hon. Minister for Health and Safety, in much earlier question and answer sessions, did say they had purchased a new programme in order to be able to input the day-to-day information that inspectors actually carried out. So I thought that perhaps there was a connection between the software programme that the hon. Member, the Minister for Health and Safety was talking about and this figure here.

870 So there is no connection at all – is that the case?

Hon. J J Bossano: Mr Chairman, if that were the case and this were for a new item, it would mean effectively that we have cut down £1,000 from last year's Budget. This is simply a repetition of the amount of money that they got last year, which they have used for odd expenses.

875 If there is something new this year which was not there last year, it would require additional funding.

Hon. J J Netto: I accept that. So if that is the case, the expenditure for the new software programme that the Hon. Minister for Health and Safety stated in the House some months ago, where is that reflected then?

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Hon. P J Balban: At present, nothing has been spent on a software programme because we have been acquiring trial versions of certain programmes. No programme as yet has satisfied the demands and the needs for statistical analysis so no programme has been selected yet.

885 **Hon. J J Netto:** I accept that, but obviously your Department must have *purchased* a programme?

Hon. J J Bossano: It is possible to obtain, from the people that specialise in providing these things, trials that work for a while and then stop working after which you have to buy. At the moment, they are still exploring different alternatives for which we have not paid so far, and if I can stretch it for the 12 months, we will not pay for it. (*Laughter*)

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Mr Chairman: Subhead 2, Other Charges stands part of the Bill.

Hon. D A Feetham: Well, Mr Chairman – Other Charges, paragraph (3)(b), the £11 million, that is provision for the Future Job Strategy – £11,149,000? Is that so?
'Additional Contribution' under 'Gibraltar Development Corporation', number (3).

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Hon. J J Bossano: The footnote shows the money on page 153.

900 **Hon. D A Feetham:** If you go to... it does not actually explain it. What it says is it is a transfer from... It is receipts from the Consolidated Fund.

Hon. J J Bossano: And the payment from the Consolidated Fund to the GDC on page 153 is included in the expenditure of the Fund which, of course, includes the 'Government Financed' which this year amounts to over £12 million. The contributions from the Consolidated Fund that go to pages 153 to 154 –

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Hon. D A Feetham: Page 153, yes, I have got it: £1,300,000 –

Hon. J J Bossano: – as payment.

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Hon. D A Feetham: – and the... but that relates to the Future Job Strategy?

Hon. J J Bossano: It is related to it, but not necessarily that the amount that is going to be spent on the Jobs Strategy is just from there, because remember that this includes funding from the EU for some of the costs of the persons that are in that training. So therefore, you have got, in pages 153 and 154 –

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Hon. D A Feetham: I see that.

Hon. J J Bossano: – the money that is spent, on the expenditure side, and if the hon. Member looks at the top of Appendix B, on the Receipts, he will see that there is a contribution from Head 27, Employment which is the contribution that is paid, £11,149,000.

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Hon. D A Feetham: Yes, but I can see that the... So effectively what you are saying to me is that the £12 million – the £1,364,000 plus the £11,149,000 – does relate to the Future Job Strategy, but may be used for something else?

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Hon. J J Bossano: No, I am saying that the Future Job Strategy will cost more than that, because in addition to the money that we are putting in, we will be getting EU funding.

Hon. D A Feetham: But that is at number (21), Other Recurrent Expenditure: you have EU Projects, Government Financed, £5,661,000; Planned European Structural Funds – again, exactly the same amount.

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Hon. J J Bossano: If the hon. Member looks at the actual expenditure in 2010-11, which was £1½ million, that is what used to be provided as an additional contribution from the Employment Head to the VTS. That is now £11,149,000.

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So the subhead (3)(b) is the same subhead (3)(b) that existed in 2010-11, which was then £1½ million. The actual –

Hon. D A Feetham: That is salary, isn't it? Those are the salaries?

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Hon. J J Bossano: No, these are operational expenses. Salaries are subhead 1. This is Other Charges. The cost of the people in the Jobs Strategy is independent of the cost of the employees of the GDC. The cost of the employees of the GDC is shown on page 153 as Salaries in the Employment field.

So if the hon. Member looks at the amount the GDC receives, he will see that the £11,149,000 is at the top of Appendix B on page 153 –

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Hon. D A Feetham: Page 153, yes, I have got it.

Hon. J J Bossano: – and that is the same money that is being shown as going out of one end –

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Hon. D A Feetham: It is the question I have asked before.

Hon. J J Bossano: – and coming in at the other.

If the hon. Member says, 'Well, where is that money being spent?' then that money is being spent partly in the payment to individuals in training and partly for the salaries of the GDC employees. (**Hon. D A Feetham:** Right.) It comes to *more* than £11.1 million –

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Hon. D A Feetham: Because you are dealing with both.

Hon. J J Bossano: – because it gets supplemented by EU funding.

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Hon. D A Feetham: And hence the £5.6 million at page 154.

But both figures together, that includes the estimated costs of what it is going to cost over a year to actually pay the trainees, which was estimated by the hon. Member in his speech at about £11 million.

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Hon. J J Bossano: About £12 million.

Hon. D A Feetham: £12 million, alright.

Mr Chairman: Subhead 2, Other Charges stands part of the Bill.

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Clerk: Head 28, Statistics Office, subhead 1, Payroll.

Mr Chairman: Head 28, Statistics Office, subhead 1, Payroll stands part of the Bill.

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Clerk: Subhead 2, Other Charges.

Hon. Mrs I M Ellul-Hammond: Mr Chairman, with respect to subhead 2(1)(e), Statistical Surveys, is this £186,000 in relation to the Census?

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A Member: [*Inaudible.*]

Mr Chairman: Subhead 2, Other Charges stands part of the Bill.

Clerk: Head 29, Port and Shipping, subhead 1, Payroll.

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Hon. D J Bossino: Mr Chairman, under the previous page, where we have a reduction in the number of GDC staff from 10 to two, a reduction of eight, can the Hon. Minister give us an explanation as to why that is the case?

The overall reduction is seven, because you employ one extra AO and it goes from three to four. But there is a substantial reduction in GDC employees.

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Hon. J J Bossano: Well, Mr Chairman, there is no reduction in the number of bodies that are in the Public Service. It is just that out of 164, approximately half of them stopped being GDC employees and

995 opted to become civil servants and therefore they disappear from Other Charges and appear in Personal Emoluments.

I do not know the exact distribution of the people that are no longer in the GDC, obviously, but the total, or that was there a year ago, is the same total that is there this year – except that initially they were all GDC; at one stage during the year, it was intended they should all be civil servants and therefore they would all have disappeared; and then eventually we finish up with a situation of about 50:50.

1000 So in different Departments... The bulk of the GDC is in Employment and Tourism and in other parts of the Public Service, you will find one or two people who retained GDC status, even though the majority chose not to.

There is at the bottom a drop of seven and that can only be because the seven are now somewhere else.

1005 On the page overhead, there is a footnote, Mr Chairman, showing where they have gone to, which is on Tourism, page 108. So the people who disappeared from this place have appeared in the other one, page 108.

1010 **Mr Chairman:** Head 29, Port and Shipping, subhead 1, Payroll stands part of the Bill.

Clerk: Subhead 2, Other Charges.

Mr Chairman: Subhead 2, Other Charges stands part of the Bill.

1015 **Clerk:** Head 30, Tourism, subhead 1, Payroll.

Hon. D J Bossino: Mr Speaker, maybe the Minister for Employment can enlighten me as well, that there is a bit of movement here between GDC and what I assume is the Civil Service.

1020 There is a reduction under (vi), from 71 to 32, that makes it – if my maths is correct and it may well not be – a reduction of 39. I think of those 39, 29 go into the Establishment section, which last year I think had a figure of zero and now it is 29; and then the overall result is that you had 71 last year and now you have 61, so there is a reduction of 10.

1025 So clearly the reduction comes from the GDC staff. So of those 39, from 71 to 32, 29 go into the Civil Service, presumably, and then there are 10 which are, at least in this sheet of paper, unaccounted for. Where did those 10 go?

Presumably we should have had the eight we were talking about earlier in Port and Shipping coming into Tourism, if I have followed the Minister for Employment's explanation correctly.

1030 **Hon. J J Bossano:** They have to be somewhere, because I know we have got the same numbers! *(Laughter)*

Hon. D J Bossino: The total number is exactly the same, we just do not know where they all are! Where are they?

1035 **Hon. D A Feetham:** We are assuming the books balance! *(Laughter)*

Hon. J J Bossano: I know we are paying for it, so they must be somewhere. *(Laughter)*

1040 It appears that some of those are now in the newly created agencies like Culture and so on, and therefore the relationship is that they would be paid out of the contribution from the Consolidated Fund to the Culture Agency and so forth.

1045 The bottom line is that there has *not* been a reduction in the numbers, but there has been movement from people. The clearest movement was the movement which split the original complement between the GDC and the Civil Service. There has been a smaller number that have finished up maybe with the Culture Agency or the Coastguard Agency or something like that, but the people are doing basically jobs that were being done and were on the previous year's Estimates.

So it is not that there has been a reduction in the complement in terms of the work that was being done and that they are doing something which is now being paid out of a new Head which did not exist. Where they have moved, they have moved and they have taken their pay with them.

1050 But the bulk, I would say 90% are either GDC or Civil Service and there is an odd 10% that have gone to other places, which it should be possible to identify exactly where they are, obviously. **(A Member: Yes.)** *(Interjection)* By homing in on the names of the individuals, we can find where they are being paid from. So we can get that for the hon. Member, so he knows where they are.

1055 **Minister for Tourism, Transport and the Port (Hon. N F Costa):** Mr Chairman, as the Hon. the Minister for Employment is saying, I from memory can remember five individuals who were previously

under Tourism that have gone to different agencies and different locations, but rather than give their names out, I could tell the hon. Gentleman the people that I remember and we can also find out for him who are the other five people and where they have got to, if he wants to know.

1060 **Hon. D J Bossino:** Yes, there are 10 less.

Hon. N F Costa: There are not 10 less people; it is just that those people have been deployed to different places.

1065 **Hon. E J Reyes:** But there are 10 less to do the workload of Tourism, yes?

Hon. J J Bossano: They have taken the work and the money and it has all gone together.

When it has moved, it has moved not because there are now less people doing the same work that was previously being done by more. It is that the work, the pay and the individual have moved.

1070 So, therefore, the money that was there last year – subject to the fact that they were of course earning more this year as a result of having Civil Service status, irrespective of where they are... Apart from that difference, the nature of the work, the grading of the individual and the rate of pay, except that it is now on a parity with the Civil Service grade, is still the same in this year's Estimates as it was in last year's Estimate. There has been no reduction in that respect.

1075 So where there is a body and a rate of pay missing from one Department, it is because the work, the pay and the person are somewhere else.

Mr Chairman: Head 30, Tourism, subhead 1, Payroll stands part of the Bill.

1080 **Clerk:** Subhead 2, Other Charges.

Mr Chairman: Subhead 2, Other Charges stands part of the Bill.

1085 **Clerk:** Head 31, Public Transport and Commercial Affairs.

Hon. D A Feetham: Mr Chairman, can we go back to the Terminals Expenses? (**Hon. J J Bossano:** Tourism?) Yes, Tourism, Other Charges, (11)(h) X-ray Machine Repairs and Maintenance. Is that a new head or is that a transfer from Port and Shipping? But I am not aware that there is an X-ray machine in the Port.

1090 **Hon. J J Bossano:** Security, I would imagine. (*Interjections*)

Hon. N F Costa: Yes [*inaudible*].

1095 **Hon. D A Feetham:** Oh, it is a *baggage* X-ray – sorry, I was thinking about something more sophisticated that they have in Algeciras and also in Tarifa, which is the X-ray in relation to people.

Mr Chairman: Head 31, Public Transport and Commercial Affairs, subhead 1, Payroll.

1100 **Hon. D J Bossino:** Mr Chairman, again there is a substantial reduction in the numbers of AOs, from one year to the next, of six. Is that also in relation to the GDC issue or is it something else?

Hon. J J Bossano: The people here were previously under the Enterprise Head that was working out of the Europort area and that function has now been transferred to the new Enterprise, Employment and Training, so the reduction there has been the loss of that facility. The individuals have been deployed to other work, because they have not passed on to me.

1110 **Hon. D A Feetham:** This is effectively the extra six, in page 96, about European Union Programmes and –

Hon. J J Bossano: That is right and the European Union Programme and the people who provided leaflets and information and so on that were under Joe Holliday before –

1115 **Hon. N F Costa:** Yes, which was called Invest Gibraltar.

Hon. J J Bossano: Invest Gibraltar, that is right.

Mr Chairman: Head 31, Public Transport and Commercial Affairs, subhead 1, Payroll stands part of the Bill.

Clerk: Subhead 2, Other Charges.

Hon. D J Bossino: Mr Speaker, I would home in on subparagraphs (2), (3) and (4), which are described as 'Marketing, Promotions and Conferences' and the second one, 'Business Support Office', and each have an estimate of £20,000. It was not there before. Is that because of the amalgamation in the Budget Book of Public Transport and Commercial Affairs? No?

Hon. N F Costa: Well, Mr Chairman, it is related to the answer the Hon. the Minister for Employment gave a few moments ago. Before, there was the Ministry headed by Mr Joe Holliday and as the hon. Gentleman has just said, that has been divided, or rather the Invest Gibraltar part, etc has been taken by the Minister for Employment to fulfil the function of inward investment and we have created the new Ministry, which is Commercial Affairs. As a result, because there has never been a Ministry of Public Transport and Commercial Affairs, this is the first time there has had to be provision for this.

Hon. D J Bossino: I am grateful.

Mr Chairman: Subhead 2, Other Charges, stands part of the Bill.

Clerk: Head 32, Technical Services, subhead 1, Payroll.

Mr Chairman: Head 32, Technical Services, subhead 1, Payroll stands part of the Bill.

Clerk: Subhead 2, Other Charges.

Hon. S M Figueras: Yes Mr Chairman, subhead 2(3)(k), 'Cleaning of Street Gullies': there is an increase from last year's figure of £90,000, which has been quite stable between actual in 2010-11 estimates and forecast outturn, to £120,000. Perhaps now that it is in Technical Services, the hon. Gentleman for Technical Services can explain why the 33% increase.

Hon. P J Balban: Can you repeat the Head and subhead please?

Hon. S M Figueras: Yes, subhead 2, Other Charges, section (3) Operational Expenses, (k) Cleaning of Street Gullies. (*Interjections*) It was £90,000 and it was Environment. (*Interjection*) Yes, I am aware of that. It is just I am wondering why the difference of £30,000 year on year, from actual to estimate.

Hon. P J Balban: Mr Chairman, the increase in this respect is due to the fact that the recommendation came from the Head of Technical Services that more investment was needed in the cleaning of street gullies – in the past not enough had been spent on this very important part of the infrastructure. They have been pushing for an increase for a while now and it is reflected in this year's...

Hon. S M Figueras: And this increase will be paid in its totality to the current contractor, Wastage Products Ltd, which is listed in the Environment section?

Hon. J J Bossano: What there is is an increased provision on the basis that they have argued that the £90,000 that they were getting was not enough to do all the cleaning that is required.

Presumably, we shall see during the course of the year how they go towards spending that amount, but given that this is a specialist area, it is not the kind of thing that you can say 'Let's go out to tender and see how many people have got street gully cleaning lorries.' These are the ones that go and suck all the stuff out.

Hon. S M Figueras: So just to clarify that: it is in response to the initiative or approach by...?

Hon. Chief Minister: It is in response by the Chief Technical Officer's recommendations.

Hon. J J Bossano: On a bid to increase the amount. We were caught on an off day and we gave him a 30% increase, basically! (*Interjections and laughter*)

Mr Chairman: Subhead 2, Other Charges stands part of the Bill.

- 1180 **Hon. Chief Minister:** Mr Speaker, if I might just assist the House because there is now a full explanation here and it may be useful for the hon. Gentleman to know, given the interest they have in it. Apparently, it all arises because there has been an increase in the number of gullies due to the construction of new roads and therefore there is more to clean.
- 1185 **Mr Chairman:** Subhead 2, Other Charges, stands part of the Bill.
- Clerk:** Head 33, Driver and Vehicle Licensing, subhead 1, Payroll.
- 1190 **Hon. J J Netto:** Mr Chairman, in Payroll, Salaries, we have an estimate of £578,000 and the forecast outturn for the previous financial year was £700,000. Do we have an explanation why the constant drop? I see even compared to the estimate of last year, there has been a continued drop – is there an explanation for this?
- 1195 **Hon. P J Balban:** Mr Chairman, I can confirm that there appears to have been actually an under-funding there.
- Hon. J J Netto:** Sorry, I do not quite understand what he means by an ‘under-funding’. Could he expand this further? *(Interjections)*
- 1200 **Hon. J J Bossano:** Not enough money to pay the 30 guys, that is what he is saying! *(Laughter)*
- Hon. G H Licudi:** It will have to be increased.
- Hon. J J Bossano:** That will need to be increased!
- 1205 **Hon. G H Licudi:** Not enough money has been put under that Head and that will need to be increased.
- 1210 **Hon. J J Netto:** Oh, I *see!* *(Interjections and laughter)*
- Hon. J J Bossano:** This is to compensate for the 30% extra we gave in the salaries! *(Interjections and laughter)*
- 1215 **Mr Chairman:** Head 33, Driver and Vehicle Licensing, subhead 1, Payroll stands part of the Bill.
- Clerk:** Subhead 2, Other Charges.
- Mr Chairman:** Subhead 2, Other Charges stands part of the Bill.
- 1220 **Clerk:** Head 34, Utilities, subhead 2, Other Charges.
- Hon. S M Figueras:** Yes, Mr Chairman, in relation to subhead (1) in Other Charges, (a) Contribution from Revenues Received, there is an increase of £2 million there. Is there any explanation as to the significant increase? It represents about 7% to 7½%. I wonder whether there is any particular reason for it.
- 1225 **Hon. S E Linares:** There could be a couple of reasons for this. Basically, it could be because... it is an estimate, but it is because either the water consumes a lot of electricity and therefore there will be an increase of revenue from AquaGib to the GEA and also the increase of housing – people living in different houses, therefore there is an increase. It is an estimated increase of an extra £2 million there.
- 1230 **Hon. Chief Minister:** Mr Speaker, if the hon. Gentleman cares to look at page 9 on the Revenue side, he will also see how the fuel hedge has increased. *(Interjections)* Page 9, Utilities: there is a difference there in the cost of the hedge that he will see. *(Interjections)*
- 1235 **Mr Chairman:** Head 34, Utilities, subhead 2, Other Charges stands part of the Bill.
- Clerk:** Head 35, Collection and Disposal of Refuse, subhead 2, Other Charges.
- 1240 **Hon. S M Figueras:** Mr Chairman, there is a general point/question and one more specific relating to the actual estimate for the coming year. I note the transfer of refuse collection from the Environment

Ministry to the Minister for Sports, Culture, Heritage and Youth. I wonder whether perhaps there is an explanation for that, although it is just a reallocation.

1245 **Hon. S E Linares:** It has been considered a Utility and therefore I am the Minister for refuse collection and it has been transferred from the Department of the Environment to a Ministry that I have now, which I run is the GIC – Gibraltar Industrial Cleaners.

1250 **Hon. S M Figueras:** Right, and then, more specifically, there is an approximately 7% increase in the estimate over the cost. Is there any – ?

Hon. S E Linares: It is to do with what I said in my Budget speech, the extra 7 and the extra lorry that we are going to introduce, plus two more that will be employed later.

1255 **Hon. S M Figueras:** I am grateful for that.

Mr Chairman: Head 35, Collection and Disposal of Refuse, subhead 2, Other Charges stands part of the Bill.

1260 **Clerk:** Head 36, Sport and Leisure, subhead 1, Payroll.

1265 **Hon. E J Reyes:** Mr Chairman, on subhead 1(2)(d), it says there ‘Pension Contributions’ and there is now a new estimate of £1,000. If I recall correctly, there are three industrial staff members – it is reflected on page 124, so there has been no change there. These are long serving civil servants, which I have always understood did not have to contribute towards their pension scheme. So is this £1,000 here because there has been a change in staffing and it is a new civil servant entrant or is it just in order to have a token provision which may not even materialise?

1270 **Hon. S E Linares:** The explanation given is that this is to do with the three employees that are down in the Authority and therefore, if they need –

Hon. E J Reyes: They are not from the Authority – the three –

1275 **Hon. S E Linares:** No, no they are not from the Authority; they are *working for* the Authority –

Hon. E J Reyes: Right, the three civil servants.

1280 **Hon. S E Linares:** – although they are civil servants. It is a token sum. If there is a need to bring in that they move somewhere and they need to be replaced, this is the total sum for the pension contribution.

Hon. E J Reyes: Mr Chairman, yes, if I understood correctly, it is just a token sum, should there be – (**Hon. S E Linares:** Absolutely.)

1285 But my understanding is there has not been a movement. The three individuals who were last here happen to be the same ones – long-serving ones, so there has not been... It is just hypothetical in case it happens.

Hon. S E Linares: They are still there.

1290 **Mr Chairman:** Head 36, Sport and Leisure, subhead 1, Payroll stands part of the Bill.

Clerk: Subhead 2, Other Charges.

Mr Chairman: Subhead 2, Other Charges stands part of the Bill.

1295 **Clerk:** Head 37, Fire Service, subhead 1, Payroll.

Mr Chairman: Head 37, Fire Service, subhead 1, Payroll stands part of the Bill.

1300 **Clerk:** Subhead 2, Other Charges.

Mr Chairman: Subhead 2, Other Charges stands part of the Bill.

Clerk: Head 38, Culture and Heritage, subhead 1, Payroll.

- 1305 **Mr Chairman:** Head 38, Culture and Heritage, subhead 1, Payroll stands part of the Bill.
- Clerk:** Subhead 2, Other Charges.
- Mr Chairman:** Subhead 2, Other Charges stands part of the Bill.
- 1310 **Clerk:** Head 39, Postal Services, subhead 1, Payroll.
- Mr Chairman:** Head 39, Postal Services, subhead 1, Payroll stands part of the Bill.
- 1315 **Clerk:** Subhead 2, Other Charges.
- Mr Chairman:** Subhead 2, Other Charges stands part of the Bill.
- Clerk:** Head 40, Civil Contingency, subhead 1, Payroll.
- 1320 **Mr Chairman:** Head 40, Civil Contingency, subhead 1, Payroll stands part of the Bill.
- Clerk:** Subhead 2, Other Charges
- 1325 **Hon. Mrs I M Ellul-Hammond:** Mr Chairman, in relation to subhead 2(1), Civil Contingency Planning, with regard to the increase from the estimate of 2011-12 of £134,000 to the outturn of £583,000, can the Hon. Minister confirm, is this, I am assuming, in relation to the explosion at the North Mole?
- 1330 **Hon. S E Linares:** Absolutely. That is the increase, and therefore this year there is just a slight increase from £134,000 to £140,000.
- Mr Chairman:** Subhead 2, Other Charges stands part of the Bill.
- 1335 **Clerk:** Head 41, Youth, subhead 1, Payroll.
- Mr Chairman:** Head 41, Youth, subhead 1, Payroll stands part of the Bill.
- Clerk:** Subhead 2, Other Charges.
- 1340 **Mr Chairman:** Subhead 2, Other Charges stands part of the Bill.
- Clerk:** Head 42, Gibraltar Audit Office, subhead 1 Payroll.
- 1345 **Mr Chairman:** Head 42, Gibraltar Audit Office, subhead 1, Payroll stands part of the Bill.
- Clerk:** Subhead 2, Other Charges.
- Mr Chairman:** Subhead 2, Other Charges stands part of the Bill.
- 1350 **Clerk:** Head 43, Supplementary Provision, subhead 1(a), Pay Settlements; subhead 1(b), Supplementary Funding.
- 1355 **Mr Chairman:** Head 43, Supplementary Provision, subhead 1(a), Pay Settlements and subhead 1(b), Supplementary Funding stand part of the Bill.
- Clerk:** That concludes clause 2.
- Mr Chairman:** Clause 2 stands part of the Bill.
- 1360 **Clerk:** Clause 3, Consolidated Fund Contributions.
Subhead 1, Contribution to wholly owned Government Companies.
- 1365 **Mr Chairman:** Head 44, Contribution to Government-Owned Companies, subhead 1, Contribution to wholly owned Government Companies stands part of the Bill.

Clerk: Head 45, Contribution to the Improvement and Development Fund, subhead 1, Contribution to the Improvement and Development Fund.

1370 **Mr Chairman:** Head 45, Contribution to the Improvement and Development Fund, subhead 1, Contribution to the Improvement and Development Fund stands part of the Bill.

Clerk: That concludes clause 3.

1375 **Mr Chairman:** Clause 3 stands part of the Bill.

Clerk: Clause 4, Improvement and Development Fund.
Head 101, Works and Equipment, subhead 1, Works and Equipment.

1380 **Hon. J J Netto:** Mr Chairman, if I may, on item (x), which is Government Furniture and Equipment, I see an estimate there of £½ million. Does the £½ million represent the total bid that Department Authorities and Agents submitted to Government or is this a fraction of the bid?

1385 **Hon. Chief Minister:** Mr Speaker, I do not think it is the full amount bid. I assume it is what was bid and what has been approved.

Hon. J J Netto: I can understand that but that was the total amount of the collected bids from all the Government Departments, Authorities and Agencies?

1390 **Hon. Chief Minister:** Mr Speaker, what I am told is that the figure is much, much higher, as is usually the case, and that the amount approved this year, is, as the hon. Gentleman can see, much more – £½ million more – than was approved for last year and about £325,000 more than was approved the year before that.

1395 But never I am told is it... Sorry, I am giving you the wrong number – £½ million more than has been approved for a couple of years under that Head – never I am told is the bid approved, because it is all the bids together and it is a lot more than the £½ million that has been approved.

1400 **Hon. J J Netto:** Yes, Mr Chairman, I do appreciate that is always the case, but what I am asking is whether... He may not have the information available, but perhaps the civil servants behind him may have the information available as to what was the total bid requested, regardless of what the Government, rightfully, may put in the Estimates Book.

Hon. Chief Minister: Mr Speaker, I do not have the information available. I can tell him that it is £½ million more than has been approved for a couple of years –

1405 **Hon. J J Netto:** I know that.

Hon. Chief Minister: So that is a point worth making, if he understands.

1410 If I can see where he is going, then the point I am going to make to him is that it is £½ million more than has been approved for the past two years. I do not have the information, Mr Speaker. I think that what we have to debate is what has been approved and that is what has been approved and...

1415 **Hon. J J Netto:** Well, Mr Chairman, I am not asking whether it is more or less or whether it is the same. All I am asking is even if he has not got the information himself, which I can appreciate, that information might be available by the civil servants sitting behind him and if it is available...

1420 **Hon. Chief Minister:** I am sure it is available because all the bids are available and could be totted up, but I am not going to open the door to giving the hon. Gentleman access to the bids that are made, because we would be here all day, every single day for the next 365 days, if we had to debate not just what it is that the Government is *proposing* we should spend, but what it is that every single Department *asks* the Government that they should be spending. And it has never been the case in the 16 years that he has been in Government and we have been in Opposition that that information has been shared, Mr Speaker.

1425 **Hon. Mrs I M Ellul-Hammond:** Mr Chairman, with respect to subhead 1(a) Education, could the Hon. Minister explain what the £2 million estimated is going to be for?

Hon. G H Licudi: Mr Chairman, in answer to a question last month and also during the Budget debate yesterday, I did give details of some of the capital expenditures that we would be doing, including the extension at Notre Dame, the other extensions and other projects that we would be doing.

1430 What the hon. Member will see is that we are, in fact, increasing by 33% the provision for capital expenditure. In my answer last month, I did say also that other projects would be done during the course of the year, apart from the ones that I specifically mentioned, and we have got provision here for some other projects.

1435 **Hon. Mrs I M Ellul-Hammond:** Yes, which have not been identified yet.

And, Mr Chairman, in relation to subhead 1(h), Contribution to Gibraltar Health Authority, I again ask the Hon. Minister the same question: the £3.3 million, what will that be going towards?

1440 If I remember correctly, the Hon. the Chief Minister mentioned £1 million of that was going to the new patient transfer vehicles and KGV refurbishment, so that leaves about £2.3 million, which I do not think was addressed in the budget.

Hon. Dr. J E Cortes: Mr Chairman, yes, £300,000 is earmarked to the colon cancer screening; £1 million is for ambulances; there is provision there also for the Community Mental Health premises at Coaling Island; also to provide wheelchair access to the garden and there is also scope there for replacement of equipment. There is also provision there for initiation of projects to relocate the kitchen and to relocate the ambulance staff.

There will be others coming in the year, but those are the main items that the money is going to be dedicated to.

1450 **Hon. Mrs I M Ellul-Hammond:** I am grateful.

And, Mr Chairman, in relation to subhead 1(r)(iii), for the City Fire Brigade, £150,000 have been earmarked. Can the Hon. Minister confirm if this is in relation to the smoke extractor system?

1455 **Hon. S E Linares:** Partially, it is the extractor. There are things like pumps and other equipment which they have asked for, and also to do with the ambulance – some repairs to the ambulance that they have, so that would add up... In fact they asked for £295,000 and then it was slashed to £150,000.

Hon. S M Figueras: Mr Chairman, in relation to Works and Equipment, subsection (I), Contribution to Gibraltar Electricity Authority of £1 million, can someone other than the Minister for the Environment, who is unfortunately not in the Chamber at the moment, confirm that that is the contribution he mentioned in his Budget speech towards alternative energy? I suspect but I would just like to have confirmation.

The Hon. Minister for the Environment has returned – maybe he can shed some light on it?

1465 **Hon. Chief Minister:** Mr Speaker, this relates to Works and Equipment principally, which is what would be covered by capital, so for example, things like the flood lights on the Rock face etc, are covered by this. The big item of expenditure in respect of this is an interconnector and switch gear and that accounts for almost two-thirds of the material.

1470 The hon. Gentleman will know that when I made my statement a couple of months back about the position in relation to the power station issue, we said that we would be continuing, through the GEA, to do the works in respect of switch gear, etc -

A Member: And main cables.

1475 **Hon. Chief Minister:** – and main cables etc. The *infrastructure works*, as they are known, are not just in relation to Lathbury, but also in relation to the rest of the ‘grid’ – and I say ‘grid’ in inverted commas – and that is what that principally relates to.

1480 **Hon. S M Figueras:** I am grateful for that.

One more point I would like to raise in relation to paragraph or section... it was (p)(iii), Drains and Sewers. We know that the Government has been busy in the last few months dealing with the collapse of the Line Wall sewer. In the Budget speeches and in answers to questions in the House, the Hon. Minister for Technical Services had referred to the fact that not enough investment had been made in them. However, it just strikes me as odd that the estimate is not significantly higher than what it had been or indeed what has already been spent on the drains and the sewers.

1485 Perhaps the Hon. Minister can enlighten us as to why maybe the works already done have constituted a significant enough improvement that that is all they need to provision for it.

1490 **Hon. P J Balban:** Mr Chairman, the money, the funding actually being asked for in that respect is a token amount. It has been prior to beginning work on a sewer rehabilitation programme to bring the sewer and the stormwater systems up to a standard over a number of years.

1495 **Hon. S M Figueras:** I am sorry, Mr Chairman, just under paragraph (r), Essential Services and Equipment, Royal Gibraltar Police, there is £150,000 there as an estimate. An indication as to what that would be applied to would be helpful – particularly in the context of them having received two very fast launches very recently.

1500 **Hon. Chief Minister:** Mr Speaker, if I may, just on the launches: the launches are provided for in 1(v), if he reads on – nothing to do with the launches there. *(Interjection)*
I am telling him it is not the launches. I will leave the Minister for Justice to deal with the other.

Hon. G H Licudi: Mr Chairman, this is just general provision which is made for general equipment which the Police may require during the year.

1505 **Hon. S M Figueras:** I only asked simply, because there was no estimate or provision for it in the past and that was the only reason I have raised it. *(Interjection)* I am grateful to the Minister for Justice.

Hon. D A Feetham: Is that equipment relating to what the Police might actually need in relation to PACE; or actually is it repairs to New Mole Police Station and perhaps also Central Police Station?

1510 **Hon. J J Bossano:** Mr Chairman, I think if the hon. Members look at the footnote (i), this is now a breakdown which was in fact previously shown as ‘Other Departments, Agencies and Authorities’. It was a global sum from which people drew from what they needed during the course of a year, in the expectation that every year they need to replace something or repair something, so in fact there is much more money than there was last year, if we actually add all the things with a footnote (i) and compare it with what has disappeared. But the increase has not been done in the global figure, because then everybody would have been able to access, presumably, to get an equal share of the increase. It has actually been divided more in relation to what people have identified at the beginning of the financial year that they are likely to need.

1520 So in respect of the individual items with a footnote (i), it means that Members are now able to see, out of that block vote, what is intended to go to each different Department.

As Members are well aware, there is nothing to stop us viring from one Head to another, if one is underspending and the other needs more money.

1525 **Hon. G H Licudi:** Mr Chairman, in relation to this particular amount of £150,000, this follows clearly a bid by the Royal Gibraltar Police for funding for diverse equipment. It includes matters such as equipment needed for the marine section, for the diving unit, scenes of crime, community support, special equipment, office furniture, transport, so there is a myriad of various heads of equipment which they need in capital expenditure, which are now provided under this £150,000.

1530 **Hon. D A Feetham:** Mr Chairman, if we look at ‘Housing: Works and Repairs’, we look at the estimate for 2011-12 of £2 million and the forecast outturn £3.8 million, and now it is down to £1 million, which I note is actually lower than the actual for 2010-11, is there an explanation for the actual decrease in the provision made for Housing Works and Repairs; or is it...? Well, it cannot be a token figure, because it is a million pounds, but is there an explanation for it?

1540 **Hon. Chief Minister:** Yes, Mr Speaker, of course there is an explanation: it is very simple. The forecast outturns and the estimates for the previous year show what costs were in part of the process of developing estates whilst they were in Government, whilst we are at the beginning of the process of the developments that we are aiming for.

So the £1 million that he sees there is a token for the work that will commence this year.

1545 **Hon. D A Feetham:** So that includes the projected building of new accommodation as well as repairs. Is that what he is saying?

1550 **Hon. Chief Minister:** Yes, Mr Speaker, this includes, for example, in some instances, where he knows we are in the process of doing works which are beyond – **(A Member: Preparatory?)** Yes, (a) preparatory and (b) beyond the old simple works and repairs that there have been in other estates. At Laguna, at Glacis, at Moorish Castle, the hon. Members will have seen works which include cladding and which include that type of work which goes beyond simple works and repairs.

1555 **Hon. D A Feetham:** Yes but this is the... I asked about... This million pounds is the million pounds that appears under Housing, that I asked earlier on about, and you may recall I asked, 'Did that million pounds relate to, or partly relate to, the cladding of the three estates that was part of the announcement by the Minister for Housing?' and the Hon. the Minister for Employment said to me, 'No, no, no, it wasn't that.' (*Interjection*)
Now...

1560 **Hon. Chief Minister:** Mr Speaker, the state that we are at at the moment is – it may be a surprise to hear this – but it is principally being done in-house in the Housing Department, all of the preparatory work, all of the cladding, etc. We have not gone out to expensive consultants or anything like that, so there has been no need to show other expenditure here in respect of that. (**Hon. J J Bossano:** So far.) There may be in the future a need to do so.

1565 **Hon. D A Feetham:** So basically I was right some moments earlier, when I said the million pounds related not to the cladding, but to –

Hon. Chief Minister: No, it relates to –

1570 **Hon. J J Bossano:** Not putting up the cladding, really.

Hon. Chief Minister: Not putting up the cladding, that is right. It relates to all the preparatory work that needs to be done in order to do that.

1575 **Hon. D A Feetham:** Well, it cannot possibly relate to the putting up of the cladding, because the cladding of actually three estates is going to cost above £50 million. It is a substantial expenditure.

Hon. Chief Minister: It certainly costs more than £1 million.

1580 **Hon. D A Feetham:** So it must be preparatory towards that – that is what I was asking.

Mr Chairman: Improvement and Development Fund – Expenditure, Head 101, Works and Equipment, subhead 1 stands part of the Bill.

1585 **Clerk:** Head 102, Projects, subhead 1, Beautification Projects.

Hon. S M Figueras: Mr Chairman, on Other Projects, subhead 5(s) is one that jumps out. It is the Smart Bikes.

1590 **Clerk:** We are not on there, Mr Speaker.

Mr Chairman: We are still at subhead 1, Beautification Projects.

Hon. S M Figueras: Oh apologies, Mr Chairman.

1595 **Mr Chairman:** Okay subhead 1, I imagine there are no questions. Subhead 1, Beautification Projects stands part of the Bill.

Clerk: Subhead 2, Roads and Parking Projects.

1600 **Hon. D J Bossino:** Mr Chairman, may I ask for an explanation for the massive reduction under 2(a)(i) (*Interjection and laughter*) from £8.6 million, which is the forecast outturn, to £½ million for this coming year by way of estimate?

1605 **Hon. Chief Minister:** Mr Speaker, as the hon. Gentleman knows, the development of the tunnel, for all the reasons that have been ventilated in the past six months, is not progressing at the moment. There is the litigation and there is, as I told the House in an earlier intervention, the possibility of a new tender having to be created, in order to see what the real cost to completion – the balance to complete, so to speak – of that project would be, given the present state in which it lies.

1610 Therefore, there is a token there, Mr Speaker, for some of the expenditure which there will be, because there is some continuing expenditure, just to have the site safe as it is at the moment, and post procurement process, there may be another figure there.

Mr Chairman: Subhead 2, Roads and Parking Projects stands part of the Bill.

1615 **Clerk:** Subhead 3, Relocation Costs.

Mr Chairman: Subhead 3, Relocation Costs stands part of the Bill.

1620 **Clerk:** Subhead 4, Reclamation Projects.

Mr Chairman: Subhead 4, Reclamation Projects stands part of the Bill.

Clerk: Subhead 5, Other Projects.

1625 **Hon. Mrs I M Ellul-Hammond:** Mr Chairman, in relation to subhead 5(f), Old St Bernard's Hospital Demolition and Conversion Works: is this £1.36 million the amount needed to complete the conversion of this site?

1630 **Hon. G H Licudi:** Mr Chairman, as the hon. Lady well knows, there were plans to convert that for educational purposes. A bid has been put to do some preparatory work. But as I have indicated, no final decision has been taken, so there has been a provision made, but the final decision as to the use of the site has not been taken yet.

1635 **Hon. Mrs I M Ellul-Hammond:** Mr Chairman, is that the whole site or is this just the front part which was going to be converted to a school? This includes the...

Hon. G H Licudi: The old part of what used to be St Bernard's Hospital is the part at the top which was to be worked for – (*Interjections*)

1640 **Hon. S M Figueras:** The lower part was also part of the Hospital. (*Interjections*)

Hon. G H Licudi: Yes, there was a demolition carried out and there were continuing works in relation to that demolition to make it safe, but there has been a provision in respect of the bottom side of the old St Bernard's Hospital. As I said, there is a provision there, but no final decision has been taken as to precisely what is going to happen with that site.

1650 **Hon. S M Figueras:** And, sorry Mr Chairman, just for some more clarification, is there a decision as to the use of what was originally the new wing, before what was demolished was made – the wing where St John's Ward, Victoria Ward were originally and the chapel? (*Interjection by Hon. G H Licudi*) Okay, there were two annexes. (*Interjections*) Is it the Mackintosh Wing?

Hon. Chief Minister: Mr Speaker, is the hon. Gentleman talking about the area which was next to the lab, more or less? (*Interjections*) The Mackintosh Wing, along Lower Castle Road? (**Hon. S M Figueras:** Yes.) Mr Speaker, that is the housing that is being developed for elderly occupation.

Hon. Mrs I M Ellul-Hammond: So, Mr Chairman, the Hon. Minister can confirm that this is, in effect, a token figure, till a decision is made as to what that bit is going to be converted to? Yes.

I was just surprised with the £363,000 added to it; I thought the rounded figure of a million would be a good indication of a token figure.

1660 **Hon. G H Licudi:** Certainly more than a token figure, but as I said, the final decision has not been taken as to what is actually going to be done.

1665 **Hon. Mrs I M Ellul-Hammond:** And, Mr Chairman, in relation to subhead 5(g), the Old Naval Hospital Conversion and Refurbishment Works, a million pounds has been earmarked for this. Again, is this a token, albeit a high figure?

Hon. G H Licudi: Sorry, which number?

1670 **Hon. Mrs I M Ellul-Hammond:** Subhead 5(g).

Hon. Miss S J Sacramento: Mr Chairman this is a basic estimate. We are still awaiting a quote for the cost of the redesign of the unit.

- 1675 **Hon. S M Figueras:** Yes, Mr Chairman, one additional point relevant to the Hon. Minister for Transport on the Smart Bikes – subsection (s) which refers to the Smart Bikes. The estimate is for £1,000. Now, I know that they are having these negotiations and discussions with the supplier, and the £1,000 is just a token amount, obviously, to see how things progress – is that the case?
- 1680 **Hon. N F Costa:** Yes, Mr Chairman, as the hon. Gentleman has pointed out in the light of the answers to his questions and the Hon. Mr Bossino's, as a result of these negotiations, we have put a token figure and we will be able to say exactly how much that is in due course, once those discussions have concluded.
- 1685 **Hon. D J Bossino:** If I can ask, Mr Chairman, the Minister for Traffic, presumably that explanation given by the Minister for Transport also applies to item (x) in relation to the plan?
- Hon. P J Balban:** Mr Chairman, that is right: the £1,000 is merely a token figure.
- 1690 **Hon. E J Reyes:** Mr Chairman, on subhead 5(l), the Main Guard, which is, as it says in brackets, the headquarters for the Heritage Trust, although no expenditure was entered into last year, there had originally been an estimate of half a million pounds which was arrived at in consultation with the 'wish list' of the Trust in itself. I see that has now been reduced to £100,000.
- 1695 Is the hon. Member able to say whether it is because the project has been drastically reduced in size or is it because it will be ongoing from one financial year to another, and therefore for this year only a £100,000 is required?
- Hon. S E Linares:** Yes, Mr Chairman, it is exactly what the hon. Member is saying, that it will be phased in. So we are starting the project with the Heritage Trust with £100,000 this year. If more funds are needed this year, they will be put in but we expect it to be more phased in, rather than a one like previously stated, which was the £500,000. That would have been probably the total cost of the whole project, so we are phasing it in.
- 1700 **Mr Chairman:** Subhead 5, Other Projects stands part of the Bill.
- 1705 **Clerk:** Subhead 6, Equity Funding – Gibraltar Investment (Holdings) Ltd.
- Mr Chairman:** Subhead 6, Equity Funding – Gibraltar Investment (Holdings) Ltd stands part of the Bill
- 1710 **Clerk:** That concludes clause 4.
- Mr Chairman:** Clause 4 stands part of the Bill.
- 1715 **Clerk:** Clause 5.
- Mr Chairman:** Clause 5 stands part of the Bill.
- 1720 **Clerk:** Clauses 6 and 7, Gibraltar Development Corporation – Appendix B.
- Hon. D A Feetham:** Mr Chairman, if we go to page 154 – and we were talking about this earlier on – Planned European Structural Funds, £5,661,000, can the Hon. the Minister for Employment confirm that an application for those structural funds has been made; and also whether the application has been made on the basis that the money is going to be used for the funding of Government-sponsored training schemes?
- 1725 **Hon. J J Bossano:** The application that has been made has been made in respect of the ongoing VTS that was approved already on the basis of the new rates. That has gone through and that has been accepted, so the level of funding per individual is now a reflection of the new rate that we are paying, and we are getting 50% of that.
- 1730 But the expectation that is included there, of course, is not yet something that has happened. That is to say, we are providing for what we think will be the possible maximum number of people that will be going through the system, but the hon. Member knows, from the answers we are giving him, that the numbers at present are not at that level. We cannot ask for the money, so that we get the money in case we put so many people through. It has to be substantiated because we do not get money for all the people that we put through, because there are conditions attached to new funding in terms of age and in terms of
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periods of unemployment, which would not necessarily apply to some of the categories that we are putting through the system, given that the employer has got now a say in the selection of a potential trainee, that was not there before.

1740 In terms of the training, for example, in the construction industry, at Gibdock and so on, that is different because there, we are able to increase the numbers ourselves, since there is no employer involved. That is to say, for example – I think the last intake last year was 40 into the Construction Training Centre – if we are able to bring more people in, it will not be on the premise that we have already identified who those people are likely to be working for in two years' time, when they reach NVQ

1745 level 2.
So if we are able to, as a result of putting more resources into construction training, which I have already mentioned in my speech was something that we will be looking at this summer, if we are able to take in 80 instead of 40, then that would be reflected there and it would be reflected in the fact that we ask for more money for that.

1750 But in terms of the people who are in ETCL, the flow of people in ETCL is not something that we can, in anticipation, make a bid for, until the people are already in place, and only in respect of those that meet EU criteria, which will be less than all the people we have.

1755 **Hon. D A Feetham:** Yes, in actual fact most of the people, I think there is a very high percentage of Construction Training Centre trainees, actually eventually found a job, because they are highly qualified.

It is in relation to VTS trainees, where the uptake by employers was less than 50%.

1760 But can he help me with this: was part of the satisfying whoever it is in Europe that actually provides this funding, that the VTS trainees were undertaking Government-sponsored training schemes and also, secondly, is this something that is going to be something that an application is going to be made every single year? Because, of course, one assumes there is going to be an intake of VTS trainees next year. Presumably there will be another application next year.

So there are two questions, essentially.

1765 **Hon. J J Bossano:** There has to be an application made each year under the programme and there has been in the past. Right! In the past, the training courses were for people doing six months and this time they are longer, but in fact, in all the employer-related guaranteed employment, it is only intended to be less than a year, because the ones that are longer than a year are really the ones that are going to be going through a training scheme like the construction training or the nursing training, which have got a requirement that people do so much in a sort of semi-academic environment, in order to get the necessary qualifications.

1770 For example we have got some people who are being trained as cabinet makers. They are being trained as cabinet makers and they are people who had already some carpentry skills. In those areas, although we are getting EU funding – in fact that particular project, for example, has had ERDF funding and EU funding – so what we are doing is that in the money we are getting from the EU to support new business start-ups, there is an element that is included which requires new jobs being created, as part of the condition.

1775 In the new jobs being created, we are also claiming financial support from the ESF and we are funding the other half. So in nearly all those cases, we are talking about annual requirements involving new individuals. In the cases that last more than one year, then it is in cases which are not linked to employers training the trainees, but the organised training like the construction training or Gibdock or the nursing and so forth. So they go beyond a year.

1785 **Hon. D A Feetham:** Yes, but for European purposes and for the purposes of the funds, the VTS employees are being treated as Government-sponsored trainees.

Hon. J J Bossano: Absolutely, yes.

Mr Chairman: Appendix B stands part of the Bill.

1790 **Clerk:** Appendix C, Gibraltar Regulatory Authority.

Mr Chairman: Appendix C, Gibraltar Regulatory Authority stands part of the Bill.

1795 **Clerk:** Appendix D, Borders and Coastguard Agency.

Mr Chairman: Appendix D, Borders and Coastguard Agency stands part of the Bill.

Clerk: Appendix E, Gibraltar Health Authority.

1800 **Hon. Mrs I M Ellul-Hammond:** Mr Chairman, with respect to Recurrent Payments, Ambulance Service, point (5), Salaries: could the Hon. Minister explain the increase from the estimate of 2011-12 of £826,000 to £971,000 as the forecast outturn, and then it is back down for this year's estimate to £889,000, when the staffing numbers have actually stayed the same?

1805 **Hon. Dr. J E Cortes:** Yes, Mr Chairman, this will have been as a result of the Agenda for Change Agreement that considerably increased the salaries of most health workers.

Hon. Mrs I M Ellul-Hammond: Therefore, Mr Chairman, why has the estimate then gone down by £72,000? Why has it not then remained at the £971,000?

1810 **Hon. Dr. J E Cortes:** I suspect that there will have been an element of retrospection involved last year, which would not apply this year. So it has come back down to a more realistic figure, but still above the previous year.

1815 **Hon. Mrs I M Ellul-Hammond:** Mr Chairman, in respect still with the Ambulance Service, point (7) for Allowances, I notice that the estimate allows for a decrease of £100,000 for allowances for the Ambulance Service.

1820 **Hon. Dr. J E Cortes:** It is exactly the same explanation: the allowances were also part of the Agenda for Change.

Hon. Mrs I M Ellul-Hammond: Mr Chairman, continuing with Payments, point (22) – Dressings, Medical Gases and Tests: could the Hon. Minister explain the reduction in £100,000 earmarked for that, please?

1825 **Hon. Chief Minister:** Sorry... Excuse me, it is not a reduction of £100,000 on what is earmarked for that; it is a £200,000 increase on what was earmarked for that.

Hon. Mrs I M Ellul-Hammond: Yes, but £100,000 less than the forecast outturn.

1830 **Hon. Chief Minister:** From the forecast outturn, but £200,000 increase.

1835 **Hon. Mrs I M Ellul-Hammond:** Mr Chairman, in relation to point (23), Provisions, can the Hon. Minister explain what it means by 'Provisions'? Does this include the kitchen and the provisions within the kitchen?

Hon. Dr. J E Cortes: Yes, Mr Chairman.

1840 **Hon. Mrs I M Ellul-Hammond:** Mr Chairman, in relation to point (34), the School of Health Studies Expenses: there has been an increase of funding. Is this to do with the increased bursary for the student nurses?

1845 **Hon. Dr. J E Cortes:** Two reasons: an increase in the bursary; and also the fact that we will be taking another intake of nurses, while the previous intake has one more year to complete, so that this year, we will in fact have two intakes of nurses, one in its final year, one in its first year.

Hon. Mrs I M Ellul-Hammond: Mr Chairman, in relation to point (35), Insurances and Claims: there is a decrease again in the estimate. Is this because the cover has been decreased?

1850 **Hon. Dr. J E Cortes:** Mr Chairman, when it comes to claims, you never know what you may be up against, so one tends to be a little bit conservative in one's provision, because it is something that we cannot predict. There has to be some leeway and so it is slightly less than the previous estimate, less than the forecast outturn, because I suspect that last year, there may have been rather a lot of claims.

1855 **Hon. Mrs I M Ellul-Hammond:** Finally, Mr Chairman, on page 171, under Capital Expenditure, there is £2 million for Works and Equipment and £300,000 for the Colon Cancer Initiative. This figure is also... is this part of what is already under the I&D...?

Hon. Dr. J E Cortes: It is exactly that: it is just shown here for clarity.

1860 **Mr Chairman:** Appendix E, Gibraltar Health Authority stands part of the Bill.

Clerk: Appendix F, Housing Works Agency.

Mr Chairman: Appendix F Housing Works Agency stands part of the Bill.

1865 **Clerk:** Appendix G, Care Agency.

1870 **Hon. J J Netto:** Mr Chairman, if I may, in relation to the establishment figures, as seen on page 176, if the hon. Lady perhaps goes down to the Rehabilitation Centre, I see in the little table being offered there, that the cooks for the Rehabilitation Centre that used to be seen there, in previous financial years, are not seen in the new financial year. So what I would like to know is whether the cooks have been transferred, perhaps, to another place of the Care Agency – perhaps the Mount Alvernia – or is it perhaps because the cooks are now seen within the figures of the industrial staff?

1875 **Hon. Miss S J Sacramento:** Mr Chairman, they are reflected under the industrial staff.

Hon. J J Netto: So basically, now, we have... They have not been transferred; they are still in Bruce's Farm, but the figures are now represented in industrial, as presumably would be the cooks for Mount Alvernia as well?

1880 I think that perhaps if I try to be helpful here: what pages 175 and 176 do provide is where the people are by location, basically.

Now, the problem I have is that if you go to page 175, the top tabulation there, which is Elderly Care, you have all the people working there, including the technical officer, the store supervisors and all of them are there in Mount Alvernia; but we do not see there any cooks.

1885 If you go to page 176 and you go to the tabulation on the Rehabilitation Centre, the figure for cooks was there, but not in the new financial year.

I am just trying to make sense of this, whether the only logical explanation we have is because all cooks, regardless of whether they are in Mount Alvernia or in Bruce's Farm, they are up there, under industrials, because the only other cooks that I can think of are in St Bernadette's.

1890 If we look perhaps at St Bernadette's because... So the cooks at St Bernadette's are not there either, so the only logical explanation is that they are all under industrial staff, within the global figure of industrial staff. Is that the case?

1895 **Hon. Miss S J Sacramento:** Yes, Mr Chairman, they are all reflected under industrial staff and there continue to be cooks at the Rehabilitation Centre and the other places.

1900 **Hon. J J Netto:** Mr Chairman, moving on to, within the Care Agency, Appendix G, on page 178, item (16) which is Special Care Abroad, we have a figure there, an estimate for the new financial year of £896,000. Does the hon. Lady know, or can she tell me, how many people this figure will cover, in terms of placements abroad? Is it four, five or six? It has got to be around that figure.

Hon. Miss S J Sacramento: Is the hon. Gentleman asking for the total figure or the figure for the increase? Is it in relation to the increase or the total figure?

1905 **Hon. J J Netto:** No, no, I am not asking for the increase; all I am asking is, for that amount of money, how many people does it support, in terms of placement abroad – abroad from Gibraltar?

Hon. Miss S J Sacramento: Mr Chairman, it is in relation to six adults and also includes travel.

1910 **Hon. J J Netto:** So six adults, which includes of the six, one child – is that what you said? *(Interjection)* Sorry?

Hon. Miss S J Sacramento: Yes, it is five adults and one child – I beg your pardon, yes.

1915 **Hon. J J Netto:** And is the placement in the UK or, given the circumstances of this particular person, perhaps in another country?

Hon. Miss S J Sacramento: Mr Chairman, I believe I have already answered this question in response to Parliamentary questions.

1920 On a confidential basis, I am happy to remind the hon. Member confidentially, but not now, Mr Chairman.

1925 **Hon. J J Netto:** Mr Chairman if I may, if the hon. Lady goes to page 179, item (39), Health and Safety Expenses, I see an estimate of £1,000. Although we are not talking about a huge amount of money, I see that the estimate for the previous financial year was £10,000 and the forecast outturn £9,000. Now, £1,000 in relation to £10,000 is almost like a drop of 90%. Can the hon. Lady explain why the drop by such an amount?

1930 **Hon. Miss S J Sacramento:** Mr Chairman, this is because previously Health and Safety was sub-contracted to a private entity, and it no longer is; it will now be undertaken in-house, under the auspices of the Minister with responsibility for Health and Safety, and obviously the saving is reflected in the Estimates.

Mr Chairman: Appendix G, Care Agency stands part of the Bill.

1935 **Clerk:** Appendix H, Gibraltar Port Authority.

1940 **Hon. D J Bossino:** Mr Chairman, can I ask the Minister responsible for the Port for an explanation which accounts for the increase under (19), described as 'Inspections', from I think there is a forecast outturn for this year of £75,000 – a decrease rather – and then it decreases to £10,000? Why is that the case, given that in previous years we have a figure... the actual expenditure last year was £96,000 and an estimate was made of £100,000?

1945 **Hon. N F Costa:** Yes, Mr Chairman, previously the work was sub-contracted and now we have a bunkering superintendent in the Gibraltar Port Authority, which explains the variance.

The subcontractor payment was for £90,000 and of course, now that we have a person in post, there is a salary which does account for the saving, of course, and it is much better to have someone working in-house.

1950 **Mr Chairman:** Appendix H, Gibraltar Port Authority stands part of the Bill.

Clerk: Appendix I, Gibraltar Electricity Authority.

1955 **Hon. Mrs I M Ellul-Hammond:** Mr Chairman, in relation to point (30), GHA Related Expenditure, the Authority is estimated at spending £33,000. Could one of the hon. Members opposite explain what this figure is in relation to?

1960 **Hon. Dr. J E Cortes:** The electrical services of the Health Authority are in fact provided by the Electricity Authority and that will explain why there is a payment. I suspect that perhaps there may have been an overlap as to whether the payment was made before or after the financial year.

But as I say, the relationship is that the electrical services are provided by the Electricity Authority, and are not provided by GHA personnel.

Mr Chairman: Appendix I, Gibraltar Electricity Authority stands part of the Bill.

1965 **Clerk:** Appendix J, Gibraltar Sports and Leisure Authority.

1970 **Hon. E J Reyes:** Mr Chairman, under Payments, subparagraph (21), it says 'Hockey Pitches' and then there is a small roman numeral (ii). I believe that is possibly a misprint or typographical error and it should be a '(iii)' instead, corresponding to the note at the bottom that says:

'From 2011/2012 Hockey Pitches expenses included under (10) Running Expenses'.

Am I correct in that assumption?

1975 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Yes, Mr Chairman, I am grateful for the hon. Gentleman to have noted that. So it has been noted.

Thank you very much.

1980 **Mr Chairman:** Appendix J, Gibraltar Sports and Leisure Authority stands part of the Bill.

Clerk: Appendix K, Gibraltar Culture and Heritage Agency.

1985 **Hon. E J Reyes:** Mr Chairman, there is, in the Establishment, there is a provision for one Technical Grade 4. Looking at the very back of the Book, on page 227, where the salaries are given for Technical Grades 2 and 3, there has been an omission of Technical Grade 4. So that is missing from the actual printout here. We have no idea what that salary scale or range would be.

1990 **Hon. S E Linares:** Yes, Mr Chairman, there is an omission there, but this officer in the general Establishment is an officer who is seconded from the Civil Service into the Agency, and has been, sort of, 'slotted into' the Technical Grade 4, because it was a type of personal to holder, but it is equivalent to a Technical Grade 4. I realise there is not, at the back, a Technical Grade 4.

1995 This can be included and because of the information given at the beginning of the Culture and Heritage Agency and it is to do with the halfway restructure that has been going on; but there will be a Technical Grade 4 added at page 227, which has been highlighted by the hon. Gentleman.

Hon. E J Reyes: I am grateful, Mr Chairman but can I, in a cordial and friendly manner, advise the Minister, if the person has been seconded, then one has to be careful that he is not accounted for both in his permanent and pensionable Department and then here.

2000 For example, I did not raise an eyebrow, if we go back to the Sports and Leisure Authority, I know because of my tenure as Minister there, other than all those listed here from Grades 1 to 13, there is an actual operative who was seconded from our Department and therefore does not appear under this heading, because I believe he actually comes from Technical Services.

2005 *So de jure*, his head of Department is someone in Technical Service and on a day-to-day basis, he actually reports physically to ensure that his time keeping is correct to the Chief Executive of the Sport and Leisure Authority and that has been working fine for many years. So rightly so, the Sports and Leisure Authority does not account for him in its Establishment here, because he still appears on the other side.

2010 I just want to make the hon. Member aware – and he does not have to give me an answer today – that he should double-check that we do not have a double accounting for this individual and then one day our figures do not tally. Had he still been accounted under the other one, there would have been no need for me to ask what a Technical Grade 4 salary range would be.

2015 **Hon. S E Linares:** Yes, this is the information that was given by the Head of the Culture, because it happens to be on the Culture side, and she actually equated him to a Grade 4. So I appreciate what the hon. Member is saying and I will look and see that there is not a doubling up. Apparently, this is also subject to a question –

Hon. E J Reyes: Yes, I was going to say, Mr Speaker, I did give notice of the question –

2020 **Hon. S E Linares:** – to a question which has been put to the –

Mr Chairman: Order!

2025 **Hon. E J Reyes:** Yes, it might be very useful for the Minister if I actually leave the question in, because it allows him an opportunity to then answer back in Parliament.

If, however, I do get the information in some other format, then I will inform the Chairman, in his capacity as the Speaker of the House, that I might even withdraw the question at that moment in time, if within the week's space, I have received the answer.

2030 But we will wait and see and we will sort it out in an amicable manner. All we want to do is to make sure we all have the correct details for any future reference.

Hon. S E Linares: Mr Chairman, I will be happy to answer the question when it is posed, and we can air it out here, no problem.

2035 **Mr Chairman:** Appendix K, Gibraltar Culture and Heritage Agency stands part of the Bill.

Clerk: That concludes clauses 6 and 7.

2040 **Mr Chairman:** Clauses 6 and 7 stand part of the Bill.

Clerk: The Schedule, Parts 1 to 5.

Mr Chairman: The Schedule, Parts 1 to 5 stand part of the Bill

2045 **Clerk:** The Long Title .

Mr Chairman: The Long Title stands part of the Bill.

2050

Magistrates' Court (Amendment) Bill 2012
Clauses considered and approved

2055 **Clerk:** A Bill for an Act to amend the Magistrates' Court Act.
Clause 1.

Mr Chairman: Clause 1 stands part of the Bill.

2060 **Clerk:** Clause 2.

Mr Chairman: Clause 2 stands part of the Bill.

Clerk: The long title.

2065 **Mr Chairman:** The long title stands part of the Bill.

The House resumed.

2070

BILLS FOR THIRD READING

2075 **Appropriation Bill 2012**
Magistrates' Court (Amendment) Bill 2012
Third Readings approved; Bills passed

Clerk: The Hon. the Chief Minister.

2080 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Appropriation Bill 2012 and the Magistrates' Court (Amendment) Bill 2012 have been considered in Committee and agreed to.

I now move that they be read a third time and passed.

2085 **Mr Speaker:** I now put the question which is that the Appropriation Bill 2012 and the Magistrates' Court (Amendment) Bill 2012 be read a third time and passed. Those in favour –

Hon. Chief Minister: Mr Speaker, I call for a division on the votes.

2090 **Mr Speaker:** Those in favour of the Appropriation Bill 2012. (**Several Members:** Aye.) I think we take the voices first, then we take a poll, as the Hon. Chief Minister has asked for.

Those in favour of the Appropriation Bill 2012. (**Members:** Aye.) Those against. Passed.

Mr Speaker: In view of the request for a poll, the – (*Interjection and laughter*)

2095 **Clerk:** Is it on the Magistrates' Court (Amendment)?

Hon. Chief Minister: No, no, on the –

2100 **Clerk:** On the Appropriation? Right.

Mr Speaker: On the Appropriation.

In that case, before we proceed on that, perhaps the Clerk will call out the names of all the Members in alphabetical order. (*Interjections and laughter*)

2105 **Clerk:** Just waiting for a list.

Mr Speaker: I think the request by the Chief Minister has caught the Clerk totally unprepared! We do not have an alphabetical list of Members. *(Laughter)*

2110 **Hon. D A Feetham:** Mr Speaker, I have not actually looked at the Rules in relation to this, but –

Mr Speaker: Any Member may call for a poll.

2115 **Hon. D A Feetham:** Even when there is no question that we are going to be voting in favour, not against the Bill?

Mr Speaker: There is no requirement, is my understanding, for there to be any –

2120 **Hon. D A Feetham:** I have not looked at it, as I said –

Mr Speaker: No, my understanding is that any Member may, after the voices are heard, ask for a poll to be taken.

We are looking at Standing Order 53(2):

2125 ‘At the conclusion of a debate the question shall be put by the Speaker and the votes may be taken by voices Aye or No and the result shall be declared by the Speaker, but any Member may claim a division when the votes shall be taken by the Clerk asking each Member separately how he desires to vote and recording the votes accordingly.’

2130 **Hon. D A Feetham:** Isn’t it the interpretation of the words ‘may claim a division’?

Mr Speaker: That is what the Hon. the Chief Minister has requested. *(Interjections)*

One must bear in mind, in the House of Commons, in most cases, the Members actually do troop out of the House behind the Speaker’s Chair into either the Aye or the No lobbies, so it is a different manner of proceeding generally.

2135

Hon. Chief Minister: That is what the House dividing is about. The House divides into the lobby to vote.

2140 **Mr Speaker:** Is the Clerk ready?

Clerk: More or less!

A division was called for and voting resulted as follows:

2145 Ayes 16, Noes 0

FOR	AGAINST
Hon. P J Balban	None

2150	Hon. J J Bossano
	Hon. D J Bossino
	Hon. C A Bruzon
	Hon. Dr. J E Cortes
	Hon. N F Costa
2155	Hon. Mrs I M Ellul-Hammond
	Hon. D A Feetham
	Hon. S M Figueras
	Hon. Dr. J J Garcia
	Hon. G H Licudi
2160	Hon. S E Linares
	Hon. J J Netto
	Hon. F R Picardo
	Hon. E J Reyes
	Hon. Miss S J Sacramento

2165 **Absent:** Hon. P R Caruana

Mr Speaker: The Appropriation Bill –

2170 **Clerk:** I beg your pardon! We have left out the Hon. S J Sacramento.

Hon. Miss S J Sacramento: Yes, Mr Speaker.

Several Members: Hear, hear! (*Applause*)

2175 **Mr Speaker:** I think that vote was anticipated, because the note here says 16 in favour. (*Laughter*)
The Appropriation Bill 2012 is carried unanimously, subject to one absent.
Those in favour of the Magistrates' Court (Amendment) Bill 2012. (**Members:** Aye.) Those against.
Carried.

2180

Procedural

2185 **Clerk:** The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I have the honour to move that this House do now adjourn to Thursday, 19th July, at 9.15 a.m. and I give notice to the House, Mr Speaker, that Chief Minister's Question Time will not be on Thursday afternoon, as a result of a discussion between me and the Leader of the Opposition. It will now be on Friday morning, but the House will sit for other Questions on Thursday.

2190

Mr Speaker: I now propose the question which is that this House do now adjourn to Thursday, 19th July 2012 at 9.15 a.m.

2195 I now put the question which is that this House does now adjourn to Thursday, 19th July 2012 at 9.15 a.m. Those in favour. (**Members:** Aye.) Those against. Passed.

This House will now adjourn to Thursday, 19th July 2012 at 9.15 a.m.

The House adjourned at 5.25 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.20 a.m. – 12.43 p.m.

Gibraltar, Thursday, 19th July 2012

The Gibraltar Parliament

The Parliament met at 9.20 a.m.

5

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

10

SUSPENSION OF STANDING ORDERS

15

**Standing Order 7(1) suspended
to lay a report on the Table**

Clerk: Sitting of Parliament, Thursday, 19th July.
Suspension of Standing Orders, the Hon. the Chief Minister.

20

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with the laying of a Report on the Table.

Mr Speaker: Those in favour. (**Members:** Aye.) Those against. Carried.

25

DOCUMENTS LAID

30

Papers laid before the House

Clerk: Papers to be laid, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the Table the Annual Report of the Gibraltar Regulatory Authority for the year ended 31st March 2012.

Mr Speaker: Ordered to lie.

SUSPENSION OF STANDING ORDERS

**Standing Order 7(1) suspended
to proceed with answers to Questions**

Clerk: Suspension of Standing Orders, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order proceed with answers to Questions.

Mr Speaker: Those in favour. (**Members:** Aye.) Those against. Carried.

Questions for Oral Answer

DEPUTY CHIEF MINISTER

Notre Dame School extension Consultation with Development and Planning Commission

Clerk: Answers to Oral Questions.
Question 670, the Hon. S M Figueras.

Hon. S M Figueras: Yes, Mr Speaker. Can the Hon. Deputy Chief Minister confirm whether information and guidance from the DPC has been sought in relation to the extension to Notre Dame School announced by the Hon. Minister for Education during his speech at the 2012 Budget session?

Clerk: Answer, the Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr. J J Garcia): Mr Speaker, yes.

Hon. S M Figueras: I am grateful, Mr Speaker.

HOUSING AND THE ELDERLY

Government rental flats Outstanding works

Clerk: Question 637, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Government provide an explanation as to why the Minister for Housing and the Minister for Health both had a different answer to the number of outstanding works that need to be undertaken in Government flats as a result of reports made by the Occupational Department of the GHA in the last sitting of Parliament, and in addition state what the actual number of outstanding works are, the cost involved and whether such works are expected to be carried out in this new financial year of 2012-13?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, the reason why the Minister for Housing and the Minister for Health each had different answers to the questions regarding occupational therapy reports is because the question submitted to each Minister was worded differently, such as to cause divergence in interpretation.

Whilst the question put to the Minister for Health can only be interpreted to request the number of *outstanding* OT reports, the question put to the Minister for Housing can be, and in fact was, interpreted to request the total number of reports *originated* – not outstanding – by the OT department.

There are currently 43 outstanding OT works, each estimated to cost in the region of £2,000 – sorry, ‘£2k’ – and it is expected that all currently outstanding works will be completed during the current financial year.

Hon. J J Netto: I am grateful, Mr Speaker.

Government rental flats Details of those empty and awaiting repairs

Clerk: Question 638, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Housing confirm, further to his answer given to Question No. 531/2012, how many flats are currently empty and awaiting repairs, giving a breakdown in respect of:

- (a) pre-war and post-war flats;
- (b) flat size composition;
- (c) the dates as from when these flats have been empty;
- (d) the nature of repairs which are required to be undertaken before they may be reallocated?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

Given that the hon. Member is requesting this information at each meeting of Parliament, in order to facilitate access to the data requested to him and to members of the general public, it will be added to the statistics published on the Government website on a monthly basis and will therefore mean that he will have the information without having to ask for it.

In addition, the information requested at Questions 639 to 647, 649 to 652 and 655 will also be published on the Government website.

ANSWER TO QUESTION 638

Further to my answer given to Question No. 531 of 2012, up to 121 flats are currently empty and awaiting repairs.

Table 1 shows the number of empty flats for cleaning/refurbishment (post and pre-war) by room composition.

Table 2 highlights the number of empty flats per year and room composition. Specific dates per flat cannot be provided.

The following table provides the required breakdown:-

Table 1 - By room composition (post and pre-war)

Category Type					
Composition	Refurbishment Technical Decision		Cleaning		Total
	Pre-War	Post-War	Pre-War	Post-War	
6RKB	3				3
5RKB	3				3
4RKB	16	5	1		22
3RKB	25	25	4		54
2RKB	15	12	1		28
1RKB	4	7			11
Sub-Total	66	49	6		121

Table 2 - Empty flats awaiting refurbishment/cleaning per year

	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	TOTALS
6RKB	2						1					3
5RKB		1	1								1	3
4RKB	2	11	3	4	1	1						22
3RKB	9	34	6	1		2	2					54
2RKB	6	14	4	2					2			28
1RKB	1	5	2	1						1	1	11
TOTAL	20	65	16	8	1	3	3		2	1	2	121

Hon. E J Reyes: Mr Speaker, I seem to have most of the information required here; however, in relation to my sub-paragraph (c), I was requesting the dates from when these flats have been empty, and I do not quite feel I have got the full information requested there.

135 **Hon. C A Bruzon:** Mr Speaker, if the information has not been provided, there must be an explanation. I will do my best to forward this information to him, if possible, as soon as I can.

Hon. E J Reyes: I am most grateful, Mr Speaker.

140 **Hon. J J Netto:** Mr Speaker, can I ask a minor question, just simply for clarification purposes?
Looking at the first table at the top there, under the column of 'Refurbishment Technical Decision', what is the scope that encompassed technical decisions? What I am thinking aloud, just to give the hon. Member an example, is are we talking about obviously refurbishment in terms of carpentry, plumbing, but in addition to that which would be done by the Housing Works Agency? But in addition to that, are we also talking about when the electricians, the one in Wellington Front, also have to provide new installations to flats? Will that come under this category or, will that be something different?

145 **Hon. C A Bruzon:** I will find out for him. I do not know the answer to that, Mr Speaker. I do not want to guess. What you want to know – if I may just make sure that I have understood the question – is whether the electrical work done by the official electrical department forms part of this or not. Is that what you want to know?

150 **Hon. J J Netto:** At the end of the day, Mr Speaker, all I want to know is... just to look at the definition of whatever is meant by 'technical decision'. What does it encompass? Does it mean normal refurbishment work in the flat, does it mean electrical, and perhaps I am even missing some other type of work which is not to do with the other column, which is to do with cleaning. So all I am trying to do is to understand what comes under that particular category.

155 **Hon. C A Bruzon:** I imagine, Mr Speaker, that it means exactly what the hon. Gentleman is implying: general jobs linked with the refurbishment of the flat, anything to do with the internal equipping of the flat to make sure that it is ready for allocation.

160

**Unsafe dwelling report
Numbers requiring urgent decanting**

Clerk: Question 639, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing confirm, further to his answer given to Question No. 532/2012, how many reports of unsafe dwellings are currently pending and how many of these require urgent decanting due to Health and Safety considerations?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, further to my answer to Question No. 532/2012, I can confirm that there are no reports of unsafe dwellings currently pending which require decanting due to Health and Safety considerations.

Hon. E J Reyes: Mr Speaker, my question was not how many were due to Health and Safety; it said how many unsafe dwellings are currently pending and, if there are any pending, are there any that fall then into the category that require urgent decanting due to Health and Safety.

The Hon. Minister might have to end up giving me the same answer, but for the sake of clarity, the question was how many reports of unsafe dwellings. If it is zero, then subsequently the next part is also zero, but there could be two, and then, of those two, have any of those required urgent decanting due to Health and Safety?

Hon. C A Bruzon: I will try, next time, to give him the answer in two parts. I have understood it to mean whether there are any pending, and there are none.

**Government rental flats
Breakdown of jobs pending or incomplete**

Clerk: Question 640, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing confirm, further to his answer given to Question No. 533/2012, how many jobs are currently listed as pending/incomplete in Government rental flats, giving a breakdown of internal and external repairs, as well as stating the general nature of the works and by whom these are being carried out, broken down into categories of both pre-war and post-war housing stocks?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

I can read out at least the general answer that: since my answer to Question 533, there are 619 internal jobs currently listed as pending; and since my answer to Question 533, there are 3,491 external jobs currently listed as pending.

ANSWER TO QUESTION 640

I submit a reply to this question primarily broken down by (a) internal jobs and (b) external jobs, as follows:

- (a) Since my answer to Question No. 533, there are 619 internal jobs currently listed as pending within the Housing Works Agency. These jobs are categorised as follows:-

Work Category – Internal Repairs	Pre-war	Post-war	Total
Bath for shower conversion	1	18	19
Bathroom Unit replacement	3	37	40
Carpentry repairs	21	112	133
Cleaning of flat	7	3	10
Drains, rodding and cleaning	1	5	6
Emergency repairs	1	16	17
Masonry repairs	14	54	68
O/T Repairs/refurbishments	0	22	22
Painting	6	81	87
Plumbing repairs	14	157	171
Refurbishment – empty flats	9	37	46
TOTAL	77	542	619

- (b) Since my answer to Question No. 533, there are 3491 external jobs currently listed as pending to be carried out by external works contractors. External jobs vary in nature ranging from repairs to building fabric, to waterproofing/roofing. It is impossible to deliver a detailed categorisation of all 3491 jobs. The following condensed categorisation applies:

Work Category – External Repairs	Pre-war	Post-war	Total
External Building Contractors	564	2043	2607
Windows Replacement Contractors	101	783	884
TOTAL	665	2826	3491

Hon. E J Reyes: Mr Speaker, can the hon. Minister guide me a bit through this schedule? I have got the figures here, but the part saying... The general nature of the works is shown in the first part, for example, the bath or shower conversion and so on, but then I asked by whom these were being carried out. Is that contained in the schedule or does he have the answer in addition to this?

Hon. C A Bruzon: I think the answer will be in another question, Mr Speaker, but any internal jobs, of course, are carried out by the Housing Works Agency staff themselves and/or small companies that are called in to help out. External jobs, of course, are organised by the Housing Technical Staff based at the City Hall.

Hon. E J Reyes: Thank you, Mr Speaker.

So, as a follow-up of that, if internal jobs are either handled by the Agency or contracted out, I am missing details of who are the contractors who are being allocated these tasks.

Hon. C A Bruzon: I think the hon. Member will see that the contractors and the small businesses that do the works are part of our other answers to questions that he has asked.

Hon. E J Reyes: Okay, Mr Speaker, I accept that for now. Yes.

Clerk: Question –

Hon. J J Netto: Mr Speaker, if I may –

Mr Speaker: The Hon. Jaime Netto.

Hon. J J Netto: – it is just that I am looking at the figures being provided by the Hon. Minister and I notice that, in terms of OT repairs/refurbishment works, there is a total outstanding in that column of 22, and I am just thinking aloud, given that in Question 637 the hon. Member said that there was a total of 43 OT works outstanding, is there an explanation for the difference of those two figures?

Hon. C A Bruzon: I have not got an exact answer for that. I am just going to suggest that the figures given here refer to certain types of work. Maybe the others refer to bath-to-shower conversion, but I am not 100% sure.

What I could do, if the hon. Member wants the exact explanation, is I could put the question to my technical staff and answer it in another question next time, maybe, (*Interjection*) or you write to me in my... (*Interjection*) Sí.

Hon. J J Netto: Yes, Mr Speaker. I suppose that if the hon. Member can write to me with an explanation as to why, it would probably be much simpler and easier to see – there must be a reason for it, obviously – why we have two different figures and what is the logic behind it.

I would be grateful for that, Mr Speaker.

Hon. C A Bruzon: I think I may be beginning to have an answer for the hon. Gentleman. The general question asked earlier this morning refers to outstanding works or works reported to the occupational therapist as requiring attention. This refers to the actual physical jobs that are being done this month. (**Hon. J J Netto:** Oh?) That is what I suspect, but I will make 100% sure and come back to him.

Hon. D A Feetham: That cannot be right, can it, because it says... The question was:

‘Can the Minister for Housing confirm, further to his answer given to Question No. 533/2012, how many jobs are currently listed as pending/incomplete...’

But anyway, if you could write to the Hon. Mr Netto and also write to the Hon. Mr Reyes in relation to all the other queries that we have raised, we would appreciate it.

Hon. C A Bruzon: I will be glad to do that, Mr Speaker.

**Government rental flats
Numbers empty and available for reallocation**

Clerk: Question 641, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing state how many flats have become empty and therefore available for reallocation since his answer to Question No. 534/2012?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Since the answer given to Question No. 534/2012, 14 flats have become empty and therefore are available for reallocation.

**Homeless persons
Applications for housing**

Clerk: Question 642, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing confirm, further to his answer given to Question No. 535/2012, how many applications for housing from homeless persons are currently being dealt with, indicating the dates when these applications were made?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): I will now hand the hon. Member a schedule containing the information requested.

ANSWER TO QUESTION 642

A total of 19 applications for housing from homeless persons are currently being dealt with.

The breakdown of dates as from when these applications were made is as follows:

June 2010	2
October 2010	1
November 2010	4
December 2010	1
March 2011	1
May 2011	1
September 2011	1
January 2012	2
March 2012	3
April 2012	3

**Government rental flats
Repairs completed**

Clerk: Question 643, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing state how many tenants, since his answer to Question No. 536/2012, have had their pending repairs completed in respect of Government rental flats, giving a

305 breakdown of how many were internal and external repairs and broken down into categories of both pre-war and post-war housing stock?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

310 **Minister for Housing and the Elderly (Hon. C A Bruzon):** I will now hand the hon. Member a schedule containing the information requested.

There have, in fact, been a total of 423 tenants who had 539 jobs completed. The details are on the schedule.

ANSWER TO QUESTION 643

Since the answer given to Question No.536 of 2012, there have been a total of 423 tenants that had 539 jobs completed, as follows:

INTERNAL

	Completed jobs	No. of tenants
Pre-War	38	29
Post-War	272	209
TOTAL	310	238

EXTERNAL

	Completed jobs	No. of tenants
Pre-War	109	92
Post-War	120	93
TOTAL	229	185

315

**Government rental properties
Number of tenants requiring works**

Clerk: Question 644, the Hon. E J Reyes.

320

Hon. E J Reyes: Can the Minister for Housing confirm, further to his answer to Question No. 537/2012, how many tenants are currently listed as requiring works to be done by Government as landlords, broken down into categories of both pre-war and post-war housing stock?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

325

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, further to my answer to Question No. 537/2012, 1,570 tenants are currently listed as requiring works to be done by Government as landlords, of which 251 reside in pre-war flats and 1,319 reside in post-war flats.

330

**Government rental flats
Breakdown of jobs completed**

Clerk: Question 645, the Hon. E J Reyes.

335

Hon. E J Reyes: Can the Minister for Housing state how many jobs, since his answer to Question No. 538/2012, have been completed in respect of Government rental flats, giving a breakdown of how many were internal and external repairs and the nature of works undertaken broken down into categories of both pre-war and post-war housing stocks?

340

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

The general answer is that a total of 573 jobs have been completed in respect of Government rental flats.

Out of this total, 344 jobs were internal jobs completed by the Housing Works Agency and 229 were external jobs completed by the Ministry for Housing. The details are on the schedule that is being handed to them now.

ANSWER TO QUESTION 645

A total of 573 jobs have been completed in respect of Government rental flats.

Out of this total, 344 jobs were internal jobs completed by the Housing Works Agency and 229 were external jobs completed by the Ministry for Housing. These are further broken down as follows:

Work category – Internal repairs	Pre-war	Post-war	Total
Bath for shower conversions	-	2	2
Bathroom unit replacement	-	4	4
Carpentry repairs	3	24	27
Cleaning of flat	3	4	7
Drains, rodding and cleaning	1	7	8
Emergency repairs	23	134	157
Masonry repair	-	10	10
Other – asbestos removal	1	1	2
Painting	-	10	10
Plumbing repairs	13	103	116
Refurbishment – empty flat	-	1	1
TOTAL	44	300	344

Work category – External repairs	Pre-war	Post-war	Total
General	76	23	99
Letterboxes	33	90	123
Lifts	-	7	7
TOTAL	109	120	229

Hon. E J Reyes: Mr Speaker, for the sake of my own clarity, the 344 jobs that were carried out by the Housing Works Agency, it obviously follows, were carried out by the employees of the Agency themselves. However, the external jobs that were completed by the Ministry for Housing – who actually carried out those works? Is it contractors that the Ministry for Housing took on, or who undertook the task?

Hon. C A Bruzon: Absolutely right, yes, Mr Speaker, the external jobs that are organised by the staff of the City Hall are big external jobs. The Housing Works Agency, which is responsible for carrying out internal refurbishment and cleaning of flats, sometimes require assistance, and for this purpose they employ small companies – not the kind of company that would be contracted to carry out much larger external works.

Hon. E J Reyes: Would the Hon. Minister have any details of which were the companies involved?

Hon. C A Bruzon: I think the answer to that question will appear later on in the Order Paper.

Clerk: Question –

Hon. J J Netto: Mr Speaker, can I try and expand, if I can, a little bit what the Hon. Minister is saying in terms of the big jobs – I think I am using his own words, ‘big jobs’ – that are outsourced from the City Hall, as opposed to the Housing Works Agency? Could he elaborate, perhaps, what he means by the big jobs?

Is he actually saying ‘big jobs’ in the sense that it is a certain threshold as far as cost is concerned, beyond which they would go to the private contractors; or is it that it is a specific type of work that may

375 go to contractors; or is it perhaps that some works, regardless of the cost or the type, may have gone to the Housing Works Agency for a considerable period of time, upon which then the Housing Department in the City Hall may decide there have been people waiting for too long and it is about time that the work gets done?

Is there a definition of what we mean by 'big jobs'?

380 **Hon. C A Bruzon:** I think I can explain it quite simply by saying that external jobs that I have described as 'big jobs' entail scaffolding, fixing of roofs, that kind of thing. Smaller internal jobs are inside the house and are done by the Housing Works Agency, sometimes with the assistance of small companies.

385 **Hon. J J Netto:** I understand that, Mr Speaker, but what I am trying to establish is whether... Is it just roofs, the only thing that goes outsourced, or is it that there are other types of works which may have a cost value beyond which there is a line and you say, 'Well, look, this is just too big and therefore whatever is beyond x or y then goes...' That is what I am trying to...

390 **Hon. C A Bruzon:** Yes, I think I understand what the hon. Gentleman is trying to get at. As far as I know, there is no cost value or red line, which if you cross it has to go to a big company. It is just that the nature of the work required, if it is outside the building, often enough requires scaffolding. If it is on the roof, you require certain paraphernalia to make it safe.

395 The internal jobs – things like plastering, plumbing – are done inside the flat by the small companies or by the Housing Works Agency staff themselves.

Hon. J J Netto: When – to use your own phrase – a 'big job' goes out, and to just follow the example that you gave us, in terms of being a roof perhaps, just to follow the example, does the Housing Department, before engaging a particular company...? Is it just the same company, JBS, or is it perhaps a number of companies, and before engaging whatever company it is, they cross-reference the details of that company, perhaps with Employment, Income Tax, Social Insurance, to ascertain that they are a *bona fide* company as far as being compliant with Income Tax and the Social Insurance Department?

405 **Hon. C A Bruzon:** Mr Speaker, the answer to the first part of the question will be clear later on on the Order Paper, because there are names of companies... (*Interjection*) Companies are mentioned later on.

Hon. J J Netto: Okay.

410 **Hon. D A Feetham:** Mr Speaker, I still do not understand what he means by 'big jobs' because he seems to be referring to, or using as a criteria for big jobs, scaffolding, but of course you can hire a scaffolding company to just simply raise scaffolds, and then the people from within the relevant Government Department or Agency can do the painting, for example, or remove and replace windows.

415 Does he not have any criteria as to what amounts to a 'big job' – which are his words – therefore providing us with information as to the criteria used for the outsourcing of work?

Hon. C A Bruzon: Mr Speaker, I would like to move away from my definition – 'big job' – if I may. I think a simpler way of understanding this is to take the external works: works that are external to the building, whether it is roof or outside walls are often enough done by companies contracted to do the work by the technical staff in the City Hall.

420 Jobs inside the flat are done by the Housing Works Agency staff or by the smaller companies that come to the help of Government, so that we can speed up the process and make flats available for our tenants, for our applicants.

425 **Hon. D A Feetham:** So, is he then saying – so that I can get this right – that, effectively, the distinction is between external work and internal work? External work is outsourced; internal works are done internally.

430 But you will appreciate that that distinction is also problematical because not every external job is effectively a large job that is beyond the expertise or the manpower of the relevant Government Department or Agency. So I do not think, with respect to the Hon. Minister, that that can be right. But if that is the answer, that is the answer.

Hon. C A Bruzon: I think the hon. Member makes a valid point.

We are, in fact, trying to find the right formula, the right definitions. In general, I think, and for the future, what we would like to achieve is to have a body of workers within the Housing

435 Department/Housing Works Agency who can tackle more difficult jobs, heavier jobs – ‘big jobs’, if I may go back to my previous phrase – that cannot be done by the Housing Works Agency staff.

I have not got a clear-cut definition, Mr Speaker, but the hon. Member is right in saying that if we talk about just external and internal jobs... and in a sense we are trying to move away from that, even though I have just made an attempt to give an explanation by using that phraseology. We are trying to establish a way of carrying things out so that the Housing Works Agency staff do the kind of works that are within their capability to do, and if they cannot, then we contract other companies to do the work.

445 **Hon. D A Feetham:** Yes, so effectively the answer, then, is really that there is an assessment made by the technicians within the relevant Government Department or the Agency as to whether they have the expertise and the manpower, amongst other things, to conduct the job. If the judgement is that they do not, then it goes externally. If they do, whether it is external or internal works, they undertake the work. But the judgement is exercised by the technicians or the technical people within the Department or Agency – is that the case?

450 **Hon. C A Bruzon:** I believe that is correct, Mr Speaker, yes.

Housing Ministry New jobs requiring attention

Clerk: Question 646, the Hon. E J Reyes.

460 **Hon. E J Reyes:** Can the Minister for Housing state how many new jobs have been added to the list requiring the attention of the Housing Ministry since the answer given to Question No. 539/2012, stating the type of work required to be undertaken and broken down into categories of both pre-war and post-war housing stock?

465 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, I now hand the hon. Member a schedule containing the information requested.

There are a total of 515 new jobs that have been added to the list, of which 109 are external works and 406 are internal, and the details are on the schedule that is being handed to the hon. Members.

ANSWER TO QUESTION 646

A total of 515 new jobs have been added to the list of which 109 are external works and 406 are internal works, as follows:-

External Works			
Work Category	Pre-War	Post-War	Total
Window, Shutters	5	40	45
Plumbing	1	16	17
External	8	22	30
Letter Boxes	1	16	17
Total	15	94	109

Internal Works			
Work Category	Pre-War	Post-War	Total
Bathroom Unit replacement	-	3	3
Carpentry repairs	3	34	37
Cleaning of flat	2	4	6
Drains, rodding and cleaning	1	10	11
Emergency repairs	24	133	157
Masonry repair	5	16	21
Letterbox repairs	-	2	2
O/T Repairs/Refurbishment	-	3	3
Painting	1	11	12
Plumbing repairs	12	136	148
Refurbishment – Empty flats	2	4	6
Total	50	356	406

Housing Ministry
Number of jobs contracted out

475 **Clerk:** Question 647, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing state how many jobs have been contracted out, stating the date, type of work, estimated cost and to which companies, by the Housing Ministry, since the answer given to Question No. 540/2012 and broken down into categories of both pre-war and post-war housing stock?

480

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, I now hand the hon. Member a schedule containing the information requested.

ANSWER TO QUESTION 647

Since the answer given to Question No. 540 of 2012, the Housing Ministry has contracted 8 jobs as follows:-

Date	Work Category	Estimated Cost	Company	Type of Housing Stock
19/06/12	Duct Panel Repairs	£655	Skybridge	Post-War
26/06/12	Absestos Removal	£470	Skybridge	Post-War
26/06/12	Plumbing Repairs	£350	Mersey Castle	Post-War
28/06/12	Absestos Removal	£290	Skybridge	Pre-War
03/07/12	Duct Panel Repairs	£545	Skybridge	Post-War
05/07/12	External repairs	£6,000	On the level	Post-War
09/07/12	External Repairs	£870	Greenarc	Post-War
11/07/12	Plumbing Repairs	£450	First Gib Scaffolders	Post-War

485 **Hon. E J Reyes:** Mr Speaker, may I ask the Hon. Minister, is this the schedule that is supposed to contain the information that I asked for before – which were the companies involved?

Hon. C A Bruzon: Partly, yes, but I think there is more to come, Mr Speaker.

490

Hon. E J Reyes: If there is more to come, I will wait, Mr Speaker.

Clerk: Question 648.

495 **Mr Speaker:** No, the Hon. Jaime Netto.

Hon. J J Netto: Just a second, I just want to cross-reference something with the [inaudible].

Mr Speaker, just by looking at the type of work category, it seems to be asbestos removal in the main, with a connection by the same company on duct panel repairs, and even looking at the estimated cost... Admittedly, this is since the previous question was asked in Parliament. By definition it does not look like we are talking about big money here, mainly small money.

500

What was the trigger point, perhaps, of engaging this particular company? Is it because the expertise was not available in-house in the Housing Works Agency, or was it some other trigger point for outsourcing this particular type of work?

505

Hon. C A Bruzon: Mr Speaker, I have done my best to give the statistical answer, as requested. I am just not sure, in connection with all the details that my technical staff discuss or how they arrive at a decision. But this is the answer to the question as requested, and any details beyond this, I will need notice, Mr Speaker.

510

Hon. D A Feetham: With respect to the hon. Gentleman, we have had a number of questions and we agreed... I was going to say we agreed on an answer. After giving various answers, the answer that he eventually gave was that the decision as to whether it goes externally or internally is to do with the fact of

whether the technical people, given the resources, given the manpower within the Agency or the Department, can actually perform that work.

The hon. Gentleman has now asked how many works have been contracted outside, and you have provided a list. I quite understand that asbestos removal... and there are a couple of asbestos-removal references there, despite the fact that the amounts, the value is low... £290 and £470, they are low values, but those are specialist jobs. I quite understand that they go outside.

But then you have duct panel repairs, plumbing repairs and they are all £450, £470, £655. So, in the light of that, does he not accept that there must be more to how the decision is taken, as to whether to perform the work internally or contract it externally, in the answer that he has given me a number of questions earlier?

All we are trying to do, at the end of the day, is get to the bottom of Government policy, or Departmental policy, in relation to the criteria that are used for either undertaking the work internally or externally. But of course the answer that he gave me earlier with this does not really lie easily. There may be an explanation, but we are asking for the explanation from the hon. Gentleman.

Hon. C A Bruzon: Mr Speaker, the reality is that when jobs are to be sorted out or addressed, the technical staff meet. They discuss the issues and then they decide, 'Right, this particular job is beyond the scope of the resident staff at the Housing Works Agency, so let's get a specialist company to do the work. This other job is of such a nature that it requires scaffolding, it requires roof repairs, so let's contract a company to do this kind of work.'

I really have not got any more specific information to offer the hon. Gentlemen opposite. If they want more specific answers, I would request that they address the issues more specifically.

Hon. D A Feetham: With all due respect, the issues are being dealt with specifically and it appears that the hon. ... I do not want to be ungenerous to the hon. Gentleman, but if I were to be ungenerous I would say that the hon. Gentleman was not mastering his brief in the way that he should master his brief. But I do not want to get down that road. At the end of the day, what we want to do is to get to the bottom of what is Government policy.

Could the hon. Gentleman write to my hon. Friend, Mr Reyes, and by reference to these jobs just inform Mr Reyes why the decision was taken to actually subcontract the work? From that, we will probably be able to see how effectively the policy has worked, in terms of the decision as to whether to contract out, why the work was contracted out.

At the end of the day, you talk about external works – these are, by value, very minor works indeed. All of them – except a work for external repairs of £6,000 – are below £870 and most of them are, in fact, below £500. So, if you could do that, then from the answer that you have given and also from how exactly the decision was taken in relation to this, we will be able to formulate a view.

It may well be that, for example, at the time that these works were pending or they needed to be undertaken, you did not have anybody within the Agency or within the relevant Department to undertake this work. Therefore, the decision, because it was urgent, was taken to contract it out. That may be the reason, but at the end of the day, we are trying to get to the bottom of what Government policy is in terms of the mechanisms of how the decision is taken to contract out to a private company.

Hon. C A Bruzon: One thing is... You talk about Government policy, Mr Speaker. The Government policy, of course, is clear: we have to help out the people on the waiting list by repairing and preparing these flats as quickly and as efficiently as possible.

So, as the hon. Member himself has hinted, if we discover, given a particular time of the month or given a particular job request that has to be done is beyond our competence, either because of manpower or because of the skill, then we ask outside companies to do the work. It is as simple as that.

Hon. D A Feetham: Will he write to my hon. Friend, Mr Reyes, explaining on what basis the decision was taken – and there are not many, there are only eight – to contract out?

If the hon. Gentleman wants us to ask the question on notice for September, we are quite prepared to do it, but of course he could obviate that by just simply writing to Mr Reyes and providing him with the answer.

Deputy Chief Minister (Hon. Dr. J J Garcia): Mr Speaker, if I may, I think the position normally in the House has been, or the practice is, that Members ask a question, my hon. Friend has answered the question. If they want more information, they should either give notice of a new question at the next meeting of the House, or perhaps Mr Reyes could write to Mr Bruzon and seek clarification on whatever issue they want clarified. (*Interjection*)

That is what we used to be told when we were sitting on that side of the House, Mr Speaker.

575 **Hon. D A Feetham:** But with respect, you are asking me, or you are asking Mr Reyes, to write a letter asking what I am asking Mr Bruzon now to do.

I am asking Mr Bruzon, which is what you are asking Mr Reyes to do, to write to him and to say, 'Please could you tell me on what basis the decision has been taken in order to subcontract this work out to the private sector.' All I am saying is, let's obviate that: could you please write to Mr Reyes providing that answer?

If you want to make it as technical as either give notice of the question or write, of course we will have to do that, but I think that it is not a helpful intervention, with all due respect to the hon. Gentleman.

585 **Hon. Deputy Chief Minister:** No, Mr Speaker, the hon. Member has to understand that this House's practice – and the practice was established by them when they used to be in Government. The practice was either... I remember when asking questions, many times I have been told, 'Look, if you want the answer, write to me and I will give you the answer.' And, when you write, you will get the answer, so it is not that the answer is not going to be given or we are holding back information; the answer will be given when the hon. Member writes.

590 But the procedure and the standard practice in this House has always been that if you want information, you either ask a Question or you write to the Minister and the Minister will answer.

Mr Speaker: May I say...

595 **Hon. D A Feetham:** That is not the case, because I have, on a number of occasions, provided information myself, in writing, when a Member of the Opposition has asked me, 'Could you please provide me that information in writing?' and I have done so.

That is what I am asking the hon. Gentleman to do, to provide...

600 What you are saying, effectively, is 'Write, and then we will provide you with information.' Well, look, if that is the position that you take, it is the position that you take. We think it is thoroughly unhelpful.

605 **Mr Speaker:** May I assist in this? The Hon. the Deputy Chief Minister is entirely right, in that over the last seven years or so that I have been around here, where a supplementary has gone to a stage where it calls for further investigation by the Minister, or further enquiry by the Minister within his Department with a view to getting answers, the Members on this side have usually invited the Opposition to write in with the question and that is the way the matter has progressed. The Deputy Chief Minister is entirely right on that.

610 Having said that... and the reason why I have no need to comment further on the practice is because that has been accepted by the Opposition, that is the end of the matter.

615 But since the Opposition now are querying whether there is a necessity for them to have to write in, I must confess, as a personal view, if a question that is raised by the Opposition is within the ambit of the supplementaries, it does seem rather pointless for the Opposition to have to write in again to obtain information. I am conscious of the fact that the Opposition have very limited resources, in terms of secretarial help and things like that and to have to write in is a little bit of a burden. It is probably easier for either the Minister to make a note or for the officials listening in on this debate or perusing *Hansard* to be able to ascertain what is required and to provide the information.

620 That is the way I see the scenario, but having said that, again it is not for me – I cannot impose on the Government on this! I am just setting out my view of the landscape.

Hon. Deputy Chief Minister: Mr Speaker, our view really is based on past practice, as I said at the beginning of my intervention.

625 **Mr Speaker:** I accept, and that is entirely what my understanding is.

Hon. Deputy Chief Minister: The situation is the hon. Member has asked a question, he has got the answer to the question, he asked a supplementary, we do not have the information here, and the Minister is entitled to say, 'Well, look, write to me and I will give you the answer.'

630 **Mr Speaker:** But the Opposition is entitled to say, 'We are asking you a perfectly valid supplementary. If you have not got the answer here, we accept that, but why should I have to write in again?'

635 **Hon. Deputy Chief Minister:** Because that is a practice which they established.

Hon. D A Feetham: Well, I do not accept that the practice that was established was that every time you asked a valid supplementary and we did not have the answer, that on top of it we have asked you to write in order to –

640 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** On a Point of Order, Mr Speaker, every time, *every single time* – and *Hansard* will reflect this – *every single time* I asked supplementaries of Mrs Del Agua and she did not have the information, she used to say, ‘If you write to me, I will give you the answer’ – *every single time*, and he can check that in *Hansard* – so that is incorrect.

645 **Mr Speaker:** That is my recollection of the practice in the past and that was acquiesced to by the Opposition of the day, but...
The hon. Member –

650 **Hon. D A Feetham:** I can tell you that, from my perspective, I have unilaterally written to the other side, providing the information, without anybody having to write to me. But, Mr Speaker, if at the end of the day, that is what they want us to do, that is what we will do. We just believe that it is not helpful.

655 May I also say this: that I think that we have been very generous and we have been very kind to the hon. Gentleman, Mr Bruzon, because during the course of this morning, virtually on every single question that has been asked and every single supplementary question, it has always been, ‘Well, I don’t have the answer here with me – can I go back and provide you with the answer?’ We have been very tolerant about it, quite frankly.

660 Now we get to a stage where we have said, ‘Well, look, could you write to us providing us with the answer?’ and we have been met with the response, ‘No – write to us and then we will write back.’
I do not think it is helpful, but that is what we will do.

665 **Hon. Deputy Chief Minister:** Mr Speaker, there is also another important difference: that is that now they have the chance to ask questions practically every month. We used to have Question Time in March, and then maybe the next one would be in September. So, to be told to ask the question next time round meant to wait six months.

Now there is virtually a Question Time every month, so they do not even need to write; they can just table the question again next time.

670 **A Member:** But that is an unhelpful situation.

Hon. J J Netto: Mr Speaker, could I ask another question? I do not know whether we have finished. *(Interjection by Hon. C A Bruzon)* Oh, sorry.

675 **Hon. C A Bruzon:** Just to round off, my position on this is that I want to be as generous as I possibly can be, but my hon. colleague is perfectly right – and so is the Speaker, of course – in what used to happen during the last few terms in office that I have been in Parliament.

The question that requires an answer is why was the decision taken to contract out. Correct.

680 The answer is the decision is taken to contract out when the nature of the job requires it, if it cannot be done by the employees of the Housing Works Agency, or if it requires special skills. So I think we are making a mountain out of a molehill, if I may say so.

685 I will talk to my technical people, so that I will never again be accused of not being as well informed as I should be. *(Interjection)* I think the hon. Member is being a little unfair in saying that in nearly every question that has been asked of me, I have been unable to give an answer. I think in most of the questions, I have given answers and I have been honest about *everything*, every inch of the way.

There are a number of technical issues, of course, that are beyond my competence to answer straight away, but I think on this particular one, we are honestly creating a mountain out of a molehill.

The gentleman asks, what is Government policy? Government policy is to repair these flats, which have been half abandoned by the previous Administration for years, *(Banging on tables)* flats that require to be refurbished as soon as possible, so that our 1,600 applicants can have homes as soon as possible.

690 Mr Speaker, this is what we are trying to do. If our people in the Housing Works Agency, who are doing their best – their *damndest*, in fact – to get these things fixed quickly... if it is beyond their competence and their ability, then we bring in outside help.

695 That is the *policy*, and the reason why we contract outside companies is because we need to for specific jobs, or in any given time. Mr Speaker, that is the answer.

Hon. J J Netto: May I ask another supplementary question, if I may? In fact, I was trying to do this in one or two questions before, and the hon. Gentleman said there is a question in the Order Paper.

In relation to the companies here which have undertaken work for the Housing Works Agency, does the Housing Department in the City Hall have a departmental policy that prior to outsourcing this particular work, or any type of work, by any particular company, they should be complying with Income Tax, Social Insurance and Employment prior to the work being undertaken by this company – or any other company, for that matter?

Hon. C A Bruzon: Most definitely, yes, Mr Speaker. We have to ensure that that is the case.

Hon. J J Netto: So he is giving me an assurance that all these companies are complying with Income Tax, Social Insurance and Employment – is that what he is saying?

Hon. C A Bruzon: Mr Speaker, I certainly hope it is not otherwise, but I will have to check to make sure that they are all complying.

Hon. J J Netto: I am not asking for him to check. All I am asking is whether there is a departmental policy, not by him – well, it will be by him, as instructed to his civil servants – that prior to putting this type of work, or any type of work, to a company out there in the private sector, before doing that or engaging those companies, they would cross-reference, if I could put it that way, with Income Tax Department, Social Insurance and Employment, to ensure that they are *bona fide* companies, inasmuch as being compliant with those three essential Departments?

Hon. N F Costa: Yes, Mr Speaker, to answer the question of the hon. Gentleman, there is an approved contractors list that makes sure of exactly that, that the companies that do provide work to the Government –

Hon. J J Netto: No, Mr Speaker –

Hon. N F Costa: If I may be allowed to finish –

Mr Speaker: Order!

Hon. N F Costa: That the companies that do provide work to the Government are companies that comply with all employment, tax and Social Security laws.

Hon. J J Netto: Mr Speaker, I am not quite sure that the hon. Gentleman is correct on that. The approved list of contractors, what it does is it is approved in terms of the technical ability to perform certain types of work. (*Interjections*)

Mr Speaker: Order! Order! Order!

Hon. N F Costa: No, Mr Speaker, the question asked by the hon. Gentleman was whether the companies that provide work to the Government have complied with taxes, Social Security etc, and my answer is yes, Mr Speaker, there is a list that has been compiled by the Government that those companies that appear on the approved contractors list are those that have complied with all tax, all Social Security and all employment laws.

There is the answer.

Hon. D A Feetham: Well, actually, he may be right in relation to that. I am not 100% – (*Interjection*) No, hang on a minute, please.

It is true that there is a list of approved contractors and they are subdivided in terms of value – contracts above £x million... I cannot remember exactly. I think it goes to £250,000, then it is £½ million, then £1 million, and £1 million and above, something like that. Government policy, when we were in Government, was that unless a contractor was effectively up to date in terms of its tax, Social Insurance contributions etc, they would not be allowed onto the approved contractors list.

I think that his question effectively amounts to this: are all these then from the approved contractors list which is maintained at No. 6 Convent Place, or are these from another list that may be maintained by his Department? Do they come from the approved contractors list?

I think you will find also, if the hon. Gentleman wants to go back to his technical people, there may well be an answer to our previous question. Most of these may well be scaffolding companies anyway, but of course – (*Interjection*) Yes, but that was... If they are scaffolding companies, you should know the answer and have just said, 'They are scaffolding companies – the Government has no scaffolds and that is why we contract it out'!

760 But there probably is a simple answer.

Mr Speaker: Well, it has taken a long time for everyone in this House to come to that conclusion, but in a recent previous meeting that was exactly what the answer was. They are scaffolding companies and the Government has no scaffolding internal resources and therefore that is why it was contracted out.

765 It has taken a long time to get there!

Hon. D A Feetham: But, Mr Speaker, it was obvious last time around. In fact I noticed it and it was confirmed by the Minister for Employment, because they were obvious names to me that they were scaffolding companies.

770 Some of these are obviously scaffolding companies, some of them I do not recognise – Skybridge, I do not recognise the company. I do not know whether they are a scaffolding company. Skybridge has 50% of the work. It may well be that they are scaffolding companies, but it should be within the knowledge of the Minister.

775 **Mr Speaker:** I think we have really exhausted the subject, haven't we? Next question.

780 **Co-ownership housing estates Meetings with Management Companies**

Clerk: Question 648, the Hon. E J Reyes.

785 **Hon. E J Reyes:** Can the Minister for Housing state if he has, since his answer to Question No. 541/2012, held meetings with any Management Companies of co-ownership housing estates in order to address any new or ongoing concerns?

Clerk: Answer, the Hon. the Member for Housing and the Elderly.

790 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, similar to the answer given last month, no member of any such Management Company of co-ownership housing estates have approached me for such a meeting.

795 **Housing Agency employees Number of transfers, retirements and new recruits**

800 **Clerk:** Question 649, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing state how many employees have retired or been transferred from the Housing Agency, since his answer to Question No. 542/2012, and how many new employees have been engaged by the Agency since that date in accordance with the agreement reached between Government and the Unions?

805

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, one employee has retired from the Housing Works Agency, since my answer to Question No. 542/2012, and none have transferred out or have been engaged by the Agency since my previous answer.

810

Hon. E J Reyes: Does the Hon. Minister have an indication when he will be engaging new employees into the Agency, so as to keep within the agreement reached with the Unions?

815 **Hon. C A Bruzon:** The Government will be announcing certain reforms in due course and we will in fact make clear to the hon. Members the position we take on staff, additions to the Housing Works Agency and Housing Department.

820 **Hon. E J Reyes:** With respect, Mr Speaker, that does not quite answer my question. There is an existing agreement, unless the Hon. Minister wants to confirm to me now that they have arranged with the Unions to cancel that agreement.

The agreement was that for every two employees moving out of the Agency, one would be employed. Last time around, I am grateful that the Minister for Employment came in and said, 'I will check the details of that agreement', so that gave me the impression they were going to take stock of how many new employees they had to take on.

The Hon. Minister is now confirming they have not taken anyone on and I am simply asking when does he intend to take someone else on? He now seems to be answering something else about a future announcement, but the agreement has not been kept with in the last seven months.

Hon. C A Bruzon: Mr Speaker, quoting the hon. Gentleman, the agreement seems to say that if two leave, we employ one. Well, one has left, so we cannot employ half.

Hon. E J Reyes: No, Mr Speaker, what I was saying is, since the last Question Time one has left, but at the last Question Time – and I have it somewhere here in my briefcase – a number of people have left, so therefore that is pending employees. We can take a two-minute break whilst I look for the paper and give him the exact figure, which I can dig out from my file, but since they took office in December to now, there is something like round about 10 who have left.

Therefore, in keeping with that agreement, unless the agreement has now been cancelled, with both sides agreeing to it, x number of new employees should have been taken on. I have been told none have been taken on and I am simply asking when it is their intention to take it on, in keeping with the agreement?

Hon. C A Bruzon: My original general answer stands, Mr Speaker.

Hon. E J Reyes: So therefore, Mr Speaker, the Hon. Minister does not commit himself now at this particular stage to say that they are keeping to that agreement. (*Interjection by Hon. C A Bruzon*)

Can the Hon. Minister confirm to me whether it is their intention to keep or not to keep to the agreement currently in force with the Unions?

Hon. C A Bruzon: Mr Speaker, I think it is very clear that an announcement will be made in due course concerning the Housing Works Agency and certain changes within the Housing Department. I think it was mentioned in my Budget speech. I have given a general answer now. If the hon. Members are just a little bit patient, an announcement will be made.

Hon. D A Feetham: No, no with respect, you have got a responsibility to answer questions about Government policy in Parliament, in this House. You cannot shirk that responsibility by saying that you are going to make an announcement outside.

Now the question is very simple: is it Government policy to stick by that agreement that was reached with the Union or is it not? It is a very simple yes or no!

Deputy Chief Minister (Hon. Dr. J J Garcia): Mr Speaker, we have the same responsibility to answer in this House as they had when they were on this side, and this is the answer they used to give when announcements were about to be made or were imminent. We were told 'an announcement is imminent, wait for the announcement'.

So really all we are doing is what they used to do.

Hon. D A Feetham: So much for the new dawn of transparency, accountability and more meetings of Parliament at which we do not get straight answers to straight questions!

So the position is this: the Deputy Chief Minister does not want to provide an answer to Members of the Opposition as to whether the Government is going to honour the agreement reached by the previous Administration with the Union or not. That is the position: you do not want to answer the question.

Hon. Deputy Chief Minister: No, Mr Speaker, the position is that they adopted one standard when they were on *this* side of the House and they adopt a different one when they sit on *that* side of the House. They expect us to behave in a way which is not the way in which they used to behave and provide information which *they* did not used to provide.

The position is very simple. The hon. Member has said an announcement is going to be made. When the announcement is made, the answer will be given.

Hon. D A Feetham: With respect, we do not agree that that is the case! We answered the questions that we were asked. (*Interjections and laughter*) This is a *very simple question* – a very simple question – on something that is important, on something that the Government is accountable to the Opposition in this House about the agreement reached by the previous Administration in respect of the Housing Agency.

885 Now, you know what the answer is. You know what the answer is, unless of course what you are doing is you are making up Government policy on the hoof, as you go along, and you are still not clear what you are going to be doing in respect of that agreement.

Well, look, if you are not clear what you are going to be doing about that agreement, say so: 'We have not decided what we are going to be doing about that agreement and when we make a decision, we will make an announcement.' Now, that is a perfectly valid answer, because you are still deliberating internally what you are going to be doing.

890 But if the position is 'Yes, I know what the answer is. It is either yes or it is no, but I am not going to be providing you with the answer, despite the fact that there is an obligation to account to this House about Government policy', well, I am sorry, but I think that is absolutely abhorrent to the democratic principle and to Parliamentary procedure and to the supremacy of this Parliament.

895 At the end of the day, we may be all politicians and we may be accountable to people outside, to the public who ultimately decide whether we stay or we go every four years, but you are also accountable to this House, and those kinds of answers that you are giving, we do not accept that those are the answers on such fundamental issues that we gave them; but he must accept that that is, really ...it *demeans* this Parliament in giving those kind of answers.

900 **Hon. Deputy Chief Minister:** Mr Speaker, the hon. Member has just accepted in one contribution that their practice for the last 16 years was obviously abhorrent to democratic principles and to the supremacy of this Parliament, because what we are doing is what they used to do.

905 Now, it is not that we do not want to answer the question. I think my colleague, Mr Bruzon, has made it very clear that the question will be answered and that an announcement is going to be made. So when the announcement is made, when that time comes, the question will be answered, Mr Speaker.

Mr Speaker: Order, order, order!

910 The question has been put – in fact I have allowed it to be put three times. An answer has been given, whether this side or anyone likes the answer or not, that is the answer. One cannot really repeat the same question over and over again, and the Hon. Daniel Feetham has made a point, without posing any question.

Can we have now a *question*, but of a different kind.

915 **Hon. D A Feetham:** It is related. Whether it is of a different kind or not I will allow you Mr Speaker to decide.

Can I ask whether the Government has actually made a decision or not? It is a different question. Has the Government made a decision or not in respect of that agreement?

920 **Hon. Deputy Chief Minister:** Mr Speaker, the decision will be reflected in the announcement.

925 **Hon. J J Netto:** Mr Speaker, as far as I understand it, what the Hon. Minister for Housing said is that in his announcement, he is going to be talking about changes. Now, 'changes' could mean almost anything, in the sense of changing the configuration of the workforce, whether they are going to be housed in one particular work shop, whether there are going to be different places.

So what I would like to know is, despite whatever changes to the methodology or work organisation by the Housing Works Agency, whether that will include, or will not include, or whether he knows that it would include, honouring the agreement with the Unions?

930 **Mr Speaker:** With respect that question *has* been asked and again we have had an answer provided. Whether we like the answer or not, the question has been asked, in substance, perhaps different words, and we have an answer.

935 **Hon. D A Feetham:** Mr Speaker with respect, we have had an answer and I accept that we have had an answer. We do not accept that we have had an answer in *substance*, or whether the answer is adequate.

Mr Speaker: So you really cannot go on repeating the question.

940 **Hon. D A Feetham:** No, no, I accept they have answered; they have effectively refused to answer the question with an answer. That is what they have done.

But, Mr Speaker, we accept obviously your ruling.

Mr Speaker: I hope the Members do appreciate, this is not a court of law where one is entitled to cross-examine until you beat a confession out of the witness. This is not a court of law.

945 You ask questions, you are given an answer, if you do not like the answer, you may be able to probe it a bit, but at the end of the day, an answer has been given to the question.

950 It is not for me to judge the quality of the answer; it is for the Members on this side to judge and the audience at large to judge the quality of the answer; it is not for me. My role over here is to ensure that an agenda progresses at a reasonable pace, without the repetition of same questions and a certain stage must be reached where we have to accept the answer for what it is and move on.

Hon. D A Feetham: Mr Speaker, of course it is not a court of law. I know it is not a court of law and we have not conducted this as a court of law, neither have we cross-examined as if it were a court of law.

955 **A Member:** Not far from it!

Hon. D A Feetham: The answer, Mr Speaker, was 'We refuse to provide you with an answer in this House; we will give it to you outside the House.'

960 **Hon. C A Bruzon:** No, we have not said that!

Hon. D A Feetham: And with respect – (*Interjections*)

965 **Mr Speaker:** Order! Order! That was not the answer I heard.

Hon. D A Feetham: – that goes to a fundamental principle as to the supremacy of this Parliament.

A Member: That was not the answer.

970 **Hon. D A Feetham:** That is the answer. The answer is: 'We will make the announcement outside this House, not in this House' – *ergo* we are not going to give you the answer in this House; we will give you the answer outside.

975 **Mr Speaker:** Order, order!
First of all, the answer was not what I heard. That may be the hon. Member's interpretation of the answer, but I did not hear the Hon. Minister or anyone on the Government benches say 'We will make an announcement' and underline the word '*outside*' the House.

980 An answer will be made. It could be made in this House in September or in November or God knows when, but there was no indication that an announcement would be made outside this House. I did not hear those words. So with respect, the premise is quite incorrect.

I think we must move on to the next question.

985 **Housing Waiting Lists**
Number of applicants and their requirements

Clerk: Question 650, the Hon. E J Reyes.

990 **Hon. E J Reyes:** Can the Minister for Housing confirm, further to his answer given to Question No. 543/2012, how many applicants are presently on the Government's Housing Waiting Lists, giving a breakdown of their housing allocation requirements?

995 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Yes, Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

1000 I am happy to state in general, for the benefit of those listening and those present in this Chamber, that there are 1,658 applicants on the Government's Housing Waiting Lists. The Housing Waiting List proper has a total of 1,041 applicants. On the Pre-list, we have 617 applicants.

ANSWER TO QUESTION 650

There are 1658 applicants on the Government's Housing Waiting Lists. The breakdown is as follows:

WAITING LIST	
1RKB	800
2RKB	54
3RKB	96
4RKB	80
5RKB	8
6RKB	3
TOTAL	1041

PRE-LIST	
1RKB	452
2RKB	38
3RKB	76
4RKB	40
5RKB	9
6RKB	2
TOTAL	617

**Housing Waiting Lists
Number of applicants allocated flats**

1005 **Clerk:** Question 651 The Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing state how many applicants on the Government's Housing Waiting Lists have, since his answer to Question No. 544/2012, been allocated a flat, giving a breakdown of the size of home?

1010 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

1015 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Yes, Mr Speaker, I will now hand the hon. Member a schedule containing the information requested – though I think in this case a schedule is hardly necessary, because I am going to read out the answer, but I will obviously provide the Members with the schedule.

The total is that there are 16 applicants on the Government's Housing Waiting Lists. They have been allocated a flat and the breakdown of the size of home is as follows: bedsits, there are two; 2RKBs, two; 3RKBs, 10; and 4RKBs, two; giving us a total of 16.

ANSWER TO QUESTION 651

Sixteen applicants on the Government's Housing Waiting Lists have been allocated a flat. The breakdown of the size of home is as follows:

1RKB	2
2RKB	2
3RKB	10
4RKB	2
5RKB	-
6RKB	-
TOTAL	16

1020 **Housing Waiting Lists
Number of applicants removed due to purchasing homes**

Clerk: Question 652, the Hon. E J Reyes.

1025 **Hon. E J Reyes:** Can the Minister for Housing state how many applicants from the Government's Housing Waiting Lists have, since his answer given to Question No. 545/2012, been removed from the waiting lists due to purchasing their own homes?

1030 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Yes, Mr Speaker, one applicant has been removed from the Waiting List due to the purchase of their own home.

1035 **Hon. E J Reyes:** Yes, Mr Speaker, the figure one: is that up to date including...? There was an announcement earlier on this week from Government saying the houses that had been sold and so on. Are the successful tenderers for those houses included in this figure or are those figures still to come?

1040 **Hon. C A Bruzon:** It may well be that the hon. Member is referring to houses that went out to tender and they would not feature here.

Hon. E J Reyes: They wouldn't? (**Hon. C A Bruzon:** No.) So where would they feature, Mr Speaker?

1045 **Hon. C A Bruzon:** We are talking about one applicant who has bought his own house as a sitting tenant. Houses that went out to tender are empty, and some derelict and that kind of scenario, if you know what I mean.

1050 **Hon. E J Reyes:** So, just for the sake of my own clarification, Mr Speaker, from those houses that went out to tender and so on, they were allocated to people out of which only one was really on the Waiting List and that this has been reduced by one. Is that correct?

1055 **Deputy Chief Minister (Hon. Dr. J J Garcia):** No, Mr Speaker, if I may assist the hon. Member: those houses that went out to tender – we have not completed the analysis – but some successful applicants may have been from the Housing Waiting Lists; others may have not. Some might be young people living with parents, for example. I know there were quite a few who were.

So the position is that the figure the hon. Member has given does not include or reflect those tender allocations.

1060 **Hon. E J Reyes:** Okay, but if a successful bidder is allocated a house, the minute he is allocated that house and the purchase exists and starts to kick in, he then automatically is removed from the Housing Waiting List and so far the figure introduced is only one.

1065 **Hon. Deputy Chief Minister:** This is probably because, although the tenders have been allocated, they have not been completed yet, so this is probably going to take a month or a couple of months, while they sort out the finance and the mortgages and all the rest of it.

Hon. E J Reyes: Then, just for my own clarification: so I am correct in saying that in future figures, in future statistics, as and when the completion takes place, it will be reflected then.

1070

Housing applicants survey Numbers interested in purchasing/renting homes

1075 **Clerk:** Question 653, the Hon. E J Reyes.

1080 **Hon. E J Reyes:** Can the Minister for Housing provide details of the responses received in respect of his Ministry's recent survey among housing applicants which sought information of how many were interested in purchasing and/or renting their future homes?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1085 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Yes, Mr Speaker, a total of 1,639 letters were sent and 956 replies were received.

The Government considers that the data collected would have commercial implications and should not be put in the public domain at this stage. I am, however, prepared to give the information to the hon. Gentleman on a strictly confidential basis.

1090 **Hon. E J Reyes:** I am grateful for that, Mr Speaker, yes, and within our cordial friendship, I would certainly meet with him and so on. May I simply ask Mr Speaker, just over 50% replied. Does the Hon. Minister feel perhaps a little disillusioned or is there some sort of explanation of why almost 40-odd% did not even reply to that?

1095 **Hon. C A Bruzon:** Not really, Mr Speaker, and I do not have an explanation because I am ‘incompetent’ – even though he is not implying it, but the Hon. Daniel Feetham might imply that later! I honestly...

Hon. D A Feetham: Point of order, Mr Speaker.
I have not at any stage in these proceedings implied that he is incompetent. What I have implied, and I stand by it, and it is not the first time that he has done it in this House, is that he has not mastered his brief – that he has not come to this House prepared to answer our questions. There is a distinction between the two.

The hon. Gentleman is a perfectly competent man, as long as he prepares. Today he has not prepared, he has not done his homework. That is the point.

1105 **Hon. C A Bruzon:** I acknowledge that he did not use the word ‘incompetent’ and I withdraw that, Mr Speaker. I was trying to make a light-hearted comment which... that is what it was.

Right, I have almost forgotten the question, Mr Speaker. *(Laughter)*

1110 **Hon. E J Reyes:** Mr Speaker, I was asking the Hon. Minister if he did have a bit of a disillusion, in that just over 50% really replied. Perhaps he was aware of some senior official in his Ministry who has said, ‘Look, we have not had as many replies as over 90%, because of...’ – I do not know, some particular factor.

1115 Sometimes – if I may hint at something and perhaps the Hon. Minister may wish to confirm – I believe that the questionnaire told people, ‘Look, we are just seeking an opinion; it does not bind you because you now tick a particular preference box – it does not bind you to something.’ I think sometimes people are a bit afraid that they have indicated to be inclined to buy, rather than to rent.

Does he and his senior officials have any particular views on this matter?

1120 **Hon. C A Bruzon:** I think some people are reluctant to answer these questionnaires. Maybe they do not feel they need to, but those who answered, answered because they wanted to express an interest either in buying or remaining Government tenant.

I really do not have an explanation, Mr Speaker.

1125 **Hon. E J Reyes:** Thank you, Mr Speaker, and I look forward to a ‘comfort break’ later on, so that as colleagues we may share and exchange personal views on the information provided.

Clerk: Question 6...

1130 **Mr Speaker:** The Hon. Daniel Feetham.

Hon. D A Feetham: Thank you very much, Mr Speaker.
Have the numbers received caused Government, as a matter of policy, to perhaps re-assess any numbers, both in terms of rentals – and I am not asking you for numbers – and also home ownership? Has it caused a re-assessment of Government policy in that respect?

1135 **Hon. C A Bruzon:** That is a perfectly valid question and the answer of course is that is the whole point for sending out this enquiry so that Government would have a clearer idea as to how to plan its construction of rental and affordable housing for our people.

1140 **Hon. D A Feetham:** Yes, I understand that, but as I understood it – and I cannot at this stage, off the top of my head, actually point to where this has been said – the Government was looking at building just over 1,000 home-ownership apartments. Now, you received back 956. Has it caused a re-assessment of the Government’s initial intentions as to how many home-ownership apartments for sale to build or how many rentals to build? Has it caused that kind of re-assessment from its initial policy and its initial intentions?

1145 **Hon. C A Bruzon:** Yes, Mr Speaker, the intention, as clearly stated in our manifesto, is to provide every single applicant on the waiting list, as from 9th December, with a home within this term in office.

1150 The hon. Member is right in hinting that this will help us in assessing – or even re-assessing, yes – how many rentals and how many affordable homes to construct.

Hon. D A Feetham: Yes, the answer therefore is that, at this stage, you are still re-assessing in the light of the data. That is the answer, isn't it?

1155

Hon. C A Bruzon: Yes, Mr Speaker.

Our position is clear. We want to ensure that we supply homes. As to exactly how many will be for rental and for affordable housing is an on-going process, Mr Speaker. Yes, you are right.

1160

**New Principal Housing Officer
Appointment**

1165

Clerk: Question 654, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing indicate by when Government expects to appoint the new Principal Housing Officer?

1170

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Yes, Mr Speaker, the Principal Housing Officer is on secondment to the ETB.

1175

The matter of his replacement or otherwise will be determined pending the outcome of a possible restructure of the Housing Ministry, which is presently being considered in consultation with all relevant representative bodies.

Hon. E J Reyes: And by 'representative bodies' obviously the Minister there means the Union, which I believe is GGCA, who has the negotiated rights for that particular post.

1180

Hon. C A Bruzon: That is correct, Mr Speaker.

Clerk: Question –

1185

Mr Speaker: No, the Hon. Jaime Netto.

Hon. J J Netto: I think, if I understood the hon. Member correctly, he was saying a reform that will take place as far as the Housing Ministry was concerned, that would obviously include Unite because the majority of people work in the City Hall. The vast majority in fact are members of Unite, so obviously whatever reform takes place, Unite would be in discussion with the hon. Member.

1190

Hon. C A Bruzon: Yes indeed, that is very true, yes, Mr Speaker.

Clerk: Question –

1195

Hon. J J Netto: I do not know whether it is perhaps premature but can the Minister state whether the Government's intention is to unify, if I can call it that, both the Housing Ministry, which is the directorate, with the Housing Works Agency into one organisation? Is that what the Government's objective in this reform may be?

1200

Hon. C A Bruzon: Yes, I think I said something to that effect in my Budget speech.

At the moment, we are concentrating on the technical staff within the Housing City Hall Department. We would like to bring about a merger, but if the hon. Member is patient an announcement will be made in due course on that.

1205

Several Members: Oh! (*Laughter*)

1210

**Repairs/cleaning of empty homes for reallocation
Expenditure since December 2011**

Clerk: Question 655, the Hon. E J Reyes.

1215 **Hon. E J Reyes:** Can the Minister for Housing provide details of expenditure incurred since December 2011, stating to whom payments were made, in respect of repairs and/or cleaning contracts pertaining to making empty homes suitable for reallocation?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1220 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

ANSWER TO QUESTION 655

Since December 2011, the Housing Ministry has incurred a total cost of £326,749.57 in respect of the repairs and/or cleaning contracts pertaining to making empty homes suitable for reallocation. This cost is further broken down by contractor as follows:

Contractor	Amount Paid
A&K General Builders	£55,975.75
CIAP Construction	£56,045.82
Profield Contractors	£14,145.93
SFA Interiors	£51,188.06
On the Level	£74,158.30
Koala Construction	£42,656.44
AMCO	£29,039.27
D & J Removals	£1,170.00
Anything Goes	£2,370.00
GRAND TOTAL	£326,749.57

Hon. E J Reyes: Thank you for the information, Mr Speaker.

1225 Yes, it does shed some light, like the Hon. Minister was saying before. I do not know whether he does have it to hand or not – perhaps... The wording on my question was in respect of repairs and of cleaning. Would the Hon. Minister be able to distinguish from here which were cleaning, which I normally presume to be of a much smaller nature, and which were repairs? Does he by chance have the information to hand?

1230 **Hon. C A Bruzon:** I asked myself exactly that question in order to be properly briefed this time! The answer is, Mr Speaker, that some of these companies have done both, though the figures are incorporated in both.

If he would like more specific data, I certainly can try to give it to him. Maybe if he asks me next time, specifying the question in two parts, if you know what I mean.

1235 **Hon. E J Reyes:** So, what we can deduce is, it is possible that one of these particular companies was brought in to carry out a repair, since they had the labour force there, they were added on to the brief: 'Well, and on the way out, just clean with you', and so on; whereas looking at one of the companies here, if they are named as the name implies, they are removals, they were probably just used to remove, to empty stuff, to throw away old broken down furniture, as opposed to construction repairs.

1240

TOURISM, PUBLIC TRANSPORT AND THE PORT

1245 **Eastern Beach enclosure for bar/restaurant
Permissions sought**

Clerk: Question 591, the Hon. S M Figueras.

1250 **Hon. S M Figueras:** Mr Speaker, can the Minister for Tourism, Public Transport and the Port provide this House with details of permissions sought by the relevant entities/persons in respect of the enclosure of part of the beach at the southern end of Eastern Beach for the apparent exclusive and commercial use of the area by a bar/restaurant at that location?

1255 **Clerk:** Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, yes, a concession has been granted this year to Latino's on the Beach, at Eastern Beach.

1260 The concession is for the hire of beach umbrellas and sun beds within a designated area. This year the concession includes a wooden decked area.

The concession agreement allows the concessionaire to screen off the designated area with materials that meet with the Gibraltar Tourist Board's prior approval. The agreement includes a provision for the use of an extended area of the beach and the sectioning off of this for the purposes of organising one-off events.

1265 The proposal for any such one-off event has to be submitted in the form of an operational plan, which is subject then to approval by the Gibraltar Tourist Board and the Royal Gibraltar Police. The operational plan must include details of the extended area required for the particular event.

1270 The beach concession fee of £25 per week is payable to the Government for the duration of the official bathing season, which starts the second Saturday in June and finishes immediately after National Day.

This year all concessionaires were given the opportunity not only to extend their designated hours but also to extend their concession period, thus being able to request to be operational from 21st April to 30th September.

1275 **Hon. S M Figueras:** Mr Speaker, I am grateful for the answer and for the details in relation to the arrangement.

1280 I would ask, in relation to other concessionaires at the beach and thinking forward perhaps a little – given that a precedent has been established (**Hon. N F Costa:** Yes.) by the provision of this concession to provide *tumbonas* for hire at the beach – whether there is a Government policy moving forward in respect of any future applications that may be received by other operators not currently engaged in that activity for the enclosure or the sectioning off of areas or of other areas of that beach or others for the provision of one of the loungers for hire?

1285 **Hon. N F Costa:** Well, Mr Speaker, in the first place, simply to clarify that the concession in respect of the sunbeds and the beach umbrellas is simply a continuation of the policy of the previous Administration. That was there before we came into office and we think it is a good idea and we have continued that.

1290 But it does allow me the opportunity to explain to this House, as the Hon. Mr Feetham will undoubtedly be delighted that I do so, the policy of this Government in respect of this type of concession. To repeat, for the first time, we invited concessionaires to extend not only the designated hours but also their concessionary period, thereby allowing those concessionaires who want to start in April, during Easter, when the sun is already out and people do go to the beach, to open before, and allowing them as well to do more business during that time. It is also the policy of the Government to encourage concessionaires on the beach to *plan* these one-off events during the summer.

1295 One of the complaints, one of the representations that we received, primarily from young people, is that during summer, they all head off to Spain to enjoy concerts and this type of event and of course, it makes sense to us that instead of our young people going to Spain, that we should reverse that trend and have young people from Spain coming to us and spending money in Gibraltar. This hopefully will mean that, eventually, when one of the events are planned with a bit more time... This was only introduced this year, so this particular concessionaire was not able to obtain the calibre of DJ that they wanted for these particular events, although I understand that they do have a good ilk of people coming over. Hopefully, depending on the calibre of the talent that they bring over, it will encourage people from the hinterland to come to Gibraltar, enjoy our facilities here and stay in our hotels.

1305 **Hon. S M Figueras:** Mr Speaker, I am extremely grateful to the Hon. Minister for providing us with that information on policy in this House.

1310 However, just by way of a little bit of further clarification, you refer to concessionaires, and I do recognise that it was given in the original answer, but I just wanted to clarify: it was offered to existing concessionaires or it was open to all those interested in becoming concessionaires, as well?

It is just that I did not quite get that from the answer.

1315 **Hon. N F Costa:** Well, Mr Speaker, this was advertised, I believe it was in April, and I cannot remember whether, at that point, all the concessionaires were already... Because there are some concessionaires which are always there, which are Latino's and *Chiringuito*... in Western Beach, so there are two that are always there because they have their own licences for existing... But then there are other concessionaires that put bids in for the other end of Eastern Beach. There were two or three. Of course, the GTB had to choose one, but *all* concessionaires were given the opportunity, obviously, as from the point that they started to be able to extend their hours.

1320 **Hon. S M Figueras:** Yes, I am grateful. I think the Hon. Minister, if I am not mistaken, is referring to the new kiosk at the northern end –

Hon. N F Costa: That is right.

1325 **Hon. S M Figueras:** – of the beach.

However just one final point of clarification that I would be grateful to the Minister for, when I was referring to future grants and concessions for the hiring of private *tumbonas* loungers. Does the Government have a policy in respect of... and if he has answered it then I apologise for revisiting it, it is just that I may not have captured it from it. Does the Government have a policy on limiting the number of concessions that may be given to different operators, to avoid a situation where perhaps there are too many operators on a beach operating the private hire of *tumbonas* to the exclusion or to the detriment of other beach users in our beaches today?

1335 **Hon. N F Costa:** No Mr Speaker, I take the point that the hon. Member is trying to make, which is why my policy, which has been ratified by the Cabinet, is that we take a decision on a case-by-case basis. At this point, the only concession that was planning these events, which have already been advertised in the local press was Latino's. Should there be future requests for this sort of concession, which is to have an enclosed area for one-off events, of course, that would be considered by the Gibraltar Tourist Board in the light of any other applications.

1340 In respect of the previous supplementary which the hon. Gentleman did ask me, I did have the specific information – extended hours were in fact requested by Latino's, Sunrise kiosk at Eastern Beach, Parody Kiosk at Camp Bay and *Chiringuito* Matthew, which was the name I forgot, at Western Beach.

1345 **Hon. S M Figueras:** Mr Speaker, I hate to labour the point. It is just that the point I was actually getting to is not one that we have dealt with.

The point specifically I am referring to is where operators may request to have, for the duration of the period of the bathing season, an area allocated to them at the beach where they – not for one-off events, which certainly is something that would be dealt with on a case-by-case basis, as the Hon. Minister has already explained – but in relation to having an area of beach allocated to any number of operators, like the Latino's on the Beach already has and the other kiosks as well, whether there is a policy in relation to the bathing-season-long use of a specific area for the private hire of loungers.

1350 What I am getting at, Mr Speaker, and this may perhaps help in terms of clarification is that what I suspect beach users would not want to see would be the development of that particular activity to the extent that there are so many private lounging facilities that it actually inhibits their use or limits the amount of beach space available to the normal everyday beach user. That is the specific point I was getting to.

I wonder whether the Hon. Minister can help us in respect of policy in that regard.

1360 **Hon. N F Costa:** Well, Mr Speaker, in reply to the question of the hon. Gentleman, the only other concession at Eastern Beach, for example is the kiosk that is close to Latino's. They knew that Latino's had this facility, this concession for beach umbrellas and they did not ask for that particular concession from us this year.

1365 As I said, in order that beach users have as much access to the beach as possible, but also in the light of wishing to encourage private operators to come to Gibraltar to set up what I hear is an excellent facility at Latino's and which has taken advantage of regularly, any application from any concessionaire which, as I say, this year has not being sought from the GTB, even though they already knew that it was possible, we will take it on a case-by-case basis.

Mr Speaker: The Hon. Damon Bossino.

1370 **Hon. D J Bossino:** I am grateful, Mr Speaker.

The Hon. Minister has informed the House that apparently this is a regime which was in place under the previous Administration. Can he confirm to this House whether the designated area he has talked about is exactly the same, in terms of square meterage as was given in the previous concession?

1375 **Hon. N F Costa:** Mr Speaker, whereas I do know that in terms of the concession to hire beach umbrellas and sun beds is a continuation of the policy of the previous Administration, I am not entirely sure what the answer to the question is.

I do know that in respect of this particular year, there was a request for a certain area which was granted by the GTB to this particular concessionaire.

1380 My brief from my official says that the nature of the concession has always been the hire of beach umbrellas and sun beds and it adds – maybe this answers the question –

1385 ‘the number of these being irrelevant as long as the area to be used is kept in an aesthetically pleasing and functional manner subject to the GTB’s approval.’

So that has been the criteria employed by the GTB in past years as to the area that any particular concessionaire may be able to use for sun beds and beach umbrellas.

1390 **Hon. D J Bossino:** But does the Minister know whether the area is larger or smaller? The criteria may be that it is aesthetically pleasing and all the rest of it, and that is fine and presumably that it is a continuation of what was happening when we were in Government. (**Hon. N F Costa:** Yes) But what I wanted to establish is whether the designated area, using his words he was talking about earlier has in fact increased in size or has it reduced in size?

1395 From the political angle, what we are concerned about – certainly what I am concerned about – on this side of the House is that if a greater area is licensed to the private operator, that will necessarily result in less beach space for ordinary users outside of the area, who were previously outside the area should the area have increased in size from last year.

1400 **Hon. N F Costa:** Okay, Mr Speaker, once again reading from the brief prepared by my officials at the GTB, it says that the beach concession that has been granted to Latino’s every summer was amended in order to have the designated area extended in the past to a maximum of eight metres from the sea wall. It then adds that the distance has always been negotiable and changes from year to year depending on the concessionaire’s needs.

1405 Now, whether in this particular year, it is slightly larger or slightly smaller, I do not know. To answer the specific question, I do not know whether this year it is slightly larger or slightly smaller. It is not in my brief.

1410 **Hon. S M Figueras:** Just on one further point Mr Speaker and perhaps the Hon. Minister can clarify for us. I was under the impression, and it may be mistaken, that that particular concessionaire had not been granted this concession in the past, despite an application for it. That was my understanding, if that is not in fact the case then I am happy to be corrected.

Hon. N F Costa: What? What is the...?

1415 **Hon. S M Figueras:** That Latino’s on the Beach had not been granted this concession in the past, in respect of going beyond the sea wall on to the *tumbonas* and the beach umbrellas, and my understanding had been that, despite an application, they had been refused the concession.

If that is incorrect, then I am happy to be corrected.

1420 **Hon. N F Costa:** Well, Mr Speaker, I can only answer the hon. Gentleman what I am advised by my officials, of course, when I asked the question to them. They did prepare, in all fairness to them, a very detailed brief and the first paragraph says to me that when Latino’s on the Beach was relocated to its current site, which is now the beginning of Eastern Beach, the beach concession that had been granted to them, it says ‘*every summer*’, was amended in order to have the designated area extended to a maximum of eight metres from the sea wall. But then it goes on, it says:

‘The distance has always been negotiable and changes from year to year depending on the concessionaire’s needs.’

1430 So from the answer given to me by my officials, who obviously do provide that continuity and consistency that we expect from Government, whoever sits on this side of the House, it does appear that the concession was granted and that even the distance was negotiable.

1435 **Hon. S M Figueras:** Could the Minister confirm the date when Latino’s on the Beach moved to its current location?

Hon. N F Costa: I do not know, Mr Speaker, I am sorry.

Clerk: Question –

1440 **Mr Speaker:** No, the Hon. Daniel Feetham.

Hon. D A Feetham: Yes, he mentioned – I think he did – a wooden deck area. Is this a wooden deck area that is going to be constructed now and will it be a permanent structure or is it a removable structure?

1445 **Hon. N F Costa:** No, Mr Speaker, it is not a permanent structure.

Hon. D A Feetham: So effectively the position is that, after the summer presumably, then it will be removed or is it going to be erected for specific events only?

1450 **Hon. N F Costa:** No, no, it will be removed at the end of the summer, Mr Speaker.

Hon. D A Feetham: And do you have any measurements, in terms of the size of the wooden deck area?

1455 If you do not, it does not matter, Mr Speaker.

Hon. N F Costa: I do not have that specific measurement with me, Mr Speaker. I apologise.

1460 **Hon. D J Bossino:** Mr Speaker, the Hon. Minister has explained that the distance from the wall is negotiable. Just to summarise, can he confirm to this House that he does not have the information here now as to what distance has been negotiated with the private company, the licensee in this case?

Hon. N F Costa: Yes, Mr Speaker, as I said in answer to a previous supplementary, the negotiations having been carried out by the Gibraltar Tourist Board. I do not have the specific answer to that question here.

1465 The only answer that I have is what I have read out in its entirety, which is the first paragraph provided to me by my officials.

1470 **London Boat Show
Attendees**

Clerk: Question 594, the Hon. D J Bossino.

1475 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port provide details to this House of those who attended the London Boat Show in January of this year?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

1480 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker, the following Gibraltar House staff manned – or staffed, I should say – the Boat Show stand on a rota: Mr Peter Canessa; Mr Ian Leyde; Ms Tracy Poggio; Mr William Gomez; Ms Kaiane Aldorino; Mr Dan Lerner; Ms Sara McFadyen and Ms Edwina O'Mahony.

1485 The following Gibraltar companies shared the Boat Show stand and sent representatives: Rock Sailing; Hercules Sailing; Tomboy Sailing; and Ocean Village.

1490 **Gibraltar Bus Company Limited
Eco-friendly buses**

Clerk: Question 596, the Hon. D J Bossino.

1495 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port provide the House with the full specifications of the eco-friendly buses which are replacing the current fleet of the Gibraltar Bus Company Limited?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

1500 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, as I announced in my Budget Speech just last week, what Government has issued is a pre-qualification document, in line with EU Public Procurement Procedures.

The full specifications are currently being drafted. The actual tender document, that will include the full set of specifications, will be made available to those economic operators who have been preselected as a result of this initial stage.

Hon. D J Bossino: This is an important initiative taken by the Government and that is why I am quizzing them.

Is the Minister able to, at this stage – from what I gather from his reply, I think this is still at its very early stages – clarify what technical assistance he is receiving as to the nature of the buses that ought to be purchased?

Hon. N F Costa: Mr Speaker, perhaps, if I may first of all answer the part where he says it is at its very initial stage: it is not that it is at its initial stage. We obtained advice from, obviously, the Public Procurement Office, from the MOT examiners and from members of the Department of Transport. We have had an inter-Ministerial Committee driving this forward, which would therefore have had input from Dr. John Cortes, from his officials at the Environmental Agency. So there has been quite a large group of people having a direct input on the document that has been issued.

So it is not that it is at an early stage. In my view, the early stage would have been the working inter-Ministerial groups with officials that we had, to draw up the document. What we have now, and what has been issued, is a very detailed pre-qualification document and what that is, Mr Speaker – which I am sure the hon. Member knows, of course, because he was on the Transport Commission – it sets out the criteria by which private operators can submit expressions of interest to the Government and only those that comply with ‘the criteria set out herein’, which are of course the EU 2020 Objectives on Environment, that we do comply with our transport regulation laws in terms of width, weight and height... Those that successfully pass this initial threshold will be invited to – well, they would have to – give to the Government the vehicle that they propose that we purchase, so that we can test it on our roads.

In other words, the successful private operator would then be asked to provide the vehicle, we will test it on our roads, at no cost to the Government, so that before we go to the second stage of ordering the vehicle, we would have tested it and made sure that the vehicle... because of course, if it is fully electric, for instance, Mr Speaker, the worry is that it will not be able to negotiate the very steep hills in Gibraltar.

So it may be that we end up with a fleet of fully electric vehicles for those routes that go round the town area and can just be fully electric or we have a fleet of part hybrid vehicles and part electric vehicles, the hybrid of course being when you need the fuel to be able to navigate the steep hill.

Hon. D J Bossino: Is the Minister, at this stage, able to give me an indication as to when he thinks the whole process is likely to be concluded – in other words, when he thinks or he envisages that we will have the vehicles on our roads?

Hon. N F Costa: Mr Speaker, the submissions of applications had to be submitted to the Head of Procurement by no later than Friday, 17th August, so we will obviously have those submissions then.

I am told this morning that nine companies have requested the pre-qualification document so far, so obviously there has been an immediate expression of interest by private operators.

So once we do receive the submissions on the applications, it will be a question for the Procurement Office to go through the different criteria and then the successful pre-qualification tenderer will be able to bring the vehicle to Gibraltar. Maybe we are looking at three months from now.

But of course, we cannot be held to the exact timeframe. It will all depend on how quickly the Procurement Office can turn this around. But, it will be three months: to have the test vehicle, we estimate three months approximately from Friday, 17th August; but of course that is subject to the exigencies and the pressures on the Procurement Office in respect of all the other tender bids that they will have, in respect of all the projects that we have announced in the Budget.

Hon. D J Bossino: Mr Speaker, I can *well* understand that, at this stage of the proceedings of process, the Minister may not be able to answer the supplementary which I asked, which is when he expects those vehicles will be on the roads; but that was my question and if the answer is he cannot answer it, at this stage, I would like it just for the record, that he addresses that issue.

I am grateful for the answer he has been able to have given the House, in any event.

Hon. N F Costa: No, Mr Speaker, the hon. Gentleman has asked exactly what I asked of my officials as well. I said, ‘Well, once we go through the pre-qualification process etc., how long can the people of Gibraltar reasonably expect to have the new fleet starting to be replaced?’ The officials told me that, from beginning to end, we are looking at 12 calendar months. Again, I cannot be held to that timeframe at this point in time, but the best estimate the officials could give me would be 12 months from the 17th August, subject to the matters that I mentioned before, in my previous supplementary.

1565

**Gibraltar Airport taxi service
Lack of provision**

Clerk: Question 597, the Hon. D J Bossino.

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Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port advise this House as to whether he is aware of a lack of provision of a proper taxi service at the Gibraltar Airport and if so, what measures he will implement in order to address this issue?

1575

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, the provision of a taxi service at Gibraltar Airport today is *exactly* the same that we inherited from the hon. Members, when they were in Government and consequently something that they failed to address in nearly 16 years in office.

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However, *this* Government is taking action by working with the Gibraltar Taxi Association and we are in the process of demarcating and placing effective signage in the area.

The incentive will address the common problems that are at present restricting taxi drivers from accessing the taxi rank within the airport terminal due to the fact that this area is frequently being used by both relatives who remain in their vehicles, waiting for their arriving family members, or coaches continuously picking up and dropping off passengers.

1585

But the problem, Mr Speaker, as I mentioned before in my Budget Speech last week, in our view, is not the taxi drivers. It is principally traffic that causes the problem to access to the airport.

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Hon. D J Bossino: Mr Speaker, I will ignore the preamble to his answer.

The reason why I asked the question is because I have been, and certainly the Party has been, the subject of representations in relation to this issue. It has also been the subject of press comments very recently and given that we are now being given the opportunity to ask questions on a regular basis, and it is an issue which is current, I thought I would pose the question.

1595

It is also, incidentally, a Government manifesto commitment in any event, to improve the service and I would urge the Minister to move the matter as fast as possible, in order to improve the services, especially because it does have an impact on visitors who come to our new airport terminal building and then there is this service which does not really reflect properly, or adequately, on Gibraltar plc as a whole.

1600

Can I urge him perhaps to himself, personally, get involved in this matter, if he has not done so already, and maybe set up a meeting with the Taxi Association to discuss other ways of trying to improve the service as soon as possible?

1605

Hon. N F Costa: Mr Speaker, in the first place, the hon. Gentleman need not be in awe as to the preamble of my answer. The reason why I said what I said at the beginning of my answer is as a result to answer the question which he poses, which is whether I can advise whether I am aware of a lack of provision of a proper taxi service. Inherent in that question, therefore, is an implied criticism that we have done nothing about it. I was simply pointing out to the hon. Gentleman opposite that what we have inherited is what they gave to us after they had been in office for 16 years.

So he need not be in awe and a simple cursory reading of his own question will explain to him the reason for the preamble to my answer.

1610

Mr Speaker, as I already mentioned to the hon. Gentleman during the course of my Budget speech, which was as recently as last week, I mentioned that I had already met with the Gibraltar Taxi Association and that I meet with them regularly and that we are already, to use the hon. Gentleman's words, taking urgent action because we have, in fact, assisted the Gibraltar taxis in upgrading their taxi meter system, so that the taxis will have what is in effect a GPS system, so that when there is a call made, the GPS system will be able to allocate the taxi that is nearest to where the call is made.

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That is one of the measures we are assisting the Gibraltar Taxi Association, in order to be able to improve their service, and another thing which this Government is also doing, which the hon. Gentleman will know, as I said in my Budget speech, is the deployment of Transport Inspectors.

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Hon. D J Bossino: Mr Speaker, there was not – just by way of clarification – any inherent criticism of the Government in the question; it was just a genuine desire to elicit the information from the Government, given that the Minister is now responsible in discharging his duties as the Minister for Transport, and also because I had received representations, as I said earlier, and also because it had been the subject of comments in the press. In fact, it was also featured in one of the editorials of our daily newspaper.

1625

So, can I ask the Minister – if he has answered it, then he needs to forgive me, I may have missed it – but can I ask when he thinks that the GPS system will be up and running? But in fact one of the cause for complaints has been that, even when calls are made for the taxi service, there can be delays of between 45 minutes and up to an hour, so I would like an answer to that specific question and would be grateful.

Hon. N F Costa: Well, Mr Speaker, I cannot comment on the estimated time the hon. Gentleman says that it takes for a taxi to be sent to pick up someone. My own personal experience of taxis, when I call from home, is that they take between five to ten minutes. I use the taxis regularly and frequently, and I have never had to wait more than ten minutes, *ever*. So it may be that if someone has to wait for 45 minutes, as he suggested, there may have been a traffic problem at the time. Gibraltar roads, unfortunately, as we all know, are quite prone for there to be no traffic to a blockade in very quick and short order.

To answer his supplementary as to when the GPS will be installed, I cannot give him an exact timeframe. I do know the Gibraltar Taxi Association is moving very quickly on this and are very keen to install it, but what I will do for the hon. Gentleman is I will ask the GTA and I will tell him the answer.

SPORTS, CULTURE, HERITAGE AND YOUTH

Fire prevention courses Arrangements for private companies

Clerk: Question 598, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, in respect of the answer to Written Question 97/2012, can the Minister for Civil Contingencies explain what the arrangement is for private companies to receive from the City Fire Brigade basic fire prevention courses?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Yes, Mr Speaker. Private companies will contact the Fire Safety Department, requesting fire safety training. The City Fire Brigade Fire Safety Department will arrange an agreed date and deliver the basic fire safety course.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, do these private companies pay for the service and if so, how much do they pay?

Hon. S E Linares: Mr Speaker, I have not been given notice to this question and I have not specifically asked about payments. So again, I would not like to answer that question without the information.

But what I could do during the day is I could ask and during the course of the day, I will give you the answer.

Hon. Mrs I M Ellul-Hammond: I am grateful for that, Mr Speaker, because under the word ‘arrangement’, I thought that implied, as part of the service, to include cost.

Mr Speaker, in the answer given to Written Question 97, the Waterbabies Nursery, named in the said schedule, is listed under ‘Education’ rather than as a private establishment. Is that because it now comes under the Department of Education? Could the Minister please clarify that?

Hon. S E Linares: Yes, Mr Speaker, it is relevant to the question the hon. Lady has asked next, which is ‘What are private nurseries and why they are private nurseries, whether they are in Government premises, etc?’

So I could either wait... If the hon. Lady waits for the next question, I think we can include this question with the next question.

**Private nurseries
Listed as 'Government premises'**

1685 **Clerk:** Question 599, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, in respect of the answer to Written Question 99/2012, can the Minister for Civil Contingencies explain why the four private nurseries are included and listed as Government premises?

1690 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, three private nurseries were included because *all* private nurseries, although private, come under the Department of Education and Training.

1695 So in a way that answers the question you asked me before: whether Waterbabies is included and is it included under the Department of Education now? So all nurseries are listed in the Department of Education and considered part and parcel of the Department of Education and therefore, the Fire Brigade will do drills and will go to the private nurseries, even though they are private.

1700 And, Mr Speaker, may I just say that the fact we have said that it is three private nurseries was that in the original Question 99, the Written Question, there is a list of four nurseries and I have emphasised three, because one of them is a Government nursery, which is Varyl Begg Nursery.

1705 **Air Crash Exercise, 29th May 2012
Results and lessons**

1710 **Clerk:** Question 600, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Civil Contingencies give us details of the results and tell us what lessons were learnt from the Air Crash Exercise on 29th May 2012?

1715 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, there are no 'results'. The 'lessons' are internal to each of the essential services and Government Departments involved. This data is not made public.

1720 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, did the Government Agencies not conduct a moratorium with the RGP and Ministry of Defence Agencies after the exercise?

Hon. S E Linares: Mr Speaker, it is not a question of doing a moratorium; it is probably a question of doing a post mortem.

1725 But so be it. The first thing that I asked after completing and being the Chairman of the C3 Committee, was that I wanted feedback and on the question of lessons learnt that I wanted a report after what is says there, that all the essential services and Government Departments involved will internally look at where improvements can be made.

1730 So I have asked for that, but again as the answer to the question states, these are data that are internal to Government.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister inform us of the feedback then, that has been given to him?

1735 **Hon. S E Linares:** Mr Speaker, at present, I gave a date as to when I wanted the feedback, which was the end of July. So I am asking for the feedback and the feedback will come as soon as all the Departments get together and discuss the issues.

1740 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does the Government intend to conduct another such exercise within the two-year recommended period?

Hon. S E Linares: We are looking at how many exercises we need to do and we are also looking at what other improvements we can make, even before the two years elapse.

1745 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Minister aware, as some reports will indicate, why it took an hour for the first casualty to leave the airfield?

1750 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I think it is important that we understand where we are going with this. This is an exercise that has been carried out on a number of occasions under the previous Administration and will be carried out under this Administration and whichever is the next Administration.

The detail of information like that is not information that we are going to get into debating across the floor of the House.

1755 I believe actually that it is necessary for there to be a Privy Council-style body in Gibraltar, where Members who are in the Opposition, Members who are in the Government, would be sharing information which is sensitive, like the information that the hon. Lady in our view is seeking now. But this is not information that we are going to get into across the floor of the House.

1760 She needs to understand the implications of information like that, either in terms of the public's view of the service that the essential services can provide, what the other issues that might arise in respect of the civil contingency may be and the information falling into the hands of people who may be observing us for reasons which are not positive like Opposition holding Government to account.

So if she wants further information about this and she wants to have conversations with my hon. Friend, look I am quite happy for that to go on, but for us to get into this sort of detail in the House is not, in my view, an area where it is prudent for us to go or where we should be going.

1765

Trainee Media Officer post Advertising; successful candidate

1770 **Clerk:** Question 601, the Hon. Mrs I M Ellul-Hammond.

1775 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Civil Contingencies advise where and when the post of 'Trainee Media Officer' was advertised and who was successful in getting the three-year employment contract, due to start this month?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1780 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, whilst interviewing for the post of Civil Contingencies Departmental Press Officer, the Board were very impressed with the Civil Contingencies experience of one candidate and the Press Office experience of another.

1785 The Board therefore recommended to the Board of the GDC that both should be considered for employment, on the basis that one was close to retirement age and only engaged on a three-year contract and the other, a young local person who, with the necessary press experience, would then fill the substantive post permanently.

Both were offered a post.

Based on the said recommendation from the board, Jasmine Dunham, a Gibraltarian graduate was recruited as 'Deputy Civil Contingencies and Departmental Press Officer', not 'Trainee Media Officer'.

1790 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister then confirm if Jasmine Dunham will automatically then be taking up the post of Civil Contingencies and Departmental Press Officer after three years?

1795 **Hon. S E Linares:** Yes, Mr Speaker, that is the intention.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister then confirm that this empty post, after three years, when Mr Green's contract is up, will not be advertised?

1800 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I know it is totally *alien* to the other side, but this is what is called 'succession planning' – something that we have found when we have been elected has been so absent in the structure of the Public Service in Gibraltar, that we are having serious difficulty in relation to very main senior posts.

So what you do when you have serious succession planning, is that you prepare yourself for what is going to happen at the end of a contract.

1805 In this instance, the hon. Lady has been very vociferous in her criticism of the Government, because the contract has gone to somebody who is not local and who is on a pension – she has made very clear her criticism in that respect. I suppose she is in a difficult position now that we have clearly made
1810 arrangements for a succession plan where this post *will* go to a Gibraltarian who is not of retirement age, etc. We believe this is the right way to do things and she will be seeing this in many instances throughout the Public Service, where people will be applying for posts before those posts become vacant, so that they are in post, as designates or as deputies with people who are holding the substantive post, in order to take that post.

1815 This post in particular, Mr Speaker, she will know, given how many questions she has asked about the issue and how many press releases she has issued on the subject, is a new post and therefore the post and the post holder... The post is created, the post holder appointed and the succession planning starts with the appointment of a deputy, all from the beginning – something which we commend to the hon. Members should they ever, perish the thought, find themselves once again on this side of the House.

1820 **Clerk:** Question –

Mr Speaker: No, the Hon. Daniel Feetham.

1825 **Hon. D A Feetham:** So in that very long winded answer that he has given to the hon. Lady, (*Interjection*) the answer therefore to her question is that the post won't be advertised because you have got somebody who you have earmarked to take over that post at the end of the three years. That is the answer, is it not?

1830 **Hon. Chief Minister:** Mr Speaker, what the hon. Gentleman cannot do is say in one breath that the Government does not give enough information and then when he gets the information, say that he does not like the answer because it is long winded.

The position, Mr Speaker, I have made clear in the context of the answer which I gave which I thought was succinct, clear and precise and he called long winded.

He can go back to *Hansard* and look at what I said.

1835 **Clerk:** Question –

1840 **Hon. D A Feetham:** Sorry, it is becoming a sort of habit and I do not know whether the Chief Minister is actually leading on this habit or whether he is allowing his Ministers to play their own role in this.

The hon. Lady has asked a perfectly legitimate question. Now he has given an answer which effectively is this long winded speech, critical of the previous Administration. That is politics. But what we are here to do is to ask questions about Government policy, and it still remains in the air as to whether, after three years this post will be advertised or whether it will go to the person concerned.

1845 Look, the answer may well be it is impossible for the Government to actually make the commitment at this stage that the post will not be advertised because you do not know whether this lady is going to be suitable for the job. That is a possible answer. But at least I would invite the Chief Minister to provide an answer to it. That may well be the answer and I suspect it probably is.

1850 **Hon. Chief Minister:** Mr Speaker, look, what I am not here to do, and what Parliament is not about – and Question Time in particular – is about information being given which the hon. Members then say is too long winded, because they decide it is too long winded, and then to ask for a summary or ask for a yes or no answer.

1855 I am very confident that all the aspects of what the hon. Gentleman has raised were answered in the context of the first answers given by my hon. and learned friend, Mr Linares and by myself. Look, Mr Speaker, he can go back and look at *Hansard*: if he does not think that is the case, he can ask another question next time. But I am not going to give him answers in the format that he likes. I am not going to give him yes and no answers when he wants them. I will give yes and no answers when I believe they are appropriate.

1860 I believe that we have answered the question and we have provided the information which is what Question Time is about. If he does not like it Mr Speaker, that's politics – but I think that *Hansard* reflects exactly what the position is.

**International Jazz Festival
Breakdown of expenditure**

1865

Clerk: Question 602, the Hon. E J Reyes.

1870

Hon. E J Reyes: Can the Minister for Culture provide a detailed breakdown of all expenditure incurred inclusive of staff costs in respect of the first Gibraltar International Jazz Festival?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1875

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Yes, Mr Speaker. I now hand over a schedule to the hon. Member opposite with details of the expenditure incurred in respect of the first International Jazz Festival up to and including 13th July 2012.

Mr Speaker, I would like to add that the hon. Member in his clip of GBC recently stated that the cost of this would have been £100,000 and that he did the GNDO Festival at half the price. The fact is that he will see in the schedule, it has come to only £66,000, the Jazz Festival and that the GNDO competition that he did went up to £99,470.

Schedule to Question No: 602/2012

Advertising costs	£ 12,009.40
Flights & accommodation	£ 6,360.13
Media rights	£ 590.31
Performer's fees	£ 16,553.75
Jazz workshops	£ 2,300.00
Stage, management & presenter's fees	£ 19,875.00
Piano tuning and hire	£ 2,069.49
Other - t-shirts, tours, transfers, meals, photography	£ 4,685.43
Staff costs/overtime	£ 2,173.75

1880

Hon. E J Reyes: I am grateful for the schedule, Mr Speaker.

Under the heading of 'Stage, management & presenter's fees', is it possible to work out from there how much the stage set-up and relevant costs were, as opposed to management and presenter's fees, which would tend to be more of a contract for human resources? Is it possible to have some sort of further breakdown of that £19,875?

1885

Hon. S E Linares: No, Mr Speaker I do not have that with me; but yes, I am sure it is possible to give it to you, so if the hon. Member would wish to write to me or ask the question again, I will give it to you.

1890

Hon. E J Reyes: Mr Speaker, I do not want to be pedantic and I am grateful for the Speaker's comment before, but I think it is already implied in my question. I am more than willing to accept that the Hon. Minister does not have the information now, but as it has arisen out of the supplementary wanting further detail, can the Minister not take it upon himself that when he has a chance back in his office, he then provides me with information in a written manner?

1895

Hon. S E Linares: Mr Speaker, if he writes to me, I will give him all the information.

1900

Hon. E J Reyes: Mr Speaker, but my notice was I wanted 'a detailed breakdown'. Mr Speaker, I have already given due notice of the question. I am accepting he may not have it at this moment in time, but are we going to go through posing a question again, which I think has already been legitimately posed as quantifying that I wanted a detailed breakdown and not just a general breakdown?

1905

Hon. S E Linares: Mr Speaker, this is a rather detailed breakdown and I remember sitting just exactly where the hon. Member was sitting and every time I wanted more detail, I had to write in. So, if the hon. Member wants to –

Hon. E J Reyes: No, Mr Speaker, no, sorry to interrupt –

1910

Hon. S E Linares: If he wants more detail – because it gives a rundown of all the costs, he now wants specifically on one item to give him more details – if he writes to me, I will give him the details.

Hon. E J Reyes: Mr Speaker, I was trying to say I do not ever recall having told the Hon. Minister, when he sat on this side of the bench to write to me further. I recall having taken it upon myself to look into and provide him with further information.

1915 I do perhaps need, Mr Speaker's clarification: if I have asked for the detailed breakdown, is it incorrect for me to say that I want the details of the stage? For me, my interpretation is it is a construction or a hire of a *physical* asset, as opposed to management and presenter's fees which are human resources.

1920 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this may have been provided by one entity who may have billed us for 'Stage, management and fees' and we have provided the detail that we have and we think is relevant. But we are not saying if we have the information, that we will not provide it.

1925 Mr Speaker, I know that there has been a debate about this previously, whilst I have been out of the House, dealing with other business, but look, Mr Speaker, the position of the previous Administration was we will not accept having to write to you, because we make a note, because we might forget and if we say in the House, we will write to you with the further information and we then forget, we are in breach of something we said in the House.

So the reason for asking the hon. Member to write is not to be difficult but simply because he will know that triggers the response. So if he writes, he gets the response.

1930 I imagine this is not information he needs urgently. There is also going to be another opportunity to ask questions in September, so he can ask it then. He needs to recall, first, that his Party Leader was the one who established, for that reason, which is not an unreasonable reason, that people write in and they get the further information if they wish it before the next House; and second, that before 8th December, he might have had to wait six months for the next session of the House, yet he only needs to wait until September.

1935 But all that in the context of us saying if we have got the information, we will give it to you.

Environmental Monitor Specific duties of new post

1940

Clerk: Question 603, the Hon. E J Reyes.

1945 **Hon. E J Reyes:** Can the Minister for Culture and Heritage provide details of the specific duties assigned to the new post of Environmental Monitor, who now forms part of the Establishment of said Ministry, as set out under Head 38(iv) of the Estimates of Revenue and Expenditure for 2012-13?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1950 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the officer in question has been transferred to my Ministry from the Ministry of Environment, in order to assist me with the Gibraltar Industrial Cleaners and Refuse Collection, which is another of my responsibilities.

1955

Culture and Heritage Agency Technical Grade 4 Duties and salary scale range

Clerk: Question 604, the Hon. E J Reyes.

1960

Hon. E J Reyes: Can the Minister for Culture and Heritage provide details of the specific duties and salary scale range assigned to the new post of Technical Grade 4, who now forms/will form part of the Establishment at the Culture and Heritage Agency, as set out in Appendix K, subhead (ii), of the Estimates of Revenue and Expenditure 2012-13?

1965

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1970 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the duties of the Technical Grade 4 Officer will be supervising all works done or that need to be done in all premises that come under the Ministry of Culture and Heritage.

The salary scale range assigned to that of a Technical Grade 4, which has been equated to HPTO.

I would just like to add, Mr Speaker, that it was an issue that came out when we were doing the Budget session, in Committee session, and I am grateful to the hon. Member, because in the actual

1975 Estimate Books there was an omission of Technical Grade 4, if he can remember. The answer therefore is that if he looks in the same Estimate Books and goes to the HPTO Grade, it is exactly the one of Technical Grade 4.

Hon. E J Reyes: Perhaps, the Hon. Minister can help us further.

1980 I recall from that there, he clarified the position saying that this was an officer that had been 'seconded' to him. Is it therefore that the person is on temporary secondment or the person has been transferred out of whatever previous Department he was in, and has now become a fully fledged employee of the Culture and Heritage Agency?

1985 **Hon. S E Linares:** Well, Mr Speaker, it is exactly that: it is secondment. That means that he has moved in for the period that we need him. He was in the – he is still a civil servant. He moves on a secondment basis to the Agency, doing the job that is necessary, as and when needed.

So at the moment, he is in the Agency doing the work, but he is a civil servant seconded into it.

1990 **Hon. E J Reyes:** Therefore, Mr Speaker, am I correct in deducting from there that it is a secondment for a period of time, be it short, long or whatever and would not necessarily follow that, should that person retire or leave the service, he would be automatically replaced through a post that would be advertised, as would be applicable to all other posts within the Establishment?

1995 **Hon. S E Linares:** Well, Mr Speaker, that has to do with the general restructure of the Agency that we are currently doing. It depends whether this officer or the work that this officer is doing currently will be needed in the future.

We have seconded him into the Agency for now and he is doing a specific job – how long for, we do not know.

2000

HEALTH AND ENVIRONMENT

Renewable energy projects Details

2005

Clerk: Question 617, the Hon. S M Figueras.

2010 **Hon. S M Figueras:** Mr Speaker, can the Minister for the Environment confirm details of the renewable energy projects his Government will be facilitating with the allocation of £1 million, as announced in his speech at this month's Budget session?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

2015 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, there are various projects which are being assessed on technical and feasibility grounds which may be facilitated with the allocation of funds from that budget. The specifics are yet to be finalised the sum is therefore a token figure.

2020

Energy from waste and sewage treatment plants Government policy

2025 **Clerk:** Question 618, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for the Environment confirm whether it is the Government's policy to deliver an energy from waste plant and sewage treatment plant within this term of office?

2030

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, it is indeed the Government's intention to proceed with the construction of a new Sewage Treatment Plant to comply with Gibraltar's obligations under the Urban Waste Water Treatment Directive.

It is also the Government's intention to develop more sustainable and integrated waste management systems, comprising high percentages of recycling and cost-effective residual waste treatment.

Other cleaner technologies are therefore being considered, as it is recognised that there is a need to modernise our practices. We are therefore presently examining the range of technology options available for treatment of residual waste, which includes a sludge that would be produced by the sewage treatment plant and to assess the impact of adopting various technology scenarios on key criteria.

We are therefore not presently able to commit ourselves to a timescale for the delivery of these two projects, although we remain fully committed to their delivery, as soon as the results and conclusions of the various assessments are made available to us, and we are able to conclude our strategic planning for both projects.

Hon. S M Figueras: Mr Speaker, I am grateful for the reply.

Just by way of clarification, then the policy is to proceed with these projects, certainly within this term of office, even though you cannot commit, for the various reasons you have explained, to completing them within the term. Is that the situation?

Hon. Dr. J E Cortes: I think the answer is clear: we are committed, when we have all the relevant information. We cannot commit ourselves to a timescale for delivery. It is hopeful that the timescale will be as soon as possible, which therefore, by definition, would be almost within this term of office, but we cannot commit ourselves to completion by those dates, because we are still looking at all the options.

Hon. S M Figueras: I am grateful, Mr Speaker, one further question and it may well be that the Hon. Minister is unable to furnish the information, that he may need notice of the question even, but have any sites been identified or are being discussed right now for the location of these plants as and when the moment arises?

Hon. Dr. J E Cortes: A number of sites are under consideration, but depending on the technology we go for, some sites may be more suitable than others. So we are considering the sites at the same time as we are considering the technologies.

Western Beach reclamation Managing environmental issues

Clerk: Question 619, the Hon. S M Figueras.

Hon. S M Figueras: Can the Minister for the Environment provide details to this House of the measures being taken to manage environmental issues arising from the Western Beach reclamation?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, a Construction and Environmental Management Plan has been produced to ensure that all environmental issues associated with the Western Beach reclamation are considered and, where necessary, mitigated.

It is worth pointing out that before the works commenced the Government – through its appointed consultants – commissioned an ecological survey of the area in question to determine whether there would be any significant adverse environmental effects arising from the proposed development.

Additionally, the appointed contractor was required to develop a Dust Control Plan and obtain a Certificate of Approval from the Environmental Agency as required by Regulation 4 of the Dust Control Regulations 2010.

The Construction Environmental Plan details various measures that are being implemented at Western Beach including, but not limited to the following: (1) watering down both backfill and any trucks leaving the site – the latter have to be completely covered so as to minimise dust emissions; (2) material being taken for deposition on site has been screened for contaminants beforehand; (3) in order to control any sedimentation on the seabed entering the water columns and affecting users of the adjacent beaches, a Floating Turbidity Control Curtain has been installed around the work area; (4) implementation of a Traffic Management Protocol to minimise disruption to pedestrians and beach users; (5) implementation

of a contingency plan for accidental spillages; and (6) placing a geotextile membrane in the inward face of the containment bund to minimise the migration of material into the marine environment.

2095

Hon. S M Figueras: Mr Speaker, I am grateful for the answer and for the detail, in particular.

Given I asked the question in the specific context of information that we have received, in relation to the presence in the area of a certain species of limpet and the action that has been taken to address any issues that may arise in respect of its presence in the area. Perhaps the Minister could provide further details.

2100

Hon. Dr. J E Cortes: Mr Speaker, there is a little bit of confusion here. The whole of the area around the airfield and in fact a number of other sites around the Rock – and here is where I should have brought my PowerPoint again – is the habitat of a European protected species, *Patella ferruginea*, the brown limpet, which is in fact of very restricted distribution. One of the main sites anywhere in the world is the Rock of Gibraltar.

2105

The location of the limpets that the hon. Member is referring to would be an issue in the proposed larger Western Beach reclamation, where the plan envisages – and that particular environmental survey, I do not believe has been completed, as I have not yet seen it – would envisage, in any areas where they might be found, there would be a relocation of the animals or the rocks where they are found.

2110

But the actual development at Western Beach which is currently ongoing which is the development of a car park, does not have – as far as I am aware – these limpets present.

Hon. S M Figueras: Mr Speaker I am grateful for the answer and with your indulgence, I am not going to ask the question; I merely wanted to publicly, and in this House, congratulate, as I have done personally, the Minister for the Environment for his letter to *The Guardian* newspaper, clarifying the situation in relation to the carbon footprint. I have already communicated my congratulations to him, and commend him for that, because I think it is very important that certainly, as far as the rest of the world is concerned, we are seen to be doing what we are, in relation to the environment. (*Applause*)

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Hon. Dr. J E Cortes: I am grateful, Mr Speaker.

2125

Barbary Macaque Management Plan Funding

Clerk: Question 620, the Hon. S M Figueras.

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Hon. S M Figueras: Yes, Mr Speaker, can the Minister for the Environment confirm the nature and extent of the funding that either the International Primate Protection League and/or the Born Free Foundation have committed to in the delivery of the Barbary Macaque Management Plan when it is complete, as he referred to in his speech at this month's Budget session?

2135

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, as the question rightly suggests, the Plan is still not complete and a final decision of its contents is not possible yet, hence the International Primate Protection League and/or the Born Free Foundation contribution will depend on this.

2140

I will add that the initial discussions suggest that they will be assisting with interpretation material, publications and that kind of work.

Hon. S M Figueras: As a point of clarification, is there... You say in relation to publications and the like, is the commitment that they will be assisting in the production of this material for distribution, but not a financial contribution to the implementation of the Plan?

2145

Hon. Dr. J E Cortes: It is possible there could be a financial contribution to the production of material, but that is something that is currently under discussion.

2150

**Barbary Macaque Management Plan
Relocation of macaques; contraception**

2155

Clerk: Question 621, the Hon. S M Figueras.

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Hon. S M Figueras: Mr Speaker, at this month's Budget session, the Hon. Minister for the Environment explained that, and I quote:

'the possibility of relocating macaques to adequate places abroad will continue to be an option and the use of contraceptive measures will be enhanced.'

2165

Can the Minister now provide further details by way of an update to previous questions in this House as to whether negotiations with parties interested in receiving apes abroad have progressed and, separately, what enhanced contraception measures are being planned and whether these have been attempted before?

2170

Clerk: Answer, the Hon. the Minister for Health and the Environment.

2175

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, Government is awaiting responses regarding the relocation of monkeys. It is, for example, in contact with both organisations we mentioned earlier – the IPPL and Born Free – who are looking themselves into appropriate opportunities.

The contraceptive measures being considered include contraceptive implants and also immunological methods. The latter has not been used in Gibraltar before, but has been used in other areas with monkey population problems, for example in Hong Kong.

2180

**Commonwealth Park car parking
Location of Gibraltar Fair**

2185

Clerk: Question 622, the Hon. S M Figueras.

2190

Hon. S M Figueras: Yes, Mr Speaker, is the Minister for the Environment able to confirm whether a decision has now been taken by the Government in relation to the provision of car parking at the Commonwealth Park site and whether any consideration has been given to the location of the annual Gibraltar Fair once works have begun at the site of the Commonwealth Park?

If such consideration has been given, can he give us an indication of the potential locations being discussed?

2195

Clerk: Answer, the Hon. Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, one of the options being considered, but not yet finally determined is that car parking facilities will not be provided under Commonwealth Park, but at a nearby site.

2200

Initially, the number of spaces will be identical to those available now with up to double during the lifetime of this Parliament. The aim is to ensure that parking will be free for local residents only.

The Gibraltar Fair will be held at the Commonwealth Park site this year. Several possible sites are being considered for the Fair from 2013 onwards and Government will make an announcement in that respect next year.

2205

Hon. S M Figueras: Mr Speaker, I am grateful.

Focusing just momentarily on the parking for residents only, is it safe to assume that the system that will be employed in order to enable residents to park for free in these parkings, will be one similar to the system that is currently in use for the free bus service or something along those lines? Is there any discussion in that regard at all yet?

2210

Hon. Dr. J E Cortes: No, Mr Speaker, it is not safe to assume any of that. We have not determined that at this stage.

Clerk: Question –

2215 **Mr Speaker:** Would this be a convenient moment for a short recess?
The House will recess for, say, 10 minutes.

The House adjourned at 11.57 a.m. and resumed its sitting at 12.30 p.m.

2220

**Government investment in equipment
Details**

2225 **Clerk:** Questions and answers continue.
Question 623, the Hon. Mrs I M Ellul-Hammond.

2230 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health tell us what equipment the Government intends to invest considerable amounts of money in, over the years, as he announced during a GBC 'Newswatch' interview on Friday, 18th May?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

2235 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, on taking office, I was briefed by management on GHA equipment procurement issues and I was advised that, previously, Government had not committed to an orderly replacement programme for essential medical and building equipment, thus placing patient care at potential risk; and that requests for additional major and minor works had been ignored.

2240 As I said in my Budget speech, Mr Speaker, the Government is committed to investing to resolve these issues. In this respect, whereas the 2011-12 Works and Equipment Budget was £800,000, this year it was £3.3 million.

The GHA's technical experts and clinicians are currently working on the list of equipment to be acquired, some of which will be replacement and some of which will be new.

2245

**High dose oxygen therapy
Arrangement with Multiple Sclerosis Centre**

2250 **Clerk:** Question 624, the Hon. Mrs I M Ellul-Hammond.

2255 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain how the new arrangement with the Multiple Sclerosis Centre for the provision of high dose oxygen therapy to GHA patients will work?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

2260 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, the arrangement is that the Multiple Sclerosis Therapy Centre will provide treatment to entitle patients on a self-referral basis.

The Centre remains an independent charity.

2265 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, what criteria will be used for patients to be able to use the hyperbaric oxygen therapy centre? How will patients know whether to self-refer. Is there any medical involvement at all?

2270 **Hon. Dr. J E Cortes:** Mr Speaker, the criteria are imposed and regulated by the Centre itself, which has its own checks and its own experts and every individual is entitled to go to the Centre, if they choose to do so.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, is the Minister saying that the Centre then diagnoses the condition and then refers the patient for treatment?

2275 **Hon. Dr. J E Cortes:** No, Mr Speaker, I am not.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, what is the involvement of the Gibraltar Health Authority in the Multiple Sclerosis Centre?

2280 **Hon. Dr. J E Cortes:** If any patient is an in-patient in the hospital, then wherever possible, ambulance transfer is arranged in order to facilitate it for the patient, but there is no involvement of GHA clinicians in the work of the Centre.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, who pays for the self referral treatment?

2285 **Hon. Dr. J E Cortes:** Mr Speaker, the Government has provided the Multiple Sclerosis Therapy Centre with a grant for them to be able to carry out their work.

2290 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, will this be an ongoing grant or is this a one-off payment?

Hon. Dr. J E Cortes: Mr Speaker, it is expected that it will be an ongoing process.

2295 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, are there any conditions attached to the continued payment of grants to the Centre?

Hon. Dr. J E Cortes: Yes, of course, Mr Speaker. These include the need for them to satisfy the Minister for Health of the fact that they are properly insured, of the fact that they are properly regulated by the network of similar centres in the UK and they have to provide regular information and provide details of numbers of patients and so on.

2300 So obviously, there are detailed conditions that they have to abide by.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister tell us how much the grant is, please?

2305 **Hon. Dr. J E Cortes:** It is £200,000. It is actually in the Estimates. *(Interjection)*

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health tell us what his GHA staff, in particular the consultant anaesthetists, think of the Government's policy to make available treatment at the hyperbaric oxygen therapy centre to all who need it?

2310 **Hon. Dr. J E Cortes:** Mr Speaker, the hyperbaric oxygen, as I am sure the hon. Member well knows, as she was present when it was inaugurated several years ago, in the Devil's Tower Road site, and obviously showed her support for the Centre in that way, hyperbaric therapy is a therapy which different clinicians have different opinions on. Some doctors feel it is extremely effective, some doctors feel it is not as effective, some doctors feel it is not effective at all.

2315 But ultimately, as it is a self-referral process, each person is the owner of his own body and therefore can choose whether to use this process or not. If people want to have oxygen therapy, they can go anywhere in the world to have it. The fact that Government is providing indirectly this service in Gibraltar just gives people an opportunity to use it.

2320 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister tell us if this form of treatment is offered under the NHS in the UK, and if it is approved as evidence-based treatment, under NICE?

2325 **Hon. Dr. J E Cortes:** Mr Speaker, I would have to research that question to be able to give a full answer, which I would be most happy to do in future, but I do not have all the details available.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, I understand that this treatment does bring relief, as the Hon. Minister suggested, and that I did support in my capacity as fellow charity. Even though it is not evidence-based or approved by NICE, it is welcomed that more people will be able to access this.

2330 However, Mr Speaker, will the Government consider giving a grant for private osteopathy, acupuncture, chiropractic treatment, reflexology, homeopathy and other complementary treatments that do bring benefit and relief to hundreds of Gibraltarians who are having to pay for treatment themselves at great expense?

2335 **Hon. Dr. J E Cortes:** Mr Speaker, I think that question is too far from the original to be considered a supplementary. It is asking for Government policy on a range of treatments which would have to be considered and discussed, with appropriate time and a view taken.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, is the unit under the clinical governance system of the GHA?

Hon. Dr. J E Cortes: Mr Speaker, once again, I say it is *not* part of the GHA; it is an independent charity, running its own centre.

Hon. Mrs I M Ellul-Hammond: Finally, Mr Speaker, if something happens to a GHA card carrying patient when or after receiving treatment at the centre, will the GHA be responsible or liable? Does the GHA mitigate the unit's risk?

Hon. Dr. J E Cortes: Mr Speaker, I do not think the GHA, the Gibraltar Health Authority, would be liable in that way. Whether there is any liability on the Government for any patient who goes for any form of private treatment in any centre in Gibraltar or elsewhere, I think the question cannot be answered as simply as that, because anybody has the right to go and take on any kind of treatment for any condition, so that would have to be the answer that I can give.

St Bernard's Hospital Attracting local consultants

Clerk: Question 625 the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Can the Minister for Health explain what he is doing to attract local consultants who are working in UK hospitals and further afield to come and work at St Bernard's Hospital?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, all consultant posts are widely advertised in the relevant UK medical journals – usually the BMJ – so will no doubt be seen by any Gibraltarian consultants working in the UK. We do not routinely advertise in other European or Commonwealth countries or the USA – sometimes this the case – but many doctors stay in touch by following these UK journals on-line.

In addition any local doctors who are known to be working as consultants or who are training to become consultants in UK hospitals have been identified to the Medical Director. As an example, a local who is completing his training as a radiologist has recently been recruited to a consultant radiology position within the GHA. He will take up his post in the autumn.

Contact is maintained as much as possible with local doctors and I have myself had discussions with several, over the past few months. This, of course, is not just in respect of doctors at St. Bernard's Hospital, but also in respect of other areas of the GHA's work.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, then can the Minister confirm that the GHA is continuing with the GSD's policy in this regard?

Hon. Dr. J E Cortes: I cannot confirm or deny that. I have no idea what the GSD's policy is in that regard. I suspect that there was not much of a policy anyway.

CT Scan at St Bernard's Hospital Replacement

Clerk: Question 626, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, the CT Scan at St Bernard's Hospital is now seven years old. Can the Minister for Health advise if the GHA will be purchasing a new one?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, as a result of the Government's commitment to appropriate funding, the GHA is in the process of revision and

2400 implementation of an orderly replacement plan for all its clinical equipment. At present, subject to Government approval, the CT will be replaced in 2013 or 2014, depending on its position in that replacement plan.

2405

**GHA new complaints process
Details**

2410 **Clerk:** Question 627, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health provide details on the GHA's new complaints process, as announced by the Ombudsman on 25th June 2012, in a GBC 'Newswatch' interview and how it will be implemented?

2415

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, the new process, which will be initiated following the transfer of responsibility of complaints management to the Ombudsman, is in the process of being developed and will be subject of a meeting between the Ombudsman and myself. Once the process is approved, I will make the necessary announcement.

2420

Hon. Mrs I M Ellul-Hammond: Mr Speaker, will the current complement of staff working for the GHA's Complaints Department now be transferred to the Ombudsman's Office, as per the Government manifesto?

2425

Hon. Dr. J E Cortes: How we actually deal with it is part of the process, so therefore, as the process is still not completed, I cannot answer that question.

2430

**'Best before' dates on medication
Making clearly legible**

2435 **Clerk:** Question 628, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health tell us what he plans to do after representations were made to him by the Gibraltar Senior Citizens' Association on 'best before' dates on medication to be clearly legible?

2440

Clerk: Answer, the Hon. Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, currently the GHA requires pharmacists to practise in accordance with UK standards for dispensing. However, enhancements such as 'best before' dates being more legible will be raised as part of a review of pharmacy practice later this year.

2445

By way of additional information, Mr Speaker, another request by the Senior Citizens' Association which was to provide benches outside the entrance at podium level of the Hospital has now been completed.

2450

(Applause)

**'GP Evidence-based Prescribing'
Auditing of five medical treatments**

2455

Clerk: Question 629, the Hon. Mrs I M Ellul-Hammond.

2460 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, as stated by the Medical Director in his report for the GHA Board of 31st May, can the Minister for Health explain the 'GP Evidence-based Prescribing' where five medical treatments will be piloted and audited for a year?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

2465 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, five drug groups that are known in the literature to be prone to being prescribed outside NICE guidelines by general practitioners will be subject to frequency of prescribing audit during this year.

2470 The five groups are: statins used in lowering cholesterol; proton pump inhibitors used in the treatment of gastro-oesophageal reflux disease; topical non-steroidal anti-inflammatory medications used in the treatment of bone and joint pains; selected serotonin re-uptake inhibitors, used in the treatment of anxiety and depression; and Plavix or Clopidogrel used in the prevention of heart attack and stroke after episodes of these illnesses or after a coronary stent procedure.

2475 **‘Bed Management Report’
Not included in report to GHA Board**

Clerk: Question 630, the Hon. Mrs I M Ellul-Hammond.

2480 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health tell us why the ‘Bed Management Report’ from the Director of Nursing as part of his report to the GHA Board for the meeting of 17th July 2012 is missing, despite it being listed on his first page for reporting, right after ‘Primary Care Services’?

2485 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, the section on bed management, which was also not provided in the previous meeting, contains confidential patient-related information that is inappropriate for the meeting held in public.

2490 If I may add, the fact that it appeared in the index was a typographical error.

2495 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, I also note that the human resources recruitment and selection activity and the business plan vacancies, the control of expenditure by the controlling officer, the summary list of de-personalised complaints and minutes from the last meeting are also missing from the board papers. Will these be included in future papers made available to the public?

2500 **Hon. Dr. J E Cortes:** Mr Speaker, most of those referred to recruitment, which includes names of people who may or may not have been selected, to disciplinary procedures, which includes items which obviously have to remain confidential, and therefore any paper that includes that kind of information will not be presented in the public domain.

2505 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, if the information... in fact, the information *is* de-personalised and it is just a list of vacancies and HR activity, then why has that not been included in the papers; and also the control of expenditure by the controlling officer – will those finance figures be provided in future?

2510 **Hon. Dr. J E Cortes:** Mr Speaker, I will just answer that first and say that it does depend on the nature of the information and on whether there is anything that is sensitive, particularly in relation to patients or staff, although I must say I am surprised that the hon. Lady is asking for so much information in the public domain, when she clearly does not want us to have *any* of this information in the public domain and continue with secret Board meetings. (*Interjections and banging on tables*)

2515 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, that is not true. (*Interjections*) In fact, I have stated publicly that I welcome the Board papers being placed on-line. That is certainly a part of the new ‘open and transparency’ policy on the ‘in public’ GHA Board meetings and that *is* welcome. I was critical of the other aspect.

So, Mr Speaker, can the Minister confirm then that the financial figures will not be presented to the public in future?

2520 **Hon. Dr. J E Cortes:** No, I have not said that. There will be financial figures that can be and there will be figures that cannot be for a number of reasons. There could be commercial discussions going ahead; there could be finance in relation to sponsored patients, which includes patient information. It has to be screened and in order to avoid information which clearly cannot be in the public domain, we have to

2525 be cautious. But anything that has not got those aspects, then clearly it is our policy that it *will* be in the public domain.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister explain then why they were not included in this month's Board papers – the financial figures?

2530 **Hon. Dr. J E Cortes:** If they were not included in this quarter's papers in the public site, it is clearly because they fell into one of the categories that I have described.

2535 **Hon. D A Feetham:** Mr Speaker, does he *know* that to be the case because he has looked at those documents that have not been included, or is he making the *assumption* that that is the case?

Hon. Dr. J E Cortes: Mr Speaker, he believes he knows because he has looked at the papers, but I have learnt in these short months as a Parliamentarian that I have to be very careful when I say absolutely no, because I may have missed something.

2540 Therefore, I *believe* that that is the case, but I will have to read them all again before I said that I conclusively know that every single detail is like that.

**GHA 11-month contracts
Details of any issued since 9th December**

2545 **Clerk:** Question 631, the Hon. Mrs I M Ellul-Hammond.

2550 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health state how many 11-month contracts have been issued since 9th December in the GHA and (a) how many are British; (b) how many are Spanish; (c) how many are Gibraltarian; (d) broken down by grades; (e) the length of time in which prior to issuing the 11-month contracts such an employee or employees have been working for the GHA; and (f) if it is the intention of the GHA to permanently employ such persons, upon the successful completion of the 11-month contracts?

2555 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

2560 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, the Gibraltar Health Authority has not issued any 11-month contracts since 9th December 2011.

Clerk: Question –

2565 **Hon. Chief Minister:** That may be a convenient moment for the House to break now for the lunch adjournment. I propose we come back, Mr Speaker, at 3.30 this afternoon.

Mr Speaker: Is that convenient to all the hon. Members? (*Members agreed.*)
This House will adjourn until 3.30 p.m. this afternoon.

The House adjourned at 12.43 p.m. and resumed its sitting at 3.30 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.30 p.m. – 4.18 p.m.

Gibraltar, Thursday, 19th July 2012

The Gibraltar Parliament

The Parliament met at 3.30 p.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Questions for Oral Answer

SPORTS, CULTURE, HERITAGE AND YOUTH

Question 598 – Fire prevention courses Supplementary information

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, if I may, this morning I told the hon. Lady that I would give her some information in relation to Question 598 about the costs of the fire courses.

The cost of the basic safety courses is £20 per person and each company is charged for the use of the extinguishers between £50 and £60, depending on the number of people attending.

Thank you.

Hon. Mrs I M Ellul-Hammond: I appreciate that, Mr Speaker, Minister.

15

Procedural

Chief Minister (Hon. F R Picardo): Mr Speaker, before we carry on with the session this afternoon, can we take off our jackets?

20

Mr Speaker: Yes, certainly.

25

EQUALITY AND SOCIAL SERVICES

**Looked After Children
Training programmes**

30

Clerk: Question 632/2012, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services state if further progress has been made in finding suitable training programmes for the remaining Looked After Children referred to in Question 524/2012; and, if so, what the training will consist of, when the training will start and who will provide the training?

35

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, this Question now applies to three Looked After Children, for the reasons explained to the hon. Member, on a confidential basis.

40

With regard to these three Looked After Children referred to in Question 171/2012, I can say that progress continues to be made. Given that now there are only three children involved and they could potentially be easily identified, as such I am providing the hon. Member with further detailed information on a confidential basis.

45

**Care Agency residential homes
Recordable acts of violence**

50

Clerk: Question 633, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services state if there have been any recordable acts of violence in any of the Care Agency residential homes, since this question was asked in Question 526 to date; and, if so, could the Minister provide a breakdown showing the date of the incident or incidents, whether the incident or incidents were between children or between children and staff and whether, as a result of the incident, medical attention was required, either in the home or in the hospital and for what purpose?

55

60

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. S J Sacramento): Mr Speaker, since this question was asked in Question 526/2012, there have been seven incidents.

I now hand the hon. Member a table stating the requested information.

ANSWER TO QUESTION 633 OF 2012

Date	LAC to LAC	LAC to Staff	Medical Attention/Residential Home or Hospital	What purpose
25/06/2012		Yes	None required	
26/06/2012		Yes	None required	
27/06/2012		Yes	None required	
03/07/2012		Yes	None required	
03/07/2012		Yes	None required	
10/07/2012		Yes	None required	
12/07/2012		Yes	None required	

65 **Hon. S J Sacramento:** None of the incidents resulted in the need for medical attention. Many were extremely mild, such as, for example, spitting or kicking the back seat of the car.
I am providing the hon. Member with some further details on a confidential basis.

70 **Hon. J J Netto:** Mr Speaker, if the further confidential information... it is not this one. Is there something else that you are referring to?

Hon. Miss S J Sacramento: Yes, Mr Speaker, it is on its way round.

75 **Mr Speaker:** I think it is clearly marked in red that it is confidential.

**Care Agency residential homes
Looked After Children who have absconded**

80 **Clerk:** Question 634, the Hon. J J Netto.

85 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if there have been any Looked After Children in any of the Care Agency residential homes who have absconded since this question was asked in Question 527 of 2012; and, if so, state how long the absconding lasted, whether the absconding was in Gibraltar or Spain, and whether any of these children have a track record of engaging in acts of violence against any other children or staff members?

90 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. S J Sacramento): Mr Speaker, since this question was asked in Question 527/2012, there have been three incidents of absconding.

I now hand the hon. Member a table with the requested information.

95 In addition to these incidents there is also the issue of the 17-year-old from the Republic of Guinea, as explained in Question 404/2012. The young person in question was formally discharged from care on 11th July 2012.

ANSWER TO QUESTION 634 OF 2012

Name of LAC	Date	Length of LAC absconded	Any track record of violence towards staff or LAC	Absconding in Gibraltar or Spain
A	23/06/2012	2 hours 30 minutes	Yes	Gibraltar
B	23/06/2012	13 hours 15 minutes	No	Gibraltar
B	25/06/2012	17 hours 40 minutes	No	Gibraltar

100 **Hon. D A Feetham:** Yes, Mr Speaker, the hon. Lady has mentioned a child from Guinea who has been discharged from care because... well, he is 17 years old. I thought she said that he is 17 years old. No?

105 **Hon. Miss S J Sacramento:** No, Mr Speaker, that is not the reason why he has been discharged from care. He has now been discharged from care because, as the hon. Member may recall, this is in fact the third session of this House in which I refer to this case. This is a child who absconded from the care of the Care Agency months ago and given that he has not returned to care, it is believed that he is not in Gibraltar. The case has now been formally discharged.

110 **Hon. D A Feetham:** So effectively, what we have is a position that he has been discharged from care because he cannot be found in Gibraltar. He has absconded and effectively he is, if I can put it that way, at large?

Hon. Miss S J Sacramento: Yes, Mr Speaker, that is the case.

115

**Care Agency
Details of employees**

Clerk: Question 635, the Hon. J J Netto.

120

Hon. J J Netto: Mr Speaker, following the presentation of the new Estimate Book for 2012-13, can the Minister for Social Services provide a breakdown by grade, location and nationality of all employees currently in the employment of the Care Agency as at the end of June 2012?

125

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. S J Sacramento): Mr Speaker, I will now hand the hon. Member the requested information.

ANSWER TO QUESTION 635 of 2012

BRUCE'S FARM			
GRADE	TOTAL	LOCATION	NATIONALITY
ADMINISTRATOR	1	BRUCE'S FARM	BRIT/GIB
COUNSELLOR	3	BRUCE'S FARM	BRIT/GIB - 2 BRIT/UK - 1
HOUSE MANAGER	1	BRUCE'S FARM	BRIT/GIB
CARE WORKERS	9	BRUCE'S FARM	BRIT/GIB - 6 BRIT/UK - 1 SPANISH - 2
ADMIN OFFICER (P/T)	1	BRUCE'S FARM	BRIT/GIB
	15		

CHILDREN'S RESIDENTIAL			
GRADE	TOTAL	LOCATION	NATIONALITY
RESIDENTIAL HOME MANAGER	1	TANGIER VIEW	VACANT
UNIT MANAGER	6	TANGIER VIEW	BRIT/GIB - 5 BRIT/UK - 1
CARE WORKERS	34	TANGIER VIEW	BRIT/GIB - 18 BRIT/UK - 4 SPANISH - 10 GERMAN - 1 HUNGARIAN - 1
CARE WORKERS (P/T)	6	TANGIER VIEW	BRIT/GIB - 3 SPANISH - 3
TEACHER (P/T)	1	TANGIER VIEW	BRIT/GIB - 1
	48		cont...

CONT'D ANSWER TO QUESTION 635 of 2012

DISABILITY			
GRADE	TOTAL	LOCATION	NATIONALITY
MANAGER	1	DR GIRALDI	BRIT/UK
REGISTERED NURSE	6	DR GIRALDI	BRIT/UK
UNIT MANAGER	4	DR GIRALDI	BRIT/UK - 2 BRIT/GIB - 2
ADMIN OFFICER (P/T)	1	DR GIRALDI	BRIT/GIB
CARE WORKER	64	DR GIRALDI	VACANT - 2 BRIT/GIB - 23 BRIT/UK - 24 SPANISH - 12 DUTCH - 1 ITALIAN - 2
DOMESTIC	6	DR GIRALDI	BRIT/GIB
MANAGER	1	ST BERNADETTE'S	SPANISH
DEPUTY MANAGER	1	ST BERNADETTE'S	BRIT/UK
OCCUPATIONAL THERAPIST	1	ST BERNADETTE'S	BRIT/UK
ENROLLED NURSE	2	ST BERNADETTE'S	BRIT/UK
ADMIN OFFICER (P/T)	1	ST BERNADETTE'S	BRIT/GIB
CLASS ROOM AIDE	2	ST BERNADETTE'S	BRIT/GIB
CARE WORKERS (P/T)	22	ST BERNADETTE'S	BRIT/GIB - 16 BRIT/UK - 2 SPANISH - 4
	112		

CONT'D ANSWER TO QUESTION 635 of 2012

cont...

SOCIAL SERVICES			
GRADE	TOTAL	LOCATION	NATIONALITY
TEAM LEADER	4	SOCIAL SERVICES	VACANT
			BRIT/UK - 2
			BRIT/GIB - 1
SENIOR SOCIAL WORKER	3	SOCIAL SERVICES	BRIT/GIB - 3
COUNSELLING PSYCHOLOGIST	1	SOCIAL SERVICES	BRIT/GIB
SOCIAL WORKERS	16	SOCIAL SERVICES	VACANT - 1* growth post
			BRIT/GIB - 7
			BRIT/UK - 8
SOCIAL WORKER (P/T)	2	SOCIAL SERVICES	BRIT/UK
UNQUALIFIED SOCIAL WORKER	2	SOCIAL SERVICES - 1	BRIT/GIB
		SHOPMOBILITY - 1	BRIT/GIB
TRAINEE SOCIAL WORKER	1	SOCIAL SERVICES	BRIT/GIB
COMMUNITY SERVICE OFFICER	1	SOCIAL SERVICES	BRIT/GIB
HIGHER EXECUTIVE OFFICER	2	JOHNSTONE'S PASSAGE	BRIT/GIB
EXECUTIVE OFFICER	1	MOUNT ALVERNIA	BRIT/GIB
ACCOUNTS OFFICER	1	MOUNT ALVERNIA	BRIT/GIB
COUNSELLOR	1	SOCIAL SERVICES	BRIT/GIB
DAY CENTRE CO-COORDINATOR	1	SOCIAL SERVICES	BRIT/GIB
DAY CENTRE ASSISTANT (P/T)	1	SOCIAL SERVICES	BRIT/GIB
SHOPMOBILITY ATT/ADMIN OFF	1	JOHNSTONE'S PASSAGE	BRIT/GIB
HANDYMAN DRIVER	1	ST BERNADETTE'S	BRIT/GIB
ADMIN OFFICERS	15	SOCIAL SERVICES - 2	BRIT/GIB
		JOHNSTONE'S PASSAGE - 11	BRIT/GIB
		MOUNT ALVERNIA - 1	BRIT/GIB
		TANGIER VIEW - 1	BRIT/GIB
ADMIN OFFICERS (P/T)	9	SOCIAL SERVICES - 1	BRIT/GIB
		MOUNT ALVERNIA - 3	BRIT/GIB
		JOHNSTONE'S PASSAGE - 5	BRIT/GIB

63

cont...

CONT'D ANSWER TO QUESTION 635 of 2012

NURSING GRADES			
GRADE	TOTAL	LOCATION	NATIONALITY
CLINICAL STANDARDS COMP DIR	1	MOUNT ALVERNIA	BRIT/UK
NURSING CO-COORDINATOR	1	MOUNT ALVERNIA	VACANT
DEPUTY NURSING COORDINATOR	1	MOUNT ALVERNIA	SPANISH
REGISTERED GENERAL NURSES	52	ELDERLY SERVICES	BRIT/GIB - 2
			BRIT/UK - 12
			SPANISH - 36
			POLAND - 1
			SOUTH AFRICA - 1
REGISTERED GENERAL NURSES (P/T)	2	ELDERLY SERVICES	BRIT/UK
TRAINING CO-COORDINATOR	1	MOUNT ALVERNIA	BRIT/UK
ENROLLED NURSE	1	ELDERLY SERVICES	BRIT/GIB
ENROLLED NURSE (P/T)	1	ELDERLY SERVICES	BRIT/GIB
NURSING AUXILIARY	1	ELDERLY SERVICES	BRIT/GIB
NURSING AUXILIARY (P/T)	1	ELDERLY SERVICES	BRIT/GIB
NURSING ASSISTANTS	120	ELDERLY SERVICES	BRIT/GIB - 44
			BRIT/UK - 7
			SPANISH - 59
CARE WORKERS	66	ELDERLY SERVICES	BRIT/GIB - 33
			BRIT/UK - 14
			SPANISH - 15
			POLAND - 3
			MOROCCAN - 1
PHYSIOTHERAPISTS	4	ELDERLY SERVICES	BRIT/GIB - 2
			VACANT - 2
ACTIVITIES CO-COORDINATOR	1	ELDERLY SERVICES	BRIT /UK
ACTIVITIES CO-COORDINATOR (P/T)	2	ELDERLY SERVICES	BRIT/GIB
	255		

CONT'D ANSWER TO QUESTION 635 of 2012

cont...

ELDERLY CARE			
GRADE	TOTAL	LOCATION	NATIONALITY
CHIEF EXECUTIVE	1	JOHNSTONE'S PASSAGE	VACANT
ELDERLY CARE MANAGER	1	MOUNT ALVERNIA	BRIT/GIB
HEAD OF ADMINISTRATION / FINANCE	1	JOHNSTONE'S PASSAGE	BRIT/GIB
FACILITIES & OPERATIONS MANAGER	1	MOUNT ALVERNIA	BRIT/GIB
FACILITIES OFFICER	1	MOUNT ALVERNIA	BRIT/GIB
FINANCE MANAGER	1	JOHNSTONE'S PASSAGE	BRIT/GIB
PERSONNEL MANAGER	1	JOHNSTONE'S PASSAGE	BRIT/GIB
FINANCE OFFICER	1	JOHNSTONE'S PASSAGE	BRIT/GIB
SALARIES OFFICER	1	JOHNSTONE'S PASSAGE	BRIT/GIB
PERSONAL SECRETARY	5	ELDERLY - 3	BRIT/GIB
		JOHNSTONE'S PASSAGE - 2	BRIT/UK - 1
			VACANT - 1
PERSONAL SECRETARY (P/T)	1	JOHNSTONE'S PASSAGE	BRIT/GIB
CATERING MANAGER	1	MOUNT ALVERNIA	BRIT/GIB
DOMICILIARY CARE CO-COORDINATOR	1	JEWISH HOME	BRIT/UK
COMM ELDERLY NEEDS CO-COORDINATOR	1	JEWISH HOME	BRIT/GIB
TECHNICAL OFFICER	1	MOUNT ALVERNIA	BRIT/GIB
STORES SUPERVISOR	1	MOUNT ALVERNIA	BRIT/GIB
	20		

CONT'D ANSWER TO QUESTION 635 of 2012

cont...

INDUSTRIALS			
GRADE	TOTAL	LOCATION	NATIONALITY
INDUSTRIAL TECHNICIAN	1	MOUNT ALVERNIA	BRIT/UK
MAINTENANCE OPERATIVES	2	MOUNT ALVERNIA	BRIT/GIB
SENIOR COOKS	2	MOUNT ALVERNIA	BRIT/GIB -1
			SPANISH
COOKS	2	MOUNT ALVERNIA	BRIT/GIB -1
			MOROCCAN -1
JUNIOR COOKS	5	MOUNT ALVERNIA	BRIT/GIB -1
			SPANISH - 4
KITCHEN ASSISTANTS	5	MOUNT ALVERNIA	BRIT/GIB -1
			MOROCCAN -2
			SPANISH - 2
DOMESTICS	25	MOUNT ALVERNIA	BRIT/GIB -12
			BRIT/UK - 1
			SPANISH - 9
			MOROCCAN -3
LAUNDRESS	6	MOUNT ALVERNIA	BRIT/GIB - 2
			BRIT/UK -2
			SPANISH - 2
LABOURER	1	MOUNT ALVERNIA	BRIT/GIB
CRAFTSMAN/PAINTER	2	MOUNT ALVERNIA	BRIT/GIB
ASSISTANT STOREMAN	1	MOUNT ALVERNIA	BRIT/GIB
LABOURERS (HYBRID STORES)	9	MOUNT ALVERNIA	BRIT/GIB -6
			BRIT/UK -1
			SPANISH -1
			MOROCCAN -1
DOMESTICS (P/T)	1	MOUNT ALVERNIA	BRIT/GIB
SEAMSTRESS (P/T)	1	MOUNT ALVERNIA	BRIT/GIB
CRAFTSMAN/PAINTER (P/T)	2	MOUNT ALVERNIA	BRIT/GIB -1
			BRIT/UK -1

CONT'D ANSWER TO QUESTION 635 of 2012

cont...

INDUSTRIALS - CONTINUATION			
GRADE	TOTAL	LOCATION	NATIONALITY
COOK (P/T)	1	TANGIER VIEW	BRIT/GIB
COOKS	3	BRUCE'S FARM	SPANISH - 2
			MOROCCAN - 1
CARETAKER/DRIVER	1	ST BERNADETTE'S	BRIT/GIB
HANDYMAN/DRIVER	1	ST BERNADETTE'S	BRIT/GIB
CLEANERS	2	ST BERNADETTE'S	BRIT/GIB
PERSONAL CARE WORKER	2	ST BERNADETTE'S	SPANISH
	75		
TOTAL APPROVED COMPLEMENT		588	

Hon. J J Netto: Mr Speaker, just one question, as obviously one needs more time to assimilate the details of all of this, but one thing that struck me on the very first date on the top table there – because obviously the question relates to employees in location – I do not see in Bruce's Farm any of the cooks. Remember that when we were doing the Estimate Book, the Appropriation Bill, I was asking the question whether 'cooks' are now defined as 'industrials'; hence the reason why I could not see them in the column of the Establishment figures which is...

I am asking this particular question because I am trying to identify people in location, as opposed to whether they are white collar, blue collar, non-industrial, industrial, and I just spotted this now. Obviously, there may be other issues that with a bit of time I may be able to spot.

Is it perhaps because they are located somewhere else as cooks, perhaps under Mount Alvernia or something else? I am not quite sure.

Hon. Miss S J Sacramento: Mr Speaker, yes, the hon. Gentleman opposite is right to spot that because there are cooks at Mount Alvernia. It is regrettable that those who have prepared this for me have omitted them from the table, but I will provide an accurate table to the hon. Member. This is an oversight.

Obviously, it is an administrative error, because as I said last week, Mr Speaker, there are cooks at Bruce's Farm, as well as Mount Alvernia.

Hon. J J Netto: I am grateful, Mr Speaker.

Care Agency employees 11-month contracts issued since 9th December

Clerk: Question 636, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services state how many 11-month contracts have been issued since 9th December in the Care Agency, and of those: (a) how many are British; (b) how many are Spaniards; (c) how many are Gibraltarian; (d) broken down by Grades; and the length of time in which prior to the issuing of the 11-month contracts, such employees have been working for the Agency, and if it is the intention of the Agency to permanently employ such persons upon the successful completion of the 11-month contract?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, eleven 11-month contracts have been issued since 9th December in the Care Agency.

The breakdown by nationality is as follows: British/UK – three; Spanish – six; British/Gibraltarian – two.

I am handing the hon. Member a table with more detailed information broken down by grade.

These employees to whom 11-month contracts have been issued had not been working in the Agency previously.

Subject to successful completion of the initial contract period, i.e. subject to reviews, and other relevant policy considerations which may arise, it is presently the intention of the Care Agency to take on such employees indefinitely.

ANSWER TO QUESTION 636 OF 2012

RGNs

6 Spanish

3 British/UK

Care Workers

1 British/Gibraltarian

Social Workers

1 British/Gibraltarian

Hon. D A Feetham: Mr Speaker, to assist the hon. Lady, I think the three cooks actually appear under 'Industrials' in the final page of the schedule which she has provided.

Hon. Miss S J Sacramento: I am grateful for that, Mr Speaker.

TRAFFIC, HEALTH & SAFETY AND TECHNICAL SERVICES

**Sustainable traffic transport and parking plan
Tender for consultancy services**

Clerk: Question 656, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Traffic, Health & Safety and Technical Services advise whether the tender for consultancy services in relation to the sustainable traffic transport and parking plan has been awarded; and, if so, can he now provide further details of the services which will be provided by the tenderer?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, no, sir. It has not been awarded.

Hon. D J Bossino: Is the Minister able to give me an indication as to when it is likely that the tender will be awarded?

Hon. P J Balban: Mr Speaker, the expression of interest has been submitted by consultants and the recommendations of the Tender Board is now with the Procurement Office. It is expected that the invitation to tender will be forwarded within the next couple of weeks.

205 Part two of the tender process – that is the time for consultants to prepare their bids – will be a minimum of 40 days from the issue of the invitation to tender to receipt of tender response.

210 **Car parking construction plans
Old Theatre Royal site**

Clerk: Question 657, the Hon. D J Bossino.

215 **Hon. D J Bossino:** Can the Minister for Traffic, Health & Safety and Technical Services advise the House whether it is proceeding with the plans to construct parking at the old Theatre Royal site?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

220 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the Government can confirm that it is proceeding with the construction of a multi-storey car park at the old Theatre Royal site.

225 **Driver Certificate of Professional Competence
Availability of tests**

Clerk: Question 658, the Hon. D J Bossino.

230 **Hon. D J Bossino:** Can the Minister for Traffic, Health & Safety and Technical Services confirm whether the tests to obtain the Driver Certificate of Professional Competence are currently available to those individuals who want to take them?

235 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, yes, sir. In accordance with the Traffic (Drivers Qualification and Training) Regulations 2008, the Driver and Vehicle Licensing Department has introduced and made available to applicants the Driver Certificate of Professional Competence (CPC) initial qualification tests.

240 **Hon. D J Bossino:** Mr Speaker, I would ask the Minister to perhaps focus on this a bit more, if he has a chance when he gets back to the office because the reason why I ask this question is that representations have been made to me in relation to this issue.

245 I am told that despite the Government's announcement in the press that these certificates would be available and the initiatives which the Government has undertaken to make these available to pay for certain... I think it is... the cost of the examiner is going to be met by the Government and if you are unemployed, then the cost of the test is also going to be met by the... The tests, if you are unemployed, the cost of that is also going to be met by the Government.

250 It has, I am told, attracted some interest, but people are going to the Licensing Department, and it seems that the civil servants on the ground are not aware of all the details, and all that they are asking the person who is interested is to leave their name and then they are going to be contacted. But the information I am receiving is that the people who are expressing an interest are not, indeed, being contacted.

255 I would ask the Minister to perhaps look into this in a bit more detail because the reality does not quite correlate with the answer he has just given this House.

260 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Gentleman needs to remember what I told him in the course of my Budget speech. I am going to assume, again, as I did then, that he knows what he is talking about and that therefore what he is asking us to do again, from this position, is to once again deliver to the other side a massive political slap in the face for not offering this sort of qualification for the past 16 years.

The introduction of this policy and the introduction of this type of test, once the political colour of the Government changed, I assume, given what he is saying, is something that he supports and he wants us to see through as soon as possible.

As far as we are concerned, we will, of course... and he said to the hon. Gentleman, in the course of his first intervention, that he should concentrate more on these issues when he gets back to his office. We will concentrate on this and all the other issues on which we are delivering for our community, in particular those on which there has been no delivery for our community in the past 16 years.

Hon. P J Balban: If I just may add, just for your information, since the introduction, 15 applicants have undergone the bus CPC and 29 applicants have undergone the lorry CPC.

Hon. D J Bossino: I am grateful for the Minister's reply, which I found much more useful than the Chief Minister's reply (*Interjections*) which at least... (*Interjections*) We are being asked to ask questions in order to elicit information and that is all I am doing in this House. I think I am keeping to that as best as I possibly can, but if that is the reply the Chief Minister wants to come up with, then so be it.

But it is simply to point out, Mr Speaker, that as far as I understand it – and I stand to be corrected – the professional competency test is in fact a new requirement, as the Hon. the Minister for Transport quite rightly explained at the last sitting of the House. So it is not a Government policy initiative; it is actually an EU legal requirement. Maybe the Chief Minister should himself do some homework.

Hon. Chief Minister: Mr Speaker, this is not a question of homework or of simply standing up and pretending to be the nice guy asking questions to elicit information, because when one prefaces one's question with, 'Will the hon. Gentleman agree to go back and do more work and concentrate more on this issue?' one is not asking an innocent question to ask and elicit information.

The hon. Gentleman knows me well enough to know that I am not going to let him get away with that, and that I am going to refer him back to *Hansard*, so that he can concentrate more on the way that he asks questions, if they really are just to elicit the information.

Look, Mr Speaker, this is an EU requirement. It is a new EU requirement, but it is an EU requirement that does not just transpose now. It is an EU requirement that has been there for some time and was not transposed by the hon. Members when they were in Government.

That is why, if it is a question of homework and he wants to reduce it to that, he needs to go back and do some homework himself.

Prohibitions and improvement notices Number issued June 2012

Clerk: Question 659, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Traffic, Health & Safety and Technical Services state how many prohibitions and improvement notices were issued in the month of June 2012, if any, broken down by industry group, and specifying the reason or reasons for issuing the notice in this period which may have brought operations to a halt, until the inspector was satisfied that the correct standard had been duly complied with?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the information requested by the hon. Member is contained in the schedule, which I now hand over to him.

Given that the hon. Member is requesting this information at each meeting of the Parliament, in order to facilitate access to the data requested to him and to members of the general public, it will be added to the statistics published on the Government website on a monthly basis and will therefore mean that he will have the information without having to ask for it.

Answer to Questions 659**Enforcement Activities 2012****Prohibition / Improvement Notices Served - JUNE**

	PN	IM
Industry Sector		
Electricity Supply/Related		
Water Supply/Related		
Shipbuilding/Marine Repairs		
Manufacture		
Construction	1	
Wholesale Trade		
Retail Trade		
Hotel Trade		
Restaurants, Bar etc		
Repairs Consumer Goods		
Sea Transport Related		
Air Transport Related		
Road Transport Related		
Post & Communications		
Bank, Finance, Insurance		
Public Admin & Natl Defence		
Police, Security, Fire Services		
Sanitary Services		
Education		
Medical & Health Services		
Horticulture		
Other		
Total	1	0

Hon. J J Netto: Mr Speaker, I notice that, all in all, there has been one, either improvement or prohibition notice which does not really tally with the kind of figures I have been getting in previous months.

The normal incidence of either prohibition or improvement seems to be much higher than one. Is there any particular reason? Is it perhaps because the Factory Inspector has been concentrating on some other type of work?

Hon. P J Balban: Mr Speaker, the Factories Inspectorate actually responds mainly to requests from members of the general public – they respond in that way. In fact, the figures show a prohibition notice, as opposed to an improvement notice because that is clearly on the spreadsheets. So that is the reason why, perhaps, they have not received any complaints or any requests in that time period.

Hon. J J Netto: Well, it can be for any of two particular reasons. Either because someone in particular phones them and they go out and look on site at whatever they deem to be unacceptable or as a result of their daily excursion out into various industry groups. It can emanate in different forms.

But the particular question I was asking for is that, given that we are talking of just one in that particular period, which is a figure much, much lower than would have been traditionally the case in previous months, whether there was some reason for this particular low figure in this particular month?

Hon. P J Balban: No, Mr Speaker, not that I am aware of.

**Factories Inspectors
Site meetings/advice given, June 2012**

Clerk: Question 660, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health & Safety state how many site meetings and advice were given by the Factories Inspectors during the month of June 2012, and stating to which industry group this was given?

350 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the information requested by the hon. Member is contained in the schedules, which I now hand over to him.

As already stated in my answer to the previous question, this information will be added to the statistics published on the Government website.

Answer to Questions 660

Monitoring Activities 2012

Inspections / Site Meetings / Advice

	JUNE
Industry Sector	
Electricity Supply/Related	
Water Supply/Related	
Shipbuilding/Marine Repairs	1
Manufacture	
Construction	32
Wholesale Trade	
Retail Trade	
Hotel Trade	
Restaurants, Bar etc	
Repairs Consumer Goods	
Sea Transport Related	1
Air Transport Related	
Road Transport Related	
Post & Communications	
Bank, Finance, Insurance	
Public Admin & Natl Defence	
Police, Security, Fire Services	
Sanitary Services	
Education	
Medical & Health Services	
Other	
Horticulture	
Unknown	
Total	34

355 **Hon. J J Netto:** Mr Speaker, any particular reason why there were 32 site meetings/advice for the construction industry and just one for shipbuilding and one for sea transfer related and none for the other industry groups? Any particular reason for this?

360 **Hon. P J Balban:** Mr Speaker, the actual construction industry encompasses a very wide range of sectors. It is not specifically the bricks and mortar industry. Construction will overlap between any repairs being done within a shop, which will come under, perhaps under the retail trade, or it could involve other industry groups.

So just because we see 32 on-site meetings or inspections or advice given, it does not necessarily mean that that is construction sites.

365 The reasons for the apparent disparity in the statistical monitoring activities of the construction industry from the rest of the industries is due to what the Factories Act defines as 'construction work', as was mentioned earlier, and construction work is considered and not limited... and I will quote what this includes: alterations; conversions; fitting out; commissioning; renovations; repairs; upkeep; redecorations or other maintenance, including cleaning which involves use of water or an abrasive at high pressure or the use of corrosive or toxic substances; decommissioning; demolition or dismantling the structure; scaffolding; roadworks; trenches; sewer works etc.

370 So as you can see, just because I am in 'construction', it does not necessarily mean works which are undertaken at the construction site.

375 **Hon. J J Netto:** Mr Speaker, I am grateful for that, even though I do know a little bit of the construction industry, but that is not the point I am making.

380 The point I am making is that there is an obvious exclusive dedication, if I can put it that way, just on monitoring the construction industry, no matter how big it is, no matter how diverse it may be. The point is that it seems that it consumes the totality of the time of the Factory Inspectorate and what I am saying is why is it that all of the others, being smaller, being less diverse, never seem to get any attention in terms of site meetings, advice, inspections etc?

Hon. P J Balban: Mr Speaker, in that particular industry sector the risk is obviously far greater than, for example, in the office environment. Obviously there is a lot more risk involved in construction and all its associated areas.

For example, if we expect the Factory Inspectorate to go into offices and check whether the angle of their chair, their seating is correct because that obviously gives problems with backache and whether the computer is at the right level, the keyboard has it wrist rests etc, then obviously this could be...

This is exactly why the actual construction industry is what establishes the highest risk group and where you would expect the injuries to proceed from most commonly.

Hon. J J Netto: Mr Speaker, with respect, that is the point I have been labouring for the last seven months.

Mr Speaker: I was going to make that point, that this line of question – (*Interjection*) Order!
This line of question has a rather familiar ring to it. There is a rule in the Standing Orders that one ought not to revisit matters which have been answered in Parliament.

Hon. J J Netto: Mr Speaker, I am revisiting matters in relation to the development within the month; I am not revisiting the questions which I have been asking previously.

Mr Speaker: I accept that in the context of the month of June 2012, but the gist of the line of questioning now, being an over-concentration on the construction industry, has a familiar ring to it from several months past.

Hon. J J Netto: Do you want me to ask the question?

Mr Speaker: I will allow you to ask the question, but we have to draw a line somewhere on a repeated line of questioning.

But you know, I will allow you to ask the question, but I hope the Member appreciates this line of questioning has been asked at least three times in the last six months. (*Interjection*)

Hon. J J Netto: Mr Speaker, I do recall I said it in my Budget speech? I do not know whether it is relevant, the session of the Budget in relation to Question Time, sir?

Mr Speaker: No. It was a supplementary to similar questions at the last sitting, and indeed previous sittings. Yes, go ahead.

Hon. J J Netto: Well, if I can ask the supplementary question.

Mr Speaker: Yes, go ahead.

Hon. J J Netto: Even on the basis of what the Hon. Minister has just said – which I accept and I have been saying it – meaning that the construction industry *per se* has a higher incidence of accidents, so it is also true of the shipbuilding/marine repairs as well, but if you look at the numbers between one and the other, it is one for shipbuilding and 32 for construction. There is an enormous disparity.

So if the argument that you are using is because there is a higher incidence in construction, then that does not seem to tally with the dedication being applied to the other industry group.

Therefore, would the Hon. Minister not consider having a discussion with his own Factory Inspectorate to see whether sufficient time is taken to apply the resources available right across the whole spectrum, and not necessarily on just one industry group, in this case the construction industry?

Hon. P J Balban: Mr Speaker, I will communicate to the Factory Inspectors that the hon. Gentleman does not think that they are doing their job properly.

I seem to recall the conversation I had with my staff regarding this, and if I am not mistaken, I believe that the ship-repair industry has, apparently, qualified staff who actually do this sort of work for them, which means to say that I do not think there is a need for them – they do not feel there is a need for them – to go there unless they are called in specifically for a specific incident, but I will confirm that and I will let the hon. Gentleman know.

**Health and Safety
Report industrial accidents**

445

Clerk: Question 661, the Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, can the Minister for Traffic, Health and Safety and Technical Services state if there have been any reported accidents during the month of June 2012, showing the industry group and stating which ones were reportable, major and fatal, if any?

Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

455

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, it is premature to provide an answer to this question as the collating of the notification of accident reports for the month of June 2012 has not been completed, as these are produced more or less two months in arrears.

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However, once this information is readily available, it will be added to the statistics published on the Government website on a monthly basis.

**Factories Inspectorate
Number of inspections and results**

465

Clerk: Question 662, the Hon. J J Netto.

470

Hon. J J Netto: Mr Speaker, can the Minister for Traffic, Health and Safety and Technical Services state how many inspections during the month of June 2012 did the Factories Inspectors conduct, showing the industry group targeted, whether any possible breach to the Factories Act or any subsidiary legislation by any private company, a Gibraltar Government or MOD workplace, may have taken place, and whether legal advice is being sought?

475

Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the first part of the question, in relation to the inspections, has been answered in Question 660/2012.

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The second part of the question, in relation to breaches of the Factories Act or its subsidiary legislation, has been answered in Question 659/2012.

In relation to legal advice, no legal advice has been sought. As stated in my answer to Questions 659 and 660, this information will be added to the statistics published on the Government website on a monthly basis.

485

Hon. J J Netto: Mr Speaker, can the Hon. Minister therefore tell me, from the information given to Question 660, which ones of those numbers are in relation to inspections, which ones are in relation to prohibition and improvement notices, and which ones are in relation to site meetings and advice?

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Hon. P J Balban: Mr Speaker, as mentioned in the response to the questions, Question 659 is the prohibition and improvement notices served in the month of June.

Sorry, I seem to have misplaced the other part of the other table.

In response to the second part, Question 659/2012, the information requested is actually on the spreadsheet there: one prohibition notice in the construction trade served in the month of June.

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Hon. J J Netto: Mr Speaker, I do not know whether the hon. Gentleman has finished or has not finished. I am still not any wiser, by looking at the answers given in answer to Question 660, of the figures in the column shown, which ones of those figures pertain to either inspections or site meetings.

For instance, when it says that in June, there has been one on the industry group shipbuilding, is that to do with inspection or is that to do with site meetings or advice? Then the 32, and then the other one.

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Hon. P J Balban: Mr Speaker, now I understand what the hon. Gentleman is trying to get at.

Unfortunately, the way that we report statistics, site meetings, inspections and advice are collated together under monitoring activities, so they all fall under one group. Presently, and with the resources available at the moment, the Factories Inspectorate is in a reactive mode, as I already explained, and they

are responding to complaints from the general public and other entities. Thus all these are recorded as monitoring activities.

We actually do not split up the figures. I cannot give that information, because of the lack of statistical software that we have available.

Hon. J J Netto: Mr Speaker, with respect, what the hon. Member is saying is pathetic. This is a question that I specifically asked last month. I asked in supplementary questions the same thing because he could not distinguish, from a very clear and specific question, what information I was asking for. He told me in supplementary last month that he would go back and provide me with the figure, which he has not done. I ask the same question this particular month, and he says that asking for this particular Question, which all we are talking about a total of 34 – whatever they are, whether they are inspections, whether they are site meetings or advice – is too much work to do.

Well, Mr Speaker, it will probably take an administrative assistant five minutes to provide this particular kind of information. It is just ridiculous! Just by looking at the logbook of the Factory Inspector, it will take them about 30 seconds every day to determine whether they have gone to do an inspection or they have gone to do a site meeting. He can give me whatever answer he wants to give me, but he has to be a little bit sensible and credible.

Mr Speaker: There was no question there.

A Member: What is your question?

Mr Speaker: There was no question. There really should be –

Hon. J J Netto: The question therefore is will he do as he told me he was going to do last month, which is to provide information in the manner I have been asking... the answer, sorry, to the question I have been asking last month and the month before, which he has not?

Hon. P J Balban: Mr Speaker, I agree with the hon. Gentleman 100%. It is amazing, but unfortunately, with what we have inherited, this is exactly... It is a pathetic system (*Interjection*) and unfortunately we need to correct this system to be able to provide the hon. Member with the statistics which he requires now, which does not seem... or was not so important then, and probably that is the reason why that statistical software was discontinued some time back and the licence was never renewed. Now obviously we will try to put this old system – as mentioned, pathetic – and correct that.

Hon. J J Netto: To the hon. Gentleman opposite, you do not even need a computer. Forget whether a computer was bought in the year 2000. For the kind of question we are asking him, considering the small amount of figures we are talking about, an administrative assistant with the file in front of him or the logbook of the Factory Inspector, will take no more than five minutes to give me an answer. You do not need a computer, you do not need an iPad, you do not need anything like that. All it needs is someone – a very young-scale admin grade – to do the information.

Is he willing – given that I have to put this in a question form – ?

Mr Speaker: It has to be a question.

Hon. J J Netto: Is he willing to get *someone*, whether it is the Factory Inspector himself at the end of the day, to tell me, ‘Well, I have done today eight hours’ work, for which four were two inspections, one was one site meeting...’? I do not think it is unreasonable to provide that kind of information, with or without computers.

Hon. P J Balban: Mr Speaker, we will correct the pathetic situation that we have inherited and we will provide this information in the way that we feel fit in the future.

Hon. D A Feetham: May I just explore with the hon. Gentleman that pathetic system?

My hon. Friend, Mr Netto, his contention is that for the month of June the Factories Inspectors would have actually logged, in relation to these 34, in a logbook – ‘This relates to an inspection, this is a site meeting, this is advice.’ Is he saying that that does not exist and all that is logged in the logbook is just simply a generic visit, for example? Is that what he is saying?

Because, of course, if that is what he is saying, and effectively what is recorded is a generic visit or something generic that does not really go into any detail about whether it is an inspection, a site meeting or advice, well maybe the hon. Gentleman would be justified in describing it as pathetic.

565 But if that is not the case and the logbook actually differentiates and the Factories Inspectors, as we would expect them to have done, actually differentiate between inspections, site meetings and advice, then this is not about pathetic systems; it is about the hon. Gentleman really not wanting to provide the answer or not having done his homework, or not having been briefed properly.

570 Could he help the House as to what it is, please?

Chief Minister (Hon. F R Picardo): Mr Speaker, calling in aid pathos to support one's questions is something that the hon. Gentleman needs to be very careful with. It was the hon. Member, Mr Netto, who prayed in aid pathos in support of his supplementary and called the system pathetic. So it is really quite unfair – although I know that fairness is not an issue that is relevant to him – for the Hon. Mr Feetham to get up and accuse the Hon. Minister of having prayed in aid pathos.

585 But what the Hon. Minister has said is that the system is exactly the system that was there before. So, if the logbook provided a generic entry before, it provides a generic entry now. If it provided a detailed entry before, it provides a detailed entry now. What the Hon. the Minister has said is, 'Look, I will go back. I now understand what it is that you want. I will go back and I will give you the information.'

590 And what is more, what has also been said during the course of the intervention, which I am happy to say, if we can provide it in the format that the hon. Gentleman appears to want, we will extend to the information when provided, is that it will be put on the internet going forward every month.

Mr Speaker, how is it that that can suggest anything other than wanting to provide the information?

595 And so, Mr Speaker, with that honesty from the Minister, I think we rest and we have provided as much information as we are able today and we will continue to provide that information in the future, if possible, if it is not a generic entry in the format that the hon. Gentleman has proposed. If it is a generic entry, then that system, perhaps I would agree, is pathetic. It is the one that has been there for 16 years – perhaps even longer, perhaps for 40 – and we will change it to ensure that the whole House has the benefit of that information, without anyone having to pray in aid pathos in support of their position.

Hon. D A Feetham: Yes, Mr Speaker, but you see the Hon. the Minister was doing quite well and matters were progressing very nicely, until it was the Chief Minister who whispered in his ear, 'Tell him, is he saying that the inspectors don't know how to do their jobs?' and it was the Hon. the Chief Minister who whispered in the Hon. Minister's ear, 'Tell him that the system was pathetic and that it existed during their time in Government.'

600 Of course, if the hon. the Chief Minister would not do that much whispering and would not prompt his Minister as to what to say – which inevitably, every time he does that really does raise temperatures in this House – we would not get into these exchanges in the first place.

Does the Chief Minister not accept and does he not agree with me that if the logbook actually distinguishes between the various categories and it is not generic, then you cannot describe it as pathetic, whether it was our system or whether it is a continuation of the system by the Government that he leads?

Hon. Chief Minister: Mr Speaker, given that sort of intervention, I think 'pathetic' really is now the appropriate word. What a pathetic approach to asking questions in this House, to say, 'You whispered in his ear. You didn't whisper this. You prompted him. You didn't prompt him.'

610 Mr Speaker, if we are going to get into that sort of debate across the floor of the House, he can rest assured that every time he is prompted to sit down and shut up, as he was very often by the hon. Member, (*Banging on desks*) the Leader of the Opposition, who is not here, when he was Chief Minister and he was a Minister, we will start to reflect that in every intervention. I know that what he enjoys is trying to lower the tone and raise the temperature in this House, but we are not going to fall for it.

615 Mr Speaker, I did prompt my hon. Friend, the Minister, in respect of the comments made by the hon. Member, as *Hansard* will show, and if the hon. Member were paying attention, he would realise the first person to refer to the system as 'pathetic' was the Hon. Mr Netto, who has been a Minister for 16 years and at different times may have been responsible for that system. That is where the concept of pathos was injected into this discussion.

And look, Mr Speaker, as for careless whispers, those are things best left for number-one hits.

Hon. D A Feetham: Mr Speaker, the hon. Gentleman described the answer as pathetic, but let me say this: the hon. Gentleman, in his recent interventions in this House, particularly in the Budget and today again, is slowly turning and is slowly adopting all the characters of arrogance, highhandedness and unwillingness to answer questions that he used to accuse our Government of when he was on this side of the House.

625 Again, I say this, that if that represents a 'new dawn' for Gibraltar, then God help us for the next four years! (*Banging on desks*) (*Laughter*)

Is he not going to answer my question? Yes or no?

Hon. Chief Minister: Mr Speaker, this is just... I really must be in a different dimension. The man has not been gone for 48 hours, in parliamentary terms, and my summing up and today... and already the knives are now out and being sharpened, not even as astutely as the Hon. Mr Bossino has the elegance to do, but just matter-of-factly. 'All the characteristics of arrogance etc and character assassination,' (Laughter) (*Banging on desks*) says the hon. Gentleman, and then he realised... 'used to accuse, allegedly...' (Laughter)

Mr Speaker, there has been a new dawn. There is a new attitude. Everybody except them wants to see it, and we are not going to be cross-examined and told to answer questions, yes or no.

This question has been answered. It has been answered clearly and, Mr Speaker, I think it has been answered candidly and positively, with a view to the information being provided, and we rest on that.

Procedural

Chief Minister (Hon. F R Picardo): And so, Mr Speaker, I have the honour to move that the House do now adjourn to Friday, 20th July at 3.30 p.m.

Mr Speaker: I now propose a question, which is that this House do now adjourn to Friday, 20th July 2012 at 3.30 p.m.

I now put the question, which is that this House do now adjourn to Friday, 20th July 2012 at 3.30 p.m. Those in favour. (**Members:** Aye.) Those against. Passed.

This House will now adjourn to Friday, 20th July 2012 at 3.30 p.m.

The House adjourned at 4.18 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.30 p.m. – 6.23 p.m.

Gibraltar, Friday, 20th July 2012

The Gibraltar Parliament

The Parliament met at 3.30 p.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Questions for Oral Answer

CHIEF MINISTER

Insurance specialist post Number of applications

Clerk: Sitting of Parliament, Friday, 20th July 2012. Answers to Questions continue.
Question 671/2012, the Hon. P R Caruana.

5 **Hon. P R Caruana:** Yes, Mr Speaker. Can the Chief Minister say how many persons have applied for the new insurance specialist post under the Finance Centre Director?

Clerk: Answer, the Hon. the Chief Minister.

10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, five persons have applied for the new insurance specialist post under the Finance Centre Director.

Hon. P R Caruana: Mr Speaker, has one been selected?

15 **Hon. Chief Minister:** Mr Speaker, one has withdrawn and one has been recommended, and there is now a final process, which is in play at the moment, and I think one will be informed, as a result of that final process coming to an end, that he is being offered the post.

20 If the hon. Gentleman will allow me, he knows that there are, I think, three or four areas where specialists are going to be appointed, and I think the final issue now is to tell them all at the same time, in respect of... The applicants who have applied for each of the posts will all be told at the same time what the position is. I think there are some who may have applied for more than one post.

Hon. P R Caruana: Mr Speaker, is the hon. Member able to say what, in the end... I know these things are subject to a bit of negotiation with the candidate, but what the salary is? Has that been determined?

25 **Hon. Chief Minister:** No. The hon. Gentleman will know that, because these are specialised areas, there will be an element of negotiation in respect of each of the appointees. The old adverts used to say salary will be commensurate with experience, and there is an element of that in respect of the potential appointees for these specialist posts.

30 **Hon. P R Caruana:** So I take it from that that, for this particular post, the salary has not yet been fixed because the person has not yet been selected.

35 **Hon. Chief Minister:** The person has not yet been told that they are being offered the opportunity, and therefore the negotiation has not kicked in, although I understand – if this is helpful – that we have an indication of what the relevant salary figure would be in respect of each of those who have applied.

Hon. P R Caruana: Mr Speaker, is this a Civil Service post or a Gibraltar Development Corporation post, or perhaps a Civil Service contract post?

40 **Hon. Chief Minister:** Mr Speaker, he threw me with those two options, because I think it is the third. I think it is a contract, rather than a Civil Service or GDC post that is envisaged in respect of these specialists.

45 **Hon. P R Caruana:** But a contract with a civil servant – with the Crown, or with the GDC?

Hon. Chief Minister: I believe that they are contracts with the GDC, because these are posts that *develop* the economy and therefore they are appropriately provided for under the structure of the GDC.

50 **Hon. P R Caruana:** Mr Speaker, can the hon. Member tell me – these people have presumably been interviewed by the board – who has been the interview board for this post?

55 **Hon. Chief Minister:** Mr Speaker, I am afraid I cannot give him the details, but I can tell him something of the structure of those posts because, in respect of each of the specialist posts, there has been a relevant specialist on the board. So, for example, I believe that Mr Tipping has formed part of all of the boards; I believe Mr Peter Montegriffo formed part of one, if not more, of the interview boards; Mr Blight – who is the Chairman of the Finance Centre Council, he will know – has been on one or all of the boards; Mr Hogg, who was the Chairman of the Fund Association, was on one or all of the boards. There may have been other representation, which I have not been made aware of, in respect of some of the other boards.

60 **Hon. P R Caruana:** So the hon. Member's answer is that he is not aware who was on the selection board for this particular post?

65 **Hon. Chief Minister:** Well, Mr Speaker, no, I can tell him that, in respect of this particular post – I thought he said the *posts*, but in respect of *this* particular post – if my memory serves me correct, it was Mr Tipping, Mr Montegriffo, Mr Hogg and Mr Blight who would have been involved. I believe that is the list, but I preface that with *I believe*. If he wants me to tell him exactly, and hold me to it, then he needs to write to me, but I think that is what the board was.

70 **Hon. P R Caruana:** So, implicit in that answer, Mr Speaker, is that there was no ministerial involvement in any of the selection process, or the boards.

Hon. Chief Minister: Mr Speaker, that is correct about the selection process. In other words, the recommendations have been made by those boards. I told him there was a final filtering process. Now

there is a meeting/interview – it depends on how you want to characterise it – with the Minister for Financial Services, and with me in my capacity as Minister for Finance, almost just to have sight of who these individuals might be – not all of them, as he may know, are local individuals known in the industry – and just to understand that they share the Government’s vision of where these particular industries need to be going. That is not the recommendation process; that is at the end of the recommendation process.

Hon. P R Caruana: Nevertheless, Mr Speaker, I am trying to understand what the process is. So there is a group of professional worthies who have done the sifting and the recommending, but not the selecting and the appointing. Should I deduce from his last answer that the selecting and the decision whether to accept the recommendations and who to appoint or not to appoint is yet to be made, and will be made by this board that he has just referred to?

Hon. Chief Minister: There is no other board, Mr Speaker. The selecting and the recommending has been done by the board that is represented by the, as he called them, relevant worthies – but who do they recommend to, if not to Ministers? What Ministers have wanted to do is to at least have the opportunity of meeting those who are being recommended before proceeding to the process of appointment. He might understand that there could be, in this very sensitive... In *these* very sensitive areas, actually – because it is not just insurance – there could be reasons why Ministers might think it is not appropriate for a particular individual to be appointed.

He used to tell us about the macro-economic responsibility that he had in his capacity as Minister for Finance and Minister for Financial Services, something with which we did not disagree, and it has almost been a ‘This is the person who has been recommended.’ ‘Well, nice to meet you. Now we agree we should proceed to appointment.’ That is what the process has been, and that ‘Nice to meet you’ has amounted to asking these individuals, who are the ones recommended – in other words, we do not meet all of those who applied, just those who are recommended – ‘What is your vision for the future of insurance in Gibraltar for example – *[Technical interruption]*

Hon. P R Caruana: May I proceed? But, Mr Speaker, the hon. Member is making more of this than it is worth, and he is not providing me with the simple information that I want.

Given that a number of people have been interviewed and recommended by the previous group – which he says involves Mr Tipping, Mr Montegriffo, Mr Hogg and Mr Blight, he *thinks* – subject to confirmation later, whose decision is it as to which, if any, of these individuals are actually appointed?

Hon. Chief Minister: Mr Speaker, as is the case in respect of most of these types of contracts, in this particular instance it will be a decision made by Ministers, informed by the recommendations made by those boards.

Hon. P R Caruana: So the decision – *[Technical interruption]*

So not just the formal appointment of the sort that the Governor would make formally, albeit acting on the advice of the Public Service Commission, if they were civil servants. So the role of Ministers is not formalistically procedural in that way. Ministers, in this case... and the hon. Member must not assume what aspects of it I might criticise, if indeed any, if it were so. I am just trying to establish now what the procedure is that they are adopting as a matter of policy here. The actual decision of who to select from amongst the recommendees and then to appoint them is a ministerial decision to be taken, I think he has said, by him and the Minister for Finance, the Hon. Mr Licudi, who is not in the Chamber today.

Hon. Chief Minister: Mr Speaker, he can characterise it like that; I actually characterise it in a different way. It is a ministerial decision whether or not to accept the recommendation of the board, and for that recommendation to be informed, other than just by the write-up of the board, we have felt it appropriate, because of the sensitivities that could be engaged in respect of each of these, to meet with the individuals before making the appointments.

Hon. P R Caruana: Mr Speaker, the hon. Member must not describe what I am asking him as characterisation of anything. It is a perfectly simple question. There is somebody who drafts the advert to put in the newspaper, there is a secretary who opens the envelopes for applicants, there is somebody who sifts them, there is somebody who does the initial perusal of the applications, there is somebody who then recommends the shortlist, and that is as far as we have got, with Mr Tipping, Mr Montegriffo – they have recommended a number of people.

Hon. Chief Minister: No, sorry, he has not... It may be that we are at cross-purposes. *(Interjection by Hon. P R Caruana)* They have recommended one individual in respect of –

Hon. P R Caruana: Oh, I see.

Hon. Chief Minister: – four posts. So there is one recommendation for the post of insurance specialist, one for funds, one for private clients and one for banking, and we are seeing, Mr Speaker, each of those *ones*, so that we do not meet them for the first time, in many instances, when they first turn up for work.

Hon. P R Caruana: That is clear now. So the recommending board – if I could call them that, the gentleman whose name he mentioned earlier – has put up to Ministers just one name for each; not one name plus other back-ups, not in order of preference? (**A Member:** No.)

And then Ministers – by which he has said it means him and the Minister for Financial Services – will, having interviewed this man or woman, decide whether to go along with and accept the recommendation of the recommending board, or reject the recommendation because you do not like the candidate. And what – if it were the second case, it would then remit the matter back to the board? Is that how the hon. Member sees it happening?

Hon. Chief Minister: Yes, Mr Speaker, I assume... We have not come across any instance where we feel that we need to do that, but we would remit the matter back to the board.

Can I just tell him, Mr Speaker, that in the context of what he calls the ministerial interview – I do not call it that – we are doing that not on our own; we are doing that with the board itself. So in other words, when we are meeting the individuals whom the board has recommended, we are meeting them with Mr Blight, with Mr Montegriffo, with Mr Hogg – I think, in one instance, Mr Hogg was not available and Mr Lasry attended – and with Mr Tipping. So we are meeting them in that context as a sort of ‘getting-to-know-you, just getting comfortable with the fact that *your* vision for where we want to go is also *our* vision of where we want to go.’

If we were to come to the view... and look, I am happy to tell him that I do not think we have had to exercise our minds in that respect yet. We have not met all of the recommendees – I think we have met two out of four, but some people’s summer breaks are intervening with when we can meet the others... then my attitude would be to go back to the board and say to them, ‘We do not share your view that this person is the right person to take the job – do you want to re-advertise, or do you want to recommend another of those who might have applied?’

Hon. P R Caruana: Mr Speaker, I am not addressing the *formal* aspects of who is the appointer. The appointer is the GDC, assuming that his memory serves him correctly and this is a GDC contract. The actual appointer – the equivalent of the Governor, who makes all appointments in terms of signing off the minute on behalf of the Crown, were this Civil Service – in the GDC that is the board of the GDC, of which he is the Chairman, and no doubt a couple of his –

Hon. Chief Minister: Joe Bossano.

Hon. P R Caruana: Oh, Joe Bossano is the Chairman, and a couple of... So that is the formal appointer, which does not interest me very much. I am more interested in the process of identifying and selecting the individual. Who has signed the minute appointing him is really neither here nor there. Can the hon. Member say to me – I *will* write to him asking for this – whether it will be the same board that sits with him and his colleague, the Minister for Financial Services, that he has mentioned, or could there be other people in it too? Well, he has mentioned four names. I hate to carry on mentioning them all.

Hon. Chief Minister: Yes, subject to this caveat, Mr Speaker: that I have told him that, in respect of the post in respect of which he has asked, which is insurance, I believe that was the board, but that there may be different boards in respect of the different areas of specialisation. But those boards, I think, Mr Speaker, were selected on the basis of (a) people who had wide experience across the board in financial services, and (b) a specialist from that specific field for each one of the boards.

So if he will indulge me, I think Mr Montegriffo and Mr Blight may be on the all the boards, Mr Hogg I think was only on the board in respect of insurance or funds, one of the two. So, subject to that, it is the board as it was. There is no intention, should we go back... Should we have to go back, because I do not think that is necessarily something that is going to happen – but remember nobody has been written to until they have got the job yet – there would be no question of changing the board, other than in this context, which is something I mentioned to him a moment ago, that when Mr Hogg was not available, Mr Lasry, who I think was his deputy at the time, attended with us, and I think the deputy may now have become the chairman, because they tend to alternate in that organisation. But it is the person who is the chairman of a particular organisation that I think has presence on the interviewing board.

200 **Mr Speaker:** The Clerk has asked for us to pause for a few minutes, without necessarily leaving the Chamber, just to enable the technicians to restart the sound equipment. They were having problems a few minutes ago.

The recording equipment was re-started.

205

**Government properties
Policy re squatters**

210 **Clerk:** Question 672, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, will the Chief Minister say what is the Government's policy in relation to squatters in its properties?

215 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, exactly the same as it was before 16th May 1996 and 8th December 2011, and will, I imagine, be in the future: namely, that people who are squatting are subject to proceedings for possession in the Supreme Court for eviction.

220 **Hon. P R Caruana:** So, implicit in that is the fact that the hon. Member does not believe that the Housing Department can just invite the Police to go in and get them out.

225 **Hon. Chief Minister:** Mr Speaker, this should not be a quiz on my understanding of the landlord provisions in Gibraltar, but whatever the position is in law is the position that I expect my Housing Ministry to be enforcing, and if police officers [*Technical interruption*]pretend to have powers beyond those which the law gives them, then I am sure that there will be a court to remind them of what their powers actually are.

230 I think his understanding and mine are probably the same in respect of residential property. One requires a court order in order to be able to evict someone.

235 **Hon. P R Caruana:** Mr Speaker, he must not be shy about playing quizzes when he volunteers the answer, which was that he believes a court order is required. Implicit in the belief that a court order is required is that it requires a court order and therefore cannot be done without a court order, which means that it is not open to the Housing Department simply to say to the Police, 'There is a squatter in my Government property – please go and see them out.' Unless what the hon. Member is saying is, 'Look, I'm not here to give legal advice,' – which obviously I was not seeking from him – 'the Government's policy is whatever the law permits it to be. If the law permits it to be without a court order, then it will be the Government policy to have recourse to the Police without a court order if the law permits it.' Is that what he is saying?

240 **Hon. Chief Minister:** Yes, Mr Speaker, I think that is what I have said, but I actually do not believe that it permits it, but if it does and it is within the power of a police officer to do so, then of course the Housing Department would be perfectly entitled to do that in the appropriate circumstances which the law provides for it.

245 I am not going to ask him for legal advice. I would not presume to do so. He and I have our own views about our own legal abilities. He has made clear what his view of mine is repeatedly across the floor of the House, and I am delighted to confirm that I have great faith in his legal abilities, but now that he is in private practice, I would expect him to charge for his advice, so I will not ask him for it across the floor of the House.

250

**United Nations Committee of 24
Purpose of Chief Minister's address**

255 **Clerk:** Question 673, the Hon. P R Caruana.

260 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister say whether the purpose of his addressing the United Nations Committee of 24 is to try and persuade that Committee both to recognise our

inalienable right to self-determination and to recommend our removal from the United Nations list of non-self-governing territories; and will he further say whether the Government itself considers Gibraltar to remain in a colonial status and relationship with the United Kingdom until the United Nations does both of those things?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I can confirm that the purpose of addressing the United Nations Committee of 24 is to counter Spain's continued interventions before the C24 and to make the C24 realise – not to seek to persuade them, but to make them realise – that the people of Gibraltar enjoy an absolute and unfettered right of self-determination and that we should be removed from the UN list of non-self-governing territories.

Mr Speaker, in our view, the next part of the question calls for an opinion, but we will answer it factually as follows, by saying that Her Majesty's Government of Gibraltar considers and is advised that one of the factors in international law which determines whether a territory is or is not a colony – however much we dislike that word – namely a self-governing territory or a non-self-governing territory, is whether or not the territory appears on the UN list of non-self-governing territories.

Hon. P R Caruana: Mr Speaker, the hon. Member is aware that there are many British territories that are not on any UN list and therefore do not need delisting, are not colonies and are not sovereign independent states, to wit the three Crown dependencies, amongst others. *(Interjection)* Well, Mr Speaker, can the hon. Member... I was very gratified by the first part of his answer; less gratified by the second half of his answer, which in my view, to a degree, contradicts the first part. Let me see if I can ask him some questions.

The purpose of asking these questions, Mr Speaker, is simply to establish the extent to which there is still a divide across the floor of this House on this question. There is not a hidden blunt instrument in my last supplementary, so you can rest assured. *(Interjection)* Now he has won! *(Laughter)* Well, Mr Speaker, some things you just have to take on trust.

Mr Speaker, when the hon. Member says that he is advised that one of the factors... I am not asking for an expression of opinion; I am asking him for the Government's policy position. What is the Government's policy as to whether Gibraltar remains a colony or not? We are unquestionably on the list of non-self-governing territories.

The United Kingdom, at the highest level of government... I think the Prime Minister has said it, but if the Prime Minister has not said it, certainly the last two foreign secretaries have, in Parliament. The Ambassador for the United Kingdom says it at the United Nations twice a year. He says that the nature of the constitutional arrangements in Gibraltar are not such as to regulate a colonial relationship. In other words, the United Kingdom says to the world the relationship between Gibraltar and it, the United Kingdom, is not colonial in nature. In those circumstances, given that the ex-colonial power does not consider us to be in a colonial relationship with it – although, clearly, still in a relationship of political dependence – and given that we do not believe – it is implicit in the first half of the hon. Member's answer – that... It is not as if we do not have decolonisation unless the United Nations says it. Given both those things, given that the United Nations' say-so is not essential, and given that the UK says that it does not regard us as a colony, would the hon. Member agree with me that the preferable view is that however desirable it might be to get off the UN list for housekeeping, book-keeping reasons, it does not determine whether or not we are a colony? In other words, that it is possible, even if the hon. Member were to disagree that the facts as they currently exist get us across that line, regardless of that question, but that actually is possible to cease to be a colony without the United Nations getting them off your list, or even acknowledging your right to self-determination?

I do not think *[inaudible]* the possibility of which is not excluded by the fact that one of the characteristics is listing.

Hon. Chief Minister: Mr Speaker, I am going to assume that the hon. Gentleman is genuine in the way that he postulates his supplementary, and not with a political blunt instrument in the sock that he lunges towards us, and try and deal with the issues that he is raising – which perhaps are more appropriately dealt with on a motion on these issues rather than on questions, but I think this is in both our interests – first of all, by telling him that the final part of his question is a hypothetical question, and in that hypothesis of course it *may* be possible for there to be a territory that is decolonised whilst it is still on the UN list of non-self-governing territories. That could, of course, be a legal possibility. It is one of a number of legal possibilities. The other, of course, also being that whilst you remain on the list of non-self-governing territories, in international law you will always be regarded as a non-self-governing territory. To make the jump from non self-governing territory to colony is to equate those two, which in my view is not necessarily always the case, but sometimes can be the case.

Hon. P R Caruana: It is the same for UN purposes.

Hon. Chief Minister: Right. For UN purposes, however, as the hon. Gentleman is prompting me, 'non-self-governing' and 'colony' means the same. So, is a territory, let's say *like* Gibraltar, self-governing or not self-governing? That should be the question that is asked about our colonial status.

The hon. Gentleman said, in 2008, two years after the new Constitution at the C24, that he no longer regarded the C24 as the gatekeeper of our decolonisation. He did not say at the United Nations that he would therefore not be attending their meetings again, although there is a giveaway last sentence where he thanks them for the work they have done for Gibraltar to date and says goodbye without saying, 'I'm not coming back,' (*Interjection by Hon. P R Caruana*) to the Committee of 24.

In January 2009, he said in his New Year's message that, for all those reasons, he did not consider it appropriate to continue to attend the C24. But, Mr Speaker, I think he needs to accept in the discussion that we are having, as I think he did before he sat down, that being on the list *is* one of the characteristics which may indicate whether a territory is or is not colonial – it may or may not be the determining factor, I think he said.

Mr Speaker, we think, on this side of the House, that in international law and at the very least certainly in UN doctrine – and those two can also diverge – being on the list is what determines whether a territory is or is not self-governing. Some territories were put on the list which were clearly non-self-governing. Some territories which were not self-governing were not put on the list by administering powers in the 1960s, and that, to a very great extent, Mr Speaker, depended more on what the internal regime in those territories was than on the objective criteria that one might have applied.

For example, France might have what they might have called in French an overseas territory which it brought into metropolitan France by operation of French law. It was therefore a far-flung part of France, not a colony of France, and therefore France – and let's not get into Spain and what she did with Ceuta and Melilla, because that is perhaps more controversial – did not put those territories on the list. The United Kingdom put a lot of its then properly so-called colonies on the list, but did not put other territories on the list.

So, Mr Speaker, what are we left with? The fact is that Gibraltar is on that list. The fact is that Spain attends Committee meetings, uses the fact that we are on the list to bring up all matters related to Gibraltar at the C24, and we believe therefore it is important and appropriate that we are there. It is an issue of genuine division across the floor of the House.

Hon. P R Caruana: The issue that I am trying to see whether there is a division across the floor of the House is not whether you should go to the Committee of 24 or not. He is free to go if he pleases –

Hon. Chief Minister: Of course I am.

Hon. P R Caruana: – and that is not the issue. The issue, if he wants to define it, upon which I am asking him whether there is division across the floor of the House, is the question of whether unless the United Nations recognised that you have ceased to be a colony, ergo you have not ceased to be a colony, because if that which may indeed have been the traditional view, if that is the case, does he not believe that he is placing Gibraltar in a position whereby rights and progress that we can make in our relationship with the United Kingdom and the meaning of that relationship is not makeable and our rights to move away from ceasing to be a colony depends on UN recognition, which might never be forthcoming and therefore we condemn ourselves to continue to be in a colony?

I should say, whether the hon. Member will agree, that I think it is right to say that in the United Nations, self-determination... decolonisation is the same thing as –

Hon. Chief Minister: Non-self-governing.

Hon. P R Caruana: – non-self-governing, to a degree. I think it is true, but it has got to be read in the context that really for them, non-self-governing territory means independence in one of the three forms that the United Nations delisting criteria recognise independence. Either independence as your own independent sovereign nation state, either independence because you join an independent country through integration and you become *part* of an independent country and therefore the territory joins an independence status as part of the enlarged independent country, or through free association which is *entitlement* in the future to independence.

The hon. Member knows that free association is only recognised by the United Nations if the associating territory is free at any time of its choosing to disassociate freely into an independent sovereign state status. So all the acceptable, all the supposedly acceptable methods of decolonisation in the UN had independence as their core ingredient.

All I am trying to get to the bottom of – and this is my last supplementary on the matter – is whether the hon. Member believes that if the United Kingdom does not consider that we are in a colonial relationship and if, which I am not saying is the case, but if it were the case that the Gibraltar Government also does not believe that the relationship it enjoys with the United Kingdom is colonial, does the Government believe, is it within the scope of its policy to then say regardless of whether the UN, and therefore other countries, recognise it or not, and desirable as it might be to get off the UN's list, nevertheless and notwithstanding both those negatives we do not consider ourselves to be a colony?

Hon. Chief Minister: I think, Mr Speaker, there is much more international law in that than just those three criteria and what the hon. Gentleman is trying to suggest. For example, what is the status of a territory that unilaterally declares itself independent? Well, it depends on the *Realpolitik* surrounding that. So say for example, Mr Speaker, just for the sake of argument that the Basque Country were to declare itself independent. Would that in effect render it independent? Well, Mr Speaker, the United Nations would not recognise it as independent. The hon. Gentleman knows that the doctrine of the emergence of states requires to an extent recognition from other states and it is almost a political balance (*Interjection*) when one has enough states on one side that vote in the General Assembly to recognise the new status of a territory that one then achieves UN recognition and membership.

But, Mr Speaker, when is independence actually effected? Well, it may be when – usually these things happen through violence – the moment that the violence occurs that gives rise to the Declaration of Independence and the fact that it is later recognised by a vote at the General Assembly as an independent state and subsequently a member of the United Nations does not mean that the point from which independence flowed was the moment of the Declaration. So, Mr Speaker, when does the relationship become non-colonial: the minute its characteristics are non-colonial or the minute that the UN takes that territory, if it is one that was on the list, off the list?

Mr Speaker, I look forward to reading many dissertations on this subject, but I will tell him this, in all the time that he was in Government, he would only describe the relationship between Gibraltar and the United Kingdom as modern and non-colonial in nature. So the hon. Gentleman did not say, 'Gibraltar is not a colony of the United Kingdom', in the context, Mr Speaker, of anything other than the new relationship and the way that he saw the characteristics and the way that the criteria of the United Nations should have developed. But, Mr Speaker, as he knows and I know, the criteria of the United Nations remains the same criteria as in the 1960s. We might be agreed that those criteria should change, but it is not, as he has suggested, three criteria or three statuses that are in play. The one thing he has not told the House this afternoon is that there is of course a fourth option, a fourth option on which his speeches relied on many occasions before both the Committee of 24 and (*Interjection by Hon. P R Caruana*) – [*Technical interruption*] a principle or an option on which his speeches relied, both before the C24 and the Fourth Committee. So there is a status, which is not one of those three statuses which he said had an element of independence in them in one way or another which might be a tailor-made solution that applied to any particular territory.

So, Mr Speaker, that is as far as I am prepared to go. I do not think it is in anybody's interest for us to go further at this stage because, Mr Speaker, if he were right – *if* he were right – and I were to say in that context incorrectly that we are not decolonising until we are taken off the list, we would be doing a great disservice to the people of Gibraltar.

Hon. P R Caruana: On the contrary –

Hon. Chief Minister: If *I* am right and... or rather, if *he* is wrong, Mr Speaker, and you are not actually decolonised in the context of international law until you are taken off the list, well then, Mr Speaker, what do we achieve by going around *saying* that we are decolonised, if we are actually *not* decolonised.

So, Mr Speaker, it is a hangman's noose and I think people need to understand that the importance of being at the C24 *primarily* is that Spain is there putting her arguments and we will always turn up to counter them.

FCO paper on Overseas Territories Government policy re Gibraltar

Clerk: Question 674, the Hon. P R Caruana.

Hon. P R Caruana: I regret I was not able to persuade the hon. Member to join us in our very sound policy position on that matter.

Mr Speaker, will the Chief Minister say what, if any, aspects or contents of the recently published Foreign Commonwealth Office paper on the Overseas Territories, entitled 'Security, Success and Sustainability' is contrary to the Government's policy insofar as relates to Gibraltar?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, can I take my cue from him and say that I regret that, despite our differences, he could not find it in his heart to join me, as I invited him to do in June before the C24, because whether we agree or disagree about what the effect of the C24 may be, seeing us there together I think is good for Gibraltar.

Mr Speaker, in answer to this question, there are many aspects of the White Paper on Overseas Territories which are very positive and some which the Government considers to be less positive. We are engaged in addressing all aspects of the White Paper with relevant UK Ministers and officials and it would be inappropriate at this stage to say more, but I would be very happy indeed to consider aspects of the White Paper with the hon. Gentleman if he wishes to have that discussion with me outside this House.

Hon. P R Caruana: Mr Speaker, whilst I accept that that position may be one on which he can stand at this point in time, and indeed for some shorter time, there comes a point, given that the UK has described this document as indeed the previous one called, 'Partnerships...' something or other, in my days, given that the UK regards this as the bible – and I agree with him there is a lot that is positive – but at some point the Government is, I think, going to be duty bound to explain in this House what parts of the document that the UK thinks is key to our bilateral relation that it does not share. But I accept that if the hon. Member is not ready to do that now, because they are still working through the implications and discussing it bilaterally, that is fine, but certainly our view would be – obviously there is nothing that I can do to oblige him to do it publicly... but our view is that at some appropriate time, it is legitimate for the House to understand what there is in that document that clashes with the policy position of the Government of the day, as I would have not minded doing, had the boot been on the other foot and I had been asked. But I might have asked for what he has now asked, which is time to consider the implications bilaterally with the UK.

Hon. Chief Minister: Mr Speaker, it is not so much a question of considering bilaterally with the UK or needing more time to work through. The document has been worked through. We are already engaging with the UK, as it is our obligation to do.

Mr Speaker, if I can just go back a step in the Order Paper, and for the United Kingdom to say, 'This is it, boys and girls,' well, that is colonialism, Mr Speaker. That is unacceptable.

I do not actually read the White Paper in that sense. I read the White Paper as what White Papers are intended to be. Therefore there are issues on which we are engaging outside the public consultation process, because the hon. Gentleman would not have expected the Government of Gibraltar, whether headed by him or me, to simply form part of the public consultation process with the hundreds of thousands of other citizens of the overseas territories, and indeed of the United Kingdom, the millions in the United Kingdom who might have wanted to form part of a public consultation process.

There are parts of the White Paper that we think are not appropriate but may have been put there aiming towards actions and behaviour in other territories where they may be appropriate or they may appear to us to be appropriate from the outside for temporal reasons.

Mr Speaker, it is a question of continuing engagement with the UK on these issues and I have said what I said advisedly. If he has spotted things there which he wants to bring to our attention, I dare say we spotted the same ones and that we are taking up those same ones, but I would be delighted to have a discussion with him outside the hearing of these microphones.

Hon. P R Caruana: Mr Speaker, there is a key issue here, would the hon. Member agree with me? There could be different views about whether specific contents are or are not objectionable, whether we like some or do not like some, or like them all, or do not like any of them. In my view that is less important because I think the hon. Member is right in saying that this is not a document drafted for Gibraltar and in the application and in the attitude towards the implementation of it, the UK will take a horses-for-courses approach and will not use the document for the same purposes in relation to all of the overseas territories, as indeed they did not with the previous one.

So my concern is not that. My concern, which I would ask the hon. Member simply to keep in his mind is the one of principle, and that is the extent to which the UK would be free [Technical interruption] if it were minded to in such a document to purport, to circumvent or even to modify formal constitutional arrangements. In other words, my view always has been that of course the UK has power to modify the Constitution and it has power to legislate for the overseas territories, although it happily has not done so for Gibraltar for many years, but these documents, White Papers, are not capable of effectively

moderating, altering the content of the Constitution in terms of who is responsible, primarily who is responsible for what. That is the overriding principle and I think is probably the only important principle that arises from these documents, which in their content may all be very good and may describe precisely the sort of co-operative relationship that ought to exist between Gibraltar and the United Kingdom – so long as it is not viewed by the United Kingdom as a *droit du seigneur* to modify the Constitution whenever it feels like it as if the Constitution were not a primary source of law, binding as much on the United Kingdom Government as on Gibraltar, which is often forgotten. The Constitution is a UK piece of legislation which binds us all, not just us in this House and our fellow citizens, but indeed, the United Kingdom as well, in how it deals with Gibraltar.

Hon. Chief Minister: Mr Speaker, I have never heard *droit du seigneur* used in that context before, but I understand how he uses it. I had heard it used in a much more amusing context previously. I am sure he – (*Interjection and laughter*) Well, it depends what the *seigneur* is trying to do, I suppose.

Mr Speaker, I actually think that we need to go a bit further than that. I think that markers have to be put down in respect of certain things and some of them have to be put down privately, in other words in correspondence, because it is not appropriate to say those things publicly; but some things have to be said publicly and it may be that we come to the stage where the Government feels that it needs to express a view in respect of some aspects of the White Paper in public, if we do not receive the assurances that we expect to receive – assurances, Mr Speaker, we do not think it would be hard for us to receive, because as the hon. Gentleman has said, there are some things in there which are clearly designed to fit other territories and perhaps most of the other territories, but very clearly do not fit Gibraltar and its present constitutional arrangements in particular.

But look, Mr Speaker, a White Paper is a White Paper. It has no status, in my view, other than as a political document. It does not upset what is the law of the United Kingdom and the hon. Gentleman is right to say, of course, that the Constitution of Gibraltar is a piece of UK legislation as binding on the United Kingdom, until it takes the necessary legislative Acts to change it, as it is amongst us in Gibraltar.

So I think it is appropriate to end this part of the debate, unless he wants to get up and say something else, by repeating something I said to him, perhaps I think in the first Question Time – we have had so many this year already – in January... (*Interjection by Hon. P R Caruana*) well, you are only missing one, we are catching up – which is this, Mr Speaker, that there is only one direction of travel in respect of the Constitution and it is the one we are all in this House agreed on and that is in the direction of further emancipation. This is a one-way road. There is no way back.

Commercial use of airfield Renewal of MOD agreement

Clerk: Question 675, the Hon. P R Caruana.

Hon. Chief Minister: Sorry, and if I may just add, Mr Speaker, to that at the end, in fact and in practice as much as in law.

Hon. P R Caruana: Since it has become fashionable to prefix a question with a reference to the previous one, Mr Speaker, much as I would like to travel with him to New York, he will surely understand that I cannot at one and at the same time occupy the position that we have achieved, our decolonised status, and at the same time go to the United Nations and ask for it. It is just not a coherent position.

The question that has been called from the Order, I am –

Clerk: Question 675.

Hon. P R Caruana: – obliged, Mr Speaker, for the very indulgent mood this afternoon, I have to say –

Mr Speaker: It is Friday afternoon. (*Laughter*)

Hon. P R Caruana: That must be the reason!

Mr Speaker, will the Chief Minister say whether the Government has renewed the agreement with the MOD relating to the commercial use of the airfield, which expired in December 2011?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): If I might, Mr Speaker, just deal with the point raised before I address the answer to the question.

Mr Speaker, that begs the question of why he would attend the Fourth Committee meetings in October which are essentially to a very great extent for the same purpose which is the General Assembly's consideration of the Report of the Committee of 24. Anyway, those arguments I am sure we can have elsewhere. It is probably good for both our blood pressures that we do not travel together to New York, but I hope that in October he will be able to join me!

Mr Speaker, in answer to this question, the answer remains as set out in answer to Question 470/2012.

Hon. P R Caruana: I see, Mr Speaker.

Can the hon. Member give the House any sort of indication of whether this is a negotiation that the Government thinks is difficult and complex and therefore may continue to take time to finalise or whether he, on the contrary, sees it as business that can be disposed of quite quickly now?

Hon. Chief Minister: Mr Speaker, what I can tell him is that I expected to have meetings with the Ministry of Defence in respect of this and other matters last week, but because of the change in the Budget session, those have now been shunted forward to next week. This, as he will know and I think I told him last time, is one of the issues on the agenda.

There are figures being provided to us which are enabling us to do the exercise that we want to do in order to get to the stage where we make a decision in respect of this contract.

Airfield use by RAF Discussions re local traffic disruption

Clerk: Question 676, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, will the Chief Minister say whether, welcome as the airfield's continuing value to and use by the RAF is, there was any liaison and discussions between the MOD and the Government to minimise the considerable disruption to local traffic that resulted and continues to result at key hours from the ongoing exercises?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the MOD notified the Government in advance about their use of Gibraltar by RAF aircraft for exercise purposes. The Government was assured that the MOD would try to keep disruption to a minimum. To this end, in order to minimise disruption, the station commander was asked to carefully manage the flying programme and to liaise with the RGP's Traffic Department so that the traffic management plans formulated during busy periods were elaborated with full knowledge of movements at the Airport.

We have been very happy indeed to see the detachment of Hawks, which arrived in April, and the Tornados we have seen in July using Gibraltar for their exercises. They are – and I am sure I speak for the whole House – very welcome indeed.

Hon. P R Caruana: Yes, indeed, Mr Speaker, they are, and we could welcome them more often without disruption to our road traffic, if only the tunnel can be finished as quickly as possible. *(Laughter)*

Mr Speaker, of course I know that the MOD certainly does not go out of its way to maximize inconvenience and I am sure would want to minimise inconvenience to the greatest possible degree, but the question is the extent to which the Government is satisfied that that in fact has happened. For example, is the Government satisfied that landing and taking off times, as part of the training exercise or outgoing or incoming jet fighters, have been scheduled to the greatest possible extent to avoid key frontier crossing times – nine o'clock in the morning, between 8.30 and 9.15, the evening rush hour back, that sort of thing. The question is not information and co-operation, but whether the Government is satisfied that, given that we want them to use the airfield for training, given that they obviously want to cause the minimum degree of disruption, that has happened and key runway closure times have been avoided.

Hon. Chief Minister: Well, Mr Speaker, given that they want to avoid all of those problems, as the hon. Gentleman has himself conceded, we must therefore, unless we do not accept that given, believe that that has been the case, and would, Mr Speaker, that the hon. Gentleman had developed the tunnel for the price and within the timeframe that he promised Gibraltar that he was going to. Instead, we have found

ourselves, as he knows, Mr Speaker, inheriting the chaos of litigation. I will not say any more in the interests of not affecting Gibraltar's case in that matter which is presently before the Court in London, but the tunnel ain't there and it was supposed to be two years ago.

Hon. P R Caruana: Yes, Mr Speaker, alas, we were relying on Gibraltar still having a competent Government able to handle both the litigation and the ongoing building of the tunnel and its funding – *and its funding*, Mr Speaker. So all I can do from these lowly benches here is to encourage the hon. Member to proceed with the tunnel and persuade him, in as non-partisan possible a way, that this is something that Gibraltar wants and needs.

I think it is implicit in the statement, and I will not press him further, but it is implicit in the hon. Member's answer that, whilst he shares my view that the MOD is welcome to use the runway and that he shares my view that the MOD would want to minimise, but actually there has been no co-ordination of landing of which the Government is aware, of which he is aware, to specifically avoid specific times for landings and takings off of these aeroplanes. It is implicit. He has invited me to take it to assume that that is the case, because otherwise we would be impugning our view that they want to minimise, which suggests that he does not actually know.

Hon. Chief Minister: Mr Speaker, if I could just, on the tunnel, give him a piece of unsolicited advice. He really needs to stop digging, which is to an extent is what we have done! *(Interjection by Hon. P R Caruana) (Laughter)* Which to an extent is what we have done for this reason. *(Interjection by Hon. P R Caruana)*

Mr Speaker, I know that he could not bear to hear the whole of my reply, during the course of the Appropriation Bill, but the point about the hole in the public finances, which would have just got bigger if we had carried on with a project that required £55 million to finish the tunnel, I think is a point already well made.

Mr Speaker, we actually believe that there has been the level of co-operation necessary in order to avoid key times for runway closings insofar as that has been possible, but there are other criteria which apply in respect of when aircraft can and cannot take off for particular exercises. I think some of them also involved other nation states, so that was not possible in every instance, but we are satisfied with the way and the manner in which these things were handled, in co-operation with the people who we have now made solely responsible for traffic management on the ground, namely the RGP. He knows that they now control also the Highways Enforcement Officers' cadre which he created in his final four years in office.

New ID cards and driving licences Intention to introduce

Clerk: Question 677, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, can the Chief Minister say whether the Government intends to issue (i) new identity cards and (ii) new driving licences; and, if so, when?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, it is the Government's intention to provide new format identify cards, including chip and pin or similar technology, and new driving licences to comply with EU requirements. When Government is ready to introduce these new cards, it will make the relevant announcement.

Hon. P R Caruana: Mr Speaker, can the Government say whether it has taken a view on this question which we had before us about whether the Government would invest in the technology to produce these cards locally or whether to avoid that cost the Government would have these cards printed in the UK by a printer?

Hon. Chief Minister: Mr Speaker, he threw me a little bit *[Technical interruption]* with the use of the word 'produce' the cards. The physical card, the plastic comes blank and that is the option we have chosen. The printing of the card will take effect in Gibraltar, so literally white pieces of card will arrive in Gibraltar and they will be printed using our own technology in Gibraltar to be the new identity cards and driving licences that will be distributed.

**Community care
Intended changes to system**

Clerk: Question 678, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, will the Chief Minister say whether the Government considers that there is any need to bring about a change to the system of Community Care by ceasing to make grants to the current private trust and replacing those with grants in favour of a different arrangement?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the position of successive Governments of Gibraltar, I am sure he would agree, is that Community Care is a private charitable trust and the Government has no control over its affairs.

As we have said in our manifesto, which I will read out, given that after the last session Members opposite complained that we would not read out the relevant parts of that splendid document, in relation to Community Care's future, we said as follows:

'In 1996 Community Care had assets of £63 million of which £60 million was in cash and was available to provide support to resident pensioners and others with the income from its investments. In the last 15 years, its reserves have been run down to zero in a deliberate policy in order to replace its role by alternative arrangements.

This was first announced by Mr Caruana in 2009 and it was stated that legislation would be introduced that would ensure that no loss of support for those getting it or with a right to do so in future would take place and that new arrangements would better protect such payments from claims by non-residents. The new arrangements were originally said to be designed to remove any possible claims by non-residents.

No such action has taken place, except that this year it was stated that as from 2012'

– of course, 'this year' meaning 2011 –

'the payments would be provided as a legal entitlement, together with social insurance pensions. On the basis of this statement we believe such a change would have the very opposite effect of what was claimed to be the purpose of the exercise. Rather than protect Gibraltar from any claims or liability to pay non-residents, it would make it legally binding to do so. In other words, it will bring about what it was said it was intended to prevent.

Unless and until someone produces evidence that such a change will benefit Gibraltar based pensioners, we remain fully committed to restore the fortunes of Community Care and ensure its survival.

To this end we are committed to resume funding it in excess of its annual requirements as from April 2012 so that once again it is able to meet all its commitments and better its reserves to achieve its own investment income and not to have to rely solely on Government grants, the position it enjoyed in 1996.

Given that its outgoings are now much higher, the target is that it should have been able to build up its reserves currently zero to at least £100 million by the time of the next General Election.'

This is on page 63 of our manifesto, Mr Speaker.

We are also committed, Mr Speaker, on page 27 of our manifesto, as follows, in respect of our projections for growth of our economy:

'No doubt we shall get the same reaction to the benefits contained in this Manifesto as we have had in the past elections from others – they will tell you it is impossible and will ruin Gibraltar.'

Well, Mr Speaker, that first projection was certainly true – it took them 10 minutes to say that.

'... in the 2007 General Election our Manifesto was costed on a predicted GDP level of £800 million and a projected level for this financial year of £1.2 billion. Our figures have proved remarkably accurate. The figure for 2007/08 published some 18 months later was £804 million and the estimate for last year was £1 billion. We are assuming that in the current year the size of the Gibraltar economy will reach £1.1 billion. On this basis, the programme in this Manifesto is designed to be delivered with an economy that grows from £1.1 billion to £1.65 billion between 2011 and 2015. In the same period Government revenue is projected to grow from £400 million to £600 million and Government expenditure projected to grow from £375 million to £525 million. On this basis the surplus for the current year would be £25 million growing to a level of £75 million at the time of the next General Election. In effect, Government revenue is being kept at a constant ratio to GDP and it will grow at the same rate as the economy. Government expenditure growth will be kept below the growth in the economy and limited to an increase of 40% over the 4 year period. The annual surplus that will result from these figures will be gifted to Gibraltar Community Care in each of the 4 years to allow the charity to meet its current and future costs and build up its reserves so that in the future it will once again be totally independent of Government grants.'

That is our published political position on the matter of Community Care funding.

Hon. P R Caruana: Well, Mr Speaker... So the answer to my question is no, which he could just have said.

Mr Speaker, I note that the hon. Member says that he is planning to donate the entirety of the Budget surplus for the next four years to Community Care. If he plans to do that, can he say to this House where is he going to fund the rest of his programme from, without increasing public debt?

Hon. Chief Minister: Mr Speaker, I am not going to have the Budget debate all over again. We have already set out exactly what we are going to do, and I will remind him, Mr Speaker, that in respect of Community Care in particular, during the course of the Budget debate I set out very clearly a question to the hon. Member which related to the aspect of our manifesto which I read first, which set out what he had said in respect of the changes *he* was going to implement to Community Care. He was, Mr Speaker... I am not going to say suspicious, but I will say ominously silent on the point of Community Care and in replying to any of the invitations that I set out for him to respond.

So, Mr Speaker, that is the question that is still on the table between us: what would have been the mechanisms *he* would have implemented in respect of Community Care? I offered him, Mr Speaker, the possibility not just of telling us across the floor of the House, but of telling *me* behind the Speaker's Chair, confidentially, what the mechanisms he intended to implement are, and unless I missed him trying to grab my eye on the way out, he has not sought to tell us what that position is.

As to how we are going to, Mr Speaker, donate the surplus to Community Care *and* deliver our programme without increasing debt... Well, it is obvious, Mr Speaker, that he does not know how to do it, and I am not going to explain it to him.

Hon. P R Caruana: Well, Mr Speaker, I have some news for him: he is *obliged* to explain it to this Parliament. That is what the Parliament that he wanted to make more transparent and more meaningful and more relevant to the democracy of Gibraltar is for; not so that he can taunt with non-explanations, but rather for which he *should* give more explanations.

Mr Speaker, the purpose of supplementary questions is most purely to ask questions which are raised by the answer given to the original question. He chose, in a question which had nothing to do with it, to give me a spiel about the fact, which ended with a statement that the Government was going to donate its Budget surpluses to Community Care. I have therefore asked him, given that he is committed both to giving the *whole* of the Government's recurrent Budget surplus to one organisation called Community Care, and that he is also committed – and therefore he has got no spare money in his Budget to pay for capital expenditure – and is also committed to cutting the gross public debt by 50%, Mr Speaker... He will have to explain to this House – and I am asking him now in supplementary – how he can reconcile *that* commitment, which *he* has just raised in this House today, and therefore I am entitled to ask him supplementaries about how he intends to reconcile that commitment, assuming that his understanding goes beyond simply being able to read what a manifesto drafted by others contains – how he proposes to reconcile that commitment with the commitment to reduce public debt *and* deliver all the other increases in recurrent expenditure *and* cut all the revenue by all the ways that he has promised to recover the revenue, and still have money to give Budget surpluses to the tune of £75 million over the next four years.

Mr Speaker, with respect to the hon. Member, it is not *I* that may not understand how these things work, but *he* – because it is axiomatic, isn't it? Doesn't he agree that if you are going to give all your spare revenue over income to a charity, you do not have it to do other things with, and all the other things are all the other things that he has promised, which by the way are not just increasing expenditure but reducing revenue, and it is not including cutting tax to 17%.

So, Mr Speaker, what I am asking is: is the hon. Member committing – *recommitting* – his Government in this House today to doing all of those things?

Hon. Chief Minister: He just does not get it, Mr Speaker; that is the problem. (*Interjection by Hon. P R Caruana*) He does not understand, beyond the way that he has explained it, how it is possible to finance a manifesto like ours and deliver it, and I am therefore very happy to recommit myself to it today because I am confident that it can be *and* grant surpluses to Community Care.

Mr Speaker, what I am telling him is not 'I am not going to tell you'; it is that he is going to see how it is done as we do it over the next four years, (*Interjection by Hon. P R Caruana*) and we are recommitted to doing it. We are recommitted to doing it by my statements in this House today, if he wants that to be the case.

I said during the course of the Budget debate, in my primary intervention and during my reply – although I recognise that he was not here to hear the whole of it – that I recommitted my Party to everything set out in my manifesto being delivered in the next four years. I told him, he might remember, that I would not be taking the route to the trapdoor that he offered me, where he said, 'If you like, because I have not left you enough in public finances – according to you, Fabian – come through this door where you say "That's my excuse for not delivering the manifesto."' I *told* him I was not going to go through that trapdoor.

Mr Speaker, this is becoming what is known in Spanish as *el cuento de la buena pipita*. I am going to tell him again. Would he like to tell me, would he like to inform Gibraltar, this House, or just me behind the Speaker's Chair, what the new arrangements he was proposing for Community Care were?

I said very clearly, Mr Speaker, in our manifesto – and everybody accuses *me* of having drafted the document; it is nice that somebody says somebody else drafted it – what our position was going to be in respect of Community Care *and* how we are going to fund it, and I am recommitting ourselves to it.

Mr Speaker, *he* said in *his* manifesto, *and* before that to the general public, that he would be implementing a *new* system that was *better* than Community Care. Mr Speaker, is it so much to ask him to tell us what that new system was?

Hon. P R Caruana: Mr Speaker, if the hon. Member cannot get used to the fact that he now answers questions which I ask, I am very happy to change roles with him again! (*Interjections*) By 237 votes, or something like that, the people of Gibraltar, for whose judgement I have the utmost respect, have decided that I should be cast in the role of asker of questions and he is cast in the role of answerer of questions; a casting, by the way, that I suspect many people have come to regret already.

But Mr Speaker, nevertheless it remains such and it really does not become the Government to ask questions across the floor and to invite the Opposition to design policy for the Government.

If the hon. Member does not think that Community Care needs reforming – as he has just informed me in the previous question he believes it does not need reforming – then what interest does he have in how I would have reformed it, who does think it needs reforming? Unfortunately for me, and I believe for Gibraltar, the GSD is no longer in Government. The hon. Member now saddles the whole community with the view of the Government that Community Care does not need reforming. It is not for him to taunt the Opposition to disclose what the Opposition *would* have done to fix a problem *had* it been elected into office, which the hon. Members do not think is a problem that needs fixing.

Mr Speaker they have to decide... This is why I asked him the question. I asked him the question in order to decide whether the Opposition *should* help the Government out. If the hon. Member had said, 'Yes, I do think there is a possible problem there for Gibraltar,' – what I call the ticking time bomb – 'but I am sorry, you know, we just cannot understand how we might fix it,' I would have rushed to No. 6 and given him the benefit of my ideas. But he has told Gibraltar in this House today that he does *not* think the problem needs fixing, he does *not* think that there is a problem. In those circumstances, for him to ask me to contribute to fashioning a solution for him is entirely, in my view, inappropriate.

Hon. Chief Minister: Mr Speaker, I actually believe that he is right that many people in the General Election now regret how they cast their votes, and that if the vote were called again, (*Interjection by Hon. P R Caruana*) the majority that we would enjoy would be much *greater* than 237 votes. (*Banging on desks*) It would be well into the thousands, where it *will* be after the next General Election.

Hon. P R Caruana: If you think that, call an Election *now*! (*Laughter*) I challenge you to call an Election now!

Mr Speaker: Order! Order! Order!

Hon. Chief Minister: Mr Speaker, he did not pick up when I said before –

Hon. P R Caruana: Call an Election!

Mr Speaker: Order!

Hon. Chief Minister: – that it was not his *last* term in Government, it was his *final* term in Government after the last time.

Mr Speaker, we are not going to put Gibraltar through the expense of another General Election quite at this stage –

Hon. P R Caruana: We will pay for it!

Hon. Chief Minister: – but we are very much thinking... Yes, that's nicely rigged if you pay for it!

Hon. P R Caruana: We will pay for it.

Hon. Chief Minister: We are very much looking forward to the next General Election, Mr Speaker, because in that General Election, where I confidently expect that I will be facing a different opponent as Leader of the GSD –

885 **Hon. P R Caruana:** But you will still have the same *[inaudible]*.

Hon. Chief Minister: – and by which time I will have had the opportunity of wishing him a much more elegant (*Interjection by Hon. P R Caruana*) *adieu* than he might have wished any of his political opponents, and thanking him for the service that he will have given to Gibraltar to date, he will also have had the opportunity of explaining to people why it is that since 2011 – and, in fact, Mr Speaker, since 2010 when he *was* in Government – the hon. Gentleman was saying – not from Opposition, as he is today, but from Government – that, in his view, Community Care was a ticking time bomb that he said he was not willing to bequeath to our future generations. In 2010, Mr Speaker, he said, in January, in his New Year speech, ‘I will be introducing in this Budget in 2010 significant reforms to protect Gibraltar from this possibility. Reform will not result in financial loss to our pensioners or recipients of Community Care.’ That was the plan of the Government, Mr Speaker, in 2010.

So I am not asking him what plan did he have if he won the Election now, as Leader of the Opposition, to share with him; I am saying to him, Mr Speaker, what on earth was he basing that on, if he did not have a design or a plan at the time? Because, Mr Speaker, in 2010, in their Budget, the hon. Member did not mention the words ‘Community Care’.

Mr Speaker, what we were saying... and I said it specifically in my first intervention on the Budget, in my principal speech, not in my reply – because he missed an excellent part of that, in my principal speech – we do not think Community Care has a problem. I said that specifically, but *you* said, on a number of occasions, and I listed them, Mr Leader of the Opposition, when you were Chief Minister, that you believed that Community Care had a problem. I said to him, Mr Speaker, and I repeat to him, I therefore now call on the Leader of the Opposition to make public in his reply what he was going to do in 2010. In other words, what were the plans of the Government in 2010? One cannot say that one is going to do things without having some sort of plan. Or was it, Mr Speaker, that there was no plan?

You see, Mr Speaker – and this is how I finished my intervention on this issue – *if* we are wrong – and we do not believe we are wrong; we believe there are *no* problems with Community Care, but *if* we are wrong – it is actually very bloody-minded of the hon. Gentleman to simply say, ‘Go and sail into this problem,’ and ‘I will not help you, because I was rejected by 237 votes,’ and ‘Let Gibraltar have the problem, because I won’t tell you what my design and what my alternative plan for Community Care was. Find yourself, Gibraltar, in the quagmire, because I didn’t win by 237 votes.’

Mr Speaker, how bad can that be? Mr Speaker, we were actually saying, ‘Peter if you have got a better plan, share it and we may actually come out and say that your plan was better than ours. This is too important to be playing party politics on.’ But, Mr Speaker, what the hon. Gentleman has said today in his last intervention is to confirm *in terms, in terms* ‘As I did not win the Election, then you can go and sail into the problems. I don’t care.’ Well, Mr Speaker, what an attitude!

Hon. P R Caruana: Mr Speaker, the attitude that he has just described is not the one that I described, but certainly it was the one that the GSLP announced in 1996 on the night of 16th May (*Interjection*) when the then recently elected Leader of the Opposition said that Gibraltar had the Government that it deserved, and then went on to re-elect it for another 16 years.

Mr Speaker, I sincerely hope that as the man who has the fortunes of this community in his hands for the next three-and-a-half years at least, I sincerely hope that the powers of analysis and the powers of listening and regurgitation and the powers of discernment from what he hears his interlocutor say are not as he has just described them to be. I know that he wants to portray me to the people of Gibraltar as a traitor who left him with a huge financial black hole. Look, Mr Speaker, I have not said that Gibraltar can stew in its own juice; I have said the opposite. I have asked him whether he thinks there is a ‘juice’, and given that he has told me that there isn’t a juice and therefore he does not think there is any possibility of stewing, then I do not have to give him my stewing recipe. After all, why should I give him my favourite stew recipe when he does not want to eat a stew because he does not think there is a need for one? He is confusing remedy with the identification of whether a problem exists in the first place.

Mr Speaker, if he wants to have analogies, then the analogy is this: here is somebody who declares that he is fit as a fiddle and wants to berate somebody else for not prescribing the remedy for an illness that he says does not exist, never existed and will not exist. Well, Mr Speaker, he can try and convert all of that into the statement that the ex-Chief Minister, because he lost by 238 votes or whatever the number was, is happy to let Gibraltar sink – in his words, Mr Speaker.

All he has to say is declare publicly that he thinks that there is a problem in Community Care – in other words, reverse the position that he has announced in his Budget and today – and then, if he wants, we can work together on designing a solution, and I will be very happy to carry into that exercise if the Government needs the Opposition’s help in doing that job, as he might wish.

But what I am certainly not going to do it is on the hypothetical basis which is created by the circumstance that he does not think there is a problem at all, that he thinks – well, not him; the Minister for Employment, who is absent from the Chamber today, thinks – that his creation, Community Care, is

perfect and is not a problem for Gibraltar now or in the future. If that is what they think, then they must want the solution, to what the problem would be if it was not okay, for reasons other than fixing something, because they do not think there is anything that needs fixing. So what he wants is to get the solution for the purposes of playing politics with it, but not to apply to save Gibraltar from anything, because he does not think Gibraltar needs saving.

Mr Speaker, I have been in this House just a little bit longer than him.

Hon. Chief Minister: I thought he was supposed to be asking questions, Mr Speaker.

Hon. P R Caruana: If he does not like what I am saying, I am happy to sit down.

Hon. Chief Minister: I thought you had said you were ready to ask questions.

Hon. P R Caruana: If he is having difficulty hearing what I am saying, I am happy to sit down.

Hon. Chief Minister: I have absolutely no difficulty hearing what he is saying, but I am going to subject it to careful analysis to show him why it is that he is wrong about all of it.

Mr Speaker, in what I told him during the course of the Budget debate, I actually said that we were committed to the things I have now read out to him. I said it during the course of the Budget debate, Mr Speaker, and he did not come back and say, 'Well, look, I am not going to give you my answer, my new design, because you have recommitted yourself to the manifesto.' He, instead, kept schtum about the whole thing and then set down this Question.

Mr Speaker, thank goodness we have got *Hansard* and we will be able to go back and see what the hon. Gentleman said, and not rely on *his* version of what it is that he said or his now desired interpretation of what it is that he said before I rose and dealt with his previous supplementary.

Mr Speaker, I have actually not accused him of being a traitor. I have said that this attitude to Community Care displays what his politics are like. If I were to accuse him of being a traitor, Mr Speaker, it might not be about this, because the first thing that springs to mind is to remind him that he is the only Chief Minister of Gibraltar who has ever said outside of Gibraltar, in Spain, that he *might* be prepared to consider putting – *supporting* – the Andorra-style solution to the people of Gibraltar in a referendum. There are those who might consider that to be treachery.

I have not put it to him in those terms, Mr Speaker, but I will tell him this: he now says what the hon. the Member with the responsibility for employment and other matters, who is not in the Chamber today, said to him, having lost the Election in 1996. Mr Speaker, I think it is appropriate to remind *him* of what he said to the then the Leader of the Opposition in 1996 when he lost the Election and in 2000 and 2003 and 2007 when he lost the Election, which was, 'You should go because you have lost the Election and political leaders, when they lose elections, should have the decency to vacate their posts and allow younger blood to take over.' (*Interjection and laughter*) Mr Speaker, if he said then that that was appropriate for the Hon. Mr Bossano – and Mr Bossano did not take his advice, rightly, and well done; now there he is, back in Government – it may be, Mr Speaker, that either (a) he has changed his position, or (b) he needs to be giving himself a dose of his own medicine.

Medicine, Mr Speaker, brings me to this business of not being allowed to know what the remedy is for any illness other than the illness that one is suffering, in his example. Is it, Mr Speaker, that one is not entitled to consult a textbook to find out what the answer is to a common cold until one has the common cold, in his style of politics? Mr Speaker, is it that somebody can sit on this chair, with the responsibilities that it carries, for two years since 2010, tell people – the elderly, in particular – that he is going to amend Community Care, the whole structure of it, and change it and redesign it, and actually not have a clue of what you are going to replace it with?

Because, Mr Speaker, one is left with the impression that, actually, all those statements were made in the Budget in 2009, in the New Year's message in 2010, in the Budget in 2011, and not followed through because actually there was, behind St Peter's Chair – if you will excuse the analogy with the Chair in the Vatican – absolutely no plan whatsoever to replace Community Care, no design whatsoever to replace Community Care with something safer or something less safe.

Mr Speaker, he will know he is entitled to have his files of his Government confidential in all matters in respect of correspondence etc, but I am entitled to have access in respect of others. I lay down the gauntlet, and it is a simple one: will he allow me to have access to any file of his D-series which contains the new plan for Community Care? It is that simple.

**Statutory old-age pensions
Review of current system**

Clerk: Question 679, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, will the Chief Minister say whether the Government considers that there is any need to review, reform or change the current system of statutory old-age pensions?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, as the hon. Member knows, and as we have repeatedly stated in the past from the Opposition benches, and given a commitment in our Election manifesto, and stated in the recent Budget session, the answer is yes.

Hon. P R Caruana: Mr Speaker, is the hon. Member able to say when he thinks that that might emerge, roughly? Are we talking about weeks, months, the end of the year, early next year? Any timescale?

Hon. Chief Minister: Mr Speaker, I will tell him it is a work in progress. He was very averse to having any Member of the Opposition be the timekeeper for *his* projects. It is a work in progress and it is certainly something that we want to see the light of day very soon indeed; but because it is, he will understand, a project that requires careful work, I am not going to commit ourselves to any particular time, other than what might already have been said in this House during the course of the Budget debate about how that work is progressing.

Hon. P R Caruana: Mr Speaker, I was averse to being pressed by the Opposition to say when I was going to deliver a policy that I had not said I would deliver by any particular time during a four-year mandate. This is not the case here, where they have said in their manifesto that they would do this within a period of time which I think has expired already, and I think the... I was going to say the Chief Minister – I mean the Minister for Employment, indicated – in fact, apologised, or expressed regret, if not apologised – during his Budget address for the fact that it has not been possible for him to do it by early July, or by the beginning of July, as had been the announcement.

So it is because there has been an acknowledgement by the Government already that they are late with this in accordance with their own timetable, not with one that I am trying to pin on them, that I am just asking whether he has any idea when this commitment – that they had planted for July, but has not yet emerged – is likely to emerge. It is not comparable to what they used to do to me.

Hon. Chief Minister: Mr Speaker, I do not agree. I do not recognise what the hon. Gentleman has said. In fact, I do not think that the apology related to this matter. Perhaps he would like to point me in the direction of what was actually said.

Hon. P R Caruana: Mr Speaker, perhaps he was not in the Chamber when the Minister for Employment gave his address, but does he not recall the Minister for Employment expressing regret that he had not had... I think he put it down to legislative drafting time or something, that it had not proved possible for him to bring the changes to the reform of Social Security and pensions that he was working on, and that he would bring them as soon as possible. This question is designed to just place a timetable on that, but clearly he does not know, and it does not matter. We will find out on some other day.

Hon. Chief Minister: Mr Speaker, if the hon. the Clerk will give me the opportunity, I am just looking at the Budget speech because I do not recognise what the hon. Gentleman is saying in the Budget speech of the Hon. Mr Bossano, so if I can just have a moment, or perhaps we can recess, then I can have an opportunity of checking that, because I think he has confused different parts of our manifesto.

So, Mr Speaker, if this might be a convenient moment, we might recess for five minutes.

Mr Speaker: Five minutes. The House will recess for five minutes. (*Interjection*) I think the Hon. Chief Minister wants to answer the question.

Hon. Chief Minister: In the interest of clarity, Mr Speaker, I [*inaudible*].

Mr Speaker: The House will recess for five minutes.

The House adjourned at 5.02 p.m. and resumed its sitting at 5.07 p.m.

Hon. Chief Minister: Mr Speaker, I am grateful for the short break.

Mr Speaker, the position actually is absolutely clear – and totally contrary to what the hon. Gentleman was saying – that the position set out in respect of Social Insurance reform in our manifesto is on page 62 and it does not have any time limit. We recall that before he sat down, the hon. Gentleman said, ‘But this was an issue which you had a time limit on and that is why I am holding you to it.’ So I am going to read it to him, Mr Speaker:

‘A GSLP Liberal Government will reform the entire structure of the Social Insurance Fund which is now insolvent.’

No time limit.

‘We will place the Fund on a viable footing.’

No time limit.

‘EU Law now requires equal pensionable age for men and women in all new schemes. In the new scheme we will pay pensions to men and women from age 60.’

No time limit.

And the bit that my hon. Colleague, the Minister for Employment, gave the House during the course of his Budget speech reads as follows:

‘The Social Security Fund as it stands is not viable. I have raised this issue many times from the Opposition benches. The hundreds of workers who pass through our economy and contribute to the Fund whilst here will one day become pensioners and create a future liability for Gibraltar *greater* than the one feared by the GSD Government as a result of the Civil Service Final Salary Pension Scheme.

I regret it has not been possible to move on this issue so as to limit the liability at least and ensure it does not continue to grow into the future. There is a manifesto commitment to act on this and I am still hopeful that it will be possible to bring in the new arrangements during this financial year.’

– but there is no manifesto commitment to be held to in terms of time. The hon. Gentleman, in his Budget speech, said that he hoped to do it within the financial year, so if he goes back to what I first said when I said, absent what might have been said in the Budget, that is the position, and there is no question of a manifesto time limit that he can time us to.

Hon. P R Caruana: Yes, Mr Speaker, I readily accept that there is no manifesto time commitment and that the part of the Minister for Employment’s Budget address that I had been alluding to was the statement of regret that it had not been possible to move on this issue. In other words, it is true that, contrary to what I suggested earlier, there is no time limit placed on the... no target date in the manifesto, but clearly this is something that they want to move on quickly, because the Hon. the Minister for Employment expressed regret that he had not been able to move on it yet. Therefore, the question is whether the Hon. Chief Minister can say when that will be forthcoming and if he can narrow it a little bit to the current financial year, which is 31st December next year. But I acknowledge, if he wants it formally for the record, that it was wrong of me to suggest that there was a deadline in the manifesto.

Hon. Chief Minister: I appreciate that, Mr Speaker, and I am grateful.
Mr Speaker, 31st March, not 31st December.

Hon. P R Caruana: It is March.

Hon. Chief Minister: Sorry –

Hon. P R Caruana: Well, it is just the end of the financial year, 31st March.

Hon. Chief Minister: That is right. The hon. Gentleman just said now – and I think it was in error – 31st December. Yes, 31st March 2012.

Mr Speaker, yes, I echo the words of the hon. the Member for Employment. There was a manifesto commitment to act on this and we, as a Government, are still hopeful that it will be possible to bring in the new arrangement during this financial year, i.e. before 31st March. *Hopeful* – in other words, we are working towards that.

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**Spanish fishermen in Gibraltar waters
Number of arrests**

Clerk: Question 680, the Hon. P R Caruana.

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Hon. P R Caruana: Mr Speaker, how many arrests of Spanish fishermen in Gibraltar waters have occurred since 9th December 2011? He can provide me with the update, if he wants.

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Sorry, the hon. Gentleman said something at the end of that which I did not quite –

Hon. P R Caruana: You can provide me with the update, because a question has been asked, a similar one.

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Hon. Chief Minister: Yes, Mr Speaker, but he has asked about 9th December 2011, so I am going to answer in that respect, and it relates to arrests.

I am informed by the Royal Gibraltar Police that no Spanish fishermen have been arrested in Gibraltar waters during the dates in question.

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Hon. P R Caruana: Mr Speaker, given that there have been no arrests and given that fishing has continued to take place, and that notwithstanding that there have been no arrests, does the hon. Member, with hindsight and the benefit of it, consider that it would have been possible and indeed perhaps more appropriate, rather than to have torn up the 1999 Agreement overnight, so to speak... whether he believes that that statistic indicates that the matter could have been dealt with, with less risk of horizontal contamination of other matters, by putting the Spanish side on notice of termination, allowing the Agreement to continue to prevail during that period of time, during which new arrangements might have been discussed and put in place in less strained circumstances?

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Hon. Chief Minister: Mr Speaker, there are two things I need to say about that. The first is that I recognise the Hon. the Leader of the Opposition was not here for the last Question Time. For good reason he was not here, and so be it. The Hon. the Deputy Leader of the GSD – I do not know whether that makes him Deputy Leader of the Opposition because the Leader of the Opposition is a constitutional post. (*Interjection*) Indeed. Well, not unconstitutional; not envisaged in the Constitution, which is not to say that they are unconstitutional, Mr Speaker (*Interjection*) – asked me exactly the same question less than a month ago.

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Mr Speaker, I do not want to have that debate again, but I am happy to tell him that we remain of the view that we have acted absolutely properly. Mr Speaker, I do not recognise that there continues to be fishing as there was before in our waters. There is *some* fishing in breach of our laws which is, in some instances when it occurs, has involved Spanish fishing vessels being escorted by Guardia Civil vessels in breach not just of the Nature Protection Act but of the United Nations Conventions on the Law of the Sea and of the appropriate behaviour that should be displayed by one nation state in respect of the territorial waters of another nation state, in particular NATO and EU allies, as Britain, Gibraltar and the United Kingdom are with Spain.

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Mr Speaker, would we have acted in a different way with hindsight? No, Mr Speaker, because there is a division between him and me as to what the effect of the 1999 Agreement is, and I said that to him when he *was* here for questions at the previous session, when I said to him if one believes that the 1999 Agreement *is* unconstitutional *and* a breach of the rule of law for all of the reasons that we debated previously, then one cannot tolerate that whilst one negotiates one's way out of it, because you cannot tolerate breaches of the law. It is not up to us to deal with application of the law; that is a matter, of course, for the Royal Gibraltar Police. We just *make* laws in this Parliament.

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So, for all of those reasons, Mr Speaker, as I told him two months ago, as I told his Deputy one month ago, the short answer – and they always try and pin me down to a yes or no, and I am happy to give them one in this instance – is no, even with the benefit of hindsight.

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Hon. P R Caruana: Mr Speaker, my question does not go to whether it is proper or improper, or whether they have acted properly or improperly. Different people in Gibraltar have different views on that question, just as different people in Gibraltar have different views on his confident assertion that the previous, the 1999 Fishing Agreement was unlawful or unconstitutional, and I have no hesitation in categorising myself amongst those who do not think it is either of those things, like the British Government did not think it was and the Commissioner of [*inaudible*]. But that is not the issue, Mr

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Speaker. That is not the question. I am not asking him Questions designed to reopen any of those debates. The narrow question that I was putting to him – but his answer might still be the same – is given that the objection to the 1999 Agreement was the suggestion that it contained a behind-the-scenes understanding between the Government and the RGP that there would be no enforcement of the law – which, by the way, is not true... The Agreement does not say that they can fish. The Agreement is about the enforcement attitude of the RGP reverting to what it had been in earlier years, leaving the enforcement decision thereby in the hands of the RGP. I do not want to debate with him. I am happy to, if he wants to, but that is not the sense of my questions, to debate those aspects. Given that the Agreement left the enforcement of the law in the hands of the RGP, and that they chose to enforce it, he believes, by not arresting people, not because they were exercising any proper judgement, but because they were, in effect, complying with a behind-the-scenes agreement with the Government of the day, but the net result was that there were zero arrests, and that that, in fact, is the same net result as there has been since he tore up the Agreement; namely both *with* the 1999 Agreement and *without* the 1999 Agreement, the net result – albeit, he would argue, for different reasons – is zero arrests.

I am asking him, in those circumstances, doesn't he think that the considerable strife might have been avoided by just allowing the zero arrests to continue whilst different arrangements, which he regards as less unconstitutional and less illegal, had been put in place in a way which would not provoke as much as this unilateral thing appears to have provoked?

Hon. Chief Minister: Mr Speaker, I refer him to the supplementary asked by the Hon. the Deputy Leader of the GSD on page 21 of the *Hansard* for Thursday, 21st June, at line 1005, where he said this:

'Now, does he not accept that, looking back in retrospect, this issue of the 1999 Agreement and how one tears up the 1999 Agreement – call it a memorandum of understanding or whatever it is that you wish to call it – but it has not been dealt with well by the Government side because, for example, you could have actually called in the Mayors of La Linea and Algeciras, the fishermen, in the same way as you are having discussions with them now, because you are having those discussions with them now, and say to them "Look here, as from six months' time the 1999 Agreement is out of the window..."'

So I have had this debate in the House, Mr Speaker, with the Hon. –

Hon. P R Caruana: I was here.

Hon. Chief Minister: Sorry?

Hon. P R Caruana: I think I was here.

Hon. Chief Minister: No, you were not. The hon. Member, I am sorry to say, was not here for that one. This was when the Hon. the Deputy Leader of the Opposition was pretending to be the Leader of the Opposition already, so he definitely was not here for that one.

Mr Speaker, there is a difference. If we were just to say let's have this debate on the basis of the zero arrests, there is a difference, because you see, Mr Speaker, his question was about arrests but there have been reports for process, which there were not, Mr Speaker, before, under the 1999 Agreement.

He will know, Mr Speaker, as well as I do, that a police officer has many ways to deal with people who are breaching the law. He can either caution them, he can report them for process, he can arrest them, he can just give them a strict telling off, if he likes – and that is just down to the police officer at the time. What is happening now, when people are fishing here, Mr Speaker – and there are very few who are fishing here, and I will come to that in a moment – is that they are being escorted by very large boats of the Guardia Civil – usually two large Guardia Civil boats to one Spanish fishing vessel; something which I understand is annoying members of the Guardia Civil as much as it is everybody else, given that they also think that they have better things to do.

But, Mr Speaker, in that context, is he saying that what the Royal Gibraltar Police should do – and we do not interfere in what they should do – is ensure that they arrest, even if that means that they ram Guardia Civil vessels etc? First of all, I am sure he is not saying that. Second, Mr Speaker, he remembers, of course, every time he talked about upgrading the assets available to the Royal Gibraltar Police, but then actually never did that, and we, Mr Speaker, after 8th December 2011, ordered new and bigger boats for the RGP because they were having to rely – as people will know, Mr Speaker, and he will definitely know – on boats that they had confiscated from drugs magnates to be their vessels.

So, Mr Speaker, in that context, 'What is the difference?' he says. Well, I have done all the analysis that I have done as to what the 1999 Agreement achieved or did not achieve and whether it was contrary to the rule of law or contrary to the Constitution, and I stand by those, but what is the strict difference between the zero – and I forgive him the pun – *net* result arrests then and now? Well, Mr Speaker, there is a *very* big difference. A *very* big difference. There were upwards of 60 vessels fishing in our waters under the 1999 Agreement. They would come, not all at the same time but whenever they wished, three or four

at a time. So on one night there might be three or four, on another night another three or four. What has happened in the past 60 days has been that the same two vessels, perhaps three, have come in to fish, contrary to the memorandum of understanding we have entered into with the Spanish *cofradías*, and those two or three vessels are outside the control of the *cofradía*, which is in effect the union. They are the ones that are always the blacklegs, whatever agreement has been reached by the *cofradías* with anybody else. The *cofradías* are staying away, and you have got these two or three that the Government of the Kingdom of Spain have decided should, if they want, have the protection of vessels which should not be in these waters, which should be used for other purposes and I would like to see, in conjunction with Royal Gibraltar Police vessels, controlling drug trafficking and people trafficking and other illicit activity in the Strait, rather than being involved in assisting in the breaches of Gibraltar's fine laws for the protection of our environment.

So, under the 1999 Agreement, any member of the *cofradía* would come and fish, and there were zero arrests. Post the 1999 Agreement, post 8th December when we get into the new situation and after the memorandum of understanding, no boats from the *cofradía* come to fish, except two or three blackguards who do not accept the discipline of their union and come and fish, and are then aided and abetted by the Guardia Civil. That is an important difference to this.

Hon. P R Caruana: Well, Mr Speaker, it is an important *temporary* difference. It remains to be seen the terms upon which the hon. Members can *permanently* resolve this matter, and therefore it remains to be seen whether those terms are *better* than the 1999 Agreement, and it remains to be seen whether they are better or worse in terms of the circumstances in which they are seen to have been brought about under pressure etc. (**A Member:** Hear, hear.) But we do wish the Government luck on that, and I want the hon. Member to know that the position of the Opposition is that we would like to see this matter resolved as quickly as possible for the same reasons that we did the 1999 Fishing Agreement. For the very same reasons that we did the 1999 Fishing Agreement, we want the hon. Members to bring this matter to a satisfactory conclusion as quickly and as consistently as possible with Gibraltar's political rights, interests and jurisdictions in these waters. Part of that is the circumstances in which that is *seen* to be brought about and whether it seems to be... whether it *looks* the result of duress or a forced hand, or not, which is, amongst other reasons, why we did not change the law back in 1999. There is that aspect of the matter which is an inescapable consequence of resolving any problems of this sort.

But anyway, Mr Speaker, we remain of the view that the 1999 Agreement should not have been determined. We acknowledge that the hon. Members have a different view. We think their view is mistaken, but they are the Government – they are entitled to give vent to their policies and not ours. It remains, we think, therefore, that it is an unnecessary problem that has been created, but we remain to see and we will be the first to acknowledge if they are able to resolve it on better terms than we were able to obtain in 1999.

By the way, just for his further amusement, Mr Speaker, the new and bigger boats, as he calls them, that have arrived, are the ones that *we* had agreed to finance, but the order was actually put through by them, even though the RGP had already received the clearance, but I should hasten to add that my point – which is not that – is that those were not the bigger boats that Dr Garcia and I used to debate about during the last Parliament. We believe that in the context of the Coastguard Agency, the seafaring part of the Coastguard Agency, there ought to be bigger, sturdier vessels, not to ram Guardia Civil boats with, but to be able to assert jurisdictions in nautical accidents, search and rescue, when there is inclement weather resulting from... and this policy arose from the incidents of the two tankers where we found we had insufficiently large boats.

So, whilst congratulating the hon. Gentleman for going ahead with the ordering of these new bigger boats that he calls the fast boats that he was photographed with recently – even though he has no constitutional responsibility for the Police, as he keeps on reminding us, nevertheless he was keen to be photographed with them – will he acknowledge for me that those are not the boats that we were intending, and that we were intending much bigger boats? Not... yes, bigger boats in the context, and they are probably still somewhere in my office, the photographs and brochures of the sort of thing, some of them exaggeratedly large, we could not have prospered. Will he therefore accept from me a further urge, urging this afternoon, on a Friday, to continue with – (*Interjection*) Okay.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman has said a lot of things which I am happy to deal with.

First of all, he will recall that his statement about upgrading assets was made in respect of the confrontations which were ongoing at sea, I believe in 2009-10, in particular in his statements and his New Year message dealing specifically – and this is a matter of record, Mr Speaker, that he will see – dealing with the incursions of the Guardia Civil, that they might also have had a use in respect of problems like we had with the *New Flame* and the *Fedra* etc. Of course they might, but his statements were specific and they related to those issues which were affecting the RGP and arose from the Guardia

Civil purporting to exercise sovereignty, jurisdiction or control in our waters. Mr Speaker, we agreed with him, as he knows, and the Hon. Dr Garcia was as dogged as ever in trying to get across our agreement with him (*Interjection by Hon. P R Caruana*) so that he understood exactly how much we agreed with him and encouraged him to buy those boats.

Mr Speaker, I do recognise (*Interjection by Hon. P R Caruana*) that when we were elected the RGP had already set their eyes on these boats but had not yet made their order, and that we approved that order and it was therefore an order made in our time, and if there are, Mr Speaker, plans for even bigger boats –

Hon. P R Caruana: These were not the boats that Dr Garcia was –

Hon. Chief Minister: I look forward to seeing those plans and those designs because, although... I am prepared to take on trust the fact that there are such plans in his office. At least there are some plans for those, because I am sure there are no plans whatsoever for what he was talking about in respect of Community Care.

Mr Speaker, we do not feel under pressure to do any agreement in respect of fishing. Pressure is a state of mind. We have agreed with colleagues from La Línea and Algeciras a 60-day working process, involving experts in the field, that will lead us to conclusions. We feel very relaxed about that and we will not accept any new deadlines or timetables being imposed by anybody else for their own purposes, and we will act according to our understanding of what our law requires and what Gibraltar's environmental protection and sustainable fishing requires in the context of that timetable.

So he needs to look elsewhere, Mr Speaker, for people acting under pressure – perhaps, Mr Speaker, to the events of 1999, where there were stones thrown at vehicles round the back of Convent Place, with windscreens crashed, meetings with fishermen aborted, charges brought against people who were –

Hon. P R Caruana: Not thrown by Spanish fishermen.

Hon. Chief Minister: Well, it would have been something if a Spanish fisherman had thrown a stone behind Convent Place – I don't fancy his chances, Mr Speaker! But members of the public in Gibraltar incensed in that way, Spanish fishermen having to be met at the airport for press conferences and meetings, Mr Speaker, because they could not be brought to No. 6 Convent Place, given how the temperature had risen to febrile levels by then. Mr Speaker, that is not the situation that we are in today. I know he does not wish such a situation upon us.

We are very relaxed about where we are going and we very much look forward to considering carefully the report of the internationally renowned experts that are members of the working group, together with some local fishermen and some Spanish fishermen.

MOD Lands Agreement Value of properties sold; expenditure on relocations

Clerk: Question 681, the Hon. P R Caruana.

Hon. P R Caruana: Yes, Mr Speaker.

Will the Chief Minister say, as at 30th June 2012, (i) what was the total value, by agreed sale price, of properties sold by Government from the properties transferred to it by the MOD under the last Lands Agreement; and (ii) what is Government's expenditure to date on the MOD relocations agreed therein?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the total value, by agreed sale price, of properties sold by the Government from the properties transferred to it by the MOD under the last Lands Agreement, as at 30th June 2012, was £1,839,500. Government expenditure to date on the MOD relocations therein agreed, is £331,985 –

Hon. P R Caruana: One hundred and...?

Hon. Chief Minister: No, £331,985.71.

Hon. P R Caruana: Mr Speaker, does the expenditure on relocations reflect a conscious decision that they should lag revenue, or is that simply that there are no plans afoot to go any faster than that, in terms of the projects themselves?

Hon. Chief Minister: Mr Speaker, I can tell him that he will have seen in the local press that Ms Lang MP was in Gibraltar this week, and that Ms Lang and other representatives of the Ministry of Defence who I met with were very happy with the progress that was being made in respect of this relocation programme, called Project Euston, and the pace at which it is going and its connection – as he will know, because he negotiated that for the Government – to the sale process of properties as they are handed over.

So everything is going, as far as I am concerned, apace. There is now design work going on and there are demolitions going on, which I think will make sense to him because I think he agreed the schedule of some of those things. So the expense side will go up when we are charged for designs. That has already started, but we have not been charged the full amount, I think, for those designs. I *think* there are tender processes also involved for some works, so those will bite when those tenders are awarded, and there is an intention – and I think, Mr Speaker, from reading the agreement, it was always intended it should be – that sales should go ahead before expenditure is incurred insofar as possible, and that those were linked, Mr Speaker.

I do not understand the Ministry of Defence to be dissatisfied with that. The Government side is not dissatisfied with that at the moment. It may be that at some stage we have a desire to either receive other bits of land more quickly, which would mean we have to hurry up the relocations, or that the MOD, for its own interest, may wish to hurry up relocations and may want to look at another type of programme for the relocations to go ahead.

Public debt Breakdown of net figure

Clerk: Question 682, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, will the Chief Minister say, as at each of 30th April 2012, 31st May 2012 and 30th June 2012, what was (i) the gross public debt; (ii) the cash reserves; and (iii) therefore the net public debt?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this Question together with Questions 683 to 686.

Public debt Government debentures

Clerk: Question 683.

Hon. P R Caruana: Mr Speaker, will the Chief Minister give a breakdown, as of each of the 30th April, 31st May and 30th June 2012, in the three cases by debenture issues, of that part of the aggregate public debt which comprises Government debentures?

Gibraltar Savings Bank Outstanding debt securities

Clerk: Question 684.

Hon. P R Caruana: Will the Chief Minister give a breakdown by nominal value and issue of the debenture or other debt securities that have been raised by the Gibraltar Savings Bank and remain outstanding as at each of 30th April, 31st May and 30th June 2012 in the three cases?

**New recurrent expenditure measures
Estimated annualised cost**

1450 **Clerk:** Question 685.

Hon. P R Caruana: Will the Chief Minister provide the estimated annualised cost of each new recurrent expenditure measure introduced or announced by the Government since 9th December 2011?

1455

**Government-owned companies
Breakdown of 2011-12 contribution**

1460 **Clerk:** Question 686.

1465 **Hon. P R Caruana:** Will the Chief Minister say, of the £28.3 million shown on page 2 of this year's Budget Book as having been contributed in the year ended 31st March 2012 to Government-owned companies, how much relates to which company, and in respect of the amount that relates to each company: (a) how much relates to recurrent annual expenditure incurred by that company during the financial year ended 31st March 2012; (b) how much relates to recurrent expenditure incurred by that company during previous Government financial years; and (c) how much relates to capital expenditure incurred by that company, regardless of the year in which it was incurred?

1470 **Clerk:** Answer, the Hon. the Chief Minister.

1475 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the amount of (i) gross public debt, (ii) cash reserves and (iii) net public debt as at 30th April 2012, 31st May 2012 and 30th June 2012 is as follows – with the caveat, Mr Speaker, that some of the figures I am going to give him are tentative. He will know that they mean very little, if anything at all, because in some instances, the Government has greater expenses which are balanced against income, that come in in different months of the year, and he will know that different months are sometimes seen as representing more expected income for the Government than others and there are cyclical issues there.

So, April 2012: Gross Public Debt, £516.50 million; May 2012, £514.77 million –

1480 **Hon. P R Caruana:** Five hundred and what?

Hon. Chief Minister: – £514.77 million; June 2012, £513.57 million.

Tentative Cash Reserves: April 2012, £209.52 million; May 2012, £200.09 million; June 2012, £192.12 million.

1485 Tentative Net Public Debt: April 2012, £306.98 million; May 2012, £314.68 million; June 2012, £321.45 million.

In answer to Question 685, Mr Speaker, the annualised cost of new recurrent expenditure measures introduced to approve by the Government since 9th December 2011 are reflected in the Estimates Book and the Appropriation Bill for 2012-13.

1490 These have already been discussed and approved by Parliament earlier this month.

I now hand the hon. Member a schedule with the information requested in Questions 683, 684 and 686.

ANSWER TO QUESTION 683

Government of Gibraltar Debentures

Summary of the Public Debt as at :

	<u>30-Apr-12</u>	<u>31 May 2012</u>	<u>30 June 2012</u>
Pensioners' Monthly Income Debentures	£49,251,100	£48,501,100	£47,884,600
Monthly Income Debentures	£8,428,700	£8,146,900	£8,059,400
Special Issue of Monthly Income Debentures 2008	£49,427,900	£48,884,200	£48,597,200
Limited Issue of 3-Year Fixed Monthly Income Debentures (30/06/2012)	£22,375,700	£22,353,100	£22,353,100
Limited Issue of 3-Year Fixed Monthly Income Debentures (31/12/2012)	£33,443,400	£33,371,400	£33,171,400
Limited Issue of Fixed Monthly Income Debentures (31/12/2013)	£15,078,000	£15,078,000	£15,078,000
Limited Issue of Fixed Monthly Income Debentures (31/12/2015)	£70,194,300	£70,192,800	£70,177,800
Limited Issue of Fixed Monthly Income Debentures (28/02/2017)	£68,305,800	£68,246,800	£68,246,800
Total of the Public Debt comprised of Government Debentures :	<u>£316,504,900</u>	<u>£314,774,300</u>	<u>£313,568,300</u>

ANSWER TO QUESTION 684**Summary of Debentures and other Debt Security issued by the Gibraltar Savings Bank as at:**

	30 April 2012	31 May 2012	30 June 2012
Gibraltar Savings Bank Debentures			
3 Year Fixed Term Monthly Income Debentures (Maturing 1/5/15)	-	£698,600	£894,600
5 Year Fixed Term Monthly Income Debentures (Maturing 1/5/17)	-	£4,872,000	£8,967,200
3 Year Fixed Term Monthly Income Debentures (Maturing 1/2/15)	£1,993,300	£1,993,300	£1,993,300
5 Year Fixed Term Monthly Income Debentures (Maturing 1/2/17)	£25,028,300	£25,202,300	£25,202,300
Monthly Income Debentures (Issued 17/1/12)	£597,300	£748,800	£846,700
Monthly Income Debentures	£9,981,400	£9,817,400	£9,296,300
Pensioners Monthly Income Debentures	£7,122,200	£7,038,800	£6,886,800
Other special Debenture Issues @ 2%	£2,273,996	£2,272,631	£2,274,123
	£46,996,496	£52,643,831	£56,361,323
Gibraltar Savings Bank Bonds			
10-Year Accumulator Bond (Issue date 01/05/12)	-	£288,800	£2,302,400
10-Year Pensioner Accumulator Bond (Issue date 01/04/12)	£460,000	£626,500	£1,076,500
10-Year Accumulator Bond (Issue date 01/02/12)	£897,300	£897,300	£897,300
Guaranteed Superannuation Fund Bond	£1,539,540	£2,047,416	£2,127,226
8% Provident Trust Fund No. 2 Pension Scheme EX Bond 1	£563,439	£564,111	£564,111
8% Provident Trust Fund (Bond 1)	£2,578,277	£2,580,511	£2,580,511
8% Pension Rights and Gratuity Transfers (Bond 2)	£4,659,304	£4,642,627	£4,625,472
8% Provident Trust Fund No. 2 Pension Scheme - EX JMH	£87,033	£87,033	£87,033
Gibraltar Provident Trust (J.M.H.) Pension Scheme	£251,089	£251,089	£251,089
GSL 11% Bond	£14,624	£14,624	£14,624
	£11,050,606	£12,000,011	£14,526,266
Total Gibraltar Savings Bank Debentures and Bonds:	£58,047,102	£64,643,842	£70,887,589

ANSWER TO QUESTION 685**Contributions to Government owned companies**

COMPANY	Total Contribution	(i) Recurrent Expenditure 2011-2012	(ii) Recurrent Expenditure Previous Years	(iii) Capital Expenditure Incurred
Gibraltar Investment (Holdings) Ltd	£ 3,142,949.24	£ 0.00	£ 3,142,949.24	£ 0.00
Gibraltar Residential Properties Ltd	£ 1,938,275.30	£ 1,222,856.14	£ 715,419.16	£ 0.00
Gibraltar Co-Ownership Co Ltd	£ 446,515.44	£ 34,961.23	£ 411,554.21	£ 0.00
Westside Two Co-Ownership Co Ltd	£ 193,793.58	£ 169,225.05	£ 24,568.53	£ 0.00
Brympton Co-Ownership Co Ltd	£ 22,019.57	£ 18,552.00	£ 3,467.57	£ 0.00
Gibraltar Mechanical & Electrical Services Ltd	£ 70,287.62	£ 0.00	£ 70,287.62	£ 0.00
Gibraltar Car Parks Ltd	£ 7,616,137.62	£ 3,702,163.44	£ 3,913,974.18	£ 0.00
Kings Bastion Leisure Centre Co Ltd	£ 6,636,351.36	£ 1,688,184.04	£ 4,948,167.32	£ 0.00
Gibraltar Bus Co Ltd	£ 6,184,643.42	£ 2,315,226.48	£ 3,869,416.94	£ 0.00
Gibraltar Defence Estates & General Services Ltd	£ 222,554.88	£ 222,554.88	£ 0.00	£ 0.00
KIJY Parkings Ltd	£ 86,145.81	£ 45.00	£ 86,100.81	£ 0.00
Gibraltar Strand Property Co Ltd	£ 68,801.71	£ 68,801.71	£ 0.00	£ 0.00
Gibraltar Air Terminal	£ 1,466,438.79	£ 1,460,711.29	£ 5,727.50	£ 0.00
Giblaundry Co Ltd	£ 45.00	£ 45.00	£ 0.00	£ 0.00
GCP Investments Ltd	£ 201,193.53	£ 0.00	£ 201,193.53	£ 0.00
Gibraltar Strand Management Company Ltd	£ 3,033.33	£ 2,572.47	£ 460.86	£ 0.00
GRP Management Company Ltd	£ 400.00	£ 400.00	£ 0.00	£ 0.00
Credit Finance Company Ltd	£ 413.80	£ 413.80	£ 0.00	£ 0.00
	£ 28,300,000.00	£ 10,906,712.53	£ 17,393,287.47	£ 0.00

Hon. P R Caruana: Mr Speaker, starting first with Question 685, I know that increases in public expenditure are reflected in the Budget Book, but that is not the answer to my question. The answer to my question is not elicited from the Budget Book.

My question was: will the Chief Minister provide the estimated annualised cost of each new recurrent expenditure measure introduced or announced by the Government since 9th December 2011? In other words, what is the cost in one full year of each of the new policies that they have introduced? That is not discernible from the Budget Book. The Budget Book is not disaggregated on that basis and the information requested is simply not capable of being established from any reading of the Budget Book.

Since 9th December, and even since 1st April, or even since the Budget date, the Government has adopted new measures, for which of course there may be provision in the Budget Book, but not provision labelled necessarily for a particular policy. So it cannot be identified as being the cost of a particular policy, especially when it is just provided by means of increasing the vote of a particular existing Head.

Indeed, the only one for which we have been provided that degree of information is in respect of the costs of the Future Job Strategy, where the Minister for Employment has said to us in previous Question Times that the cost was roughly around £1 million a month. So that is the cost of that particular new policy that the hon. Members are introducing. For the rest, it is not possible to discern it and I would ask whether the hon... Clearly he has not got the information with him, but whether he will consider... presumably when the Government introduces a new policy – in other words, not just a continuation of

what was there before, but decides to start doing something new or to do something existing, but as a matter of policy in a different way or to a greater extent – part of the decision, part of the factors they take into account is how much it will cost. So they must know what each newly introduced policy measure costs, and that is the information that I am asking for.

1515 Will he please just confirm – so that we take these issues one at a time – that he does not have that information?

1520 **Hon. Chief Minister:** Mr Speaker, I do not agree that this is not discernible from the Budget Book. It may not be discernible at first blush from the Budget Book, but in the Committee Stage what one does is go through each Head in the Budget Book, and you can ask us, Mr Speaker, ‘What is it that you are dealing with in these emoluments? Are you changing the policies that are, in effect, there in the emoluments column? Is there an effect in any of the other columns?’ All of that is what the whole of the Budget debate – which is not just, if I may call it, the glamorous part, the delivery of speeches – is about, and that, Mr Speaker, is a debate that has already been had in this House actually during the course of this session, because the hon. Gentleman knows we have adjourned to questions again. So I do not agree with him on that, Mr Speaker.

Of course, it would be possible for me to work out all of the new policies separately, not just provided to him across the floor of the House at the Committee Stage, but I do not have that information with me today, Mr Speaker, and there are a number of reasons for that.

1530 First of all, he needs to understand – in fact, he probably understands better than me – that policy decisions are made all the time, and policy decisions with cost consequences are explained every time that one makes a policy decision, before you take the step of making it, not just, Mr Speaker, in terms of what is a manifesto commitment, but in the day-to-day running of Government, where there may be an industrial issue in a Department, there may be another type of issue in a Department, and that has an effect.

So, Mr Speaker, what I would say to him is if he wants to write to me, identifying a particular policy and asking me what the annualised cost of it is, I will try to identify for him where in the Budget Book it is provided for and which part of a particular Head deals with that and what the costing of it is. I am happy to try and do that, if he wishes to write to me, Mr Speaker.

1540 But every single policy since 8th December – which is not just policies in the manifesto, Mr Speaker – is not something that I am prepared to sit down and go back seven months of Government of, in order to produce for him an essay on costs in respect of – remember what he is saying – *every single* policy decision, Mr Speaker. That is, in my view, not appropriate.

1545 **Hon. P R Caruana:** Mr Speaker, first of all, I am not asking for each and every day-to-day policy decision. The question is of each new *recurrent expenditure measure*. A recurrent expenditure measure is a measure which they expect to repeat every year.

Mr Speaker, I do not understand the hon. Member’s answer. Does he expect that, in the Committee Stage of the Budget Book, on every line of expenditure, on every line of the Book, we should ask ‘And does this provide for any new policy?’

I know that each Minister sits in their office every day, making decisions on this case or that case that might result in increased expenditure. The Minister for Social Services may decide to provide funding for this new pupil who needs to be sent to a school in England, or the Minister for Culture... all these things. That is not what the question asks. It is each *new recurrent expenditure measure*.

1555 The difficulty is that we do not have a list of them, and I just do not understand why the hon. Member thinks that this House is not entitled to know what the recurring annual costs are – in other words, by how much the Government is increasing the cost of governing in Gibraltar – by virtue of the new policies that it introduces, and that it is not capable, short of asking on every line of the Budget Book, ‘Does this provide for any new measure?’ because we cannot know the list of new measures. We can trawl your press releases and try and see the ones that you have announced, but of the ones that you have not announced, we would have no way of knowing the ones that you have just put into operation without an announcement.

The question is not about each and every one-off decision that increases... It is things like the Future Job Strategy, which was a clear policy decision, the effect of which was to increase public expenditure by £12 million a year; the cost of employing 47 new teachers – a clear Government policy to employ 47 teachers with an annual cost. Yes, Mr Speaker, some of them can be discerned from the Budget, like that one, because there was a figure in the Budget Book that we could marry to a public statement, but when there is no public statement announcing it, there is no way that we can discern it from the amount provided in the Budget. He must know this. I think that this House is entitled to know, and I will put it down for Written Answer, if he prefers, next time so that his officials can prepare the answer in slower order.

I honestly do think that this House is entitled to know, and even if I was wrong in that view, given that the hon. Member makes great store by how transparent he wants to be, there is no reason, surely, why he would not want us to know simply what is the annual cost of their policy measures.

1575

I acknowledge that he cannot provide the information now and that indeed he may not agree to provide it at all, but on the next Question Time I will ask it for Written Answer, so that it can be prepared in slower order.

1580

Mr Speaker, in answer to Question 686, does he now acknowledge, given that out of the £28.3 million, £17.393 million related to expenditure in previous years, even if I were to accept – which at this stage I am not doing – that the third column is correctly filled in and that all of the expenditure, all of the £28.3 million, is genuinely expenditure of a non-capital nature, but even on that basis... and of course he was careful to sail around this point in his reply to the Budget address, when he spoke about assuring us that there was no capital expenditure in the figure, but failing to mention the other criticism that I had made of his treatment above the line of the £28.3 million, which was that it contained recurrent expenditure not just of the year to which the account related, but indeed of previous financial years.

1585

Yes, he can check *Hansard*, if he wants. I can e-mail him, if he wants, a copy of my Budget address.

Hon. Chief Minister: [*Inaudible*].

1590

Hon. P R Caruana: Fine. Mr Speaker, the fact of the matter is that, as I explained to him in my own Budget address, he has pretended in his presentation of the Budget – on page 2, I think it is – that the £28.3 million was recurrent expenditure of the Government since that was the bit of the Budget Book that reflects the recurrent expenditure and the recurrent revenue of the Government during that 12-month financial year. By placing the £28.3 million where he placed it, does he not acknowledge that he was pretending that the whole of the £28.3 million was recurrent expenditure in that financial year, where it was not – £17.393 million of it was not – and if he did feel a need to make a provision for previous years' expenditure that were not recurrent in that year, the correct way to have dealt with it, as I said in my Budget address, was to have provided it below the line, as it has always been in the past?

1595

1600

Mr Speaker, the Budget Book, on page 2, does he not acknowledge, professes... Under the heading 'Recurrent expenditure', it says 'Consolidated Fund Charge, £59 million; Departmental Expenditure, £333 million; Contribution to Government-owned companies...' That is to say recurrent expenditure for the 12 months 2011-12, recurrent expenditure, contribution to Government-owned companies £28.3 million. It is neither expenditure that was incurred during the 12-month period to which that account relates, nor indeed is it recurrent. It is, at worst, one-off if it is in respect of previous years, and by putting it there he is mis-stating, mis-describing this. At least to the extent of £17.39 million, he is mis-describing it as recurrent expenditure incurred during those 12 months, where in fact £17.3 million was incurred in the previous year. It is not *recurrent* at all. It is one-off, given that he is making a provision for expenditure that has already taken place and is not being repeated, and therefore he has understated the recurrent Budget surplus by a minimum of £17.4 million. (*Banging on desks*) (*Interjections*)

1605

1610

Hon. Chief Minister: Mr Speaker, first of all, let me deal with his first point, which was his retort on Question 685. I am not saying that this House is not entitled to the information. Quite the opposite: I am telling the hon. Gentleman that the House has *had* the information. Of course it has not been provided broken down by policy, because the Book actually does not provide for that. It provides for what the actual expenditure is going to be, taking into consideration what all of those policies are for the next year, and he is now saying break the Book down in another way, which is by policy, showing what the increases are by policy. I do not think, Mr Speaker, that we are going to be getting into answering questions like that, other than in the context of the Committee Stage of the Budget where we would have been able to look at each issue that concerned the hon. Gentleman.

1615

1620

We did, Mr Speaker, for example, in respect of the example he gave of 47 new teachers. Ms Isobel Ellul-Hammond asked Mr Licudi exactly about them when we were going through the payroll in terms of the Head for Education.

1625

Mr Speaker, he was not here for the Committee Stage this year. He has been here for 21 previous years. If he could not be here this time, I make no criticism of the fact that he was not here, but that was the time when we went through the Book and we looked at that, Mr Speaker. So he can ask the Written Question that he wants to ask in that respect.

1630

Mr Speaker, coming on now to Question 686, let me start by telling him that the third column has been filled in accurately, as accurately as my speech was written telling him that, and if he suggests it has not been prepared accurately, he is suggesting that the work done in the Treasury and the Ministry for Finance by officials was not done accurately, because that is not work that I do and I do not expose them to that criticism.

Mr Speaker, I do not tire of telling him that I have huge respect for his intellectual abilities. I do not believe it would have been possible for me to beat him in the last General Election – he takes

compliments very badly, I must tell him – without understanding his intellectual capabilities. Therefore, Mr Speaker, I am saddened that he is now rendered as ineffective as he is, because the respect that I have for his intellectual rigour has got to be affected by the fact that he appears not to have got beyond the summary on page 2 of the Budget.

If he had turned to page 140 of the Budget Book, which has a specific Head assigned to it now called ‘Contribution to Government-owned companies’ – it is the penultimate Head; it is the page before the pink pages – there is set out there, specifically, an analysis which does not list as many companies as I have given him now, which is all the companies. There is one provision for ‘other’ and most of the principal companies are set out there, setting out what the expenditure is for 2012-13, as an estimate; the forecast outturn for 2011-12; the forecast for the year 2011-12; and for previous years – specifically.

So what the hon. Member has done in everything he has said, with such flamboyance and the usual eloquence, just before sitting down, in respect of Question 686, is actually specifically provided for on page 140. What he specifically said I had avoided providing is specifically set out in page 140. It is actually, Mr Speaker, I am sorry to say – and I refer him to my prepared speech, the one I gave at the beginning of the Budget session, and to my reply – specifically referred to in my speeches. There is specific reference to page 140 and how it is set out there.

So, Mr Speaker, the hon. Gentleman obviously does not understand the issue himself, because if he looks at what I have given him, which he now says proves his point, and he looks at page 140, he will understand that it was set out for everyone there as an estimate, here much more particularly.

He will now wriggle, Mr Speaker. He will now say that is not what he said, but when all we *Hansard* geeks go back and read *Hansard* – and I know that at least Mr Bossino and I will be reading it – we will know that he got his argument wrong. And what a pity, Mr Speaker – I tell him genuinely, what a pity – for me to see the Hon. Peter Caruana reduced to this in this House, because I have so much more respect for his intellectual rigour.

Perhaps he should take the advice he so repeatedly gave the Hon. the Member for Employment, and having lost an Election, go.

Hon. P R Caruana: Mr Speaker, I do not know whether the hon. Member thinks that his condescending nonsense, his absolutely discourteous claptrap, his complete and utter mocking personalisation of his opponents will serve him as a cover for the absolute diatribe of nonsense that he utters.

I have come to the conclusion that the hon. Member is, in his political understanding of public finances, so superficial that he understands neither the questions nor indeed the answers that somebody has written for him to come and read in this House.

I have never heard a more nonsensical, irrelevant, completely ungermane to the points that I have raised in my supplementary, explanation than that, and I propose from now on, we will take for granted that whenever the Chief Minister prefixes his answers with the sort of insipid hot air that has emerged from his mouth for the first two minutes of that answer, we will know that that is the sign for smokescreen for *crap* to follow. (*Interjections*)

Mr Speaker: Order! Order! Order! I do not think the word – (*Interjections*)

Hon. P R Caruana: Mr Speaker, if the hon. Member... (*Laughter*) If the Hon. Speaker does not think that ‘crap’ is parliamentary language –

Mr Speaker: It is not really parliamentary.

Hon. P R Caruana: – I will, of course, withdraw it –

Mr Speaker: Thank you very much.

Hon. P R Caruana: – and I will replace it with ‘that brown stuff that we all find so unpleasant’. (*Laughter*)

Mr Speaker, the answer that the hon. Member has given is *complete and utter nonsense*, and of course, Mr Speaker, he starts his condescending... This green-behind-the-ears upstart Chief Minister who has not been six months in the job feels –

A Member: Upstart?

Hon. P R Caruana: Yes, *upstart*! As a Chief Minister he is a complete upstart (*Interjections*) and he obviously thinks that I would come to this House asking him a question on a document that I have handled personally for 16 years, not knowing to get beyond page 2.

Well, his problem is that he is so selective with his recollection that he conveniently forgets what does not suit him. He will remember that I did indeed get beyond page 2 and indeed that I took him to page 14 precisely to demonstrate that the two items, contribution to wholly-owned Government companies in the summary of Government expenditure... so he has now referred me to the page that deals in detail with that heading, but the item is referred to in the summary as Head 44 on page 14, to which I *specifically* referred him in my Budget reply, and lo and behold, there it is to be found *below* the line, after departmental expenditure, as it has always been in the past.

Mr Speaker, the issue that I raised with him is not whether he had given me, before, the breakdown, even though the numbers are now different. The issue in the question, as he appears to have completely failed to grasp, is not whether he had given me the information, therefore QED... There on page 140 is information which he assumes I have not seen. Therefore, that is the answer to my question and that is why the £28.3 million was not mistreated, on page 2, to understate the Budget surplus, which is the point that I was making. It is completely irrelevant to that!

The question is not whether he had provided the breakdown of the £28.3 million; the question is the use that he had made of the £28.3 million in declaring the annual Budget surplus last year to be £31 million, and had he dealt with the contribution to Government-owned companies, the £28.3 million, on which he provided some figures in the Budget Book and different figures now, had he provided that £28.3 million in the right place on page 2, the declared Budget surplus on page 2 – which is the point that I am making to him – would have been at least £17.393 million higher than the £31.2 million, namely nearly £50 million Budget surplus.

How did he doctor the figures so as not to have to present a budget surplus of £50 million at the time that he is going on about black holes? Simply by deducting from one year's revenue several years' worth of expenditure, as he has just confirmed again here which information partly was... Well, it actually was not there, that breakdown. So he has now, by the answer that he has provided me, Mr Speaker, admitted that, of the £28.3 million, £17.4 million *did not relate* to last year's expenditure at all – it was expenditure of previous years, several years before last year – and he pretends, in the presentation in the Budget Book, that all of it, the £28.3 million, was recurrent expenditure incurred last year, when it was not – neither recurrent nor incurred last year to the tune of at least £17.3 million.

So to that extent, the figure that he declares in this Book as being the surplus of recurrent revenue last year over recurrent expenditure last year, which is what this page 2 attempts to do, is a complete *fraud* of statistical and accountancy presentation, (A Member: Hear, hear.) a complete and utter fraud, all perpetrated by the simple device of taking above the line a figure that belongs below the line, which would have declared the Budget figure, of £31 million, £50 million. He might then have wanted to go on to say, 'But of that Budget surplus, I then went on to spend so much in this way that is below the line.' That would have been an accurate presentation.

So I regret to tell the hon. Member that the position is *exactly* as I told him in the Budget speech, it is *exactly* as I am telling him now, and the only Member in this House who has so far spoken on this matter who appears not to know his backside from his elbows on this question is him.

Hon. Chief Minister: Welcome back! (*Laughter*)

Mr Speaker, I really thought that I had lost my foil, so I am delighted that he is back, but of course, Mr Speaker, he is wrong, wrong, wrong. (*Laughter*) He is wrong, wrong, wrong, Mr Speaker, because (*Interjection by Hon. P R Caruana*) the speech which I delivered, and which I have so usefully in front of me on my Mac Apple iPad, sets out exactly the reference to page 140, sets out exactly how those losses arise. They are all recurrent. (*Interjection by Hon. P R Caruana*)

Mr Speaker, he bangs the Book and he says he has proved the point. He has got to look at page 140, Mr Speaker! Page 140 sets out no pretence, and those figures given there are different because they are forecasts and estimates in many instances. But he can see, Mr Speaker, there is a heading, 'Previous years', which provides for £18.7 million, the one that is now set out at £17.3 million, so that there is a greater level of exactitude on how the £28.3 million is arrived at.

Previous years – Mr Speaker, where is the pretence that that was last year? *Where?* Is it that he missed it? (*Interjection by Hon. P R Caruana*) Is it that he missed it, Mr Speaker? Was there any pretence therefore that this was just in that year? No, Mr Speaker. Of course it could have been done in a different way. (*Interjection by Hon. P R Caruana*) It could have been done by restating every surplus he has pretended to have, because into every surplus he should have carried the recurrent losses to state the *real* position, rather than the GSD *fantasy* (*Banging on desks*) of surpluses that he presented this community with. It could have been done that way, but it was easier done this way and properly done this way.

Mr Speaker, he referred to us cooking the books. Now he has referred to us doctoring them. The only person who needs a doctor – or is going to need one if he carries on as he is doing – is going to be him, because he has gone from political giant to political pygmy in seven short months, and the bluster that he makes in dealing with the point that I have made before actually demonstrates the point. If he does not

like Shakespeare, then he will not like the reference to the fact that the lady doth protest so much that clearly he has been caught out.

1760 There is no question of these numbers being wrong. If he is saying that these numbers are wrong, he is saying that every official in the Treasury and every official in the Ministry for Finance has lent themselves to a fraud that he alleges. (**A Member:** Hear, hear.) Is that the allegation that he is making against the excellent public servants of Gibraltar that served him as loyally as they serve me? Because I certainly do not tell them where to put things – or is it that he used to? (*Interjections and laughter*) Is it that he used to? (*Interjections and laughter*) Because you see, Mr Speaker, the people that I have worked with do not seem to me to be the sort to be influenced in that way!

1765 And so, Mr Speaker, anybody who has followed the Budget debate heard the excellent presentation of the figures that I made, (*Interjections*) setting out exactly how the deductions are being affected, read for themselves the Budget Book on page 140 – to which I felt, ‘The poor man, after suffering an Election defeat, I can’t just expect him to read it. *I’ll refer him to it specifically*: page 140, previous years, *no pretence that it is in any particular year*’ – will know that the only person guilty of trying to perpetrate a fraud on the people of Gibraltar is the hon. Gentleman who is left clawing for his legacy! What a pity, Mr Speaker. What a pity to see him in such fashion.

1770 But, look, I will not compliment him any more. Seeing that he describes my compliments of him as being akin to things which should not be mentioned in this House, (*Laughter*) let somebody else tell him that he was a giant, because he ain’t no more. (*Banging on desks.*)

1780 **Hon. P R Caruana:** Mr Speaker, the hon. Member really is the political equivalent of a game show host. (*Laughter*) What I really cannot work out is whether that show is ‘Blankety Blank’ or the ‘Weakest Link’, (*Laughter*) but it is certainly one. I have never heard so much theatrical *nonsense* uttered in such a short space of time by somebody simply trying to obfuscate the facts.

1785 Look, Mr Speaker, for the last time I will say the question is not whether the figures are *wrong*, but whether the figures have been *treated correctly* in calculating the Budget surplus. The Hon. the Chief Minister can, in order to create a smokescreen for his own fraudulent presentation of the Budget surplus figure, continue to pretend that my arguments here are different to what they are.

1790 My argument is *not* that the figures are wrong, it is *not* that they are not on page 140 – as they were then known, although they have now been tightened up and the updated figures have been produced to us in answer to that; the figure is there, so the answer is not whether they are wrong or whether they are available, but precisely whether the figures, broken down, of £28.3 million on page 140, and also referred to in the summary on page 14 at item 44... The question is whether that figure of £28.3 million was properly or not properly treated for the purposes of calculating last year’s recurrent annual Budget surplus. The part of the book where that calculation is presented for all to see is not page 3 or page 14, or page 140. The page of the Budget Book where the Budget surplus is shown for the previous year is headed ‘Summary of forecast financial outturn 2011/2012’ – in other words, the forecast figures for last year – and they are *on page 2*.

1795 So he will forgive me for referring to the page where the sin is committed, and not to the page which has nothing to do with the bloody sin that I am complaining about!

A Member: Bloody! (*Interjections*)

1800 **Hon. Chief Minister:** Come on! Be parliamentary.

Hon. P R Caruana: Therefore, Mr Speaker, the page where the sin that he has committed is disclosed in all its sordid details is on page 2, and that is therefore the page that I refer to him, and on this page...

1805 I know that he thinks I am a moron. First of all, he tells me that he has huge respect for my intellect – and he tells me this every time he gets to his feet – only immediately to follow it with a statement which suggests that I am an illiterate, innumerate idiot! (*Laughter*) Well, Mr Speaker, he will have to decide which of the two it is. Either I have intellect worthy of his great respect, or I am economically illiterate and actually illiterate, even semantically illiterate.

1810 Because look, Mr Speaker, you do not have to be an accountant or a Chief Minister or a lawyer or intellectually brilliant, or even intellectually not moronic to read what it says in the English language on this page! It says, ‘Forecast outturn for the 12 months 2011-12’, a 12-month period ending on 31st March 2012, and it says, ‘Recurrent Expenditure.’

1815 By the way, in case anybody listening does not know, ‘recurrent’ means occurring every year – *recurring* every year, hence recurrent. (*Laughter*) Recurrent expenditure incurred during this 12-month period ending 31st March 2012: (1) Consolidated Fund Charges, £59.628 million; (2) Departmental Expenditure, £333 million; (3) Contribution to Government-owned Companies, £28.3 million. Deduct all that from the £452 million of revenue in the 12 months ending 31st March and you get, as if by magic, the surplus of recurrent revenue over recurrent expenditure for the year, and it is declared at £31.25

million, except – wait for it, *except* – that the figure that they have deducted from the year’s revenue, alleging that it is the year’s expenditure, is not the year’s expenditure, because in the figure for the year’s expenditure that they have deducted from the year’s revenue to produce the year’s surplus of £31 million, there is expenditure that was not incurred in the year but was incurred over several years *prior* to last year, and that amounts, by his own admission today, to £17.3 million, and by the information provided in the Budget Book on page 140, (*Interjection*) it amounts to... previous years, £18.7 million.

Mr Speaker, the point is not whether it is on page 140 or not on page 140, or whether it was disclosed or not disclosed. The fact of the matter is that on page 2, by including that £17.3 million that was not incurred last year but in previous years, by treating it above the line as including it under the heading ‘Recurrent expenditure for the year ended March 2012’, they have treated as recurrent expenditure – which it is not – that expenditure. That £17 million does not recur again, will never recur again, that £17 million, because that is not a one-year sort of expenditure. That £17 million will *never* recur. It is a one-off, and every accountant knows that one-off payments go below the line, not above the line.

Not only is it not recurrent, in the sense that it will not recur; it is not even expenditure of the year to which the sum relates, the account relates! So it is fraudulently presented on two separate counts: it is neither recurrent, nor was it spent in the year to which the Budget surplus... What they should have done, as has always been done, Mr Speaker, is put the figure of £17 million below the figure of the budget surplus, so it would have been £50-odd million budget surplus minus exceptional expenditure of £17 million, if that is what you wanted to do. That is the correct expenditure.

I have to tell the hon. Member that he cannot wriggle off any hook of that by suggesting that every official in the Treasury is participant in his fraud. I have no doubt that the position was correctly explained to him, that he – or he who does the financial work for him in the Government, (**A Member:** Hear, hear.) namely the Minister for Employment – gave that instruction and officials followed, Mr Speaker.

And I will say this, just to make sure that he understands it: if there is an official in the Civil Service – which I do not believe, but if there were an official in the Civil Service – who believes that this presentation of the account is correct, then he is wrong. He is as wrong as the Chief Minister is: absolutely wrong.

Mr Speaker: Before the Hon. Chief Minister rises, I appreciate the point the learned Hon. Leader of the Opposition wants to make probably does not lend itself to a question, but he appreciates I have been indulgent – I have allowed three supplementaries, statements – so I will invite the Hon. the Chief Minister to reply as if he were concluding a debate, and that will be the end of the matter.

Hon. Chief Minister: Mr Speaker, you have got to laugh. Let’s face it, you have got to laugh to see the performance.

Hon. P R Caruana: You will laugh.

Hon. Chief Minister: I think, Mr Speaker, that what happens here is that the hon. Member has such an excellent brief that he can only argue what he is told, and when he has not got someone to explain it to him, then he cannot argue it.

I think it was said of a very senior, now elderly British politician that he could argue any brief. Well, Mr Speaker, I think the hon. Gentleman can argue a brief if it is properly explained to him, but now that he has lost the officials in the Treasury who explain these things, he no longer is able to argue it with any credibility.

The Budget debate has been had, Mr Speaker, and I know that he missed a very large part of it – again, probably for very good reason – but there were times to have these debates. He chose to deliver the speech that he chose to deliver. He made some of these points and I made counterpoints during the course of my reply where I explained all of this, Mr Speaker.

But one of the first things that he said was, ‘If I were to accept for a moment that there is no capital involved,’ – well, look, Mr Speaker, the first point he took during the course of his reply to me in the Budget was that there must have been also capital engaged in these recurrent expenses which were being set off. Now, having made a massive meal of that, he is not quite prepared to accept yet that there is no capital, but it is clearly explained to him that there is not. So what does he do? He just says that he is going to, for one moment, accept it and move on.

I do not know whether the hon. Gentleman just does not want to understand the position, but I have explained it to him twice and I am going to explain it to him again. Recurrent expenditure is expenditure which is incurred every year. He was not applying the recurrent cost in the companies against his surpluses. He was therefore inflating his surpluses. He was spending money and not showing in the final account that it had been spent.

1880 I have said to him, during the course of my intervention, there are two ways of dealing with that: go back and restate all the surpluses, or restate it on one occasion. That is what I said in the course of my Budget speech and also in the course of my reply, and I do not know whether he deigned us with his presence for that part of my reply. So there is no question of trying to pull the wool over anybody's eyes. Above the line, below the line – there it is on page 140, clearly set out in respect of previous years,

1885 So I do not know what it is that is causing the hon. Gentleman to be quite so upset about the issue. Does he want to go around talking about £17 million more in his surplus for this year, or does he want to go back and break that down and deduct it from his earlier surpluses? He can do it as he likes. We have done it in a way that we are advised is acceptable, proper and appropriate. *(Interjection)* He might want to do it the other way. It is a matter entirely for him. We have presented it as we in Government have been advised is appropriate and proper, *(Interjection by Hon. P R Caruana)* and therefore we stand by the way that it has been presented.

1890 Mr Speaker, the performance that the hon. Gentleman has given today reminds me of something I said to him some years back, and that was that sometimes in this House, instead of a Chief Minister, which he was supposed to be in this chair, and now a Leader of the Opposition, he was actually quite fun to watch in his presentation of all arguments, as if he were Basil Fawltly once again having to deal with a problematic tenant at Fawltly Towers. I called him Basil then and you told me I could not do that, so I am not calling him Basil this time, Mr Speaker. What I am saying, Mr Speaker, is that he is still behaving as if he were like that and that his analysis is just as 'faulty'.

1900 Finally, Mr Speaker, he said that there were parts of this debate which could be akin to a game show host, or to a game show. Well, Mr Speaker –

Hon. P R Caruana: No, that *you* were a game show host.

1905 **Hon. Chief Minister:** At least, Mr Speaker, the verdict of the public has been that he is the weakest link. Goodbye. *(Laughter and banging on desks)*

Procedural

1910 **Clerk:** The Hon. the Chief Minister. *(Interjections)*

1915 **Hon. Chief Minister:** Mr Speaker, I have the honour and pleasure to move that the House do now adjourn to Thursday, 26th July at 3.30 p.m.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Thursday, 26th July 2012 at 3.30 p.m.

1920 I now put the question, which is that this House do now adjourn to Thursday, 26th July 2012 at 3.30 p.m. Those in favour. **(Members: Aye.)** Those against. Passed.

This House will now adjourn to Thursday, 26th July 2012 at 3.30 p.m.

The House adjourned at 6.23 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.30 p.m. – 4.05 p.m.

Gibraltar, Thursday, 26th July 2012

The Gibraltar Parliament

The Parliament met at 3.30 p.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Questions for Oral Answer

ENTERPRISE, TRAINING AND EMPLOYMENT

Employers' insolvency since Q500/2012 Payments made from Statutory Benefits Fund

Clerk: Sitting of Parliament, Thursday, 26th July 2012. Answers to Questions continue.
Question 605/2012, the Hon. E J Reyes, on behalf of the Hon. J J Netto.

Hon. E J Reyes: Good afternoon, Mr Speaker, sir.

Can the Minister for Social Security and Employment provide a statement of the payments made from the Statutory Benefits Fund in respect of employers' insolvency, since this question was last asked in Question No. 500/2012, showing the amount paid due to redundancy pay obligations, the amounts paid in respect of other sums payable to employees, and the number of companies involved?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): I will answer the Question together with Question 606, Mr Speaker.

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**Employers' insolvency since Q501/2012
Payments made from Statutory Benefits Fund**

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Clerk: Question 606.

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Hon. E J Reyes: Can the Minister for Social Security provide a statement of the payments made from the Statutory Benefits Fund, in respect of employers' insolvency, since this question was last asked in Question No. 501/2012, showing the amount paid due to redundancy pay obligations, the amounts paid in respect of other sums payable to employees, and the number and names of companies and numbers of employees involved?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment:

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Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, since Question 501/2012, no payments arising from the insolvency of employers have been made out of the Statutory Benefits Fund.

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Hon. E J Reyes: And the same applicable for anything paid after the question asked at No. 500/2012?

Hon. J J Bossano: Yes, there has been no insolvency since then.

Hon. E J Reyes: I am obliged for the answer, Mr Speaker.

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**Department of Social Security
Breakdown of employees**

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Clerk: Question 607, the Hon. E J Reyes, on behalf of the Hon. J J Netto.

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Hon. E J Reyes: Following the presentation of the new Estimate Book for 2012-13, can the Minister for Social Security provide a breakdown of all employees currently in the employment of the Department of Social Security, giving a breakdown by grade, location and nationality as at the end of June 2012?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

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Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, following the presentation of the new Estimates Book for 2012-13, the location of the employees of the Department of Social Security in June 2012 has not changed and is at 14 Governor's Parade and they are all of British nationality, as they were in 2011-12.

The grades are as follows: one Senior Officer; one Senior Executive Officer; one Higher Executive Officer; five Executive Officers; 23 Administrative Officers; and two Messengers.

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**Young people with Special Educational Needs
Courses at Bleak House**

Clerk: Question 608, the Hon. E J Reyes, on behalf of the Hon. Mrs I M Ellul-Hammond.

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Hon. E J Reyes: Can the Minister for Training tell us when the following courses were stopped at Bleak House: (a) OCR levels 1 & 2 for numeracy and literacy; (b) basic ICT courses; (c) basic life skills courses; all attended voluntarily by about 30 to 40 young people with Special Educational Needs, who have left school at 15 with no qualifications, and will the Government be providing a new scheme to replace it?

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Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Sea Transport industry: one company, two trainees, both seaman training, one unemployed two months, one unemployed one year.

Post and Communications: two companies, five trainees, all undertaking administrative training, one unemployed two months, one unemployed three months, one unemployed eight months, one unemployed 10 months and one unemployed three years.

Banking and Finance: six companies, providing training for eight trainees, all engaged in administrative work, two unemployed two months – *[Technical interruption]*

Mr Speaker: Would the Hon. Minister please pause there? We are trying to sort out the electronics.

There was a pause in proceedings due to technical difficulties.

Mr Speaker: Would the Hon. Minister please resume his answer from the beginning of Post and Communications? We may have lost some of that answer.

Hon. J J Bossano: Yes. Post and Communications: two companies, five trainees, all undertaking administrative training, one was previously unemployed two months, one unemployed three months, one unemployed eight months, one unemployed 10 months and one unemployed three years.

Banking and Finance: six companies, eight trainees, all doing administrative training, two unemployed two months, one unemployed four months, one unemployed five months, one unemployed six months, one unemployed nine months, one unemployed 11 months, one unemployed one year and one month.

Education Sector: two companies, two trainees, both doing nursery training, one previously unemployed four months and one unemployed one month.

Medical and Health Sector: two companies, three trainees, carer training, one unemployed one month, one unemployed three months, one unemployed four months.

Other Services: seven companies, seven trainees, undertaking miscellaneous training projects, one unemployed for one year, two for one month, two for two months, one for one year and two months and one unemployed for four years.

Bars and Restaurants: two companies, two trainees, catering training, one unemployed one month, one unemployed three years.

Hon. D A Feetham: Yes, the hon. Gentleman mentioned ‘Other Services’. Can he elaborate what he means by ‘Other Services’ please?

Hon. J J Bossano: Well, that is the category that is used in the breakdown of labour in the Employment Survey reports. Those are the categories into which these companies are slotted in the records for the Employment Service. They include hairdressers, gardeners, couriers – those are the key areas.

Borders and Coastguard Agency Successful candidates for security/immigration posts

Clerk: Question 612, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment please provide a breakdown as to whether the successful candidates for the security and immigration posts advertised with the Borders and Coastguard Agency earlier this year were: (a) people who were already employed in the private sector; (b) people already employed in the public sector; (c) unemployed and, if so, for how long; or (d) Future Job Strategy trainees?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, the breakdown of the successful candidates for the security and immigration posts advertised with the Borders and Coastguard Agency is as follows: private sector, nine; public sector, none; unemployed, five; Future Job Strategy trainees, none.

**Job vacancies
Number filled since 30th April**

195 **Clerk:** Question 613, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state how many job vacancies have been filled since 30th April and how many of those vacancies have been filled by people who were registered as unemployed between: (a) 0 to 3 months; (b) 3 to 6 months; (c) 6 to 12 months; (d) 12 to 24 months; and (e) above 24 months?

200 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, the number of vacancies filled is as follows: 0 to 3 months, 1,122; 3 to 6 months, 43; 6 to 12 months, 15; 12 to 24 months, one; over 24 months, one. The total is 1,182.

210 **Registered unemployed
Breakdown as at 31st May and 30th June**

Clerk: Question 614, the Hon. D A Feetham.

215 **Hon. D A Feetham:** Can the Minister for Employment state how many people were registered unemployed, as at 31st May and 30th June 2012 between: (a) 0 to 3 months; (b) 3 to 6 months; (c) 6 to 12 months; (d) 12 to 24 months; and (e) above 24 months?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

220 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** The number of persons registered as unemployed at 31st May was as follows: 0 to 3 months, 412; 3 to 6 months, 130; 6 to 12 months, 62; 12 to 24 months, 24; above 24 months, 60.

On 30th June 2012 the equivalent figures are: 0 to 3 months, 499; 3 to 6 months, 122; 6 to 12 months, 62; 12 to 24 months, 28; above 24 months, 58.

225 **Hon. D A Feetham:** Can the Minister provide, perhaps, his view as to why there appears to be a resistance in terms of the very long-term unemployed, 12 to 24 months and above 24 months?

There is an increase in the 12 to 24 months from 24 to 28 and there is a decrease of two from 60 to 58 in relation to above 24 months. Can he just give his own view about that?

230 **Hon. J J Bossano:** I think the increase is simply because there were people who were below 12 in May and who passed the 12 mark in June. If they do not get a job, they clearly move into the higher category with every passing month.

235 **Hon. D A Feetham:** I understand.

Hon. J J Bossano: I think there is a greater reluctance on the part of employers to take people who have been unemployed for a very long time, on the premise that, if they have not been employed for so long, if they have not been with a job for so long, then there must be something wrong with the candidate. It is a regrettable fact that when we send candidates to be interviewed for vacancies, it is the people who show that they have only recently left work are the ones that tend to get picked.

240 We try and persuade, through the training scheme, employers to do it the other way round, that is to say... So the hon. Member will see that I have got, in fact, in the previous answer that I gave him, people we have been able to place in training with a job guarantee at the end, who have been two, three and four years unemployed, but it is very difficult without some kind of incentive, like paying their wages for a few months, to get employers to... If they have got a choice, they choose the people who are younger and less time out of work.

245 **Hon. D A Feetham:** Has he done an analysis as well of – or has his Department done an analysis of – the profile of these individuals? Not necessarily does one, for example, have to not have qualifications to be in this kind of situation. I was reading an article over the weekend, for example, there was an

accountant in the UK and there is a story on his situation: an accountant in the UK who has been unemployed for, I think it is about four years or three years.

Has he done a profile of these individuals, as to whether, for example, these are individuals that may have criminal convictions that are not spent and therefore they are at a disadvantage in the labour market; that these individuals have no training and therefore it is much more difficult to place them, so that the Government can then focus, obviously, on what it is that they need to do in order to get these people into employment. Has that analysis been done?

Hon. J J Bossano: I think it has not been done, but from my knowledge of... I look at these cases, almost on a weekly basis, just to see how the market is moving, and the reality of it is that it is not related to anything specifically wrong with the individual; it is just that some people have been out of work for a very long time, frankly because people were not...

We have the peculiar situation at the moment that, although the numbers of Gibraltarians and other residents in employment is going up every month, the numbers who are registering is also going up every month. So the fact that I have got some people in the register who appear, in the answer to the question, as having been out of work for four months, it does not mean they have actually been registering for four months. In many cases we are getting people registering for employment who were previously getting social assistance and not bothering to turn up to look for work, because of what I have mentioned in previous meetings of the House of this very high rate of passing through. People went there, they were sent to a job and when they went to the job, the job did not exist, because in fact there was a practice that was prevalent – particularly in the private sector, but not uniquely in the private sector – that they did the recruiting outside the ETB and after they had selected the individual, they opened the vacancy. Therefore, it is in my view, possibly that 300 or 400 people who ought to have been registered were not registered previously. Some of them have been out of work for a very long time, but there is nothing identifiably justifying their unemployment, except that they have not been successful in the past and have given up looking for work and now they are coming back.

I think we should encourage their coming back and encourage employers to take them on.

Hon. D A Feetham: Yes, that has always been the case and I do not want this to turn into a debate about the former... the practice of ETB before the hon. Member became a Minister, or the former Minister for Employment. I am not trying to be controversial here in making that point, but it has always been the case that there are going to be people who are unemployed and economically active in the sense that they are actively seeking employment and registering with the ETB. There are people, who, for whatever reason, may be unemployed, not registered, not seeking employment, or indeed that they may have decided to give up on registering at the ETB. There are many reasons.

But can I commend to the hon. Gentleman and will he undertake at the very least to consider undertaking an analysis of these individuals – at the end of the day we are talking about a significant number, we are talking over 80 who are effectively unemployed for longer than 12 months, there are 58 unemployed for longer than two years – to do an analysis of precisely why they are in that kind of situation?

I accept that somebody who has been unemployed for a long period of time will always be at a disadvantage, because the employer will always ask the question, why has this person been unemployed for so long? That is obvious. But there may be very specific reasons why people are unemployed, very specific reasons that can actually be dealt with and the Government can target assistance to those individuals, bearing in mind the reason why they are unemployed.

I would just ask, commend to the hon. Gentleman that perhaps somebody in his Department undertakes an analysis. It is not a lot of people; it is 80-something, so it is manageable, the analysis and I hope that perhaps the hon. Gentleman, leaving aside our political differences, can consider the validity of that suggestion and undertake that analysis.

Hon. J J Bossano: Mr Speaker, it has nothing to do with political differences, or wanting to go into the past or anything else. I am actually providing the hon. Member with facts. The facts are that, if I tell him that the number of local residents, predominantly Gibraltarians, who are working, goes up by 30 every month and yet the unemployment does not come down by 30 every month, it is because there are people constantly being added to the register and it is not people who are losing their jobs in the last two or three months. It is people, who, having been *absent* from being registered for a very long time are now coming back, in the knowledge that we are taking a very forceful line in persuading employers to take on local workers.

I will take on board what the hon. Member is suggesting and ask the Department to have a look to see if there is any identifiable reason why there are 80 –but we are talking about 80 out of 1,000 –

Hon. D A Feetham: No, no, no. If the hon. Member will give way, it is not why there are 80; it is looking at the individual circumstances of those 80 to do an analysis as to whether... There may well be 20 of those 80, the reasons why they are long-term unemployed are very specific to those 20. There may be others in a different category, different reasons. By analyzing... I would have thought that it is by analysing the reasons why some of these unemployed long term, that is the first port of call, in considering what the remedy is.

That is the only thing that I am suggesting to the hon. Gentleman.

Hon. J J Bossano: Yes, I accept that that is what he is suggesting, but he is concentrating on 80, presumably only because of the time they have been out of work and not for any other reason. I am telling him that this is not that there are 80 individuals who have been seeking employment for 24 months and for some identifiable reason they have not been able to do it. The numbers that have been registered in that category in December would have been much lower.

So if he looks at the figures that I gave him earlier, I pointed out to him where we are already making an impact on the long-term unemployed and what we are doing is we are effectively... in the areas where we are providing money, to encourage employers to provide training for somebody local, as well as trying to take on somebody local, they try and take somebody who is local *and* in the 'over a year' category already. That is already happening. That is already reflected in the answer to the previous Question.

I believe that continuing that policy will see in the future a declining level in this figure, unless more people turn up who are not registered today, but have not been working for the last 24 months.

But I will certainly ask them to look at the individuals, because we have got their names and addresses and their whole labour history in the computers of the ETB, to see if there is anything particularly that explains why they have been out of work for so long – but we are talking about 80 out of 1,000 and I want all the 1,000 in jobs, not just this 80.

Clerk: Question 615, the Hon. D A Feetham.

Hon. D A Feetham: Sorry, coming back, he says over 1,000, but over 1,000, did you include all the trainees that are employed by the Employment and Training Company? Because the figures that you have given me, in terms of the unemployed, 0 to 3 months, 3 to 6 months, do not amount to 1,000. You are including within that the people that are trainees.

Hon. J J Bossano: I am including all the trainees that have not yet got a job guarantee, because those people are still, as far as I am concerned, *available* for work.

Hon. D A Feetham: Yes, the difference between this side and that side is how to define unemployment.

Thank you very much for that clarification.

Board of the GDC Meetings since 1st January

Clerk: Question 615, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment please state how many times the Board of the GDC has met since 1st January 2012, together with the dates of those meetings?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Yes, Mr Speaker: on 21st May and on 16th July.

GDC Information Officer posts Number of applicants

Clerk: Question 616, the Hon. D A Feetham.

375 **Hon. D A Feetham:** Can the Minister for Employment please state how many people applied for the four Information Officer posts recently advertised within the GDC?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

380 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** The number of applicants was 183.

Hon. D A Feetham: There were two other posts that were advertised at the same time: one within accounts and the other one within the coach park, I think it was. Does he have the figures as to how many people applied for those two other jobs?

385 **Hon. J J Bossano:** No, because I only asked for this information which was the one in the question.

390 **ADJOURNMENT**

Procedural
House adjourned *sine die*

395 **Clerk:** The Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): I have the honour to move that this House do now adjourn to Thursday, 2nd August at 3.30 p.m.

400 **Mr Speaker:** I now propose the question, which is that this House do now adjourn to Thursday, 2nd August 2012 at 3.30 p.m.

I now put the question, which is that this House do now adjourn to Thursday, 2nd August 2012 at 3.30 p.m. Those in favour. (**Government Members:** Aye.)(**Opposition Members:** No.) Defeated.

405 **Hon. J J Bossano:** If we do not adjourn to then, we will adjourn *sine die*! Or do not adjourn at all; we sit here for the next four weeks! (*Laughter*).

Hon. P R Caruana: Could the Hon. Deputy Chief Minister at least explain to the House why we are parting with the tradition that the House does not sit in August?

410 **Hon. Deputy Chief Minister:** Mr Speaker, the adjournment to that date is when Mr Licudi is available, back in Gibraltar, to answer questions.

415 **Hon. P R Caruana:** Mr Speaker, does the hon. Member know when the last time was that the House met in August? And does he really think that it is justified that Ministers should not organise their agendas in a way that avoids breaking with Parliamentary tradition, not just in this country, but indeed in the United Kingdom too?

420 **Hon. Deputy Chief Minister:** Mr Speaker, I think the hon. Member knows that the Government has been very flexible to him, particularly, whenever he has requested adjournments or changes even of Chief Minister's questions. So I do not think we are asking anything extraordinary to change.

425 **Hon. P R Caruana:** [*Inaudible*] for the adjournment if he wants the Opposition to vote in favour of it, or secure his majority from the Government benches. The Opposition is *not* supporting an adjournment to August.

430 **Mr Speaker:** Well, I think, (*Interjections*) I understand the debate here, but in practical terms, do we sit here until 2nd August, when the hon. Members...? (*Interjections*) Because we either carry on the business or we adjourn, but we cannot carry on the business because the Member is not here. (*Interjections*)

Hon. J J Bossano: Mr Speaker, if they don't want to [*inaudible*].

Hon. Deputy Chief Minister: Mr Speaker, can... I have the honour to move the House do now adjourn *sine die*?

435 **Mr Speaker:** But there are questions unanswered yet. Is the Opposition content with that?

Hon. P R Caruana: Well, Mr Speaker –

440 **Mr Speaker:** Because in theory, you can ask on day one... On day one, you can have an adjournment *sine die* –

Hon. P R Caruana: – the Hon. Minister Licudi is not present, as I understand it, in Gibraltar – (**Mr Speaker:** Exactly.) is that right? Or is he sitting in his office doing something else?

445 **Mr Speaker:** He is away.

Hon. P R Caruana: If the Hon. Minister is not here, he cannot be *dragged* here. (**Mr Speaker:** [*inaudible*]) Therefore there is no point in the Opposition insisting on an adjournment that facilitates him being here to answer questions, when he is not physically here. That would be absurd. We are not making a stand against the fact that Mr Licudi cannot organise his diary to be present in the House.

450 At the last sitting of the House, the Hon. and Learned Chief Minister interspersed his interventions consistently with a reminder to people that I had not been present in the House during parts of the Budget debate. Well, what is sauce for the goose, is sauce for the gander. We are now making a point of that too. Our protest is not about the fact that Mr Licudi is not here, much as we regret that; our protest is against the adjournment of a House unconventionally to August *for that reason*, which is not an emergency reason.

455 If there were an emergency of some sort, then a sitting in August would be justified. If there is not an emergency, if it is all up to Mr Licudi's diary, then frankly, I do not think this House ought to part with the tradition that it does not sit in August and *that* is the reason why we are objecting to the adjournment to August.

460 If the hon. Member now is moving the adjournment *sine die*, we will support that and we will expect Mr Licudi to answer these questions next time. I do not think there are any questions there that cannot wait for –

465 **Mr Speaker:** No, if the Opposition is content to have these questions not answered in this sitting and is happy to put them for the next sitting, well...

I now propose the question, which is that this House do now adjourns *sine die*.

470 I now put the question, which is that this House do now adjourn *sine die*. Those in favour. (**Members:** Aye.) Those against. Passed.

This House will now adjourn *sine die*.

The House adjourned at 4.05 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.30 p.m. – 6.00 p.m.

Gibraltar, Wednesday, 19th September 2012

The Gibraltar Parliament

5

The Parliament met at 3.30 p.m.

10

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

15

PRAYER
Mr Speaker

20

Order of the Day

Clerk: Meeting of Parliament, Wednesday, 19th September 2012.

(i) Oath of Allegiance.

(ii) Confirmation of Minutes.

25

The Minutes of the last Meeting of Parliament which commenced on 21st June 2012 and ended on 26th July 2012.

Mr Speaker: May I sign the minutes as correct?

30 *It was agreed.*

Mr Speaker: Thank you.

Clerk: (iii) Communications from the Chair.

(iv) Petitions.

(v) Announcements.

(vi) Papers to be laid.

(vii) Reports of Committees.

(viii) Answers to Oral Questions.

Questions for Oral Answer

Marine Officer post Recruitment

Clerk: Question 687/2012, the Hon. D J Bossino.

Hon. D J Bossino: Since Question 112/2012 was asked, is the Minister for Tourism, Public Transport and the Port now in a position to advise whether the position of Marine Officer has been filled?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, the position has not yet been filled.

Hon. D J Bossino: The reply to the Question I have just cited in the written Question was that the Government was currently in the process of advertising the vacancy.

Mr Speaker, is the Minister in a position to confirm to me when the vacancy was, in fact, advertised?

Hon. N F Costa: Mr Speaker, I do not have the exact date of when the position was advertised for the second time, but the closing date for that position was on 13th June and the date of the interview will be on 27th September.

Hon. D J Bossino: Mr Speaker, have I understood the Minister correctly, that there was a second vacancy advertised?

Hon. N F Costa: No, Mr Speaker, the position was that there was a vacancy advertised internally at the end of March. There was no suitable candidate found by that selection board, as a result of which we had to open the vacancy again.

Hon. D J Bossino: Is the Minister able to answer politically in this House as to what the reason was for the failure to fill the vacancy in the first process he has just referred to?

Hon. N F Costa: No, Mr Speaker, it is not a political answer. The fact is that the interview board, for the reasons and their own deliberations, decided there was no-one suitable at the time, and that was the advice given to me, which I of course accepted.

Hon. D J Bossino: Mr Speaker, both the Minister and I have discussed this issue in the past in this House, and I think we both agreed the importance of... I know we made, in the context of that question-and-reply session, political statements, but I think we both agreed the importance of having that position filled for the

proper functioning of the Port, because the Marine Officer – in effect, I think you also agreed on that – ought to be in a position to properly deputise for the Captain of the Port.

So in those circumstances, can he give this House an indication as to whether he is satisfied as to the delay that this process seems to be subjected to?

Hon. N F Costa: Mr Speaker, in the first place, as to the importance of the position of Marine Officer, I have agreed with the hon. Gentleman that it is our position that the sooner the post is filled, the better; but as I did point out to him during the course of the last question-and-answer session, it was in fact the case that, between 1990 and 2010, there was no Marine Officer, with only a Captain of the Port obviously would have worked quite well. So therefore, for nine years of his administration, there was no Marine Officer, but having said that, the Port did not go down in flames, and it continued to work.

Notwithstanding that, I do agree with him that the post of Marine Officer to deputise for the Captain when he is absent is, in fact, advantageous. As I have told him, the selection board will hold the interview on 27th September and I am hopeful therefore that this then will come up with a positive recommendation, so that we can then fill that post.

Hon. D J Bossino: Mr Speaker, as the Minister is fully aware, the position was in fact filled when the GSD was in office but, due to unfortunate circumstances, the position was vacant in, I think it was, April or May 2011.

Can he confirm to this House that what is holding the process up is, in fact, the failure to identify a suitable candidate in the first round?

Hon. N F Costa: Well, no, Mr Speaker, as I said, the selection board came with no recommendation, following which there was a second notification of the position.

Applicants wrote in. There were, in fact, six applicants who will be interviewed. I imagine the reason may have been human resources deployment, but it is not for the reason that the hon. Gentleman alluded to just a few moments ago.

Hon. D J Bossino: Mr Speaker, I am sure the Minister has answered this point, but can he advise this House, if he has not, whether the vacancy is being advertised exclusively internally?

Hon. N F Costa: As a first step, yes, Mr Speaker.

Hon. D J Bossino: So, presumably all the six applicants currently expected to be interviewed are from within the Port?

Hon. N F Costa: Yes, Mr Speaker, to clarify the point, the very first time that it was advertised in March, it was only internal. Given that there was no successful applicant internally, it has been opened now internally and externally.

Hon. D J Bossino: Ah! Yes, I am grateful for that confirmation, Mr Speaker, because I think the initial reply was not *[inaudible]*.

Mega Yacht registry Promotion and marketing

Clerk: Question 688, the Hon. D J Bossino.

Hon. D J Bossino: Mr Speaker, can the Minister for Tourism, Public Transport and the Port provide details of the plans the Government has to promote and market the Mega Yacht registry?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, since the Gibraltar Yacht Register was taken back into direct Government control, I opened and spoke at the Gibraltar Yacht Seminar in April, and at that seminar I outlined the plans to promote and market the Yacht Register.

The outline included the Gibraltar Yacht Register meetings with all the interested parties in Gibraltar, attendance at the Amsterdam Yacht Show, Monaco Boat Show and arranging to meet with the chartering agents in London.

A meeting with all the interested parties in Gibraltar was held on 13th September, and there was an extensive discussion on the way forward, including carrying out some more in-depth background research on the advantages of registering these yachts in Gibraltar.

The Registrar of Yachts will attend the Amsterdam Boat Show from 12th to 14th November and will also visit the Monaco Boat Show from 19th to 22nd September. Further plans to promote and market the Yacht Register will be developed in conjunction with all of the interested parties in Gibraltar.

Hon. D J Bossino: Mr Speaker, I thank the Minister for that reply.

Is he able to advise this House whether he is aware that my party, when in office, had very much advanced plans to produce a publication? All the literature was ready, all the designs and everything were ready. Does he know whether he found that on his desk when he entered office on 9th December? Certainly from this side of the House, we are somewhat surprised that that has not seen the light of day, given the advanced nature of that particular publication.

So I wonder if the Minister is in a position to enlighten this House as to where those plans currently are.

Hon. N F Costa: Mr Speaker, I have not been made aware by my officials of any plans that were being developed by the previous administration.

Hon. D J Bossino: It may be unfair to ask this question of the Minister, but he will forgive me as a relatively new Member of this House, and having had no previous Government experience, is he able, from the reply he has just given us, to dissect – of the marketing plans he has just outlined – that which is his Government's initiative from what was there before?

Hon. N F Costa: Mr Speaker, as I have answered my hon. Friend, the plans that have been devised in respect of the Monaco Boat Show and the Amsterdam Yacht Show have come about as a result of meeting stakeholders in Gibraltar. Now, whether or not those were in the pipeline or thought of when *his* administration was in place, I could not say for sure.

Chief Minister (Hon. F R Picardo): Mr Speaker, if the hon. Gentleman will allow me just to try and dissect for him that which he has asked that we dissect, certainly he will know – because he was in this House – that during the course of my Budget address, one of the measures taken related to import duties in respect of yachts. Obviously, therefore, the marketing of that product could not have occurred before the Budget statement. I understand that those were matters that were being brought to the attention of the previous administration but that the previous administration had not agreed with, so anything that flows in respect of that *new* potential for the registration of vessels in Gibraltar – that new attractiveness for the registration of vessels in Gibraltar – will essentially flow *only* as a result of the Budget statement under this administration.

Of course, all the material for marketing Gibraltar as a jurisdiction for the registration of yachts will have to be updated, because that will be one of the marks of attraction in particular for vessels of a particular size. He knows that we were, in that statement, trying to attract the business of superyacht registration and berthing and housing, so to speak, in Gibraltar.

Facilities for small boat owners Government plans

Clerk: Question 689, the Hon. D J Bossino.

Hon D J Bossino: Can the Minister for Tourism, Public Transport and the Port advise this House what

plans the Government has for the provision of facilities for small boat owners?

195 **Clerk:** Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker. As stated in my Budget speech, the plans that the Government has for the provision of facilities for small boat owners is as set out in our manifesto.

200 **Hon D J Bossino:** Perhaps, Mr Speaker, by way of confirmation... and he will understand, when I explain to him now, why I asked the question is because I saw that there appear to be certainly in the wording... I have read both his Budget speech before drafting the Question, as well as the relevant bit in the GSLP/Liberal manifesto. Now, as far as the latter document is concerned, it made specific reference to the location of the berths, as well as the number. I do not have the manifesto in front of me – I think the location was Europort and the number was 700.

205 **Hon D J Bossino:** Perhaps, Mr Speaker, by way of confirmation... and he will understand, when I explain to him now, why I asked the question is because I saw that there appear to be certainly in the wording... I have read both his Budget speech before drafting the Question, as well as the relevant bit in the GSLP/Liberal manifesto. Now, as far as the latter document is concerned, it made specific reference to the location of the berths, as well as the number. I do not have the manifesto in front of me – I think the location was Europort and the number was 700.

210 **Hon D J Bossino:** Perhaps, Mr Speaker, by way of confirmation... and he will understand, when I explain to him now, why I asked the question is because I saw that there appear to be certainly in the wording... I have read both his Budget speech before drafting the Question, as well as the relevant bit in the GSLP/Liberal manifesto. Now, as far as the latter document is concerned, it made specific reference to the location of the berths, as well as the number. I do not have the manifesto in front of me – I think the location was Europort and the number was 700.

Hon. N F Costa: Yes, Mr Speaker, I am happy to do so. The plans are as stated in the manifesto, so the location still continues to be Europort and the number still continues to be 700 berths.

215 **Hon. N F Costa:** Yes, Mr Speaker, I am happy to do so. The plans are as stated in the manifesto, so the location still continues to be Europort and the number still continues to be 700 berths.

Hon D J Bossino: Is the Minister able to –

Hon. N F Costa: Sorry – it certainly will not be less than 700.

220 **Hon D J Bossino:** I think that was understood – and if it does not materialise, he can rest assured, I will be asking further questions in this House!

Hon D J Bossino: I think that was understood – and if it does not materialise, he can rest assured, I will be asking further questions in this House!

225 **Hon. N F Costa:** Yes, Mr Speaker. The project is at the EIA screening report stage, which runs in parallel with the wave action reflection modelling stage. So once that is completed an EIA can be conducted and the wave reflection effects on the rest of the harbour can be ascertained. That will determine whether any changes need to be introduced to address any EIA concerns and whether any wave reflection dampening is required in the design.

230 **Hon. D J Bossino:** Presumably those changes would not impact, given both his electoral and political commitment, just given to this House, on the numbers. He is satisfied of that, is he?

235 **Hon. N F Costa:** Yes, Mr Speaker.

Hon. S M Figueras: Sorry, just one more question perhaps.
Is the Minister in a position to confirm whether or not there is a specific deadline or timeframe in which the, during which construction will begin with this project?

240 **Hon. N F Costa:** I do not have a specific date, Mr Speaker, but certainly in time before the next election.

Hon. S M Figueras: I have only asked the question, Mr Speaker, because we are aware of comments made in the public domain that plans are at an advanced stage and that, indeed, construction will be beginning in the next month. I was merely trying to establish whether there was any information on that.

245 **A Member:** I shouldn't believe that!

250 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, will the Hon. Minister be consulting with the rowing clubs as to the construction of the berths because, of course, that will be right in front of the pathway and rowing vessels would have to get in and out of the area?

Hon. N F Costa: Yes, Mr Speaker, the hon. Lady raises a valid point. But we will not only be consulting with the rowing clubs, but all relevant stakeholders.

255 **Hon. D J Bossino:** Presumably, Mr Speaker, the Government's commitment is to complete the project before the next General Election?

Chief Minister (Hon. F R Picardo): Yes.

260 **Hon. D J Bossino:** I think I heard the Chief Minister.

Hon. Chief Minister: Yes, absolutely. Yes.

265 **Hon. D J Bossino:** Not simply start it?

Hon. N F Costa: Yes, Mr Speaker.

Hon. D J Bossino: Not simply start it?

270 **Hon. N F Costa:** No, no, complete the project.

275 **Hon. Chief Minister:** The hon. Gentleman is right: the construction will begin in time for the project to be finished before 8th December 2015 and, of course, no doubt we shall look forward to being given the *huge credit* necessary in respect of the completion of such an important project with social value in the period of this, our first Parliament.

280 **Hon. P R Caruana:** Yes, Mr Speaker, we certainly will. When we inaugurate it immediately after the next election (*Applause*), we certainly will not be taking credit for it, as you have done with our project in the court building! (*Laughter*)

285 **Hon. Chief Minister:** Mr Speaker, if all they do, if heaven forbid they were to once again form the Government of Gibraltar, is at least (*Interjection by Hon. P R Caruana*) (*Laughter*) be as generous as the Hon. the Minister for Justice was in his previous press releases and in his Budget speech about the development of the law courts, and as I was in the course of my speech at recognising the cross-administrative nature of those particular projects (*Interjection by Hon. P R Caruana*), we will have been, Mr Speaker – and he will then be, if he is even then a Member of this Parliament – much more generous than he ever was in this Parliament about the legacy that he inherited in 1996, which other Ministers sitting alongside him in their Budget speeches in May-June 1996 and 1997 recognised and he did not, because he has been characterised forever as a man who believed that the world started on the day that he was first elected in 1996 and he will go down in the history of Gibraltar as the only politician to pretend that that was the case in respect of any of the parliaments that we have had the pleasure of having since our first Constitution.

Clerk: Question six hundred –

295 **Hon. P R Caruana:** Does the hon. Member not accept that the legacy that we inherited in 1996 was not one worth celebrating? As I recall it, the people of Gibraltar had just demonstrated on the streets because they thought that the then GSLP Government was taking Gibraltar to the very precipice, which indeed it was. I cannot think of anything about the legacy of the last GSLP Government that we inherited and I have spent 16 difficult years fixing, that would have been worthy of note or celebration. Indeed, as I recall, Gibraltar could not wait to get rid of that Government quickly enough for it to survive.

300 For the hon. Member now to think that he can airbrush history away by pretending that, in 1996, the previous GSLP Government left Gibraltar in the sort of state that only an ungenerous successor would not

acknowledge to have been a wonderful legacy is the worst example of the rewriting of history that I have heard, certainly in the years that I have been in this Parliament, which of course is not to say that the previous GSLP Government did not, during eight years – long and difficult years for Gibraltar – managed to do *some* things right but, on balance, as shown by the fact that you have managed to go from a 72% majority to defeat in just four short years, I think the electorate more or less agrees with *my* evaluation as to the quality of the legacy and not with the hon. Member's rewriting of it now. (*Applause*)

Hon. Chief Minister: Mr Speaker, I am surprised to see Mr Bossino applauding that, (*Laughter*) given where he was in 1996! (*Interjections and applause*) But anyway, but anyway... well... Mr Speaker –

Mr Speaker: Order!

Hon. Chief Minister: Mr Speaker, the hon. Gentleman –

Mr Speaker: Order! Order! Order!

Hon. Chief Minister: The hon. –

Mr Speaker: Order!

Hon. Chief Minister: I know he is there to absorb all the shocks until he goes, Mr Speaker, to try and avoid affecting the others, who will hopefully stay to *try* and fight another General Election, but one has to say things that one has to say.

Mr Speaker, the only person who is going to write history is the Hon. the Deputy Chief Minister, who, when he retires many years from now, having had a long and prosperous career, generous career, in Government, will be writing a history of all our histories for the future, I have no doubt, and he will treat him with the generosity that he deserves. (*Interjection by Hon. P R Caruana.*)

Mr Speaker, the hon. Gentleman is arguing against his own Ministers, and this is almost the schizophrenia that was present in some of the Budget speeches of the Members opposite during the Budget debate. The hon. Gentleman knows, because he was sitting in the chair in which I sit now, that when the Hon. Mr Montegriffo, his then deputy, delivered his first Budget address, sitting alongside him in 1996, he recognised that the GSD were building on the legacy of the GSLP in the growth of the finance centre in the eight years between 1988 and 1996.

Mr Speaker, if the Deputy Chief Minister in his Government was saying that then and he did not get up and shut him up, as he was prone to do when any of his Ministers said something he did not agree with, well one must assume that the Hon. Mr Montegriffo then, as Deputy Chief Minister, was telling the truth.

Then his next deputy, Mr Speaker, Mr Azopardi... Perhaps this explains, Mr Speaker, why, once one became the hon. Member's deputy, one was for the high jump, and perhaps the present deputy might want to take note of that. But Mr Azopardi, Mr Speaker, when he delivered one of his Budget speeches, also alluded to the fact that, in the years from 1988 to 1996, a great legacy was left to the Government that came after and that the GSD was building on that legacy.

I refer the hon. Gentleman to the speeches of his deputies, Mr Speaker. Perhaps that is why the head became disentangled from the body so often in the times that he was in Government.

Hon. P R Caruana: Yes, that is one explanation. Another explanation is that that is why they never not got beyond deputy! (*Laughter and interjections*)

Mr Speaker, of course I am very happy to allow the record to lie as it does. In other words, let people judge our respective powers of analysis and political judgement on the basis that I believe that, in 1996, the people of Gibraltar did not think that Gibraltar was in a good place of going in a right direction and a good legacy, and that the hon. Member *to this minute* continues to insist that it was. I am delighted for that to be a monument to how people can distinguish his judgement from mine.

Mr Speaker: Before the Hon. the Chief Minister replies, I have allowed a considerable amount of deviation from the (*Interjection by Hon. P R Caruana*) building of the facilities for small boat owners. After this response, we will have to move either back to the small boat owners or to the next Question.

360 **Hon. Chief Minister:** Mr Speaker, what this Government will always accept, both in respect of our statements and in respect of our actions, is that the judges of what we do and what we do not do are the public, and they determine when we get things right and when we get things wrong. They determined, Mr Speaker, in 1996, that Gibraltar required a change of Government, not because that Government had done nothing, but in the same way that they had determined in 1988 that it was time for a change of Government, and, thank God, Mr Speaker, on 8th December 2011 when they decided that it was once again time for a change of Government.

365 I rely, Mr Speaker, not on *my* judgement or on the hon. Gentleman's, but on the judgement of the people of Gibraltar.

370 **Hon. P R Caruana:** Of a minority of the electorate? He relies on the *[inaudible]* of a minority of the electorate.

Hon. Chief Minister: As the hon. Member did since 2007 – *(Interjection by Hon. P R Caruana)*

Mr Speaker: Order! Order! Order!

375 Does the Hon. Damon Bossino have another supplementary on small boat owners?

Hon. D J Bossino: Mr Speaker... *(Interjection by Hon. Chief Minister)*

Well, no, Mr Speaker – I will follow Mr Speaker's ruling on this matter, but there is a point on which I will be responding to the Chief Minister, perhaps outside this House.

380 **Mr Speaker:** Good idea.

385 **New port building
Details of current works**

Clerk: Question 690, the Hon. D J Bossino.

390 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port provide details of the works which he has claimed are currently underway in respect of the new port buildings?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

395 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker. I have never said that works are currently underway in respect of the new port building.

Hon. D J Bossino: Yes, I accept, Mr Speaker, that there may have been a misinterpretation on my part of what the Minister said in his Budget speech. Perhaps he can elucidate. This has relation to...

400 If I pose a question by way of a supplementary in a different way, he did say that:

'Work is therefore underway to specify the requirements for a new port building.'

405 Again, is he able to clarify or expand on that, of what type of work is currently underway to identify the requirements for a new port building?

410 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman is, indeed, correct when he says that he had misunderstood what I had said. What I had said is now what he has read from an excerpt of my Budget speech and the hon. Gentleman is indeed lucky that he is not asking questions from the Hon. Mrs Del Agua, because if it were not in written format and did not relate to the Question, she would never have answered them. But we are different and I shall give you the answer.

An outline specification has been prepared and submitted by the Captain of the Port. That is now under consideration by technical staff, who will prepare and cost a proper technical design.

Hon. D J Bossino: I missed the very first words in his reply. Can I indulge him further, and maybe could he repeat those words?

Hon. N F Costa: Yes, I started by saying that an outline specification has been prepared and submitted by the Captain of the Port.

Hon. D J Bossino: Mr Speaker, I am very grateful for the Minister indulging me on two occasions. Both he and I, I think, are a new breed of politician and, in that sense, if ever I am on the other side of the House, I will treat – and he is on this side of the House, I intend to treat him – likewise.

Mr Speaker, is the Minister aware that there were advanced plans and designs to build a new port building when we were last in office? I can repeat the question.

Hon. N F Costa: No, I heard it clearly.

Mr Speaker, as with the reply I gave in respect of any plans with the yacht register, I have not been made privy of any plans that may have been work-shopped by the previous administration.

Hon. D J Bossino: Presumably, the outline plans he referred to in his first reply, Mr Speaker, referred to outline plans designed when the Hon. the Minister took office.

Hon. N F Costa: Yes, Mr Speaker.

It may be that those plans, of which I have no knowledge, may have been prepared by either the Captain or another official. These plans to which I refer have been prepared by the current Captain of the Port, who, as he knows, took office, post rather on 27th February of this year.

**Workers' hostel
Berth location**

Clerk: Question 691, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port, advise this House where the workers' hostel is to be berthed?

I am conscious, Mr Speaker, that there is another Question on the Order Paper which is being posed by my hon. and learned Friend, Mr Feetham, which is similar. I think *that* Question presupposes the location of the berth.

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, the current proposal is for the barge housing the workers' hostel to be berthed at the ferry terminal. At this moment in time, the Captain of the Port is reviewing port procedures to ensure a smooth and seamless transition in its operations once the barge arrives.

Hon. D A Feetham: Yes, Mr Speaker, may I ask the Hon. and learned Minister whether there has been a change of plan in relation to the location of the hostel because, as I understood – hence my question to the Chief Minister – the Chief Minister on a previous occasion, in answers to questions from Mr Netto, there were plans to locate it at Coaling Island and, indeed, I think that the infrastructure – some of the infrastructure – was actually laid. Can he confirm that is the case; and, if it is the case, can he perhaps enlighten this House as to why the change of plan in relation to location?

Chief Minister (Hon. F R Picardo): Mr Speaker, there is no change of plan, in the sense that plans had not been finalised for the flotel to be located at Coaling Island. Coaling Island is *one* of the potential locations. What has been the subject of analysis is wave action to try and identify where the flotel would be subject to the least possible wave action, which means that the flotel would then move the least possible. There has

certainly been no infrastructure laid to Coaling Island.

My understanding of the position is that Coaling Island offered the opportunity of a site, which had an element of wave action, but already had services available there; whilst the ferry terminal also offers the services and has a different sort of wave action. Of course, Mr Speaker, this – as I have said before in the context of the possibility of this flotel – is something which will be very much a temporary provision.

The hon. Gentleman will know that, as part of one of the property transactions involving the previous administration, for which we are happy to give credit, the hon. Gentleman, the Chief Minister, agreed to move the Moroccan workers presently at the Buena Vista Hostel out of that facility so that the developer could take over the hostel and produce there some housing scheme. The deadline for achieving that was 30th June – and I believe I have explained this in the House in answers to Mr Netto. Now not a brick had been laid to establish a new workers' hostel by that time. I know that the hon. Members had one site in question that then, I think, was affected by the 'modern curse', if I might call it that, of rights to light, which restricted some of the building pattern that could go on on that site – I am talking about the 'Readymix' site. I do not know whether that is something that the hon. Gentleman recognised, but that that may have been, or perhaps some other reason, why the development of a new hostel was delayed.

So the Government, therefore, finds itself in the situation where it has to hand over possession of the Buena Vista block – *vacant* possession, of course – and has to put these Moroccan workers – I think they are *all* Moroccan workers, but there may be one or two who are not Moroccan workers – in an alternative site.

Absent the new hostel, a temporary location has to be found. Gibraltar being Gibraltar, it is almost impossible to find another location: therefore, this is potentially the only temporary way whilst a hostel is developed in the shortest period of time. The essential thing – and this is where I think the question from the hon. Member, Mr Netto, came from – is we all agree. We need to ensure that this is as comfortable a temporary solution as possible. Hence, the analysis of different areas where the flotel hostel could be located so that there is the least wave action possible – and the ferry terminal is one that the Captain of the Port identified. I am happy to tell the hon. Members what the other sites we considered were.

One of them is the extension jetty, where there is not much wave action, but the state of the extension jetty is such that it is difficult to see whether it could hold for the period necessary. And, of course, the security issues at the port would mean that access for workers... not all of whom have security clearance. Some of them do, because they work for the MOD and some of them work in the port, but they would all have to have security clearance to access the flotel through the extension jetty, so that created other issues. This potential site, as a temporary site, creates a potential area where the flotel would be subject to the least possible wave action and which has the services. Hence the need to explore all of these potential sites.

The other alternative would be, for example, in the south-western corner of the area of Gibdock, which would involve having to agree with Gibdock a location there.

Buena Vista is quite a way out for gentlemen who, principally, do not have their own means of transport and walk or take the bus, and this would be further out than the ferry terminal and would require an arrangement with Gibdock, which would take up some of their valuable berthing space which they commercialise. Hence the analysis by those who understand wave actions etc, etc, of the different potential sites for the flotel.

Hon. D A Feetham: Yes, so effectively, the decision has been based on wave action.

The last time that we touched upon this particular issue, he only mentioned Coaling Island. He did not mention any of the other sites – but have there also been any representations from people operating in the Coaling Island vicinity as to the siting of the hostel in that area and did that play an additional part in the decision as to not locating it there and locating it in the port area, or was it just simply this question of wave action and there being a potential problem with this site in relation to wave action?

Hon. Chief Minister: There is nobody operating the area of Coaling Island whose representations would, I think, have been relevant to this.

The hon. Gentleman will know that the people there are the Royal Gibraltar Yacht Club, whose representations in this respect have not been received – they have not made any objection. The Community Mental Health and the Camber Boat Owners... At present there is a Steel Mac vessel there which has some pollution emergency and fire emergency material there which was allocated to them by the previous administration, and other operators, most of whom, as I understand it, are awaiting the finalisation, if that is possible, of the Western Beach reclamation so that they can be relocated there.

None of those, as far as I know, have made any representations to any part of the Government in order to influence this and the hon. Gentleman should take it as read that the issue here is the wave action –

Hon. D A Feetham: That is what I asked.

Hon. Chief Minister: – and the importance here is that it is impossible to *anchor* a flotel because... I mean you anchor it, but you cannot anchor it and... I mean a flotel does not become a reclamation. It is still a vessel and subject, potentially, to some element of movement and therefore wave action is relevant and because we, I hope, all agree – and no doubt all agree – need to make this as comfortable a process as possible for those who will inhabit that flotel.

Insofar as possible, it should not move, and therefore wave action is the relevant point, and the people who know more about that are the people in the ports, rather than the Ministers.

Clerk: Question 6...

Mr Speaker: The Hon. Jaime Netto.

Hon. J J Netto: Mr Speaker, I would just like to ask the Hon. Minister – perhaps he may even have given information whilst I was outside the Chamber – but does he have a target date when he thinks that this particular hotel, workers' hostel, is going to be berthed in the ferry terminal? Is there a date available, or approximate date?

Hon. Chief Minister: Mr Speaker, this matter is not being handled by the hon. Gentleman and that is why I am getting up to respond. It is being handled by me, although because he is the Minister for the port, where it is berthed, will be relevant to him.

Mr Speaker, the flotel is still being prepared to come to Gibraltar. It is not yet, as far as I understand it, *en route*. We are not in control of that process because we have no commitment in respect of the flotel until it arrives in Gibraltar, but we are seeking that it should arrive as soon as possible because of the Government's contractual commitment, which I have just alluded to in respect of the handing over the stone block, and because – I think the hon. Member may not want to agree with me – but the conditions of the stone block are really pretty awful.

I have been there on two occasions since I was elected and it is not a place where people would want to be living, even if all they are doing is putting their head down for the night whilst they are working. People, essentially, finish work at five or thereafter and spend a lot of their day there during the week when they are not with their relatives at the weekend and it is a pretty awful place to have to live. It is pretty embarrassing that we are putting people in that place and, therefore, the flotel, Mr Speaker, actually, will be a much better accommodation and, hopefully, a stepping stone to even better accommodation when the modern facility is developed.

So the answer is, Mr Speaker, the Government is doing everything possible to bring about the arrival of the flotel and its availability for use as soon as possible. I am not going to be able to give him a date today, but we are working on having a date available.

Hon. J J Netto: I am obliged, Mr Speaker, but could I also ask the Chief Minister – given that he is handling this particular item – what is the room capacity of the hotel?

Hon. Chief Minister: Mr Speaker, I cannot tell him the exact room capacity because although it is about... I think it is 230 rooms as presently configured. That configuration is part of what may change, depending on what availability or what requirement for rooms we have and, of course, this potentially can house people who are not already tenants of the Government at either of the two workers' hostels and the type of configuration of room can change –

Hon. J J Netto: If the hon. Member would give way, I was not referring to how many workers are residing in the current hostel in Gibraltar. What I was referring to is what room capacity does the ship – if it is going to turn out to be a hotel – what room capacity it has?

Hon. Chief Minister: The issue, Mr Speaker, is what the configuration of the bedrooms will be when the refurbishment of the facility is finalised.

Per individual, it could take up to approximately 550 people, doubling up in bedrooms. It could take approximately half if you were to stick one to a bedroom. It could take more if you were to restructure the bedrooms.

We are not talking about a facility that has brick walls, of course. These are moveable walls, in the sense that you can refurbish the facility and we are talking to the two Moroccan Workers' Associations about this potential and, therefore, I do not want to be committed to what it is that they can offer because we are trying to *maximise* what they can offer, subject to what it is that they want each room to provide for, and he will have the same feedback that I have. Some people are happy to have a partner in a room – they are quite happy to share a room and have two beds in the room. Some people would prefer to have a single room, but they do not need it to be as big as the rooms that have two beds in them.

So that is why we are playing around with the configuration, in order to assist in providing the type of configuration that the workers, the relevant workers, want.

Hon. J J Netto: But in order to determine the configuration, then, is the Government conducting some sort of a survey of the Moroccan workers at the moment as to whether they prefer living with another person or not, so that that information can then be placed to any changes in the refurbishment works?

Hon. Chief Minister: Yes, Mr Speaker, through the Moroccan Community Association, in particular, who are giving us the feedback of how many would prefer what type of room, that is the sort of work that is going on at the moment.

I do not think this is hugely difficult, by the way, and therefore it should be fairly easy to ensure that everybody can be accommodated more or less as they wish.

Hon. D J Bossino: Mr Speaker, as the drafter of the original Question, given that we are homing in on some of the detail – and I do appreciate, Mr Speaker, that we have digressed somewhat from the original question – but I do pick up on one point that the Chief Minister made in response to one of the questions from my hon. colleagues, which is that the vessel is, in fact, not on its way to Gibraltar.

That is not quite what the *Chronicle*... it was not a Government press statement, I think it was a *Chronicle* report said recently, in that particular newspaper... but it also reports that the vessel – just so I can visualise what it is that is going to end up at the ferry terminal – is the *Bibby Kalmar*, which is the sister vessel to the *Bibby Altona*, which is the one which was pictured in the press report I have just referred to. Is it that vessel? Does the Chief Minister know that?

Hon. Chief Minister: Yes, Mr Speaker, it is that vessel and, of course, Mr Speaker, we are not responsible for what the *Chronicle* publishes. (*Interjection*)

Gibraltar Bus Company Appointment of director/manager

Clerk: Question 692, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port advise this House whether the post of director/manager of the Gibraltar Bus Company Limited has been filled?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, yes, sir. The post was opened internally on 2nd May 2012, with a closing date of 11th May. Three applications were received in total.

As a result of the recommendations of the interview board, it was decided to divide the position of general manager into two posts: one manager to be responsible for operations and another for administration. The

posts were filled from the internal applicants.

635 The advertised post for general manager carried a salary of £45,000. The salary attributable to the new general managers was calculated taking the difference between *their* salary and the advertised pay and splitting *this* difference in half amongst both employees. Gibraltar Bus Company, therefore, now has two specialised managers for the price of one.

640 **Hon. D J Bossino:** Mr Speaker, can I ask the Minister what, in fact, the salary is, because I know he has given me the basis of the equation and the calculation which was carried out, but obviously without the base figures I am not able to do the calculation myself? So I would be grateful if he could give me that information.

Hon. N F Costa: Yes, of course. The basic wages are £35,000.

645 **Hon. D J Bossino:** I see. They are each getting £35,000, as opposed to what?

Hon. N F Costa: As a result of –

650 **Hon. D J Bossino:** As a result of that calculation. So, if my maths is correct, it is a £70,000 expenditure for the Bus Company in respect of both positions.

Hon. N F Costa: Well, remember that these are already *existing* posts. He has not brought anyone else in from the outside. (*Interjection*) Yes.

655 **Clerk:** Question –

Hon. D J Bossino: I am grateful.

660 Mr Speaker, he says that the applicants were three employees working within the Bus Company. Is he able to tell this House which positions the successful applicants held *prior* to the positions being filled?

Hon. N F Costa: Mr Speaker, I do not have that information in front of me. I don't think... Perhaps if the hon. Gentleman were to indulge me for just one second to see whether I do have it.

665 Yes, one of the successful applicants was an office administrator and the other person was originally employed as a bus driver, although I am quite sure that by the time he was successful he was a chargehand, but that is not in the information in front, that is working from memory.

Hon. D J Bossino: Mr Speaker, I am somewhat surprised by the answer because from the position of – I think... is it office 'chargehand' did he say?

670 **Hon. N F Costa:** Chargehand.

Hon. D J Bossino: – Chargehand, and the other successful applicant was a bus driver, (*Interjection*) to the dizzy heights... oh, that –

675 **Hon. N F Costa:** Sorry, Mr Speaker, if the hon. Gentleman will just give way for a second? The second successful applicant was *originally* a bus driver; but, as I said, from memory, I am quite sure that by the time he interviewed for this post he was already a chargehand. He was no longer working as a driver.

680 **Hon. D J Bossino:** For the purpose of clarification, and the other applicant?

Hon. N F Costa: Office administrator.

685 **Hon. D J Bossino:** Office Administrator. Mr Speaker, is the Minister satisfied – given that he has political responsibility for that particular company – that the successful applicants have the requisite experience and knowledge to run a company of this nature?

Hon. N F Costa: Well, Mr Speaker, I remind the hon. Gentleman that the two persons that were originally

recruited by the GSD were police officers that went over to a bus company. I am not entirely sure what experience exactly *they* had of running a bus company.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): None at all!

Hon. N F Costa: In the second place, Mr Speaker, these are people who have been working within the company since 2004. Therefore, they have two employees who may well have been at the middle (*Interjection by Hon. G H Licudi: You do not have to justify*) – no, no – who may have been... well, at the middle rung, but they had been employees of the company since 2004, and the most important point, Mr Speaker, is that he must bear in mind that I simply accept the recommendations made to me by the interview board and those are the people who were recommended to me by (*Laughter*) – I do not know why the Hon. the Leader of the Opposition laughs at this. I actually accept the recommendations of the board. I have it here in writing, and it says that two of the candidates were found suitable and therefore recommended them to me. (*Interjections*)

Sir, and may I say that it gives me particular pride to be able to say that people who start at any particular rung of any company should be able to go to the very top. That, I believe, sir, is fair enough (*Interjection*) and we find it much (*Interjections*) And we find it (*Interjections*)

Mr Speaker: Order! Order! The Hon. Minister is answering.

Hon. N F Costa: And we find it much preferable to having people who have started at a lower rung coming *up* that particular rung, rather than parachuting pensioners, who already have a pension, dropped into as political appointments with no notification of vacancy! (*Applause*)

Hon. D J Bossino: Clearly, once again, each time I ask questions on the Gibraltar Bus Company it seems to ruffle some feathers, and the Minister of Justice ought to calm down (*Laughter*) and allow the Minister for Transport to answer the questions that I am posing from him. (*Interjections*)

Mr Speaker: Order! Order! (*Interjections*)

Hon. G H Licudi: It is totally inappropriate for the hon. Member to give instructions to me to calm down or otherwise. He is here to ask questions. We are here to answer.

What is also totally inappropriate is that the hon. Members should appear to find it totally objectionable that somebody who starts as a bus driver ends up as a manager. (**A Member:** Hear, hear.) (*Interjections*) Good on that person! (**Members:** Hear, hear.) (*Applause*)

Mr Speaker: Order! Order!

It is not entirely out of order for a Member, in posing his question or addressing this House, to refer to another Member, as the Hon. Damon Bossino has done. Perhaps the Minister for Justice should not be so sensitive. (*Interjections*)

Hon. P R Caruana: With respect, Mr Speaker, the thrust of the questions are –

Mr Speaker: I think we will close that subject.
Is there a Point of Order there?

Hon. P R Caruana: Well, Mr Speaker, it is not a Point of Order, we do not want to close the subject, we would rather hold the Government to account.

Mr Speaker, does the hon. Member not accept that the question is not whether a person is free to rise from relatively humble occupations to much higher offices – we have seen how easy that is do-able – but how quickly, and in how many simple steps they arrive at that office? So it is not a question of whether he was once a bus driver, and he now isn't. The question is how long ago was he a bus driver and how long has it taken him to go from bus driver, through chargehand, to the position to which he has now been promoted? Would the hon. Member care to identify the individuals in question?

Hon. N F Costa: Mr Speaker.

745 **Mr Speaker:** Before the hon. Member answers, when I said we will close the subject, I was referring to the subject of the Hon. Minister for Justice's intervention. (*Interjections*) Well, I appreciate that, but the Hon. Damon Bossino was in the middle of his question and I imagine he has no objection to giving way to his (*Interjection*) –

750 **A Member:** Supreme –

Mr Speaker: Well, in that case –

755 **Hon. G H Licudi:** Supreme leader!

Mr Speaker: – I call on the Hon. Minister.

Hon. N F Costa: Mr Speaker, no. I cannot agree with the hon. Gentleman because he prefaced his question by saying that he finds it astonishing that a bus driver should have elevated himself to the position of general manager. (*Interjection by Hon. P R Caruana*) No, you did not, but your hon. colleague did. So, therefore, I cannot accept the premise of his question.

760 This gentleman has been, as I said... and perhaps if he had been listening to me, Mr Speaker, he would have heard me say in my reply to the supplementary that he was there, this gentleman has been there since 2004. (*Interjection*) So from 2004 to 2012 he has been working as a bus driver and, subsequently, as I said from recollection, as a chargehand.

765 Mr Speaker, the point I want to make is as follows. In our view, it makes perfect sense that people who start at any particular lower rung of a company should go all the way up to general manager's position and is infinitely better than parachuting people who are retired and have absolutely no experience of running a bus company, with no notification of vacancy and contrary against the Employment Regulations of 1994. (**A**

770 **Member:** Hear, hear.) (*Applause*)

Hon. P R Caruana: Yes, Mr Speaker, of course.

775 Would the hon. Member accept that it is perfectly possible for somebody to rise from the ranks of bus drivers – not that that is such an unworthy occupation, but still they seem to be determined to play it down – to the ranks to which he has now raised? That is not the issue.

Mr Speaker, there are people who have risen from much lowlier jobs than that to much loftier posts than the ones we are now discussing. That is not the issue. The issue is how quickly is it *reasonable* for somebody to have risen from bus driver to the position being discussed in just eight years –

780 **A Member:** Eight years.

Hon. P R Caruana: – coming from nowhere. Coming from nowhere.

785 Will the hon. Member identify who these people are so that we can be absolutely clear that there is *no basis* for that rapid ascension, other than the absolute merit and qualification of the individual to run the bus company?

Chief Minister (Hon. F R Picardo): Yes, Mr Speaker, of course it is appropriate for people to rise from bus driver, or any other post, to higher office. Mr Speaker, of course it is, and that is what we on this side of the House are all for: equal opportunities, Mr Speaker.

790 Mr Speaker, I am delighted to say that I started as a messenger in a well-known local law firm and I have ended up as Chief Minister. But there are people sitting around this table who, on 7th December, were taxi drivers, and on the 9th were Government Ministers.

795 Mr Speaker (*Interjection*) the issue is not to analyse the career path of an individual, but that the hon. Gentleman should be saying to us, 'Well done for accepting the recommendations of a board,' because what the hon. Gentleman is impugning, Mr Speaker, is the recommendations of the board in question. Not the decisions of the Minister but the recommendations of the board – perhaps, Mr Speaker, because he does not understand that that is how modern Government works. Usually it is – in his day – finding somebody who is

properly qualified, 'You are appointed because I like you,' or because of some other unknown reason.

800 Mr Speaker, in that context, we will not descend to bandying about this House the names of individuals, but if he wishes to, given that he knows who they are, he should feel free to bandy their names about. All I say, Mr Speaker, is that I am very proud of the Minister responsible who accepts the recommendations of the board, acts in accordance with the recommendations of the board and does not appoint people *a dedo*, (A Member: Hear, hear.) as used to be the case before 8th December. (*Applause*)

805 **Hon. P R Caruana:** Mr Speaker, the hon. Member surely must acknowledge that when the hon. Members elevate rapidly to these posts, people who are well-known and well-documented activists –

Hon. Chief Minister: A Point of Order, Mr Speaker. On a Point of Order, Mr Speaker. (*Interjection*)
On a Point of Order, Mr Speaker.

810 The hon. Gentleman has been told *repeatedly* – and if he wants to challenge it, he should challenge it, Mr Speaker, but he should not try and do so *cowardly* from behind – that the Hon. Minister has not elevated *anyone*. A board was established and the board made recommendations and the Minister accepted the recommendations of the board, Mr Speaker. If he wants to impugn the board, he should do so; but the Point of Order is clear, Mr Speaker: he cannot say that the Minister has 'elevated' people if all he has done is subject
815 himself to the recommendations of the board.

Hon. P R Caruana: This is the same board that immediately after the Election recommended the company to collapse its case against Mr Sardeña – presumably, the same board.

820 Look, Mr Speaker, the hon. Member (*Interjections*) –

Mr Speaker: Order! Order!

Hon. N F Costa: Mr Speaker, on a Point of Order, I have to challenge the hon. Gentleman –

825 **Mr Speaker:** Order! (*Interjections*) Order, Order.

I know what the problem is. Perhaps the Hon. Leader of the Opposition would proceed with his question, but in two parts. One is, is he asking whether it is the same board that advised the Minister to discontinue the case or whatever it is... because I think that is a preface to the next question.

830 **Hon. P R Caruana:** Mr Speaker, my question is this: does the hon. Member not understand that he strains the patience and credibility, he strains the patience of the electorate in Gibraltar and his own credibility if he is expecting people in Gibraltar – because I do not accept – that all the people who have suddenly, post-9th December, with no political allegiances, arrived in positions into which they have arrived, that that is all the coincidental result of *independent, independently* selected, *independently* adjudicating boards. If *that* is what
835 he is asking this side of the House to accept, know there, opposite, that we do not accept any such fairytale!

Hon. Chief Minister: Mr Speaker, we note that the Hon. the Leader of the Opposition impugns the boards that have made the appointments (*Interjection by Hon. P R Caruana*) to which he refers... Mr Speaker, he needs to *shut up* and listen!

840 **Mr Speaker:** Order. Order. Order. (*Interjections*)

Hon. Chief Minister: That the Hon. the Leader of the Opposition impugns the integrity of the Boards that have made the appointments that he challenges, *most* of which have been made by Boards established by the Public Services Commission of Gibraltar. Let *that* test the patience of the electorate, Mr Speaker, and let the electorate look back to what happened before 8th December 2011.

845 Let the electorate look back at all the appointments that were made on the whim and the fancy of the occupant then of No. 6 Convent Place. Let the electorate have its patience tested by all the information to be put into the public domain that reflects all of this, Mr Speaker, and then let this Government always act, Mr Speaker, in keeping with recommendations of properly established independent boards, whose credibility *we*
850 do not believe is impugnable.

855 **Hon. P R Caruana:** Will the hon. Member answer my question? Does he accept that these appointees, whoever he claims they were appointed by and by whatever process he claims they were appointed, Mr Speaker, which he knows we do not accept, will he accept that they are well-known activists of his party? (*Interjections*)

Hon. N F Costa: No. Absolutely not.

860 **Hon. Chief Minister:** Mr Speaker, under this Government (*Interjection*) anyone can apply for any job: activist of the GSD; (*Interjection*) activist of the GSLP; of the Liberal Party; and even old activists of the Labour Party, Mr Speaker. They all stand as much of a chance as an independent board will give them. (*Laughter*) And if he wants, Mr Speaker, that we *draw up a list*, that we draw up a list with the names of GSD
865 activists who have achieved office in any particular post in the past 20 years and of the GSLP activists who have achieved that in the past 20 years, and we look at when it happened, Mr Speaker, he will find that the only person testing the patience of the electorate is he himself.

Mr Speaker, I am going to be too prudent to actually mention in this House the names that he knows I can mention and the relatives of his that he knows I can mention that found themselves elevated to high office without boards to do so, where the only person whose credibility is impugned is his, as the person who
870 appointed them. (*Applause*)

Hon. P R Caruana: The hon. Member is willing to do so. He suggests – he makes statements in this House – as if it is a *fait accompli* that any of the things that he is suggesting I used to do, (*Interjection by Hon. Chief Minister*) I did – and he is welcome to publish as many lists as he wants!

875 I can tell you that, in the 16 years I was in office, I did not elevate *anybody* to any post, (*Interjection*) either on my own decision, nor did I allow anybody or any board that I had contrived for the purpose to elevate somebody to a post to which they are plainly not prepared, on the basis of their party card carrying allegiance. (*Interjections*)

880 **Mr Speaker:** Order! Order! Order! (*Interjections*)
There was no question over there to the...

Hon. Chief Minister: No, Mr Speaker, but the hon. Gentleman knows that what he is saying is just not true. He will know, Mr Speaker. He will know what I found on the day that I arrived at No. 6 Convent Place.
885 He will know who was in what post and how many of them had been put there by a board or by him. And he will know, Mr Speaker, who they were and who they supported; and he will know, Mr Speaker, that they have all been treated fairly, despite that.

So, Mr Speaker, everything that he has said is not just refuted by this administration; *it is not true*. And the public knows, Mr Speaker. He is trying to climb Everest without oxygen if he wants people to believe that
890 under *his* administration, everybody got a fair crack of the whip, as they do now, because under him, Mr Speaker, it mattered more who you were and who you supported than what you could do.

Today, Mr Speaker, all that matters is what an independent panel assesses you are able to do and recommends to Ministers. That is the way that Western democracies should work – not as we were working,
895 Mr Speaker, before 8th December 2011.

The dark days of appointments at the whim of the man at 6 Convent Place are *over*.

A Member: Hear, hear. (*Applause*)

900 **Hon. P R Caruana:** Mr Speaker, just for the record, let me tell the hon. Member that I do believe exactly what he says is not the case – in other words, it was in the days of the GSD that everybody had a fair crack of the whip and it is in the days... it is since 9th December that known GSD supporters are shunted about and that known GSLP supporters are suddenly elevated and parachuted into offices, including ministerial offices. That is what I am saying. I am telling him that he is *saying* one thing and *doing* the opposite, (*Applause*) as is
905 typical of his political style. (*Applause*) That was what I am saying to him.

It is the position of the Opposition that he says the right things to persuade people that he is the paragon of Western democratic virtue, whilst *actually* permitting his Government and his Ministers to do the opposite. That is what I am saying to the hon. Member, and the evidence out there on the street is *absolutely* legion for

it. It is not just me who is saying or thinking it, Mr Speaker. It is not just me that is saying it or thinking it.

910 The question is that he has not yet answered my question, unless I should interpret the answer to be that, because he thinks that I used to do it, that he is doing it now and he justifies it on the basis that he is doing no different from what I was doing.

915 The question was are these individuals well known activists of the GSLP, to which the answer was ‘If he wants a list of the GSD activists that *he* elevated when he was in office...’ – well, I deny that. But even if he was right, why is he imitating what he regards is the Darth Vader of Western European politics? Why is he imitating me? He should be saying, ‘No, it was the case then and it is no longer the case now, because these people are not this or are not that’.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman’s statements remind one of what the male cow does in the field when nobody is looking. (*Laughter*)

920 Look, how can he say that he was the paragon of Western democratic governments, (*Interjection by Hon. P R Caruana*) when he used to call two meetings of the House in an election year and three in a year when it was not an election, and we come here once a month?

925 How can he say that, Mr Speaker, *in relation to appointments in particular*, when under *his* administration, the individuals that were appointed to different posts – most of them are the most highly paid – were also appointed because of who they supported politically?

Look, Mr Speaker, I know that he wants to make the point as loudly as possible, but ‘the lady doth protest too much’. He is saying it and saying it, because he knows that he is fighting a battle against the truth – the truth that is so self-evident that I do not need to tell the public the names of the individuals in question, because they all know who they are. *Some of them are his closest relatives!*

930 Yet, Mr Speaker, he says: are these two people activists of the GSLP? Mr Speaker, I can give him an assurance that these people are not members of the executive of the GSLP or of the Liberal Party. These individuals, as far as I know, (*Interjection*) are not registered activists of the GSLP (*Interjections*) (**A Member:** Registered!) These individuals, Mr Speaker, may, like so many others in Gibraltar, have realised that the policies we defended at the last election are the ones that are best for Gibraltar. If they have said so, Mr Speaker, they do not in that way exclude themselves from any potential promotion, as the hon. Gentleman suggests that they should – of course, Mr Speaker, now trying to make a virtue that he did not identify at the time that he was at Convent Place appointing relative *x* and mate *y* and friend *w* and *este amiguito* here and there to the best and cushiest jobs in Gibraltar at the expense of the taxpayer. *That*, Mr Speaker, is *over* and it will never come back, Mr Speaker, because people are never going to allow him the opportunity of doing with the money of the taxpayer of Gibraltar that which he did before 8th December – spread it out amongst friends and supporters. That is *definitely* over.

940 If a Minister accepts the recommendations of a properly appointed board, he is doing the right thing, Mr Speaker – not looking at the political colour of the appointee, not starting the process, Mr Speaker, by who is it that applies and who is it that they support.

945 Or is it that he has forgotten, Mr Speaker, how he disqualified people after 1996, simply because of who they might have supported? Because if he thinks, Mr Speaker, that by repeating this poppycock he can get the public to forget, he has got something else coming! (*Applause*)

950 **Hon. P R Caruana:** Well, Mr Speaker, on a Point of Order, and to wrap this debate up, (*Interjection*) it has become fashionable for the hon. Member to say that I spent 15½ years in Government feathering the beds and the nests of – to quote him – ‘many close relatives’. I suppose he is referring to one close relative, Mr Armstrong; but as he has chosen to use the plural, I put it to him that he is now obliged to give me the list of the close relatives, in the plural, that he thinks I have advanced, through my own decision or in whose advancement he believes I have, during the whole of the 15½ years that I was in office, participated, and who are these *amiguitos*, as he calls them, that I have put in these elevated posts without board, without decision, simply on the basis that they were either my friends or my... He either now gives that list or accepts that he is making himself responsible for statements that he knows to be false. I am telling him now, in advance of his answer, that he is not telling the truth, that what he is saying is simply *untrue*.

960 To demonstrate that it is true, he has to give the names – not *threaten* to give the names but not give them, thereby getting the benefit of the political points without actually having to be assessed for truth. He should *state* the list of names that he thinks exists, and which I in advance refute, but let him take responsibility for his statements. Name the people – in other words, put up or shut up, which I understand is an unusually

courageous condition for the hon. Member to live by.

965 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman is foolish enough to think that he is the one who determines when debates are over and how they should be determined.

Hon. P R Caruana: As I raised a Point of Order.

970 **Hon. Chief Minister:** Mr Speaker, he is foolish to think that –

Hon. P R Caruana: I raised a Point of Order.

975 **Hon. Chief Minister:** And I am replying to the Point of Order, Mr Speaker – and he needs to listen whilst I reply.

The hon. Gentleman is foolish enough to think that he decides when a debate is over and when it is not. That, Mr Speaker, is not a valid Point of Order. It is a political point, Mr Speaker.

980 **Hon. P R Caruana:** That has not been ruled.

Hon. Chief Minister: It is a political point, Mr Speaker, to which I will answer politically as follows. Look, I am happy to give him the list. He knows what the list is but, as he prompts me so much, Mr Speaker, I am delighted to take him through it if he likes. Mr Speaker, he should look at the list of all his brothers-in-law and all the advantages that *they* obtained whilst he was in office for 15½ years – *all* of his brothers-in-law, Mr Speaker. He should have an opportunity to analyse exactly all the advantages that they took and then he should look, Mr Speaker, at some of the advantages that some of his Ministers took, whilst he was in office and some of the deals that feathered their nests and then he should look, Mr Speaker, at some of what his party supporters achieved – some of them elevated well beyond offices and some of them given deals, as insurance, I understand, in the last month of the administration, elevating them well beyond where they should be, up a class and a class.

I think I have identified them sufficiently, Mr Speaker, and if he wants to look at his friends, he should look at our press release of some weeks ago, showing how we have determined some of the consultancy agreements that were granted outside of European law and how those millions of pounds have flowed outside what we say was the EU procurement procedure. There, Mr Speaker, is the list, and now, with that list... If he wants I can put the names to it. I have already told him who they are and identified them sufficiently for everyone in this Chamber to know who they are, both the people on the opposite benches and the people in the public gallery and the people outside, *then* he can try and defend his *abysmal* record on fairness, the way that he has used taxpayers' money for those around him to have a better deal and, perhaps, Mr Speaker, people will then understand why it is that their nails clawed to try and stay in 6 Convent Place on 9th December, so that they could continue the abuse.

Hon. P R Caruana: Mr Speaker, if *this* is the basis upon which the hon. Member conducts the relations of the Government of Gibraltar with other governments, it is little wonder that he has taken Gibraltar, in a record short period of time, to the crisis in which he is at... Is this the extent of the man's intellectual grasp of the issues beforehand or does he give this bluster approach to all the people that he interlocks with or just us?

I have raised the Point of Order. He has said in this House that *I* have used *my* office to elevate to high offices and to expensive high salaried posts members of my family – several. I have asked him, *twice* already, to state the names. If he *refuses*, then he has made an improper statement, imputing to me improper motives for which he refuses to provide details, Mr Speaker. This is a *flagrant* violation of the responsibility that he has for his behaviour in this House. I have not asked him – we can have a debate about that, too – all the people that he thinks have benefited contractually from Government contracts and all the other corruption and nepotism that he thinks I have been involved in with people that he now entertains in his office and perhaps even has lunch with. I am asking him specifically (*Interjections*) about his statement about my using my office to elevate and promote people to posts on the basis... who are members of my family, to all these high posts. He either withdraws it, I would have thought, or illustrates it. If he continues to refuse to illustrate the point, then people will know that what I am saying is true, and that is that he is repeatedly not only failing to adhere to the truth but that he is repeatedly making statements which he knows to be untrue.

1020 This is nothing to do with EU tenders; it is nothing to do with Government contracts. We can have that separate debate. We were talking about the promotion of individuals to posts. *That* is the statement that he made and that is the statement to which his answer must relate, Mr Speaker, I would have thought.

1025 **Hon. Chief Minister:** Mr Speaker, I said on a number of occasions both that he had promoted his relatives and his supporters to posts and that he had feathered their nests, and he came back and answered some of that. The *Hansard* will show, Mr Speaker, what I said and what he said. I have told him who those relatives are, Mr Speaker. (*Interjection by Hon. P R Caruana*) I have told him to look amongst the canon of his brothers-in-law. He can do that if he likes, Mr Speaker, and if he wants me to give the exact names, I can give the exact names. I do not think it is appropriate to do that. They have already been properly identified, Mr Speaker.

1030 So the position is very clear. He asked me to put up or shut up, and I put up; and when I put up, Mr Speaker, all he can do is say, 'Ah, but that's not a post, that's a contract – that's feathering their nests in this way, not in this other way.' Mr Speaker, the fact of the matter is that this happened before 8th December, he *knows* it happened before 8th December, and he does not know how to get himself off the hook. He has got to stop wriggling, Mr Speaker. I do not know whether he is just jealous of the fact that some people who used to do business with him continue to do business with this Government, because I do not tend to have lunch with people other than people who are doing business with the Government because I try and use every possible minute for the purposes of making the Government's programme advance, but I do not think that is at all relevant to this. The issue has, I think, been very clear and ventilated clearly. When he goes back, Mr Speaker, and he looks at *Hansard*, he will understand that he got it wrong.

1040 **Mr Speaker:** I think I must... I should rule on this.

1045 **Hon. P R Caruana:** No, Mr Speaker, what will be clear from his answer is that he is compounding his sin. Far from *me* wriggling, Mr Speaker, it is clear that the only one wriggling here is *him*. How can it be called wriggling to ask for particulars of serious insinuations which can only be believed if they are particularised? So now people believe that all my brothers-in-law – plural, because I have one, two, three, four brothers-in-law on my side... Who is he talking about? So I suppose now the record stands *me* wriggling and him being as *clear* as daylight (*Laughter*) by suggesting that he has sufficiently explained to me who are all these family members that I have feathered the nests of by promoting them to some of the most highly paid jobs in Government by telling me to, quote: 'Look at all your brothers-in-law.'

1050 Well, Mr Speaker, as far as I am aware, I only have one brother-in-law who works in the Government or has *ever* worked in the Government, so the only one who is wriggling, the only one who is being his usual self, the only one who is showing in this House today why Gibraltar's affairs, particularly international affairs, are in the mess that they are, is *him*, Mr Speaker. He has made a very serious allegation against me in this House, which I tell him is untrue, and if it were not because of the Rules of Parliament preventing me, I would tell him that he is a liar, and when I ask him to do the right thing and tell me, so that people can gauge for themselves whether his allegations are right and fair or not, as I say they are not, he refuses to tell me who are the names of these members of my family that I have appointed to high posts.

1055 Mr Speaker, I would just invite you to consider what the ruling might be if a Member of *this* side of the House made a similar allegation about a Member on *that* side of the House. Indeed, we have had much less serious allegations of that sort since 9th December and Mr Speaker knows the position he has taken.

1060 **Mr Speaker:** I would like to rule on this matter, if I may.

1065 **Hon. Chief Minister:** If I may just reply, because the hon. Gentleman has said a number of things.

Mr Speaker: A very brief reply because I think we have gone over the ground several times now.

1070 **Hon. Chief Minister:** Yes, indeed, Mr Speaker.

The hon. Gentleman needs to go back to *Hansard* because he will see exactly what I said about which brothers-in-law and other things. He needs to go back to *Hansard* because I think he has got a little bit upset, he has got a little bit nervous and he is forgetting. Perhaps it is the post-Government, post-office dementia setting in. He needs to analyse what was said and then he will understand who I am talking about and what I

am saying about each of them.

1075 The hon. Gentleman has said that this explains why the affairs of Gibraltar are in such a mess internationally. Mr Speaker, that analysis is his own and it is self serving, and of course he would want to say that. The international affairs of Gibraltar have only been in a mess in 2002, when we had a Chief Minister who said to a Minister for Europe that he might consider an Andorra-style solution for Gibraltar, (*Interjection*) which he said did not mean joint sovereignty but the Minister obviously interpreted that and launched the joint sovereignty proposals. (*Interjections*)

1080 The international affairs of Gibraltar have only been in a mess – (*Interjections*)

Mr Speaker: Order! Order! Order!

1085 There was reference by the Hon. Leader of the Opposition to the conduct by the Government of its foreign affairs.

Hon. P R Caruana: It was in answer to my –

1090 **Hon. Chief Minister:** So, Mr Speaker, the international affairs of Gibraltar have only been in a mess in 2002 and since then when we had a Chief Minister who was saying to UK Ministers that he would consider Andorra-style solutions, and in particular, Mr Speaker, in December 2010 when that same Chief Minister went to Seville and said there that he might ‘Um, ah, um, maybe one day, ah, um, um, maybe’ consider recommending ‘perhaps one day, maybe,’ an Andorra-style solution to the people of Gibraltar in a referendum.

1095 *That*, Mr Speaker, is what rendered the international affairs of Gibraltar a mess and, Mr Speaker, doing agreements with people outside of Gibraltar that they should be able not to respect the laws of Gibraltar but do what they like whilst the laws are applied to the people of Gibraltar in Gibraltar. *That*, Mr Speaker, is a mess –

1100 **Mr Speaker:** Order!

Hon. Chief Minister: – of the highest order that one is left to untangle without having to call upon one’s family in Government to assist or give one’s friends or supporters jobs *a dedo*.

1105 **Mr Speaker:** Okay, I think I really must rule on this matter now. What started off as a fairly narrow Question as to the suitability of circumstances in which managers of the bus company were appointed has now digressed considerably into conduct of both the present and the previous administrations’ appointments of individuals, purportedly supporters, activists, and then it has gone on to family members and friends. We have digressed way beyond the Question.

1110 It is not proper in the course of parliamentary Questions and answers to bring in, drag into the proceedings of the House individuals who have no say in the conduct of either Government business or Opposition business, or indeed any other business. These are matters which should properly be aired in a motion brought before the House, where both sides know exactly what is to be debated and both sides can come armed with whatever information and evidence they see fit.

1115 The Hon. Leader of the Opposition mentioned one particular individual who I think, Gibraltar being what it is, we all know is a member of his family, and he asked, invited or challenged the Chief Minister to name the other members of his family who are alleged to have benefited from *his* largesse.

Hon. P R Caruana: No! We are talking about appointments, jobs.

1120 **Mr Speaker:** Well, I am paraphrasing, alright? Appointed to specific jobs.

A Member: [*Inaudible*].

1125 **Mr Speaker:** The hon. the Chief Minister responded by referring to the relationship, namely brothers-in-law of the Hon. Leader of the Opposition. Again, Gibraltar being what it is, we all know that there are several individuals who fall into that category.

The impression I got was that the allegation related to all or most of them. It would be, obviously,

1130 preferable for the individuals concerned who are said to have benefited – again, I use the word loosely and widely – to have been named, but again that is not a proper... The Question and Answer session is not a proper forum for that naming. That naming –

1135 **Hon. P R Caruana:** Mr Speaker, with the greatest of respect to the Chair, we are not talking about Question and Answer sessions, nor are we talking about largesse or benefit. I raised a Point of Order. *In this House*, a Member has stood and said that another Member, namely me, has abused his power to appoint, not benefit or extend largesse in any general sense. The *exact* words, as *Hansard* will show, are that I elevated individual members of my *close family* to some of the highest paid jobs in Government. That was the allegation, Mr Speaker. It is not true and I am entitled –

1140 **Hon. Chief Minister:** On a Point of Order, Mr Speaker.
That is exactly the point I am taking with him, Mr Speaker, in respect of *Hansard* and he needs to look back and look at *Hansard*.

1145 **Hon. P R Caruana:** Then I suggest that Mr Speaker adjourns his ruling on this until he has had an opportunity to review exactly what the hon. Member said in *Hansard*.

1150 **Hon. Chief Minister:** Mr Speaker, you can do that if you wish. I am not going to object to that. I think it is entirely appropriate that you should rule as you are ruling, and this side of the House (*Interjection by Hon. P R Caruana*) will stand, as usual, Mr Speaker, by the wisdom of your rulings, although we should all be conscious that, unfortunately, Mr Speaker, this is the last time that you are going to be ruling during Question Time.

1155 **Mr Speaker:** Anyway, I will, of course, refresh my memory with the benefit of *Hansard*, but I think I have got a fair grasp of what is being said over here. When I use the word ‘largesse’, fine, I accept I use it in broad terms but, yes, the precise allegation was in terms of appointments made by the then Chief Minister to highest office.

Hon. Chief Minister: With respect, the allegation was appointment by the Chief Minister of relatives, friends and supporters to posts.

1160 **Mr Speaker:** That is correct. That is what I understood it to be –

Hon. Chief Minister: Absolutely. Check the *Hansard*.

1165 **Mr Speaker:** – and although the Leader of the Opposition invited the Chief Minister to name names, the Hon. the Chief Minister referred to the persons who are the subject of that allegation as the ‘brothers-in-law’. As I say, this is not the place. The parties or the persons have been identified without their names having been given. I think it is not proper that names should be bandied about in this House, although we all know in Gibraltar who the class of persons referred to are.

1170 **Hon. P R Caruana:** All the brothers-in-law.

Mr Speaker: That is the impression I got.

1175 **Hon. P R Caruana:** And, Mr Speaker, thinks that that is a proper statement to allow a Member of this House to say, is it?

Mr Speaker: No, but – (*Interjection*) Order!

1180 **Hon. Chief Minister:** But, with respect, I would think that ‘supporters and activists’ is a proper term to take, Mr Speaker, because it identifies thousands of individuals.

Hon. P R Caruana: Everybody in this House and listening to the debate in this House knows very well

1185 that what the hon. Member the Chief Minister said was by reference to appointments to jobs, members of my family, and I have said to him the only member of my family I am aware of works is one brother-in-law, who used to be the Assistant Chief Secretary, so who are the other members of the family that I have appointed to posts?

Hon. Chief Minister: Your ruling –

1190 **Hon. P R Caruana:** This is a Point of Order, Mr Speaker.

Mr Speaker: Yes.

1195 **Hon. P R Caruana:** This is not about whether we are in Question Time, whether we are in motion time, or whether we are on our tea break. The question is whether or not, in this House, it is permissible for any Member, even if he is the Chief Minister, whom it *used* to be possible to obtain rulings against... whether it is appropriate for any Member of this House to make *serious* insinuations of that kind, and then, on the basis of some general wrapping up, to be allowed to get away without taking responsibility for those allegations.

1200 **Hon. Chief Minister:** This is just unacceptable, Mr Speaker, the hon. Gentleman, in his intervention now has gone one step further, and I think it is a step too far. He has impugned the Chair. He has impugned the Chair, Mr Speaker, and therefore, not in defence of Haresh K Budhrani QC, but in defence of the Chair, Mr Speaker, I give notice that I will be moving a motion against the hon. Member of no confidence because, Mr Speaker, one of the things that we have to do in this House, if this House is going to work, is that we have to accept the primacy of the Chair and the hon. Member has just said that, before, it was possible to obtain rulings against the Chief Minister, and now it is not, as if the Chair were in some way partial.

1205 Mr Speaker, I invite the hon. Gentleman to withdraw that, or the Government – not in defence of Haresh K Budhrani QC, but in defence of the Chair – will move a motion of no confidence in the hon. Member.

1210 **Hon. P R Caruana:** Mr Speaker, whether the hon. Members opposite have confidence in me or not is a matter about which I am totally indifferent. Since when do Governments have to have confidence in Oppositions?

This is a man who claims to understand the basic workings... (*Interjections*)

1215 **Hon. Chief Minister:** Since –

Mr Speaker: Order!

1220 **A Member:** Mr Speaker, I think he has got his – (*Interjections*)

Hon. Chief Minister: Another Point of Order.

Hon. P R Caruana: Am I not allowed to speak –

1225 **Mr Speaker:** Order!

Hon. Chief Minister: Mr Speaker. (*Interjections*) The hon. Gentleman has taken leave of his senses.

1230 **Mr Speaker:** Order! Order!

Hon. Chief Minister: The hon. Gentleman has taken leave of his senses.

The first Chief Minister to move a motion of no confidence against a Member of the Opposition was *him*, Mr Speaker: he moved one against *me*, Mr Speaker – or is it that he has forgotten that, Mr Speaker? – at the time of the Budget debate last year.

1235 Mr Speaker, in any event, the position is very clear for us. We will accept your ruling, Mr Speaker, on the substantive issue. I know the hon. Gentleman used to do everything possible *not to*, but we will accept your ruling.

1240 **Mr Speaker:** Can I just conclude my ruling? I must say, when the Hon. the Chief Minister indicated he would move a motion of no confidence, I did not in my mind think it was very appropriate. That is not the appropriate motion in here.

Hon. Chief Minister: A motion inviting him to withdraw.

1245 **Mr Speaker:** Well, yes. The motion which the Chief Minister refers to was a different one in nature – *(Interjections)*

I wish to conclude my ruling on this matter. The Leader of the Opposition invited the Chief Minister – challenged the Chief Minister – to name names. The Chief Minister has responded in terms of relationships and he refers, in addition to that, to two other – how do I put it? – entities whose contracts were recently terminated, and this is all public knowledge. That is the response given.

1250 For the purpose of the Question and Answer session in the midst of which we are, that is a sufficient response. It does not have to be individual names, date of birth and place of residence, or whatever it is. The reference to the relationship is sufficient. Whether or not the reference is accurate, the impression I got was all, if not most, of the brothers-in-law, but that is the allegation.

1255 **Hon. P R Caruana:** Oh, I see. So Members do not have to take responsibility for the accuracy of their statements in this House?

Mr Speaker: That is the answer. *(Interjections by Hon. P R Caruana and Hon. Chief Minister)* No, that is the answer.

1260 Order!

That is the answer, and if any Member is aggrieved by the conduct of another Member in this House, we have motions to debate that very point. What we cannot do is debate, in the middle of a Question about two managers of a bus company, the whole conduct of 16 years of Government on this side.

1265 **Hon. Chief Minister:** Mr Speaker –

Hon. P R Caruana: But this is why I have made it a point of emphasising repeatedly that this is not in the context of Questions and Answers. This is in the question of a Point of Order, Mr Speaker. Of course I know I can bring a motion because I have the ability to move a motion, but we also have a Chair whose responsibility it is to enforce the Rules of the House. Foremost amongst those Rules – because I have been at the receiving end of rulings of it myself in the last few months – is that it is not appropriate to make statements in this House which impugn the motives or the behaviour of another Member of this House.

1270 Mr Speaker, I cannot think of a more serious impugnation of me than to say that when I held the position of responsibility in this House I abused it to promote and advance the employment interests of unnamed members of my family, and after an hour and a half of debate *and* the Chair's ruling, all we have discovered about the allegation – and people can assess it for what it is or is not – is that it is a reference to all my brothers-in-law.

1275 Mr Speaker, if you think that that is a proper way in which to leave this matter, I bow to your ruling, but I cannot really believe that it is a proper place to leave this.

1280 **Mr Speaker:** The response has been clearly given that the persons whom the Chief Minister is alleging are the Hon. the Leader of the Opposition's brothers-in-law. That is the response. We may not like it, we may not agree with it, it may not be true, but this is not the place to debate it now. It has to be in a motion.

1285 That is all I am saying, because what we cannot do is halt Questions and Answers, of which we have another hundred-and-odd to go through, to debate this particular point. The challenge was laid down and the answer has been given, namely the Leader of the Opposition's brothers-in-law. That is the answer. He could name the eight or nine or ten individuals, but that would not take the answer any further; it is still the brothers-in-law, so we know who the allegation is about.

1290 If the Hon. the Leader of the Opposition feels that the allegation has been made in an improper manner or is unsubstantiated, or whatever it is, there are motions for that purpose.

Hon. Chief Minister: Mr Speaker, I think that might be an appropriate moment for us to take a break –

Mr Speaker: Already?

1295 **Hon. Chief Minister:** – but I beg to give notice, Mr Speaker, of a motion that the Leader of the Opposition should withdraw his challenge to the rulings of Mr Speaker, and I will put that motion in writing so it can be debated during the course of this meeting, later in the course of our affairs.

But I move, Mr Speaker, that the House do now adjourn until 5.30 in the afternoon.

1300 **Hon. J J Netto:** Mr Speaker, could I just intervene to say that, if we adjourn, we adjourn, and that is the end of the matter?

Hon. Chief Minister: Five thirty.

1305 **Mr Speaker:** No, recessing for a cup of tea.

Hon. Chief Minister: Only for a cup of tea.

1310 **Hon. J J Netto:** When we actually come back, can we continue with this Question because I have got a supplementary question I would like to ask? *(Laughter)*

Hon. Chief Minister: I have got to go, Mr Speaker, for 15 minutes.

1315 **Mr Speaker:** Yes, we will recess for 10 or 15 minutes and then we will come back to the proper Question.

The House adjourned at 5.05 p.m. and resumed it sitting at 5.30 p.m.

1320

**Gibraltar Bus Company
Appointment of director/manager**

1325 **Clerk:** Answers to Questions continue.

Mr Speaker: The Hon. Jaime Netto.

Hon. J J Netto: Thank you, Mr Speaker.

1330 Just going back to the actual original Question as asked by my hon. Friend, Mr Bossino, could I ask the Minister whether he can confirm or deny that one of the persons elevated to the post of director or manager into the Gibraltar Bus Company is Mr Alfred Traverso; and if so, to which post?

1335 **Hon. N F Costa:** Mr Speaker, as I have already said, I accepted the recommendation of an interview board. There was no question of me appointing or elevating anyone in particular. *(Interjection)* Yes, you said –

Hon. J J Netto: No, I didn't.

1340 **Hon. N F Costa:** – the elevation of a particular person to the post, which implies –

Mr Speaker: No, the question was one of the persons elevated. That is referring to the Minister.

1345 **Hon. N F Costa:** That is right, and I simply wish to reiterate the point that I did not elevate anyone or appoint anyone. I simply accepted the recommendation of the board and one of the persons is Alfred Traverso.

Hon. J J Netto: Could the Minister say whether it is to a post of director or manager, or to some other post?

1350 **Hon. N F Costa:** No, in my answer to the original Question, I made clear that the advertised post was one of general manager. The directors are the company directors; the officials within the company are civil servants. They are not hands-on managers like these two gentlemen are.

Hon. J J Netto: So I take it, then, that Mr Traverso is the general manager.

1355 **Hon. N F Costa:** One of the general managers, yes. There are two: one for administration, and one for operations.

Hon. S M Figueras: Mr Traverso was manager for administration?

1360 **Hon. N F Costa:** Yes, Mr Speaker, Mr Traverso was the office administrator since 2004 and he was recommended for the post of general manager for administration.

Mr Speaker: The Hon. Damon Bossino.

1365 **Hon. D J Bossino:** We did ask, from the Opposition benches, for the names of the successful applicants. The Minister has kindly confirmed the name of Mr Traverso and the other –

Hon. N F Costa: Yes, sorry, the second person is Clive Martinez.

1370 **Hon. D J Bossino:** Mr Speaker, can the Minister advise this House who constituted the board which conducted the interviews?

Hon. N F Costa: Yes, of course, Mr Speaker.

1375 The first person was Audrey Vela, Marketing Manager of the GTB; the second person was Peter Cleverly, who is the Chief Examiner; and the third person is Caine Sanchez, PA to the Deputy Chief Minister.

Hon. D J Bossino: Mr Speaker, the Minister has referred to *a* recommendation. Is that the only recommendation received from the board?

1380 **Hon. N F Costa:** Yes. Mr Speaker, as I said in answer either to my original Question or to one of the supplementaries – and I read part of the extract of the recommendation – it said:

‘The board agreed that they could not come to a final outcome to decide on who to recommend for the post of general manager...’

1385 – noting that there was only one advertised post –

‘...as two of the candidates were found suitable.’

1390 **Hon. D J Bossino:** Is he in a position to divulge to this House who the third applicant was?

Hon. N F Costa: Well Mr Speaker, I do not think that would be appropriate, given that the person was not successful and he may not want the whole of Gibraltar to know that he applied and was therefore unsuccessful.

1395 **Hon. D J Bossino:** Can the Minister confirm that, in fact, the third unsuccessful applicant was found unsuitable for the job?

1400 **Hon. N F Costa:** Mr Speaker, once again, I remind the hon. Gentleman that there was one post advertised for general manager. The interview board, according to the recommendation, was that they found two of the three candidates suitable, so it is inherent, I imagine, from that, that they did not find the third person suitable,

but having said that, this is a private individual who I think would be loathe to be mentioned and named in this House, and I think that it is only fair that the hon. Gentleman stopped probing me on an issue which would expose a person who was not suitable by an interview board. I do not think it is fair that the hon. Gentleman should keep probing me on that *particular* point.

1405

Hon. D J Bossino: Mr Speaker, given the move up the ladder as far as Mr Martinez and Mr Traverso are concerned, have the posts which they presumably have left vacant been filled; and if so, by whom?

Hon. N F Costa: Mr Speaker, whereas I do not have the exact dates or the exact positions, from recollection from my last meeting with them, the posts that they have left vacant have now been advertised internally and I would not be able to tell him the exact date but interview boards will be held.

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To stress the independence of those boards, I will not at all be taking part in who is nominated etc. I have left it for them, in conjunction with the principal secretary, to arrange.

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Hon. D J Bossino: So those positions, as at 19th September, remain vacant – is that the case? Is that understanding correct?

Hon. N F Costa: That is correct. There is currently an acting deputy administrator.

1420

Hon. D J Bossino: Is the Minister able to provide a name?

Hon. N F Costa: Mr Speaker, I think if I may just answer that by saying that I do not feel comfortable providing the names of people in a Government-owned company, for the very simple reason that should these people not be found suitable or successful, they may not want their names being bandied about. If I recall correctly, there is some rule that says that it may not be proper to refer to third parties by names etc. *(Laughter)*

1425

By all means he can ask me in future who the successful applicants were – I would have no problem in telling him that – but to start getting into who applies, who does not apply, I think would be improper and certainly unfair for the people concerned because people may now start to worry that, should they apply for a post, their names are going to be now part of a debate across the floor of this House and I think that people should just be allowed to apply on their own merits and not because of what political debate we may hold here.

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Hon. D A Feetham: Mr Speaker, may I ask the Hon. the Minister for Tourism that the next time that perhaps we make a Point of Order he might be the person in fact arguing on behalf of that Point of Order, because he has elucidated quite well and very succinctly the point that my learned friend, the Leader of the Opposition, was making, which is it is quite improper, in fact, to be identifying third parties in this House that have nothing to do with this House: we can identify a person by name or you can identify that person by just referring to a narrow class of people, as the Hon. the Chief Minister made reference earlier.

1435

Can I ask the Hon. the Minister, when he received the recommendation from the board, did it cause him any concern that two of these individuals were GSLP activists, but one of them in particular was the moderator of a well known internet debating group – I think it is ‘Llanito Politics’ – who was very well known for his anti-GSD views, and indeed *well known* for his rabid, quite personalised comments on Members of these benches, and also well known Members of the GSD?

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1445

Hon. Chief Minister: Mr Speaker, can I comment to the hon. Gentleman that before his side of the House makes allegations and rises on points of order, they should look at the *Hansard* and see what has actually been said, because that would have helped them to elucidate the points that they are making.

Finally, Mr Speaker, can I tell the hon. Gentleman that he needs to look back at what it is that we have been debating for the past hour – some of it quite heated – and he will find the answer to his question, which we have answered on a number of occasions.

1450

Hon. D A Feetham: Mr Speaker, with respect to the Hon. the Chief Minister, I have to say I made this point to him before, that he is rapidly turning into what he used to criticise my hon. Friend, the Leader of the Opposition, when he was Chief Minister, for doing. He is answering every single question that we pose to

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Ministers of his Government. He seems to be the one standing up and answering them, and it really is quite unhelpful, because all it does is just lead into endless debate that rapidly spirals out of control because of the way that he conducts the debate.

1460 May I ask the Hon. the Minister to answer the question. The question was not posed. The question this time is whether it caused him concern, when he received that recommendation, that this particular individual had that particular background. That is the question.

1465 **Mr Speaker:** I do not think it is up to any Member of the Opposition to pinpoint and decide who answers a question. The question is posed to the Government and the Government can answer the question by whichever Member the Hon. Chief Minister thinks fit.

Hon. D A Feetham: I accept that entirely –

1470 **Mr Speaker:** That is what has happened.

Hon. D A Feetham: No, no, I accept that entirely, but the point is different, Mr Speaker. The point that I have made is that the Hon. the Chief Minister used to criticise the Leader of the Opposition, when the Leader of the Opposition used to stand up and answer for somebody else and I am saying ‘You are turning into the very thing that you used to criticise!’

1475 I am not saying that he is not *entitled* to do it. That is not what I am saying. I am making a more subtle political point. I do not think, Mr Speaker, that it is something that is a Point of Order or a transgression of the rules on this –

1480 **Mr Speaker:** Can I, as a non-politician, say that is typical of all politicians: ‘Do as I say, not as I do’.

Hon. Chief Minister: You see, Mr Speaker, Question Time is not for ‘subtle political points’; Question Time is for the elicitation of information from the Government.

1485 The Hon. Mr Feetham can say what he likes. The fact is that we only heard one voice between 1996 and 2011 from these benches, both in the detail of matters that were being dealt with constitutionally by the then Chief Minister and in others. I am very happy, Mr Speaker, to allow my Ministers to answer questions. I trust my Ministers and I trust my officials, Mr Speaker – quite a change from the regime before 8th December 2011.

1490 But when macro-political issues are raised which affect the whole Government, then I am perfectly happy to get up and deal with those issues. I do not think it raises any issue with any of my Ministers.

In respect of the substance of the ‘subtle political point’, I think, that the hon. Gentleman thought he was making – but of course he is as subtle as brick – I refer him to the *Hansard* of answers that have already been given, because re-phrasing a question does not mean that it is an opportunity to ask it over and over again.

1495 **Hon. J J Netto:** Mr Speaker, can I ask a supplementary question?

I think I heard the Minister just now say that the recommendation of the board was that they had selected two names. Can I ask the Minister whether that is the only recommendation they have had from the board or whether there was a previous recommendation?

1500 **Hon. N F Costa:** That was the only recommendation received from the board. (*Interjections*)

Mr Speaker: Next question.

Clerk: Question 693, the Hon. – (*Interjections*)

1505 **Hon. D A Feetham:** Mr Speaker! (*Interjections*)

Mr Speaker: Order! Order! Order!

1510 **Hon. D A Feetham:** Look, I quite understand that the Hon. the Chief Minister... I don’t know, he is new at the job, he really wants to (*Interjections*) make his mark and he has a need to stand up and answer for

everybody else.

1515 As I understand it, the recommendation has not been made to *him*; it has been made to the Minister. If I ask a question of the Minister about what concerns *he* may have had – and it is very specific, easily answered – about a recommendation that has been made to him, he ought to be allowed to answer, otherwise we will all go out of this House thinking ‘Well, he’s got something to hide’, because the Hon. the Chief Minister keeps on standing up and feels the need to protect him from a quite straightforward question. Again, I would invite the Hon. Minister to answer the question.

1520 **Hon. Chief Minister:** Mr Speaker, this is not any longer Question Time; this is the hon. Member with his pickaxe trying to make these subtle political points, right! – ‘Oh, he doesn’t allow that... he’s got something to hide.’

1525 Mr Speaker, the tricks of cross-examination are not to be deployed in Question Time in the House. There is absolutely nothing to hide. It has been ventilated a thousand times, and what I am saying to the hon. Member is stop wasting your time and ours and the listeners’, get onto the next Question, because that question phrased in a thousand other ways has already been answered on a thousand occasions.

1530 If he wants to make political capital of it, let him issue as many press releases as he likes about this issue and how much he wants us to recognise that he was responsible for the courts and all the rest of the things that he likes to take credit for. But in this House at Question Time, Mr Speaker, let us leave those babyish issues aside and let us get on with elucidating information. That is what Question Time is for. They have now got 10 a year. Use it for that. If they want to make ‘subtle political points’, let them issue press releases or bring motions for debate. Let us use Question Time for what it is intended to.

1535 **Mr Speaker:** I think we must move to the next Question, unless we have a supplementary of substance to elicit information which we have not already elicited this afternoon!

**Introduction of new bus service
Details of consultation process**

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Clerk: Question 693, the Hon. D J Bossino.

1545 **Hon D J Bossino:** Can the Minister for Tourism, Public Transport and the Port provide details of the consultation process carried out in relation to the introduction of the new bus service to include matters such as when it commenced; the number of representations received; the nature of the representations; the sources of the representations made; and when the process closed?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

1550

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, the Question implies in the first place that the formal consultation process was initiated, given that the Question asks for the commencement and the closing date of this process.

1555 On taking office, I requested to see any complaints and representations received in writing in respect of the routes, before the changes implemented in August of this year, in order to familiarise myself with a background to any existing problems and issues.

At the same time, I took the opportunity to meet with representative associations and private individuals in respect of their complaints and their suggestions on routes. The hon. Gentleman will, I am sure, be as surprised as I was that the survey conducted by their administration recorded 284 complaints over a five-day period.

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In addition, there are 94 written complaints addressed to the previous Minister for Transport. I am informed by officials of the Gibraltar Bus Company that when the changes were introduced on 28th May 2011, there was nothing short of a tidal wave of verbal complaints directed to the drivers, chargehands and inspectors, and it was as a result of this tide of dissatisfaction in respect of the changes of May that the previous administration conducted the previously mentioned survey over the five days.

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Given that there were 284 complaints plus the additional 94 written complaints to the previous Minister, it

is impossible to provide the exact details of each of the complaints, because these range from dissatisfaction of route changes, the length of some of the new routes, the insufficiency of buses at peak times and overcrowding being the most frequently repeated complaint, as a result of tourists taking advantage of the free bus service – in our view, when in Opposition, Mr Speaker, a fundamentally flawed, misguided and irresponsible decision. The less charitable minds amongst us, Mr Speaker, will no doubt attribute the introduction of a universally free bus service to the nearing and inevitable election dates.

Since being elected into office, I have received five letters from private individuals making representations, the majority on Route 3 and one in respect of bus shelters. As the hon. Gentleman will no doubt know, from our press release, the complaint in respect of Route 3 has been addressed by reducing waiting times from 25 minutes to 20 minutes. In respect of the bus shelters, one has already been erected at Tank Ramp and a second one is being erected outside Shorthorn Estate.

Since the date of drafting the answer to this Question, the managers of the bus company advise that they have received three written complaints in respect of the new bus routes, one concerning a change to the scheduled time of arrivals no longer being the same as before; another from residents of South Barracks, who would like the Route 4 buses to stop in that location too, and this is now tabled for consideration by the Transport Commission; and, finally, users of Route 3 stating problems with schoolchildren not being able to alight the bus due to overcrowding – although the complaint specifies that this only happened on one morning.

Mr Speaker, I have been in contact as well with the Gibraltar Pensioners' Association, who have made various suggestions. These include adding two new routes which are currently under consideration.

Finally, Mr Speaker, Government consultation by its very nature is a fluid and continuous affair so that, as far as this Government is concerned, consultation will not cease.

Hon. D J Bossino: Well, the Minister must forgive me for thinking that he, in fact, had undertaken a formal consultation process; he has now confirmed that that is not the case.

Is he able to give me, in a schedule perhaps, later on outside of this House, the list of private individuals and associations he claims to have met as part of *his* consultation process?

Hon. N F Costa: Mr Speaker, I have mentioned one of them, which is the Gibraltar Pensioners' Association. I cannot off the top of my head remember the names of the other representative groups that I have met, but I am happy to call my office at some point and then give him the information, if he wants.

Hon. D J Bossino: I would also be grateful for the Minister, so I can analyse his reply further, in relation to the complaints he said that we received under our watch – in terms of the number and the nature of the complaints.

I am happy to pose a further Question at the next sitting of the House, but maybe we can have a discussion.

Hon. N F Costa: Yes.

**Gibraltar Bus Company Limited
Drivers employed and dismissed**

Clerk: Question 694, the Hon. D J Bossino.

Hon D J Bossino: Can the Minister for Tourism, Public Transport and the Port, advise the House how many drivers are employed by the Gibraltar Bus Company Limited; the nationality of the drivers; how many of the drivers have been dismissed since 9th December 2011; and the nationality of the dismissed drivers?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker. The Gibraltar Bus Company Limited, as at 12th of this month, currently avails itself of 44 drivers, broken

down as follows: 13 Spanish nationals; of which 12 are on indefinite contracts and one on a supply basis; 6 Moroccan nationals on indefinite contracts; 25 British-Gibraltarian nationals, of which 21 are on indefinite contracts, three under the Future Job Strategy scheme and one on a supply basis.

1625 There has been no dismissal of any drivers on indefinite contract since 9th December. One employee was dismissed and started proceedings for unfair dismissal and, following the reconciliation services of the ETB, was subsequently reinstated.

Gibraltar Bus Company Limited terminated the services of seven supply workers. Five were Spanish, two British-Gibraltarian, as a result of the implementation of the new routes introduced in August of this year.

1630

**Gibraltar Bus Company Limited
Eco-friendly buses**

1635 **Clerk:** Question 695, the Hon. D J Bossino.

Hon D J Bossino: Can the Minister for Tourism, Public Transport and the Port provide this House with details of the cost, precise number, make and place of manufacture of the eco-friendly buses which are in the process of being acquired by the Gibraltar Bus Company Limited?

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Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, in the first instance, may I draw attention to my reply to the hon. Gentleman's Question 596 of this year.

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Mr Speaker, the tender for the supply of eco-friendly buses has still not been completed. As such, I am unable to provide the House with the information the hon. Gentleman requests.

For his information, however, let me tell him that there are nine companies currently participating in the process. The first stage submission of documents took place on Friday, 14th September. From a quick look, four of those companies are local.

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After a period of consideration, selected tenderers have to be given an EU imposed minimum 40 days in which to price their requirements as part of the second stage. Given the variety of vehicles currently on the market and the varying costs associated with the different types of vehicles, in addition to the related services required, it is not possible to provide accurate costs. These will have to be calculated once price tenders are submitted.

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Companies applying as a primary contractor have been allowed to nominate up to three partners, in order to improve the chances of getting good-quality environmentally-friendly buses which meet the demands of the public and routes alike, and of course I should have added here which are compliant with EU directives.

Similarly, the precise number of buses is not known at this stage, as this will be evaluated pending the results of performance tests to be carried out as part of the tender process. However, all interested companies have been informed that 18 to 20 buses will be purchased over the next three-and-a-half years.

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Hon. D J Bossino: I did check the reply which the Minister referred me to in his current reply, and from my understanding of the position can I ask him this: presumably we are still not at the stage where there is a successful and – I use his words – pre-qualification tenderer?

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Hon. N F Costa: That is right.

Hon. D J Bossino: So at the moment, it is all in the air as far as the nine applicants are concerned.

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Hon. N F Costa: Mr Speaker, the position is correct to say that it is not in there; it is part of an ongoing process, yes.

1675

**Airline business development
Consultation services**

1680 **Clerk:** Question 696, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port advise who or which company provides consultation services to the Government in respect of airline business development in Gibraltar and can he provide this House with the full particulars of the nature of the services that are provided?

1685

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, although this information is already available on the Government website, I can confirm that Mr Stuart Finlayson provides consultation to the Government in respect of airline business development.

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Mr Finlayson has been engaged on a six-month contract at a cost of £13,750 for the six months. Mr Finlayson is tasked with assisting the Gibraltar Tourist Board with its critically important route development work by maintaining constant contact with the airlines currently operating to Gibraltar and also attracting new operators to the Rock.

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Hon. D J Bossino: Is Mr Finlayson – using his categorisation in response to one of my previous Questions – a British Gibraltarian?

Hon. N F Costa: I have his CV before me. I do not believe it states his nationality. I do believe he is a British Gibraltarian. I would have to ask him that personally when I see him next on my weekly meeting, but I do believe he is.

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Let me say also, Mr Speaker, that we believe we have found very good value for money in this contract as this gentleman's CV does speak for itself and he is already proving to be quite an asset to the Tourist Board in respect of its consulting services.

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Hon. D J Bossino: Mr Speaker, can he advise when Mr Finlayson took post, if he has not replied to that already?

Hon. N F Costa: No, Mr Speaker, I have not provided that information. He took post on 1st July, and of course the contract, being of a six-month term, will expire, if not renewed, on 31st December of this year.

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Hon. D J Bossino: Mr Speaker, was that position advertised?

Hon. N F Costa: No, Mr Speaker, put simply, this gentleman requested to see me. He made a presentation to me and the Chief Executive of the Tourist Board. We were exceedingly impressed by the information he had with him in terms of passenger routes, passenger number analyses, the throughput from Gibraltar to Spain.

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Simply put, he was a very impressive person who gave a very impressive presentation, and the Chief Executive, following that meeting, advised me that it would do Gibraltar a great good, in particular in respect of developing air route connectivity which, as the hon. Gentleman knows, does take some lead-in time – save that, of course, my experience with Monarch increasing routes from Manchester and from Birmingham will show that we can move quite quickly on this when required. We thought that it was a good *fichaje* for the Gibraltar Tourist Board.

1720

Hon. P R Caruana: In terms of the required level of precision in the House, will the hon. Member confirm whether or not this gentleman is his brother-in-law?

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Hon. N F Costa: Mr Speaker, I first met Mr Finlayson whenever he gave me the presentation a few months ago.

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Hon. P R Caruana: So he is not your brother-in-law? That's okay.

Deputy Chief Minister (Hon Dr. J J Garcia): You don't have a brother-in-law.

1735 **Hon. N F Costa:** I don't have a brother-in-law (*Laughter*). I may have without knowing, perhaps, but not to my knowledge.

1740 **Hon. P R Caruana:** It is just that it appears to be only brothers-in-law to whom you are not allowed to give contracts and things and friends without [*inaudible*].

Clerk: Question six hundred and –

Hon. D J Bossino: Sorry, just by way of further –

1745 **Mr Speaker:** The Hon. Damon Bossino.

Hon. D J Bossino: Mr Speaker, I am grateful.

1750 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am afraid that I have to move an adjournment now until tomorrow morning, if the gentleman will allow, but if he has got one supplementary and he wants to make it now, I am quite happy to allow him to do that. (*Interjection by Hon. P R Caruana*) *No, no ya no nos fiamos de ustedes. (Laughter and applause)*

1755 **Mr Speaker:** Order! Order! (*Interjections and applause*) Order! (*Interjections*) Order! Order! Order! Order! Order! (*Interjections*) Order! Order!

Before the hon. Gentleman poses his question, may I remind members of the public sitting in the public gallery you are invited here to observe the proceedings and not to participate by either cheering or jeering what you see and hear. I will expect some order in the public gallery. The Hon. Damon Bossino.

1760 **Hon. D J Bossino:** Mr Speaker, I am happy to accede to the Chief Minister's request.

Mr Speaker: No further questions, in that case.

1765 **Hon. D J Bossino:** I will proceed tomorrow, Mr Speaker.

Mr Speaker: If I let you. (*Laughter*)

Hon. D J Bossino: With Mr Speaker's permission.

1770 **Mr Speaker:** The Hon. Chief Minister has indicated that if there is a supplementary he is willing to wait for a few minutes. Is there a long line of questions in the offing on this?

Hon. D J Bossino: Mr Speaker, it depends on the answer I get to my first supplementary.

1775 **Mr Speaker:** Alright, in that case –

Hon. D J Bossino: With respect, the Hon. the Chief Minister has suggested that he is going to be moving a motion to adjourn the House and –

1780 **Mr Speaker:** We will leave the matter open.

Hon. Chief Minister: Mr Speaker, in that case I beg to move the motion that the House do now adjourn to 9.15 a.m. tomorrow morning.

1785 **Mr Speaker:** I now propose the question that this House do now adjourn to Thursday, 20th September

2012 at 9.15 a.m.

I now put the question, which is that this House do now adjourn to Thursday, 20th September 2012 at 9.15 a.m. Those in favour. (**Members:** Aye.) Those against. Passed. This House will adjourn to Thursday, 20th September 2012 at 9.15 a.m.

1790

The House adjourned at 6.00 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.15 a.m. – 1.16 p.m.

Gibraltar, Thursday, 20th September 2012

The Gibraltar Parliament

The Parliament met at 9.15 a.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Questions for Oral Answer

TOURISM, PUBLIC TRANSPORT AND THE PORT

**Airline business development
Consultation services**

Clerk: Sitting of Parliament, Thursday, 20th September. Answers to Questions continue.
Question 696.

5 **Mr Speaker:** I think we had reached the supplementary stage.
Hon. Damon Bossino.

Hon. D J Bossino: I am grateful, Mr Speaker.

I am sure we have all had a well-earned rest after yesterday's proceedings and I look forward to these proceedings being a bit more calm and civil. (*Interjection*). Let's see... Let's see what happens.

10 Mr Speaker, I think the way we left matters in relation to my Question, which related to the provision of consultancy services to the Government in respect of airline business development in Gibraltar... The answer was, just to recap, that Mr Stuart Finlayson had been appointed in this respect and the Minister gave me some information as to the terms in which that appointment had been given. But can I ask the Minister... maybe home in and request further particulars as to what those terms of reference are.

15 In relation to that, does Mr Finlayson have any objectives which he has to achieve within the first six-month period of his appointment?

20 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker, the objectives that the hon. Gentleman speaks of are not contained in the consultancy agreement, but we have made it clear to Mr Finlayson that the whole point of his consultancy services to the GTB is, other than maintaining contact with the airlines and introducing Gibraltar as a potential destination to Nordic countries – in particular to Germany – and other operators in Spain and other operators in the UK, for us to take a positive view to renew his contract it would be ideal if we had a signed agreement of a new air route coming to Gibraltar.

25 That does not mean that if we do not have one then we will *not* renew his contract, because it may be that negotiations are well progressed in respect of various airlines that may well consider coming to Gibraltar, but it is, to answer the hon. Gentleman's question, a result-driven contract and it is perfectly clear that in order for him to continue to provide consultancy services to the Gibraltar Tourist Board he will need to provide results and, of course, that would be tangibly new air connectivity to Gibraltar.

30 **Hon. D J Bossino:** Perhaps just to confirm something that the Minister has just said, Mr Speaker, I would be interested, on this side of the House, to ask for the Minister's confirmation that the measurable target on which he, as the Minister responsible for this area of policy, will be able to assess whether Mr Finlayson's appointment has been a success or otherwise, will be the ability to secure connectivity, as he has just mentioned. Is that the target? And if that is indeed the target – I expect that the answer will be that it is – is there a timeframe that he has in his mind *now* as to when he expects Mr Finlayson to deliver in that respect?

40 **Hon. N F Costa:** Mr Speaker, in the first place – I did say this, but I will reiterate it – it is important that we maintain constant contact with airlines. There are, as the hon. Gentleman knows, a number of them, some of which *we* think are suited to come to Gibraltar because of their place in Europe. It is because Mr Finlayson has such an extensive experience of the airline industry and has worked, for instance, for Routes Ltd, which the hon. Gentleman knows sets up the Routes conference, he has worked for Airport Coordination Ltd, for airport slots as senior co-ordination executive, he has a Masters in air transport management... Because of his background, he therefore has a unique blend of contacts throughout the airline industry which we do intend to, in the best possible sense, possibly plunder so that Gibraltar becomes very much visible in their minds and on their radar.

45 So part of Mr Finlayson's value to the Gibraltar Tourist Board is, firstly, the contacts that he is able to establish and the relationships that he is able to pursue, and that cannot be, I think, belittled because it is very difficult for us to get in touch with airlines through which we have no contacts. So having a foot in the door, as it were, is crucial. Once we have that, of course, the target very much is that Mr Finlayson, where possible, secures an airline connection to Gibraltar.

50 All of the experts in the industry – whether it is local tour operators or international operators or, indeed, the executives of airlines that I have spoken to, have always told me that lead-in time to establish a new route could be anything between a year or two. The hon. Gentleman knows that we were successful, once the Liverpool route disappeared, to increase capacity, to maintain the capacity through Manchester through Monarch, and when Bmibaby announced that it would cease operations in October we were also able to move quickly to start operations, as from March, also through Monarch at Birmingham. So we *can* move quickly where it is absolutely necessary that we do so, and the hon. Gentleman will, I am sure, congratulate us in

being able to do so in those two respects.

That is one thing. Being able to develop relationships and secure airlines from partners with which we have absolutely no relationship... We have no relationship with airlines in the Nordic countries, no relationship with airlines in Germany, for instance. We need, as I say, to establish those contacts and then try to see how we best secure those routes.

I have impressed on Mr Finlayson, as I have already said, that for the Government, a sure sign of success would be that he is able to have a contract signed with an airline before the expiration of his first six-month term, but as I have also said, given that he has invaluable contacts in the airline industry, and if we feel that he has sufficiently progressed negotiations with any number of airlines, it does not mean that because he has not *secured* one contract by the end of his first six months, that we will not renew it for another six months for him to finalise and continue negotiations which are already in place.

I can already tell him, too, that Mr Finlayson has prepared a very detailed information booklet on the Gibraltar Airport as to passenger input, passenger throughput, the benefits of the Gibraltar Airport, the benefits of flying to Gibraltar and how that analysis will factor into airlines' *own* analysis as to why it would be commercially viable for them to come to Gibraltar, and this is the point that I am trying to make. For Monarch, even if they have no data from Birmingham to Gibraltar, they have been able to rely on the data from Bmibaby and, indeed, the data from Luton, so they have more or less an idea of numbers because of their relationship, but for those airlines that have no relationship this is where Mr Finlayson comes in.

Hon. D J Bossino: The answer I am now seeking may have been inherent in what the Minister has just said, but one of the concerns I have... because I can tell him that when we were in office... As he well knows, I was not in that GSD administration. The information that I get is that we had gentlemen – maybe it was Mr Finlayson himself, or people like him – who sold his wares to the Gibraltar Government at the time and that was never seen as a positive move, on the basis simply that the analysis made was that there were sufficient staff within the GTB, as well as the Minister himself, who would be able to carry out that work.

I would be interested to learn... and this goes really to the issue of cost, and I do appreciate that the cost outlay here is not necessarily great, given it is under £15,000 for the first six months but, given the issue of costs and given also the statements made by the Hon. Minister in this House in the past, Mr Speaker, that he lays a lot of emphasis on personal contact, and I assumed it was his personal contact with the players in the industry... how he expects – and I could home in on that – to marry what Mr Finlayson does and what he himself has told this House he is doing, as well as his Department?

Hon. N F Costa: Mr Speaker, with respect to the hon. Gentleman, there is nothing mutually exclusive between a person who has the connections that he has as a result of having worked for so many years in the airport industry that introduce his Minister to those people to build those personal contacts and the work that he does. Mr Finlayson comes armed and equipped with an ability to analyse data in respect of passengers and throughput and can establish those contacts and introduce *us* – the Gibraltar Tourist Board and me – to those personal contacts that will eventually, hopefully, once he has done the groundwork in terms of passenger analysis – the number of people that can fly to Gibraltar, why it is commercially beneficial for them – for me to go eventually and sign whatever agreement is necessary.

My personal contacts are now very much, I hope, embedded with Monarch Airlines and also with British Airways. Of course, Monarch Airlines is a much smaller business, so to know the managing director is very much like knowing the actual owner, because there is this symbiosis between them, too, because it is a family-owned business and therefore very small. British Airways, as he knows, is a behemoth, it is *much bigger*, so as we do now have a special contact for Gibraltar – indeed, it is through this contact that we managed to obtain the two extra weekend flights with BA... It is a much bigger organisation, so just by knowing this one contact does not mean, of course, that we know people at the very top, but Mr Finlayson does, indeed, know certain people that he can introduce us to.

So the hon. Gentleman will note that, even when Mr Finlayson was now here, we were able to obtain the two additional flights from BA. Those were done, in fairness, through the efforts of the chief executive, Mr Guerrero, and my three meetings with this gentleman from BA. However, I think that Mr Finlayson's statistical analysis very much helped clinch the deal as to whether it was commercially viable or not for Gibraltar.

In respect of costs, I think the hon. Gentleman will agree with me that £13,000 for six months, when we have been able to secure already two extra additional flights from BA *weekly*, is very much a good deal.

115 In respect of staff, yes, the Gibraltar Tourist Board does have, I would say, a high complement of people, but I can assure him that they are very much busy in whatever areas they are contracted to perform.

120 Mr Guerrero does have a particular expertise on airports and air connections, which is why we brought him in as the chief executive, but because he is also the chief executive it means that at least half of his time is designed to administration, human resources issues, paper-clipping etc, so he was not able to fully dedicate himself to what we think is a vitally, critically important economic generator, which is air connectivity, and the hon. Gentleman will agree with me, without getting into the political squabble of whether €80 million was too high or too low – we know what the respective political positions are – because we do now have an airport that has a capacity for one million passengers a year and we only have air connectivity to the UK, we really do need to have the expert resources of those that we can obtain to make the airport, which we say was built over-excessively in terms of cost, a success.

125 **Hon. D J Bossino:** Mr Speaker, the Minister has quite rightly said that we will always be at loggerheads as to the judgement that this side of the House has and the tick that this side of the House has in relation to the building of that airport. That is absolutely right and, just by way of emphasis, we certainly still support. He knows what the arguments are and he knows what I said in my Budget speech. I very much encourage the Government... [*Mobile telephone interference*] to make use of the Airport... [*Mobile telephone interference*] – I think we have some mobile interference – and get it operational as soon as possible.

130 Just by way of confirmation, basically Mr Finlayson at this stage, and I do appreciate that it is very much work in progress, since he was only appointed relatively recently... I think it was 1st July he mentioned yesterday. Basically, he is an introducer of business to the Government, but an introducer of business who has a particular expertise and knowledge of the industry in terms of statistics and data and all the rest.

135 **Mr Speaker:** I hate to be –

140 **Hon. D J Bossino:** Just by way of confirmation.

Mr Speaker: I hate to be critical. Sorry. I hate to be critical of the hon. Member, but at Question Time a supplementary is not about confirmation or reconfirmation; it is about eliciting information. That information has been provided. What was the need for *confirmation* of that same information?

145 Next question, please.

Hon. D J Bossino: Well, Mr Speaker –

150 **Mr Speaker:** No, with respect, the answer, everything which the hon. Member asked the Minister to confirm has been answered in different ways over several supplementaries. What is the point of a *confirmation*?

Hon. D J Bossino: Mr Speaker, this is a new initiative on the part of the Government.

155 **Mr Speaker:** I beg your pardon?

Hon. D J Bossino: Mr Speaker, this is a new initiative on the part of the Government and I am just very interested to learn and to make sure that I have understood the responses that the Minister has given me in this House and I think it is –

160 **Mr Speaker:** But doesn't the sum total of all the answers encompass what the hon. Member has asked the Minister to confirm? Or is there something else you have asked him to confirm?

Hon. D J Bossino: Mr Speaker, simply to... perhaps for the Minister to –

165 **Mr Speaker:** With respect, this is not a courtroom where –

Hon. D J Bossino: – to summarise what –

170 **Mr Speaker:** No, with respect, in Question Time, there was summarising of information that has been provided. It is not a courtroom where we have got to summarise the information for the benefit of the jury. The information *has* been provided.

175 **Hon. D A Feetham:** Yes, but Mr Speaker, I have to say that Mr Speaker has, on a number of sessions, now with me accused me of asking questions of the Government in a way that is designed to batter a confession out of the witness. He has drawn this analogy with a courtroom on a number of occasions and I think it demeans this side of the House.

Now Mr Speaker may or may not have a point, but I think that Mr Speaker takes the analogy with a courtroom and playing to... What effectively you are saying is that we, on this side of the House, are playing to the gallery; and we, on this side of the House, refute entirely that suggestion.

180 My hon. and learned Friend, Mr Bossino, is asking questions. Sometimes one may overstep the mark. It is not the first time that it has happened, it will not be the last time, but what I would ask Mr Speaker to do is perhaps show some restraint in the use of his analogy, which he has used on a number of occasions, about courtrooms and battering witnesses and playing to the jury.

185 I personally did not see anything wrong with the questions; but, of course, you are the Speaker and he has to abide by your ruling. All I am saying is that perhaps you are going a little bit –

Hon. D J Bossino: Sorry, Mr Speaker, also if I could just to that and explain that this was, literally, my last supplementary.

190 This is, as I explained earlier, a new initiative from the Government. I am very interested in it. I do not think my questions – and I think the Hon. Minister would agree with me – have been aggressive in *any* way.

Mr Speaker: Not at all.

195 **Hon. D J Bossino:** In fact, they have not even been *political* in any way. It is simply – and I am very conscious of Standing Orders, Mr Speaker – an attempt to elicit information. As part of that process, Mr Speaker, I think it is important, by way of confirmation – and I do not think that the Opposition ought to be shackled in *that* respect – to be in a position on this side of the House to ensure that we have fully understood what have been – with all due respect to the Minister – rather lengthy replies. (*Interjection*)

200 I am sure that the response could easily have been – and I expected that the response would be, because I *think* I have understood, but I just wanted confirmation in that respect – a simple ‘yes’, and then I can assure Mr Speaker, and the Chair, that my supplementaries would have ended there.

205 **Mr Speaker:** Okay. First of all, may I say to the Hon. Daniel Feetham that I have *never* accused or suggested that the questions or the conduct of the Opposition are aimed at playing to the gallery – I never have.

When I have drawn an analogy, I have drawn an analogy in terms of trying to get the *answer*. If I talk about ‘beating a confession out of the witness’, I am referring to trying to get the answer in the manner in which the Opposition would like to hear it, in the manner which lawyers like to hear an answer from witnesses, in that context. I have *never*... I am sure if the Gentleman on this side were to cast their minds back, I have never suggested that any of the questions or any of the conduct of the Opposition is playing to the gallery. I never have and it would be wrong for me to do so. I never have.

210 Getting back to this point again, with respect, we must all understand (*Interjection*) that Question Time is about eliciting information or urging a certain policy. The hon. Gentleman has asked three or four supplementaries today in a perfectly proper manner – no criticism meant, or even suggested, of the manner in which questions are posed, or the questions themselves. The answers have been given in an equally straightforward forthright matter. There is absolutely no criticism of the question or of the answers.

215 The criticism lies in the last question, which asks the Hon. Minister to *confirm* the state of affairs, which the Minister has answered over a series of questions. That is not, in my understanding, eliciting information or urging of policies: simply asking him to reconfirm that that is a summary of what he has said over the questions this morning and one or two yesterday afternoon. That is not the purpose of supplementaries.

220 **Hon. D J Bossino:** Mr Speaker, is the ruling from the House going to be... or the recommendation from the House that we are not to seek confirmation in respect of answers where perhaps the poser of the question

may not have understood the entirety of the answer given?

Mr Speaker: Ask for –

Hon. D J Bossino: Is that the position –

Mr Speaker: Just ask for clarification of the answer; but not *confirmation*.

Hon. D J Bossino: I will happily replace the word ‘confirmation’ with ‘clarification’.

Mr Speaker: Please do.

What would you like the Minister to clarify?

Hon. D J Bossino: Well, can the Minister *clarify*, because in fact, Mr Speaker, I have asked and used the word ‘confirmation’ in the past, and the Chair has not stopped me... but can the Hon. the Minister for Tourism clarify that Mr Finlayson’s duty, or the benefits of Mr Finlayson’s appointment, will be that he will be, in effect, the introducer of business to his departments? That in fact he is telling this House that he is a particularly attractive appointment because not only is he somebody in the know, in terms of whether he knows the contacts and all the rest of it, but he also has the data and information and that sort of nitty-gritty arsenal of information at his disposal? Can I ask him to clarify that?

Hon. N F Costa: Mr Speaker, the hon. Gentleman likes to test my memory first thing in the morning, but I think I can clarify the position.

The hon. Gentleman is right to say that one of the primary roles which will be discharged by Mr Finlayson, will be to introduce possible business opportunities to the Gibraltar Tourist Board and to the Gibraltar Government. As I have said, as a result of the extensive professional experience that he has had in the flight industry – he even was cabin crew from 1997 to 2004 for various long and short-haul flights and, as I said, he has a Masters in Transport Management... So as a result of all of that and having worked on the administration side and on the actual flying side of the business, he does know a wealth of people who we in Gibraltar would not necessarily have the contact. So yes, he is a *vital introducer* of potential business.

Secondly, as to whether he is attractive: yes, he is a very attractive proposition, precisely because he does have, by virtue of his own studies, an erudition – data and information – which he is able to put together in a very attractive brochure to send to all of the airlines that we wish to attract to Gibraltar. I believe that was the extent of my supplementaries to date. (*Interjection*)

The third point is that he is not my brother-in-law! I only met him whenever I met him the first time.

It is thanks to Mr Finlayson that whereas the personal contacts were held through me and Nicky Guerrero in respect of the new BA flights, it is my opinion that he did clinch that deal by producing and collating data for British Airways that showed that what Mr Guerrero and I were telling the airline as being a commercially successful route anecdotally, he was able to back up by figures because – let’s not make the mistake – airlines will only fly to Gibraltar if they are going to make money.

Mr Speaker: There is nothing new that I learnt over there, apart from the fact that this is a very attractive man!

Next question, please. (*Laughter and interjections*)

Hon. N F Costa: But I hope that I remembered everything, Mr Speaker.

Mr Speaker: Well, there is nothing new that I learnt over there.

Hon. N F Costa: Okay. Thank you.

Mr Speaker: Next question, please.

DEPUTY CHIEF MINISTER

**Elliott's Battery development
Public consultation**

Clerk: We are now very quickly going to take Question 810, which is to be answered by the Hon. the Deputy Chief Minister.
Question 810, the Hon. S M Figueras.

Hon. S M Figueras: Yes, good morning, Mr Speaker.

Can the Deputy Chief Minister confirm, further to the announcement in relation to the new housing development in the area of Elliott's Battery, whether it will be considering the views of the public, particularly residents and other stakeholders in the area, expressed in open meetings of the DPC, and to what extent such representations and the consequent opinion and guidance of the DPC will form part of the Government's process to determine whether the project will go ahead?

Clerk: Answer, the Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr. J J Garcia): Mr Speaker, the Government will indeed consider both the views of the public and the recommendations of the DPC as part of the process to determine whether the eco-housing projects will go ahead at Europa Point. This will be balanced against the housing needs of Gibraltar.

Hon. S M Figueras: Mr Speaker, perhaps the Hon. the Deputy Chief Minister could confirm whether there is any chance that the project will *not* go ahead following representations received?

Hon. Deputy Chief Minister: Mr Speaker, the placing of the project before the DPC is the start of the public consultation. So now we are taking the views and then we will take a decision.

So the project could go ahead, or it could not go ahead. Yes, that is the correct position.

Hon. S M Figueras: I am grateful for the answer.

In the announcement of the project the Government – I will use two microphones... far better. *(Laughter)*

In the announcement of the project, the Government confirmed, indeed, that the project was going through the DPC for opinion and guidance. However, there is precedent, or rather there was some confusion in respect of what it meant to go to the DPC in respect of another issue earlier on in the year, but specifically in relation to Grand Battery, I would be grateful if the Deputy Chief Minister could confirm, or rather could clarify whether, by virtue of going to the DPC whether it is in fact – and I know he said it, but I just want to ensure that there is no confusion in this specific respect – whether going to the DPC means going beyond just the Committee of the DPC itself by a round-robin e-mail and beyond to a public consultation and public meetings?

I am aware that there have been public meetings. I would like to pin the Deputy Chief Minister onto whether or not the public opinion – as if the project were going to the full planning process – is going to be taken fully on board and whether that opinion, if there were significant strength of it, would actually result in the mothballing of the project in its entirety?

Hon. Deputy Chief Minister: Mr Speaker, what I can confirm at this stage is that the Government will take a decision, taking on board the views of the residents and the views of the DPC, and then will decide whether the project will go ahead or not. That is the whole purpose of the exercise.

Clerk: Question 697.

Mr Speaker: The Hon. Daniel Feetham.

Hon. D A Feetham: Yes, just on that. I have got a number of supplementaries here. I have got a question on the Order Paper later on for the Chief Minister. I might as well ask you, given that we are advancing, my

learned friend, Mr Figueras, has asked his question and we are advancing it.

Are you saying that... you answered first... You said one has to balance the views with the housing needs of the community, and I quite understand that. At the end you said you have got to balance the views of the DPC with the views of the residents. (*Interjection*) Is the Government's... Well, that is what I heard you say at the present moment. Is the position that, of course, the Government will take into account the views of the residents but, at the end of the day, one must balance that with the housing needs of the community and it may well be the case that the housing needs of the community are such that you have got to, in an appropriate case – I do not know whether it will be this one – ignore, or it will trump, the views of the local community because of those needs?

Hon. Deputy Chief Minister: Mr Speaker, I think what I said was that we need to take into account... the Government will take into account both the views of the DPC *and* the views of the residents, on the one hand –

Minister for Enterprise, Training and Employment (Hon. J J Bossano): And then take a decision.

Hon. Deputy Chief Minister: – and then take a decision as to whether the project goes ahead or not. That is what I said.

Hon. D A Feetham: I understand what you said at the end, but I am just trying to understand the way that the Government actually sees this operating, not only in relation to this but in relation to other projects.

You may – Sorry, he is... the honourable... I do not mind giving you a moment to discuss it between you. No.

I quite understand what you have told me about the views of the DPC. Of course, the DPC has to provide its views on pure planning aspects, because that is what they are there for. Pure planning aspects. The residents will provide their views in terms of the impact on them, but there is a third element that is particularly important in the context of Gibraltar, where land is limited, and of course, very often it does not matter where one builds, there is going to be an impact on the people around.

Does the hon. Gentleman accept, therefore, and is it part of Government policy that one needs to take into account the housing needs of this community and, in appropriate circumstances, the housing needs of the community will trump the views of people around? That is what I am asking.

Hon. Deputy Chief Minister: Mr Speaker, in this particular case, I think the Government needs to listen to the arguments being put forward first, so the whole idea of going to planning is to start the public debate on the issue. That has now started. We are listening to the views of the DPC, to the views of residents, and then we take a decision. So the matter is open at this stage.

Clerk: Question 697 –

Mr Speaker: No, no, I think the hon. Gentleman has another question.

Hon. D A Feetham: Yes, and the other question, which I was going to ask the Chief Minister: did you consult the residents of the area around Grandy Close before you made your announcement as to eco-housing and, if not, are you effectively setting a precedent for the future, that the consultation exercise will take place as part of the planning process and there will not be any consultation beforehand with residents of the area?

Hon. Deputy Chief Minister: Mr Speaker, the policy of the Government is that, in relation to these large projects – particularly housing ones – the act of going to planning is the start of the public consultation.

So what we have done with these cases is to announce them beforehand, they come out on the DPC website before the meeting takes place, and people are then free to come and express an opinion, either at the DPC itself or in writing, as many have done. Many people have written to the Government. We take all that on board in coming to a decision on whether the project then proceeds or not.

Hon. D A Feetham: Yes, so effectively, Government policy is there will be no consultation prior to the, prior to effectively, the planning process, because that is the formal consultation. That is the position, is it

not?

Hon. Deputy Chief Minister: In relation to these housing projects, the formal consultation starts at the point of making the announcement and going to planning and then people are free to write in, express opinions, have meetings, and the Government then takes a position.

TOURISM, PUBLIC TRANSPORT AND THE PORT

Gibraltar Tourist Board Costs of new lifeboats and trailers

Clerk: Question 697, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port advise this House what the costs of the lifeboats and trailers, recently purchased, reportedly, by the Gibraltar Tourist Board was?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, this information is already available to the hon. Gentleman on the Government's website.

Clerk: Question 698 –

Hon. D J Bossino: Mr Speaker, if I may, can the Minister... and I do appreciate what the rules say, so I will not pursue that line of enquiry. If the Minister is willing to indulge me as he did yesterday and provide me with information... but he may not have it with him, because he has a prepared answer with him, but I take the point, and I will look at the Government website.

The question I was going to ask is what, if any – I am not aware that there was any – tender process was undertaken in relation to the purchase of these items?

Hon. N F Costa: Mr Speaker, I do understand that the gentleman was obviously too busy to look at the Government website, but I do have the figures for him and I shall give them to him.

The total cost of the new boats and trailers was £5,730. It does give me the opportunity to also tell him that, as a result of advice received, we approved the purchase of trailers and sand tyre kits to avoid the deterioration and the need for continuous repairs to the boats, as unfortunately happened with the last ones.

There were three quotes obtained. The successful company was a local company.

Hon. D J Bossino: But is it the case – by way of clarification, Mr Speaker – that, so that I understand the response that there was no...? I can understand the Tourist Board seeking and obtaining those quotes, but presumably there was no formal tender process.

Hon. N F Costa: Mr Speaker, given the extremely low amount of £5,730, it was not deemed suitable, appropriate – indeed a waste of time – to go through a formal EU tender process, which would have taken months. Yes. It takes a very long time. We are talking about three lifeboats, a very low sum. I trust the members of the Gibraltar Tourist Board to be independent and fair when deciding which company to go for. They sought three quotes and they went for the best quote that, in their view, was available to them at the time.

Hon. D J Bossino: Mr Speaker, can the Minister answer whether it is the Government's view that it will only go to tender when there is an EU requirement? As I understand it, it does not necessarily have to be the case, if it is just for local purposes. But I have to admit that I am ignorant of the law in this respect.

Hon. N F Costa: No, Mr Speaker, that is not the policy of the Government. What I have said is that, as a

445 result of the very low amount of the cost, it was decided, on this occasion, not to go through the formal tender procedure and simply obtain three quotes.

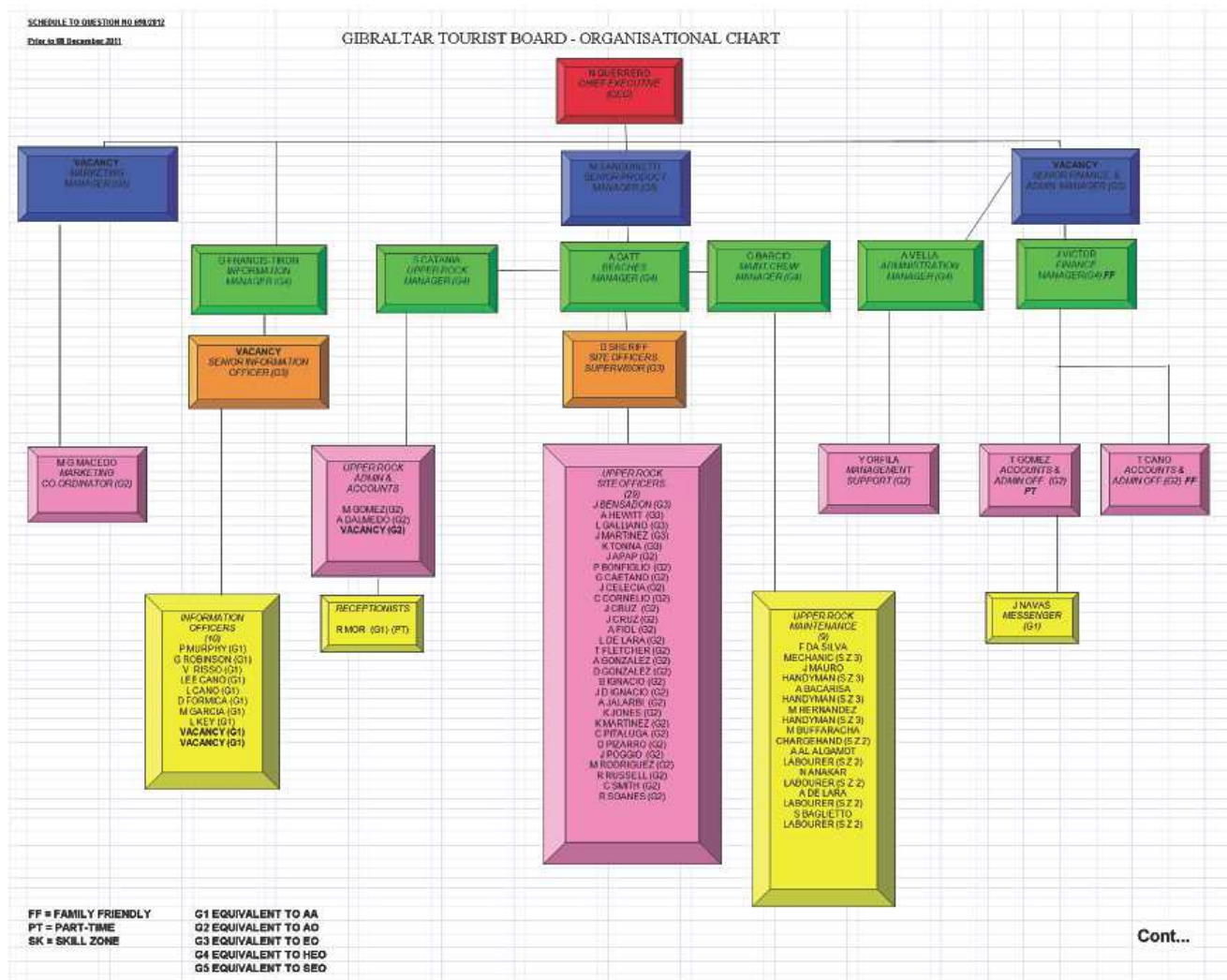
450 **Gibraltar Tourist Board
Restructure**

Clerk: Question 698, the Hon. D J Bossino.

455 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port provide full details of the restructure that the Government has carried out at the Gibraltar Tourist Board?

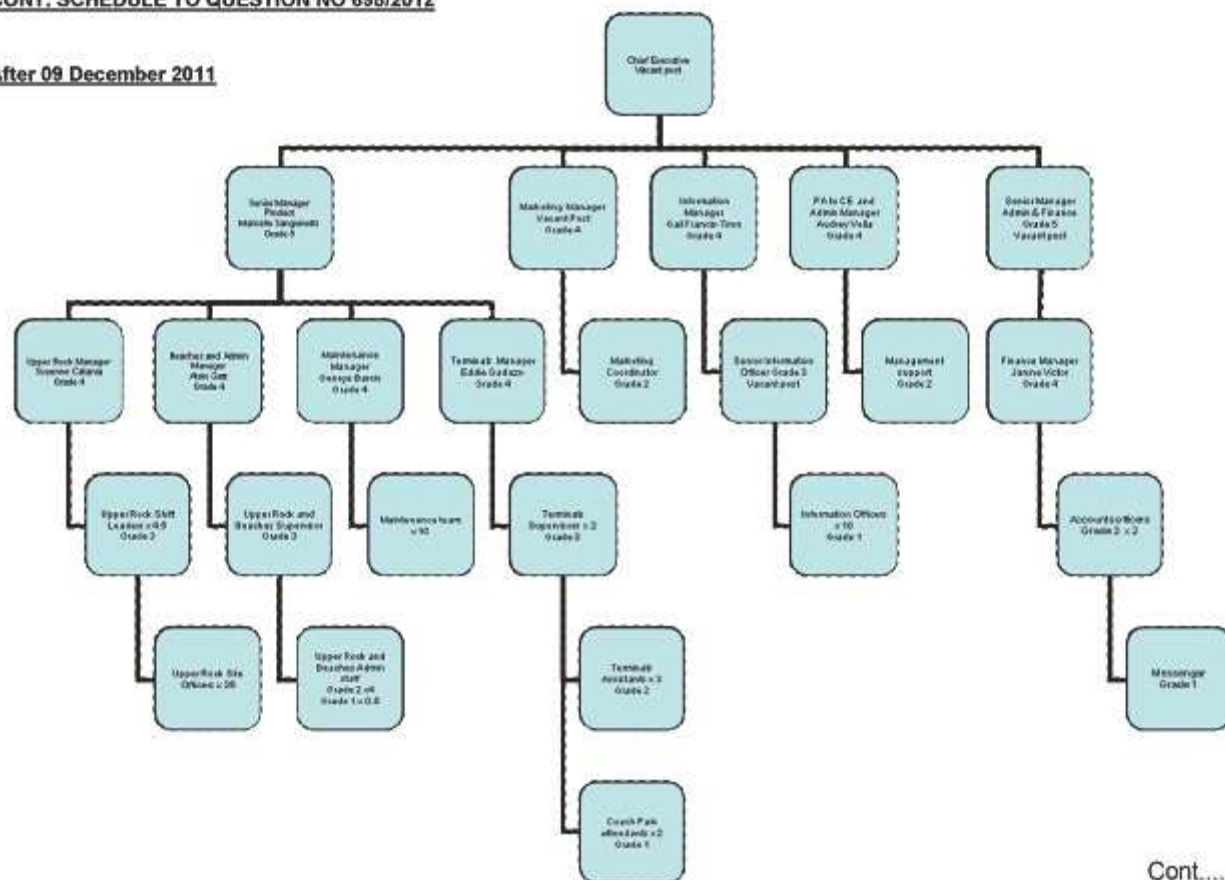
Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

460 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I now hand over to the hon. Gentleman the information requested on the Gibraltar Tourist Board as it stood prior to 9th December 2001. I also hand over an organisational structure of the GTB as it stood after 9th December 2001 and a diagram of the current state.

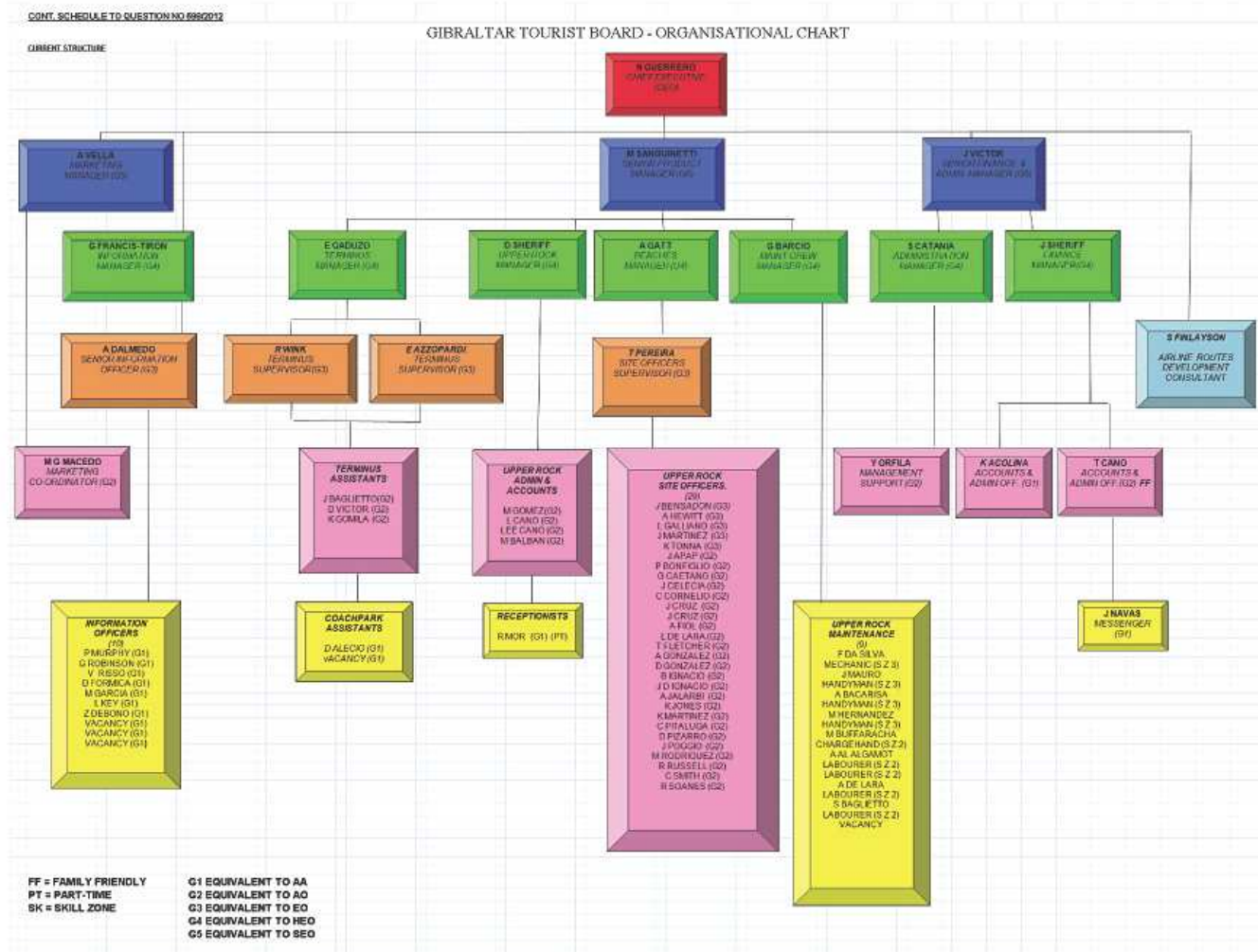


CONT. SCHEDULE TO QUESTION NO 698/2012

After 09 December 2011



Cont....



Hon. D J Bossino: Just by way of clarification, for the record, I think the Minister was intending to refer to 9th December 2011, rather than 2001.

Hon. N F Costa: And 11, yes... Not 2001.

Hon. D J Bossino: Just bear with me a moment.

Mr Speaker, there is a lot of information which the Minister has kindly provided to me, which I will study, I think, when I am back in the office, but I think – I am hopeful – that what I am seeing will be very useful indeed, just so that the public listening in or in the Public Gallery is aware, what I have been handed is an –

Hon. N F Costa: Organisational chart.

Hon. D J Bossino: – Organisational chart with nice colours and I am sure that will assist. I am all for that type of thing, and I am sure that will assist my understanding. In fact, one of my supplementaries was going to be the difference between one and the other, so I am very grateful to the Minister for anticipating my supplementary.

But can I just press him further, if I may? He did say in his Budget speech that the restructure of the Board had been undertaken in order – and I quote him – ‘to enhance the responsive approach of the Board in attracting visitors to Gibraltar.’ So therefore there was a very clear purpose behind the restructure of the Board, which I myself, as I have just said a few moments ago, have not had the opportunity to analyse, but I

will.

485 Now, in relation to that, is he satisfied now whether that restructure is fit for purpose? (*Interjection by Hon. N F Costa*) Whether that restructure is fit for purpose, Mr Speaker, and whether he thinks that it has met his requirement?

490 **Hon. N F Costa:** Mr Speaker, I think it is fair to answer this question by telling the hon. Gentleman that the restructure has only been in place for nine months. As a result, whereas it is my view that it is currently working well, I always have in mind different ideas formulating in my head as to perhaps how things may be further tweaked to better the response of the Gibraltar Tourist Board. On that I rely on the advice of my officials.

495 So the answer is yes, so far, so good. Could it be bettered? Perhaps, but at this moment, things are in my view working well.

500 **Hon. D J Bossino:** Presumably, Mr Speaker, the Minister stands by his statement, that as far as *he* is aware – I appreciate that this could be work in progress – but the way that things currently stand, he still stands by his statement that the restructure has enhanced, from the position as it was prior to 9th December, the responsive approach that he was talking about in his Budget speech.

505 **Hon. N F Costa:** Yes, Mr Speaker, I very much think so, and given that we are led by results, the fact that we have been able to, as I said – I mentioned the Birmingham route, I have mentioned the Manchester route, I have mentioned the BA flight – I believe all of that has been... the speed at which we moved on those issues, I believe, is partly due to the restructure that was effected. There were other things, of course: the fact that we have been able to allocate what we think is a fair amount of capital expenditure, which is the £1 million, for this financial year, in terms of the existing tourist attractions on the Upper Rock. We intend to start the capital expenditure on that, which has been, as the hon. Gentleman knows, quite neglected for quite some time, and as I say, that is because it is my belief that my ministry, my office is obtaining the right advice from the Gibraltar Tourist Board.

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Clerk: Question 699 –

Mr Speaker: The Hon. Edwin Reyes.

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Hon. E J Reyes: Mr Speaker, can I please ask for a little clarification?

The first page shows the organisational chart, headed 'Prior to December 2011'; the last page, that is the third one, says 'Current structure', so one can take it that the date is today's meeting; but the one in the middle says 'After 9th December'. I am a bit lost. From 9th December to today is a nine-month period, so can I hone the Hon. Minister a little bit more to more or less what date he is referring to?

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525 **Hon. N F Costa:** Mr Speaker, if the hon. Gentleman has had the opportunity to consider the diagrams in time – I appreciate, of course, he has not; he has just received them – he will see that we took the view that Terminal Management should be part of the Tourist Board and not part of Transport, because we believe that Terminal Management would have, being on the ground, the sort of specialist knowledge that the ministry would require to be able to formulate marketing policies and tourist policies. So Terminal Management is brought back into the Tourist Board after 9th December.

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Hotel development proposal NAAFI pool area

Clerk: Question 699, the Hon. D J Bossino.

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Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port advise this House what developments there have been, if any, in relation to the proposal to build a hotel by the NAAFI pool area?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

540 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, as I understand the position, the proposal made to the previous administration, according to the promoter of the project, was on the basis that he had been promised that the landlord would provide the land free of charge, as long as he paid for the re-provisioning of the NAAFI pool at the estimated cost of £1 million. The promoter was informed by this administration that the land would not be provided for free and he has not returned since.

545 **Hon. D J Bossino:** Mr Speaker, that is, in fact, not the entirety of the information that I have been given. In fact, I think the view taken by the previous GSD administration was that this was, indeed, a very attractive proposal. As I understand it, there was going to be an investment of some £50 million in building the hotel, which would have had – we thought at the time – untold knock-on benefits, in terms of employment and the provision of other facilities and amenities in the area.

550 I also understand that it could have been a three- or four-star luxury hotel and, in this connection, can I ask the Minister, who in particular within the Government did the investor have contact with? ... Was it with the Minister with responsibility for tourism?

555 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** No, Mr Speaker, it was with me.

Hon. D J Bossino: Right.

560 Can I ask why it is that that was the case, instead of the Minister for Tourism? Is it because the Minister for Employment is also responsible, I think, for inward investment? Was that the view taken by the Government?

565 **Hon. J J Bossano:** That is correct. The person wanted to bring in money to invest in Gibraltar and asked for an appointment to see me, and I saw him.

Hon. D J Bossino: Can I ask the Minister for Employment etc – I do not know what the full responsibility is –

570 **Hon. J J Bossano:** Inward investments.

Hon. D J Bossino: – inward investments, thank you – where he met the potential investor?

575 **Hon. J J Bossano:** Certainly. (*Laughter*) I do not think it makes any difference to the decision but I met him in the Employment Department. He was in London, he contacted me through the London Office, he said that he had been given the run-around by the GSD administration for years without being given any straightforward answers, and since I am notorious for giving straightforward answers I asked him to come down to see me, to the ETB – and I gave him a straightforward answer.

580 **Hon. D J Bossino:** Mr Speaker, the straightforward answer given by the Hon. the Minister was... Can he confirm, or can he clarify, for my purposes, whether it was in response to the proposal which I briefly outlined as a preamble to one of my previous supplementaries? In other words, the £50 million investment and all the other things that I mentioned earlier, and was that his flippant response?

585 **Hon. J J Bossano:** I do not know whether the response is flippant or not, and I do not think the hon. Member is entitled to pass judgement on the nature of my responses. That is not what he is here for. He is here to obtain information. I can think *his* questions are flippant, but I do not tell him that.

590 Let me say that, in fact, Mr Speaker, the gentleman in question produced some artist's impressions of these things. If he has had any previous knowledge of the way these things work, he will know that the fact that somebody brings a pretty picture of a hotel and says it is going to cost £55 million is not, of itself, an indication that there is anything solid, because there was nothing produced in terms of where the tourists were going to come from, what would be the costs of operating, where he was going to get the labour from, or anything else. The essence of the thing was that the clinching factor was whether he had to pay for the land or

not, and the gentleman told me that he had been promised by Mr Holliday – he might have been making it up, for all I know – that he could get the land free, provided he spent £1 million on reproviding the NAAFI pool because one of the conditions was that the land would transfer to the Government but a NAAFI pool had to be reprovided, and that he had been told that if he took on the cash responsibility for reproviding the pool at his own expense, then the land would be given to him on a long lease without any further payment. I said, ‘Well, look, unless you can produce something in writing which is a binding commitment which we have to honour, the answer is we do not agree with that.’ He then told me that unless the land was provided free, the investment would not work. So, that if he had to pay the market value for the land, then it was a no-go. He has not come back with any alternatives, but if he came back willing to pay for the land, or if he came back willing to pay for some other land, then we would reconsider the proposals.

He is an important customer of Gibraltar because he actually brings quite a lot of people and his main argument for the hotel, as he explained it to me, was that the other hotels in Gibraltar are charging him too much for his package tours and that he wanted to have his own hotel in order to put in his own customers. We are interested in having the hotel, we are interested in him investing the money, but of course if we are offering people land for nothing in Gibraltar we will have a long, long queue of investors.

Hon. D J Bossino: Mr Speaker, if the reason for pouring cold water over this particular potential investment, which I think, I am given to understand, reached quite an advanced stage when we were in Government, to the extent that there were formal plans which had been reviewed by the Town Planner and there had been a series of negotiations with senior people – and it may have been also the Minister, I am not too sure, but certainly senior civil servants within the Department of Trade and Industry... So there had been quite a lot of work and I think the view taken by the Government was that this was a serious investment *[Interruption by mobile phone]* ...a sort of fly-by-night matter and, in fact, there had also been negotiations with the Ministry of Defence in relation to the land where the hotel was going to be located.

I am not too sure, Mr Speaker, that, if I have understood the Minister correctly – and no doubt he will correct me if I have not – what he has said is entirely true, in the sense that there was an understanding on behalf of the investor that the investment in Gibraltar would require a payment of a £1 million outlay in relation to the premium over the land. So that was understood and the land was not going to go for free to the investor, but I am sure the Minister will clarify the position to this House.

Hon. J J Bossano: Mr Speaker, I do not know the source of the information of the hon. Member opposite. I do not know whether it is that the investor has been in touch with him and told him these things, or that somebody in the Government has been in touch with him and told him these things, because he was not in Government before so he cannot possibly know what was happening before any more than I do.

I know nothing of any of the things that he is telling me, and I can tell him that the investor that came to see me did not appear to know anything about those things either, because if he did he chose not to tell me. He did not use any of the arguments that the hon. Member has used in support of the investment... was used by the investor.

The investor used three arguments. One was that the shortage of hotel beds meant that he could not bring more people and that, anyway, the shortage of hotel beds was having an effect on the price of the beds and that meant that he was having a problem in the charges that he had to put on the package holidays and that he could bring more people and bring them at a bigger profit if he could have his own hotel – which is fine. But it does not mean necessarily, when you look at that, that that is going to be, whatever the investment is, is not going to be in that scenario, a net gain. It may be a gross gain, that you gain x number of hotel beds but, of course, if some of those... If there are 23,000 people that he brings – so he told me – and those 23,000 people are a big chunk of the hotel beds we are now selling, if they are just shifted to a new hotel, then I am sure he can see that that is not necessarily a scenario in which we gain 23,000 extra sales, because it will be at the expense of what is being sold already. I am giving the hon. Member the information that I was given by the investor. I have no other source.

He then said that the viability of the hotel – which is odd for a hotel which is £55 million – was not on once I told him he had to pay whatever the LPS, or whoever, decides the land is worth, that reprovioning the swimming pool, which was estimated to cost £1 million, would not be sufficient.

So the answer is that *he* told me that he had been given the run-around by the previous administration. He had been made a lot of promises that had not been delivered, from meetings that had never materialised... and that he was on the point of giving up, and that because there had been a change of Government he had

contacted the London Office and said, 'Well, look, is it worth me trying again?' because he has got a commitment to Gibraltar.

Certainly we want to encourage him to keep on using Gibraltar and keep on bringing people here but, at the end of the day, there was nothing of the nature of a detailed business proposal put before me and the impression I got from him was that he had talked to the MOD, that he thought the understanding was that the MOD would pass the land to him, which I told him would be, in fact, in conflict with the long-established principles under the Lands Memorandum – that land is given to the Government of Gibraltar and the Government of Gibraltar gives it to whoever it has to go to, that there is not a direct movement from the MOD to the developer, and I am not aware whether that has happened on any occasion, but it certainly did not happen in the past – and that therefore it was quite simple: if he could come up with a proposal which included a price, meeting whatever the price for the land was, either there or somewhere else, we will consider it.

We have not told him we do not want him here. We have told him we are not... If the condition for you proceeding with this thing in Rosia Bay is that the net payment that you make is whatever it costs you to put the swimming pool somewhere else, then that land is not available on that basis. If the land was available on that basis, I think we would have to then announce that there is land available and open it to others, but if the man comes along with a specific proposal that is for a hotel to expand the traffic he is bringing to us, which is interesting and good but it is not enough to say, 'Okay, we will make a direct allocation without giving any other party the opportunity of using that area and on the basis that we are not charging for the land.'

He claims that that is what was on offer before. I told him that if he could produce written evidence of that, then we would have to see whether there was a commitment. If there is any evidence that the matter had proceeded along the road, as the hon. Member claims – and he knows how I can establish that – and he passes me the information, fine, I will look at it again. But my source of information is the client and the client did not claim what *he* claims, but if there is evidence that there was a commitment and that we should be honouring it, we will look at it again because we believe that the commitments that are given by one Government have got to be considered by the succeeding Government.

**Lester Hotel, Devil's Tower Road
Progress of development**

Clerk: Question 700, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port advise what progress has been made, if any, in connection with the development of Lester Hotel at Devil's Tower Road?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, in the absence of payment of the application fee, the planning permit drafted on 28th June of last year has not been issued.

Hon. D J Bossino: So do we take it from that, that the investor is the Lester Hotel Group that was going to build this hotel. Presumably they have no interest in the matter now?

Hon. N F Costa: Mr Speaker, as I say, on this question I spoke with the Town Planner, who explained to me that the planning application had been approved by the Development and Planning Commission, but that the planning permit has not been issued given that he has not paid the planning fee or the premium for the site. He has not come back, essentially.

Hon. D J Bossino: Has the Minister with responsibility for tourism had any contact with this investor, trying to find out why it is that the matter has not progressed?

Hon. N F Costa: No, Mr Speaker, since the Election there has been no contact by the applicant's agents with the Town Planning Office. Remember, that this was already before the DPC and approved, so any

progress would have had to have been from them by paying the fee and getting on with the works. There was nothing else to discuss.

Clerk: Question seven hundred and –

Hon. D A Feetham: May I, please?

Mr Speaker: Yes, the Hon. Daniel Feetham.

Hon. D A Feetham: Mr Speaker, may I ask the Hon. the Minister, doesn't he accept that, as I understood the answer, there are two separate aspects to this? Or perhaps I am wrong. One is the planning fee; the other one is the premium. The planning fee goes to the Planning Department; the premium goes to the Government's agents, LPS, so it is a matter for the Government. Is the position that both are outstanding?

Hon. N F Costa: Yes, Mr Speaker.

Hon. D A Feetham: And no-one on behalf of the Government – their agents or otherwise – has actually been in contact at all with these investors and said, 'Well, hang on a minute, why haven't you paid this particular premium?' Nothing at all? No contact?

Hon. N F Costa: Mr Speaker, once again, the application has already been approved by the Development and Planning Commission and there is a permit laying in wait, drafted on 28th June, and all that the developer has to do is go in, pay the fee and pay the premium for the land. If they were to do that, they can forge ahead.

The fact that they have gone through the planning process and have not paid the fee nor the premium for the land would seem, to me at least, to indicate a loss of interest, because they know that they have got the approval, they know that they can start, and they have not done anything about it.

Hon. D J Bossino: A loss of interest, Mr Speaker, he says, which is rather odd in this context. If he is able to confirm, if he knows, if he has enquired about it, is he aware that this developer actually purchased the land on which the hotel was proposed to be built? So, basically, as far as that side of matters is concerned, there was certainly a rather key level of commitment to proceed with this project.

Hon. N F Costa: Mr Speaker, as I said, this was an ongoing project of the previous administration, so I obviously had to contact officials for them to provide me with the advice. The advice that I have been given is that the planning permit was not issued because neither the planning fees nor premium for the site have been paid. That is the information that I have.

I remind the hon. Gentleman too that the planning permit was drafted on 28th June 2011. I imagine, given that he is pressing *me* about not contacting *them*, given that it was so important and it was drafted in 2011, Mr Holliday would have had to have contacted them in July, August, September, October, November and December to ask, 'Why haven't you paid the fee?' They did not. It has not happened. He can ask *him*.

Hon. D A Feetham: Well, I am afraid that you are in Government; therefore you have to take responsibility for Government affairs. (*Interjection by Hon. N F Costa*) No, hang on a minute, no.

Does the Hon. the Minister know by when, under this particular contract, that premium was payable?

Hon. N F Costa: No, Mr Speaker.

Hon. D A Feetham: If he does not know under the contract and he has not bothered checking when that...

Hon. N F Costa: Perhaps you should have given me written notice of the question.

Mr Speaker: Order! Order! Order!

Hon. D A Feetham: Please may I –

Mr Speaker: Of course.

760 **Hon. D A Feetham:** This was not supposed to be contentious. We are trying to just elicit information here.

If he has not bothered checking the contract as to when the premium is payable under the contract – because premiums and fees for planning are quite separate issues altogether – how can he sit there and then turn round and say that *we* ought to have spoken to the Minister for –

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Hon. N F Costa: The *former* Minister.

Hon. D A Feetham: The previous Minister, when the reality is that perhaps the premium had not actually been payable prior to December. I do not know. Does he know?

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Hon. N F Costa: Mr Speaker, with respect, this is a preposterous question.

The progress of this particular project lay on the table of the former Minister for Tourism and Transport, Mr Holliday. No fees have been paid. Whether or not they are payable, no fees have been paid. The premium for the land has not been paid, whether or not it has been payable under the contract, but particularly importantly I would have thought, given the importance the hon. Members opposite now appear to have for this particular project... If it is so important for them now, surely they would have been urging Mr Holliday to have got on the phone to the developers at the time in July and in August and in September and in October and in November and in December of *their* administration, but they clearly did nothing because the fee has not been paid!

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We have been in Government since December. No fee has been paid, no premium has been paid. They were in Government when they were seeing the project through. The last stumbling block, it would appear, would be the payment of the fee. I do not know whether Mr Holliday called or did not call, brought them for coffee or for lunch or whether he cycled to work or he didn't, but what I can tell him for sure is that it was not progressed to the point that there has been any progression of the works. (*Interjection*)

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Which is, by the way, Mr Speaker, the question. The question is whether there was any progress in connection with the development, and the question falls at the first hurdle, which is no fee has been paid for the planning permit, so there cannot be any progress. (*Interjection*) The question has certainly been answered.

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Hon. D A Feetham: Is the position of the Government in relation to this that because the premium has not been paid, the investor is in breach of its obligations and therefore the Government has decided not to honour whatever commitment there may have been by the previous Government in relation to this particular project?

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Hon. N F Costa: No, Mr Speaker, that is not what I have said. I have already told him.

795 **Hon. D A Feetham:** We are all at sea.

Hon. N F Costa: No, we are not all at sea.

That is not at all what I have said, so he cannot extrapolate from my answers or interpret them in the way that he suggests, because I have not said that.

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Hon. D A Feetham: So is the position, then, that if the premium is paid – and the fee is payable to the Department – these individuals will be allowed to continue with the development?

805 **Hon. N F Costa:** Mr Speaker, I can answer that very simply by saying that this Government will honour whatever contractual obligations arose from the previous administration.

Hon. D A Feetham: We do not know what the contractual obligations are.

810 **Hon. N F Costa:** Well, absolutely, which is why if he does not know and I do not know about them, instead of asking questions about an invisible piece of paper that neither of us have read!

Clerk: Question –

Hon. D J Bossino: Mr Speaker –

815 **Mr Speaker:** No, the Hon. Damon Bossino.

Hon. D J Bossino: I am grateful, Mr Speaker.

820 The Minister makes reference to Mr Holliday. I am not in a position now to get that information for him, although I do understand that contact was made and he talks about telephone calls and all the rest of it. Given that he has implied, by admonishing the previous Minister in post for not having done those things, I think what my hon. and learned Friend Mr Feetham is seeking to elicit from the Minister is whether he himself has taken an interest, given his responsibilities, to establish what the reason has been for the matter going cold.

825 We are now facing, as a result of these two questions which I have posed, a situation where there have been two potential investors – two potential investors who were each going to build a hotel which, for one reason or another, has not happened since 9th December. So that is why I am now slightly concerned that the Minister responsible for this area of Government policy appears not, Mr Speaker, to have taken it upon himself to make what I think... what he himself considers to be the relevant and pertinent enquiries if he has been put on notice of the fact that there could be a loss of interest on the part of this investor.

830 At the end of the day, they are building a hotel in Gibraltar. Let's not forget that. They are making an investment in Gibraltar.

Hon. N F Costa: Mr Speaker, if he has a question I can answer it, but –

835 **Hon. D J Bossino:** They are making an investment in Gibraltar.

Hon. N F Costa: – the preamble is so long I will no doubt forget.

Hon. D J Bossino: Mr Speaker, I do acknowledge that my preamble –

840 **Mr Speaker:** I must ask you to ask the question.

845 **Hon. D J Bossino:** And I am couching this question in a rather lengthy way, but I would seek your indulgence, because I do not normally do that, Mr Speaker. (*Laughter and interjection*) The record is there, in relative terms! (*Laughter*) But, given that, is the Minister... I am just concerned whether he does not think that, given that he was put on inquiry that there may have been loss of interest by the fact that there has not been a payment of this planning fee, why it is that he has not made those inquiries himself?

850 **Hon. N F Costa:** Mr Speaker, the rather lengthy supplementary presumes too many things that I really do not care to answer, but even his question presumes something which is not true.

855 On receiving notice of this Question, the first thing I did was to call in the Town Planner and the officials who are relevant to the planning application etc and ask them what the state of play was. Given that I found out that there was this interest in building a hotel on that site, I went to the website and obtained the press release and that press release from the Lester Group said every effort would be made to minimise the carbon footprint of the new building – very exciting for us already; the Minister for the Environment certainly was leaping for joy there – and work is expected to commence in early summer 2011.

860 At the time that I received notice of the Question, as I said, I looked at this press release, I brought in the Town Planner and I have given instructions to my officials to find out whether there is still an interest on this or not.

**Cruise liner terminal
Construction of new terminal**

865 **Clerk:** Question 702, the Hon. D J Bossino. (*Interjection*) It is 702. (*Interjection*) It is 702 because 701 is to be answered by the Chief Minister.

870 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port advise what the Government's plans are in relation to the cruise liner terminal and, in particular, whether it has the intention of proceeding with the construction of a larger and better-resourced terminal?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

875 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the Government is considering a number of options in respect of its cruise facilities. These include determining whether a new cruise terminal structure is actually required and, if so, the size and the facilities it should have. All the cruise lines are being consulted on what they expect of a modern cruise port and the Government is taking due note of the feedback received. Once all of this data is collated, the Government will make a decision on the best way forward to ensure the needs of Gibraltar's cruise industry are met for many years to come.

880 Consultation with *local* operators, however, has already revealed that in their professional view a new cruise liner terminal at the North Mole is entirely irrelevant to attracting additional calls or to attracting new companies. Further, a discussion I personally had with one top executive, of what everyone would agree is probably one of the most important cruise companies said to me, over dinner, in no uncertain terms, that the existing terminal was perfectly adequate and that funds were better spent elsewhere – a sentiment with which I, in fact, do fully agree, subject to finalising the above consultation process.

885 **Hon. D J Bossino:** Mr Speaker, I am very quickly coming to the view that, unfortunately, the new Government is labouring under the same difficulty that they say that we were labouring under, which is that life started on 9th December 2011.

890 Is he aware and has he made the relevant enquiries in this respect, Mr Speaker, that in fact there had *already* been undertaken a rather lengthy process of consultation in relation to the cruise liner terminal, and is he aware that, in fact, there were already advanced plans when we were in Government to proceed with the building of a new terminal, in fact that it was poised and ready to go out to tender? Is he aware of that?

895 **Hon. N F Costa:** Mr Speaker, I am aware of many things, some of which are as follows.

The first is that I do not think that life began on 9th December, for the following reasons. I do know that there were plans quite developed, because I remember the former Minister for Transport, Mr Holliday, giving a press conference about this – I do watch the news – amongst my personal contacts with tourist companies. The overall budget for that construction of the new building was around £3.8 million, just at the threshold so that they did not have to go to EU tender. Interesting point, that.

900 The design costs were £160,000. *The design costs were £160,000* for a design which all local operators in Gibraltar tell me is entirely irrelevant to bringing new calls and new companies to Gibraltar: £160,000 thrown down the drain without consulting the experts in the industry. As I have already told him, one particularly renowned executive of the cruising world has told me, 'Don't waste a penny on a terminal because the one that you have is perfectly wonderful and it does the job' – envisaged by the old GSLP and brought to fruition by the GSD in 1997.' (*Interjection by Hon. D A Feetham: Old GSLP... laughter*)

905 So if we are going to take leave from someone, Mr Speaker, we shall take our cues from the people on the ground – or at sea, in this particular case. They know what they are doing and if all local operators are telling me, 'Don't spend a dime or a penny on something which is not needed,' we certainly will not do so.

910 **Hon. D J Bossino:** We seem to be living in parallel realities.

Hon. N F Costa: Thank God, Mr Speaker!

915 **Hon. D J Bossino:** Well, we will be the judge of that after the three years which are now left. (*Interjection*) Yes. Thank you for that contribution!

920 Is he aware... and I understand that this is what informed the Government's decision to proceed with the construction of a new terminal and it concerns me that it has not formed part of the response that he has given to me in this House, and that is: is he aware that, in fact, one of the main driving forces behind the idea to build a new cruise terminal was in order to provide adequate facilities for the what I understand will be the new thing coming into the industry, which is the hop-on hop-off... (*Interjection*) Yes, basically where you can embark or disembark at any point in any given route. At the moment, what happens is that you embark at

a particular point and then you do the tour and then you normally return to that point or to another, but you cannot get off the cruise in the ports in the interim in that particular tour.

So what the Government wanted to do is to ensure that the Gibraltar port was able to provide the facilities for this service. In other words, that passengers could disembark or embark in Gibraltar port. Is he aware and has that formed part of the decision-making process?

Hon. N F Costa: Mr Speaker, my advice from those who were involved at the design stage and in looking at the possibility of a new cruise liner terminal advise me that that was not the reason at all. Apparently, the reason for having a redesign in any event was for security aspects and to better that, and there is nothing stopping people from disembarking in Gibraltar getting on a plane and going anywhere, and *vice versa*, right now, as the current set-up is.

Hon. S M Figueras: Mr Speaker, I wonder whether perhaps the Minister is just missing the point, for no other reason other than he has not been made aware of the developing trend in the cruise industry in that direction. It may well be that the Minister has not been made aware, and if he hasn't, well, then he certainly cannot answer in that regard.

Could the Minister clarify whether the advice he received was based on anything other than enhancement of the facilities in the regards that he has mentioned?

Hon. N F Costa: Mr Speaker, in respect of his preface of the supplementary, as he knows... he must know. The hon. Gentleman must know that I have met with 14 cruise companies over the last nine months. They certainly know what they are talking about, I would have thought, given that they are in the business and not one of them has mentioned this idea to me as being necessary for a new cruise liner terminal building.

As I say, my advice is that of those people who were involved in the design of the new, possible new, cruise liner terminal building and the reason, the principal focus for that was to enhance passenger and security control, and that therefore, I think, importantly for the Hon. Mr Bossino, the consultation was with Gibraltar Port Authority staff, terminal management, security and immigration, which confirms that the design was principally for, as I say, passenger control and security aspects – nothing to do with the hop-on, hop-off ideas that they are extolling to me now.

Miami cruise convention Value for money

Clerk: Question 703, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port advise whether he has come to a conclusion as to whether the Miami cruise convention provides value for money?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, the Government believes that attendance at this specific event does provide value for money, but not at the level of expense incurred over the last several years.

As the hon. Gentleman knows, the Cruise Shipping Miami Convention, which was known as Seatrade Miami, is the major annual showcase for cruise ports and destinations which is held in the cruise capital of the world and draws tens of thousands of delegates, exhibitors and visitors.

The Government, however, believes, as the hon. Gentleman knows, that its most powerful marketing tool is the personal contact with decision makers, and we say, Mr Speaker, that this is a marked difference between this administration and the previous.

In March, only three months after the General Election, I visited all the major cruise lines in the week prior to the Convention in order to start the process of establishing personal contacts with itinerary planners. The process is ongoing, Mr Speaker, and both my officials and I are in continuous contact with operators to keep them briefed and up to date on all cruise-related developments in Gibraltar. A stand at the Convention

consolidates our position in the public eye, reinforcing the Rock's status as a major cruise port in the Mediterranean. However, the Government is of the view that because the major players now know us personally, there is no need to spend so many tens of thousands of pounds on a huge stand which is better served in providing the sort of hospitality to the decision makers that will make the executives remember Gibraltar and consider us not just business partners but friends they want to do business with.

As a result of my personal meetings, Mr Speaker – as the hon. Gentleman knows, because he does give me plenty of opportunities to remind him – I met with the top executives of cruise companies in Miami, followed by my visit of nine cruise companies in the UK. We achieved, Mr Speaker, an increase of nine calls this year, bringing the expected number of calls for 2012 to 180 from the inherited 171 when we came into office. In addition, as the hon. Gentleman knows, we are currently in discussions with such companies to explore tailor-made shore excursions and initial calls.

Hon. D J Bossino: Yes, he keeps on reminding me about the wonderful things that will come and are coming, apparently, as a result of his policy of personal contact. Of course, I need to remind him also, and he gives me plenty of opportunity to do so, that he is building – and I have used this word before – on a bonanza which was there on 9th December 2011. I can only hope for Gibraltar plc's sake that we continue to succeed in this industry.

Simply to add, Mr Speaker – and I will be posing a question – that, of course, to suggest that there was not personal contact when we were in Government is simply not acceptable and we refute that. (*Interjection*). Well, we have a different... Again, parallel realities, Mr Speaker. The question – (*Interjection*)

Mr Speaker: Order! Order!

Hon. D J Bossino: The question is what form will attendance at the Miami Seatrade Fair take?

Hon. N F Costa: Mr Speaker, in respect of his first point in the preface to his supplementary, talking of a bonanza, I think it was particularly clear and stark in my analysis during the course of my Budget speech that, in fact, cruise calls were in decline. If he wants to reiterate that we inherited a bonanza, he can carry on saying it, despite the statistics. Having said that, I do accept from the hon. Gentleman that cruise calls during the time of the GSD did enjoy a surge for a particular amount of time and we can, of course, continue that, and for the sake of Gibraltar we all obviously hope that there will be an increase in cruise calls and an increase in passenger numbers – I do not think there is any disagreement on that across the floor of the House – but I do not think, Mr Speaker, that the hon. Gentleman really wants to challenge me as to personal contacts and to what I now know happened in respect of the absence of personal contacts with cruise companies. Perhaps the hon. Gentleman, instead of challenging *me* about it, should speak to, no doubt, his colleague, Mr Holliday, as to what were his personal contacts and maybe he can provide him with a list of the number of times he had dinner or lunch or coffee or walked or cycled to work with any of these people and spoke about what was important for the cruise industry.

The way we shall take part in what is now called the Cruise Shipping Miami Convention is simple and it is implicit in my answer. We will attend – the Minister will attend – a few days *before* the Convention to make sure that he continues the personal contacts with itinerary planners and the top executives, and the reason is very simple, because obviously the hon. Gentleman knows that during the course of the Convention it is absolute mayhem when you have tens of thousands... Perhaps what it is, actually, Mr Speaker – I have just realised – is that he is angling for a trip with me to Miami, which, if that is what he wants, he should just ask me and come out and I will consider it. During the course of the Convention it is absolute mayhem. You have tens of thousands – (*Interjection*) There are tens of thousands of delegates who go and put up the stalls; these are people at a medium-tier level of their respective companies showing the wares to each other. There is only perhaps half a day or one day we actually have people from the public coming in. So these are medium-tier employees talking to each other about Gibraltar and all different port calls.

The real business of the world, to call it that, is never done at the Convention. It is done either before or after, so it makes perfect sense to us that we should go, meet the top guys and discuss itinerary planning, tailor-made shore excursions for them, trying to ask them to come to Gibraltar more often, asking them to come and stay overnight, which is part of the legislation that *they* passed when they were in Government and we supported in Parliament, and it is therefore fair enough to have officials staffing the stand at the Convention because, as I say, the top executives hardly attend, and if they do it is already for pre-planned

meetings, so you do not get to talk to, for example, *Giora Israel* or other top people in the cruising industry because you will not catch them walking down the corridors of the Convention.

Hon. D J Bossino: Mr Speaker, the Minister really ought to realise... I know he is new to the post and he is young, but the fact is... and maybe he ought to make enquiries about what used to happen before, but the fact is that Mr Holliday would also attend the Convention before it actually started, as he has just mentioned. *(Interjection)*

Mr Speaker, I do not think I have had a full answer to my question. As I understand it, there are three manners in which participants can participate at the Convention. One is to have one's own stand, which is what we used to do when in Government, and we did that because we thought that that was the best way that we could advertise and market and sell our wares. It is still work in progress: let's see what happens, but I do not have much hope in what the Minister is telling me as to whether it will be successful or not.

The second way is to have a stand as part of the Medcruise stand, and the third way to participate, as I understand it, is to simply send delegates.

Can he clarify to me – and I think I can justifiably use the word 'confirm' to me – whether the form that participation will be taking in the future is by way of presence of a delegation, as opposed to the other two forms?

Hon. N F Costa: Mr Speaker, certainly I am young, but I certainly have the wealth of knowledge and experience of the Minister for Employment, who has taught me many things, and I think quite effectively, very soon.

In order for us to determine whether or not we spend a penny of taxpayers' money on anything has to be subject to stringent criteria and it has to be results-driven and mathematical. If no-one from the Tourist Board or from my ministry can tell me that, as a result of attendance at a convention, there have been any additional calls, then why attend the convention? I am sure that the hon. Gentleman would agree.

However, I can tell him with mathematical precision, which is demanded rightly by the Minister for Employment, *(Laughter and interjection)* that, as a result of meetings with top cruise executives, following those meetings we have had an increase of nine calls during this year. So, meetings with top cruise executives results: nine additional calls. That is what I would think the taxpayers would demand: that when we spend money – especially where we are shuttling officials and Ministers off to expensive conventions – that they expect a return for their money, and I certainly adhere to that philosophy.

As I have said in my answer, it is very simple: we will have a delegation – which will basically be me and the chief executive – that will go to Miami to meet the top executives. *(Interjection)* Yes, and then, secondly, for this *particular* fair, we will have a smaller stand at the Convention, manned by officials – staffed, I should say, because there are also women... staffed by officials, to exchange information at the Convention. So it is two-pronged.

SPORTS, CULTURE, HERITAGE AND YOUTH

Heritage Department training Budget

Clerk: Question 704, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Heritage state what type of training has been/will be undertaken, the cost of which has been/will be debited to the financial provision made in the Estimates of Revenue and Expenditure 2012/2013, as at Appendix K – sub section (45)?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the time to raise issues such as this, of course, is the time of the committee stage of the Appropriation Bill. Nonetheless, I will

give him the information now.

1090 The Heritage Agency is exploring two ways of providing training from this budget: (1) provision of staff training through work-based higher degrees education in the field of archaeology, heritage and museums management via accredited United Kingdom universities; and (2) short courses in Gibraltar on specific areas of heritage and heritage management by external specialists for Heritage Department staff.

1095 In the latter case, and depending on the subject, there may be room to expand the scope of such courses to include persons outside the Department, such as volunteers and helpers. Over and above this, the Department will continue with its in-house on-the-job training programmes, which are not expected to have budgetary impact.

1100 **Gibraltar Museum**
Waiving entrance fees

Clerk: Question 705, the Hon. E J Reyes.

1105 **Hon. E J Reyes:** Has the Minister for Culture and Heritage considered waiving entrance fees for all visitors to Gibraltar Museum, save for opening during non-standard opening hours so as to bring Gibraltar closer to ever increasing international trends which seek to promote heritage and historical matters?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1110 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the waiving of entrance fees for all visitors to the Gibraltar Museum is something that at present is not being considered. As far as the Cultural and Heritage Agency is aware, it is *not* an international trend.

1115 **Hon. E J Reyes:** Mr Speaker may I ask the Hon. Minister to please put down on the agenda and consider the waiving of fees. If we look at the statistics available on the Government's website in the first six months of 2012 the income derived from admission fees was just over the £7,000 mark and I do for the record say, that I disagree with the Minister, it is an ever increasing trend to have free entrances into museums and the United Kingdom itself and the Natural History Museum is but one example.

1120 **Hon. S E Linares:** The question, Mr Speaker?

Mr Speaker: Please consider.

1125 **International Folklore Festival Prague Fair**
Details of delegation and costs

1130 **Clerk:** Question 706, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Culture and Heritage provide details of the composition of the delegation, as well as all costs incurred, which attended the International Folklore Festival Prague Fair, held in late August this year?

1135 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth

1140 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the delegation consisted of (1) Myself, Minister for Sport, Culture, Heritage and Youth; (2) Chief Executive of the Gibraltar Culture and Heritage Agency, Mr Carl Viagas; (3) The Gibraltar Culture Officer of the Gibraltar Culture and Heritage Agency Mrs Yvette Zarb; (4) The Director of the Garrison Library, Mrs Jennifer Ballantine.

The total airline costs, including the four of us, were £1,258.00. Accommodation and travel costs during

the festival were kindly covered by the Folklore Association of the Czech Republic.

1145 **Hon. E J Reyes:** I take it, then, Mr Speaker there were no subsistence costs or anything like that also incurred.

Hon. S E Linares: None at all.

1150

**Gibraltar International Jazz Festival
Breakdown of expenditure**

1155 **Clerk:** Question 707, the Hon. E J Reyes.

1160 **Hon. E J Reyes:** Can the Minister for Culture provide further detailed breakdown in respect of the £19,875 expenditure incurred, as stated in his answer to Question No. 602/2012, thereby clarifying exactly how much and to whom payments were made in respect of (a) the stage (b) management fees and (c) presenters' fees, all of which pertain to the first Gibraltar International Jazz Festival?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1165 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, details in respect of the £19,875 expenditure appertaining to the first Gibraltar International Jazz Festival are as follows: (a) the stage – £8,600, Planet Projects Limited; (b) Management fees – £10,000 George Posse, Gibraltar Jazz Society and (c) Presenter's Fee £1,275, James Neish.

1170

**Gibraltar Music Festival
Breakdown of expenditure**

Clerk: Question 708, the Hon. E J Reyes.

1175 **Hon. E J Reyes:** Can the Minister for Culture state who are the members of the Gibraltar Music Festival management board or committee and provide full details of any payments or allowances made to any of its members, stating how much was paid, to whom and in respect of what services?

1180 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1185 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the members of the organising board or committee are (1) Dylan Ferro, representing Axel Media; (2) Les Roberts representing Axel Media; (3) Owen Smith representing Word of Mouth; (4) Jonathan Scott representing Word of Mouth; (5) Steven Linares – myself – as Minister for Culture; (6) Dennis Cardona appointed by the Minister for Culture; (7) Peter Cabezzuto appointed by the Minister for Culture; (8) Daniel Guerrero appointed by the Minister for Culture. Those appointed by *me* did not charge *any* monies for the services they provided.

1190 As for Axel Media and Word of Mouth, the Government is not in a position at this stage to provide any details of payments in respect of the production and organisation of the Gibraltar Music Festival until final receipts are collated. It should be possible to provide this information by the next meeting of Parliament for Questions or earlier.

I would like to take this opportunity to thank all those who took part in any way for having helped the Government stage what has been labelled as the best ever concert in Gibraltar's history.

1195

**Cultural Grants
Commitments given**

1200 **Clerk:** Question 709, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Culture state what expenditure it has already made, or is firmly committed to make, in respect of cultural grants for which financial provision is made in the estimate of revenue and expenditure 2012/13 as at Appendix K, sub section 13?

1205 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, £93,929 has already been firmly committed to date in respect of cultural grants for which financial provisions have been made in the estimates of revenue and expenditure 2012/13 Appendix K, sub section 13.

1210 **Clerk:** Question 710.

1215 **Mr Speaker:** No, the Hon. Edwin Reyes.

Hon. E J Reyes: Sorry, Mr Speaker, does the Hon. Minister have any breakdown of that £93,929 available?

1220 **Hon. S E Linares:** Mr Speaker, as I understand it, the associations and the groups that have applied have not yet been informed of it, but as soon as they are informed I will give him the whole list of how much each association has been given.

Hon. E J Reyes: I am grateful for that, Mr Speaker.
Yes, there is no great urgency as long as we get the information during the course of the year.

1225 Can I clarify, then, Mr Speaker would the Hon. Minister wish me to raise it at as a Question at a future meeting or will he, as and when the payments are made, provide information. I ask this, Mr Speaker, because it could become repetitive every month saying, you know, have you now made any payment or whatever. So I do not know which of the two options the Hon. Minister would prefer we took.

1230 **Hon. S E Linares:** Mr Speaker, I could give it to him on a confidential basis, because I have got it with me and I can give it to him in the ante room on a confidential basis until I actually tell him that he can use it because it is not, I don't think it is fair...

1235 **Hon. E J Reyes:** That is perfectly acceptable to me, Mr Speaker.

Hon. D A Feetham: Can he just finish what he was saying: you don't think it is fair

1240 **Hon. S E Linares:** It is not fair for me to give, publicly, for the hon. Member on the other side to publicly announce what are Government funds. It is the Government and the actual Cultural Grant Committee, because there is a committee that actually decides on how much money is given to each group and it is not fair, for example, if I give the hon. Member the list that he can then go publishing it if he wishes before the actual people who get the monies are informed. I think it is only fair.

1245 **Hon. D A Feetham:** Yes I quite understand. So the information is going to be provided on the basis that once, of course, the Government then, the Hon. the Shadow Minister can make use of it for, obviously his own *[inaudible]*.

Hon. S E Linares: Absolutely.

1250

Gibraltar Fair Week
Reason for change of date

1255 **Clerk:** Question 710, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Culture state why the 2012 Gibraltar Fair Week was held approximately a week later than all previous years' established dates, thereby creating a clash with the start of the Government schools' new academic year?

1260 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the Fair was organised by the Self Determination Gibraltar Group with the assistance of the Ministry for Culture. The SDGG decided on those dates similar to those when the Fair was held back in the 90's, when the event was organised by their volunteers.

1270 **Hon. E J Reyes:** Mr Speaker, is the Hon. Minister aware that although it may have been at that date at its very origins it was later changed because representations had been made by professional bodies such as the Gibraltar Teacher's Association who requested that the Fair dates did not clash with the start of the academic year?

1275 **Hon. S E Linares:** Mr Speaker, even consultation was made this year because of the change and the Government side actually consulted the professionals and the professionals did not see or actually voice a strong objection to the fact that the Fair was changed, but I can tell him that we will be looking at the whole aspect of when the Fair is done.

It was the decision of the SDGG this year and we will again consult the SDGG and the professionals again to see if we need to readjust and move this at any stage.

1280 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, can I just supplement what the hon. Member has just said in relation to consulting the professionals. This is a matter that was referred to me as Minister for Education as to the possible educational impact and I did discuss this matter with professionals at the Department of Education.

1285 It was felt, with the representations that were made, that it would not impact on the attendance at school, particularly because it was the first week of school, it was half days and it was a short week in any event. As I understand it, the issues that were raised subsequently have nothing to do with attendance at school but attendance at the Fair as a result of school.

1290 So it did not have any *educational* impact and what is being considered is that it appears to have had an impact on the attendance at the Fair and not attendance at school. So the educational side was taken care of but the issue is the practical attendance at the Fair and that is what is being considered for next year's purposes.

1295 **Hon. E J Reyes:** So, then, Mr Speaker I think the Hon. Minister for Education, like me, should rejoice that parents chose to give priority to attendance at schools rather than to attendance at the Fair. (*Laughter*)

Hon G H Licudi: Mr Speaker, it would be nice for everybody to be able to enjoy absolutely everything but it is not a question of rejoicing or not rejoicing, there is an issue that has been raised as to the effect on the Fair itself and that is an issue that my hon. Friend has taken on board and is considering for next year.

1300 **Hon. E J Reyes:** I am grateful to the Minister for Education who told me about the consultation with his Ministry and, obviously, in turn, he did it with his senior officials. Can one or the other of the Ministers confirm that there was some consultation at least with the Gibraltar Teachers Association?

1305 **Hon. G H Licudi:** Mr Speaker, I certainly did not speak directly to the Teacher's Association on this particular issue. I consulted officials and got some feedback from them.

1310 **Hon. D A Feetham:** Did the Minister consider also the implications on parking before agreeing to the shift of the timetable for the Fair from August to September, bearing in mind that that was the week where children were back at school and therefore parents on school runs and also people coming back from holidays and that, therefore, inevitably there would be more people at that time looking for parking rather than at the end of August when usually people are on holiday?

1315 **Hon. S E Linares:** Yes, Mr Speaker, parking was provided opposite straightaway. I mean that was part and parcel of the idea of doing the parking so quickly, because of the fact that Commonwealth Parade was going to be used but, yes, I take the point that we have to look at parking with the finite land that we have got and parking *is* an issue all the time, not only in the Fair.

1320 **Hon. D A Feetham:** Well, for example, does he know how many parking spaces there are in Commonwealth Parade and also the car park next door that was used for the Fair and how many parking spaces there were provided opposite Commonwealth Parade? Did he make that analysis?

Hon. S E Linares: No, I did not, I do not think it was that important.

1325 **Hon. D A Feetham:** So the Hon. Minister does not think (*Laughter*) that it is actually important to plan ahead and consider the implications on parking for people before making a decision of this nature. Is that the answer he is giving? I am giving him another opportunity. (*Interjections*)

1330 **Hon. S E Linares:** Mr Speaker, we have had Fairs since, I think, the 1990s, and during the time that the hon. Member was on this side of the House, I cannot remember them even *thinking* about the parking implications. The fact that Commonwealth Parade was emptied of cars and no other provision was made *at all* just goes to show that the hon. Member is just trying to make cheap political points at the fact that we actually provided parking and that I do not know how many, and I do not think that it is important, because at least we provided... Even if we provided even *one* parking extra than what the hon. Member used to is better.

1335 So the fact that I do not know whether there was 500 parkings and that I only provided 300 parkings is irrelevant. That is why I think it is not important – because, quite frankly, it was not even in their minds about the parking. The fact that we did it, we did hard work, we laid the tarmac, we put solar panel lighting on it, which we are very proud of. Those are the things that people will be looking at – not whether there is one parking less or one parking more, Mr Speaker.

1340 **Hon. E J Reyes:** Mr Speaker, the Hon. Minister is factually incorrect in stating that no parking has ever been provided by the GSD when it was in Government. I ask him to search back in past press releases and he will find that alternative parking spaces were made to at least cater for part of the loss of Commonwealth Parade car parking during the Fair Week.

1345 In any case, then, Mr Speaker, further to that, what we were trying to say was, if the Fair Week is held at the time of the year when schools have still not commenced, it makes life a bit easier for parents to perhaps consider – and the Minister for the Environment would support this – walking to work, because it just requires an adult to walk to work and so on and therefore adopt a healthier and greener lifestyle; whereas if it coincides with the start of school week, it becomes a bit more complicated to walk to work, carrying along children who walk at a much slower pace and are much younger and therefore cars do become necessary. So that was the point, as well, we were trying to put in, Mr Speaker.

1350 **Mr Speaker:** I think he is clarifying the point that has been made by the Hon. Daniel Feetham.

1355 **Hon. D A Feetham:** Well, can the Minister confirm – because this is what I understand by his answer; maybe I have got it wrong – that they provided the parking opposite to Commonwealth Parade specifically to take into account the lack of parking for the Fair, during that week? Is that what he is saying? Because, of course, the answer... that particular parking is provided as part of the Government's commitments in respect of other policies the Government has. But maybe – I do not know – I was wrong in my assessment of that, as well.

1360 **Hon. S E Linares:** Yes, you are. And why? Because what we have done... It is the timing of it. We could

have left that and said, right, when Commonwealth Park starts its development and we have to shift it, we could have done it then. The fact is that we did it just before the Fair, in order to alleviate the shortfall that was there. That is exactly why we did it before and not after.

1365

Hon. S M Figueras: Mr Speaker, by way of clarification – and I will need two microphones to make this point – we have had this discussion in Parliament in recent sessions, where I have had the debate with the Hon. the Minister for the Environment in respect of the Commonwealth Park, in rather heated fashion and a very entertaining one, that the plans for the Commonwealth Park – or rather the logistics as they have mapped out – were that, just before the Fair, the Commonwealth Park area would be vacated and the parking would be provided elsewhere on the other side of Queensway and that, after the Fair, the Commonwealth Parade would no longer be used, because work would continue. I remember that we had that discussion.

1370

So now for the Minister to pretend – the Minister for Culture – that they somehow provided that parking because they were going to deprive the users of the parking during the Fair is somewhat disingenuous, given the fact that we had that debate – and that *will* be on *Hansard*.

1375

So I just offer that by way of clarification, because I think it is an important point to clarify, Mr Speaker.

Mr Speaker: There is no question there.
Next question, in that case.

1380

Clerk: Question 711, the Hon. E J Reyes – (*Interjections*)

Mr Speaker: Well, I will allow the Hon. Daniel Feetham.

But I must make the point that when we end up with a statement as opposed to a question, I must reasonably assume there are no further questions.

1385

Anyway, the Hon. Daniel Feetham.

Hon. D A Feetham: What does the Hon. the Minister think that the SDGG bring to the party, so to speak, in terms of the organisation of the Fair, other than the fact that they organised the Fair in the early 1990s?

1390

Hon. S E Linares: Mr Speaker, they are a group of volunteers who help, in conjunction with the Ministry for Culture, set up everything to do with National Week and National Day. That is exactly what they do.

Hon. D A Feetham: They are also an organisation that, obviously, deals with, that represents, rights of self-determination – although they perhaps do not want to go this far, but it is the logical conclusion of their philosophy – independence or certainly the right to self-determination.

1395

There are many other organisations that are volunteers that do a perfectly good job during the 16 or 15 years of GSD Government it was dealt with. There were other volunteers that dealt with this. Why the SDGG? What is it that they bring to this other than the fact that, historically, under Mr Bossano's Government, they were the ones that organised it, that you feel they bring to bear in terms of expertise or experience to the organisation of the Fair? Or is it just – (*Interjection*) I just want to understand it – that, historically, they dealt with it, when the GSLP were in Government and therefore you are returning to that, simply for historical reasons?

1400

Hon. S E Linares: Mr Speaker, the SDGG was the group that actually started National Day. (*Interjection*) Yes, hold on – National Day. They then proceeded by doing the Fair and all that was around a National Week.

1405

So it is only fair – and, yes, he is right in saying 'because of historical reasons'. It is their 'baby', for want of a better word, which the previous administration then ostracised and ignored and did not want to know and had to do rallies in Casements in a private property, because the previous administration did not like what they used to organise. They were volunteers, they were... It was only until the GSD came into Government that they took over completely, the whole of National Day, the whole of National Week, manipulated in their own way for their own political ends and we believe that it is only right that the people who started National Day, the people who started National Week and all its festivities should have at least involvement and working together with the Ministry of Culture.

1410

1415

Hon. D A Feetham: I am afraid I do not understand the logic of that. Actually, we did away with the

political... (*Interjection*) *We did* –I do not think *you* understand the logic of that. But we did away with the political rally. I do not understand how you can possibly say, in the same breath, that we actually politicised the event. On the contrary, we tried to do the opposite of politicising the event.

1420

But is your point of contact on this within the SDGG, Mr Cardona. Is that the position or not?

Mr Speaker: Before the Hon. Minister answers, I will allow that supplementary as it is, but I should point out, we are now deviating far away from the original Question, which was the dates of the Fair Week in conjunction with the schools' academic year. Now we are moving it around to debating the justification or otherwise of entrusting this whole thing to the SDGG. I will allow that question, but no further questions on that line.

1425

Hon. S E Linares: Mr Speaker, I have connections with *all* the members of the SDGG, including Mr Dennis Matthews, who is now the Chairman.

1430

Youth Clubs Weekend opening

1435

Clerk: Question 711, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Youth confirm if resources have now been made available in order for Youth Clubs to be open at weekends, as per his Party's manifesto commitment and, if any, provide details of these?

1440

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Yes, Mr Speaker, resources have been made available, in order for the Youth Clubs to open at weekends.

1445

I would like to add that the Youth Service is currently conducting a recruitment campaign to recruit volunteers to help in fulfilling our stated manifesto commitment.

I now hand over to the hon. Member opposite a schedule of the detailed information.

The schedule appears on the next page.

ANSWER TO QUESTION No: 711/2012

December:

Dolphins Youth club met at its premises before travelling to the nearby Rio Miel for a club whole day outing.

The Youth Centre opened and used the sessions; usually the whole afternoon, in the preparation for the construction of the 3 King's Cavalcade float.

January

The first Saturday In January including members and friends from other clubs who were encouraged to come to the Youth Centre and assist with the decoration and preparation of the float.

Dolphins youth club again met on a Saturday and went with members and some friends on a walk to Mediterranean steps.

Members from Plater Youth Club and the Youth Centre met at their respective clubs and from there went on "driving tours" to the Upper Rock; local beaches; Rosia Bay and enjoyed local natural history sites and open space away from their normal meeting venues.

February

Plater Youth Club members met on a Saturday and helped organise and deliver a cake-stall and raffle next to the Moorish Castle children's playground to raise funds for club projects.

Laguna youth club also met on a Saturday to travel to a nearby river in Spain.

March

Dolphins Youth Club members met on a Saturday morning and went to the Piazza to hold a cake stall and raffle at the Piazza to raise funds for club projects.

Later that month they too went to Spain, this time to Tarifa where they took part in a walk along the coastline and natural park in that area.

April

The Youth Centre members met on a Saturday to go on a "local" hiking venture taking in Anglian Way, the Great Siege Tunnels and the Upper Rock in general enjoying the views and identifying local landmarks.

May

Dolphins Youth Club again met on a Saturday morning and this time walked inside the rock on a tunnel tour including the Great North Road.

Laguna Youth Club members met on a Saturday to take its members on a "dolphin spotting" trip out in the bay.

June

Plater Youth Club members enjoyed two Saturday outings; one to the Marbella ski park and the other to Bahia Park also in Spain during the month of June.

August

The Youth Centre held one last trip on a Saturday in August for members from various youth clubs and some friends.

1450

Hon. E J Reyes: Mr Speaker, I am grateful to the Minister.

He has provided me with this detailed breakdown, highlighting some of the activities that have taken place at weekends, during the course of last December up to last month of August, but can I be more specific in asking him is it his intention that youth clubs will be open at weekends on a permanent basis and not just once or twice a month?

1455

Hon. S E Linares: Yes, Mr Speaker, that is precisely why we are doing the recruitment campaign, because in order to open during the weekends, you need more people to man it. It would include youth workers but it will also include many volunteers, and that is why we are doing the recruitment campaign that we are currently engaged in, so that we can get as many volunteers as we can, in order to open them even

1460

further.

Hon E J Reyes: And by when, Mr Speaker, would the Minister dare to say he hopes to have this implemented?

Hon. S E Linares: Well, Mr Speaker, in the *Chronicle*, it had a closing date. I cannot remember, I think it was 24th September, on which the actual closing date is, but we are open all the time for volunteers.

I would like to take this opportunity to try and encourage people to come and work with our young people in youth clubs and everywhere we can. We are currently also working very closely with the Heritage Trust, with the Heritage Division. We are currently also working through Education, everywhere we can, so that we can recruit volunteers and have our youth in youth clubs in the right place and atmosphere that they should be.

Hon. E J Reyes: Mr Speaker, the Minister referred me to a closing date of 24th September, he believed in the *Chronicle*. Does that mean that, as from 25th September, youth clubs will be open at weekends?

Hon. S E Linares: Mr Speaker, I added to that that it is not a finite date. Because the Youth Service has to run courses and have to run screening and things like that – which is ongoing – it does not close on 24th September, but they have given themselves a target of 24th September, because they want to conduct a course.

They will have to see from 24th September how many they have got. If they have not got any people, then they will say, 'Well, we need to extend it, we have not got any volunteers. Why are we going to run the course?' If they have got 30 people or they have got three, it is up to them to decide whether they will continue with the courses. It is ongoing all the time, and these courses are how to deal with young people because not everybody can. It is not academic at all. It is just a question of how you relate with young people.

Clerk: Question –

Hon. E J Reyes: Once again, expressing gratitude for all those explanations, does the Minister dare to give me a projected date by which he hopes the youth clubs will be open at weekends?

Hon. S E Linares: No, Mr Speaker, I have already answered the question.

We will have to view it as and when we get applications, we get people, volunteers and all that. I would love, and I hope he concurs with me, that we should have it by tomorrow or this next weekend, and he should be happy that at least this Government is trying to work to have all the youth clubs open all weekends. This is a goal that I am sure he probably had when he was on this side of the House, so the fact that we are actively pursuing it... he should be congratulating me for trying to at least move this forward.

Clerk: Question 712 –

Mr Speaker: The Hon. Jaime Netto.

Hon. J J Netto: I would just like to ask the Minister whether, in relation to the Laguna Youth Club, over there, the refurbishment which I started in my previous term as a Government Minister in order to allow the usage on certain days of the week by the elderly people in the catchment area of Glacis and Laguna, is that still going on? Or perhaps that project has now been abandoned for some other reason?

Hon. S E Linares: Mr Speaker, yes, the project that *he* started was nearly two years stopped whilst he was there because there was nothing happening. The fact is that the users... even the youth club itself was shut for a very long time. The hall was divided into two, in which one side – and that is the place that we have all used when we have elections, one side... That side was apparently to be for a place where the elderly were supposed to have gone there. Nothing had moved for a very long time. It was stopped.

So, what happened was that I tried to... because the users... because we opened and it was opened... I think it was opened in October or November last year when the youth club was opened. Half... not the other side. The other side was never used as a day centre, ever, and what happened was that the users of the Laguna Youth Club were telling me, 'Look, we are crammed in here. What is happening? There is nothing happening

on the other side.’ So, in consultation first to try and get the tenants’ association, who have a big premises, to see if they can reconcile having the day centre... But I am happy to say that, in consultation with the Minister for Social Services, we have been able to do something different, which is not have the centre there. The centre that you used to have in the Laguna is now opened and is now a youth club. The whole thing is a youth club because they needed it. Therefore, it was like robbing Peter to pay Paul in that sense. So what we have done is open it all and the day centre has been relocated elsewhere.

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**Europa Point
Cricket and rugby facilities**

Clerk: Question 712, the Hon. E J Reyes.

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Hon. E J Reyes: Can the Minister for Sport and Leisure provide details of his Ministry’s plans to provide renewed facilities for the playing, teaching and development of both cricket and rugby at Europa Point, as per his Party’s manifesto commitment?

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Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, no details can be provided at this stage for the renewed facilities for the playing, teaching and development of both cricket and rugby at Europa Point, but discussions are ongoing with the relevant sporting bodies about potential locations for such facilities.

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Hon. E J Reyes: Mr Speaker, can I please ask for some clarification?

Is what the Minister is saying that he is discussing with both the Cricket and Rugby Associations as to perhaps providing the facilities *elsewhere*, other than Europa Point?

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Hon. S E Linares: Wherever it is possible, either Europa Point or wherever we can find places and they are happy with. It could well be Europa Point.

Hon. E J Reyes: So what happened to the firm manifesto commitment of providing these facilities at Europa Point?

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Hon. S E Linares: The fact is that if the Associations are happy with the fact that we are moving somewhere else, you can then put a little cross on our manifesto commitment that it is not in Europa Point but the facilities – the brilliant and wonderful facilities which the Associations will be really happy about – are not in Europa Point. We can contest that in an Election on that one.

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Hon. E J Reyes: And what would happen, Mr Speaker, in the circumstances that the Association is *not* happy vacating Europa Point?

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Hon. S E Linares: We will work as hard as we can to make them happy.

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**Sports grants
Expenditure**

Clerk: Question 713, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sport and Leisure provide full details of what expenditure it has already made, or is firmly committed to make, in respect of ‘Sports Grants’ for which financial provision is made in the Estimates of Revenue and Expenditure 2012/2013, Appendix J, in the following sub sections:

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- (22) Grants to Sporting Societies;
 (23) International Competitions;
 (24) Sports Development Projects; and
 (25) Hosting of Special Sports and Leisure Events?

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Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

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Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, I now hand over to the hon. Member opposite the details requested in relation to the expenditure already made in respect of sports grants for 2012-13. Further details on committed expenditure will be provided once the sporting associations have been informed. *[Inaudible]*

ANSWER TO QUESTION 713/2012

(22) Grants to Sporting Societies - £67,914.00

Breakdown of expenses for the period 1/4/12 – 14/9/12

Hockey- Competition in Athens -	£3500.00
Billiards and Snooker- Competition in Spain-	£400.00
Basketball- Competitions in Macedonia-	£6510.00
Basketball- Competition in San Marino-	£4960.00
Sea Angling- European Shore Championships-	£6054.00
Sea Angling- European Boat and line Championships-	£6638.00
Basketball- Two European Competitions in Gibraltar-	£17000.00
Hockey- Competition in France-	£6053.00
Hockey- Competition in Portugal-	£5000.00
Ten Pin Bowling- Med Cup in San Marino-	£1056.50
Rowing- International Competition in Belgium-	£6000.00
Triathlon- iron man Hawaii-	£1000.00
Swimming- Competition in Andorra-	£3742.50

Pending commitments for this account, for which the GSLA is awaiting confirmation of completion and/or submission of relevant application forms, are those included in the following table of recommendations made by the Gibraltar Sports Advisory Council:

Governing Body.	Details of event/project.
Gib Athletics.	21st European Championships Helsinki, Finland
	14th IAAF Indoor Championships, Istanbul, Turkey 2A+10
	14th European Cross Country Champs Dec 2012 2A+10
	European Junior Championships, Barcelona, Spain 2A+10
Gib Basketball.	European Championship Div C U18 Men 12A + 3C +1Ref San Marino
	European Championship Div C U18 Women 12A + 2C+1D +1R Cyprus
	European Championship Div C U16 Men 12A + 2C+1D +1R Gib
	European Championship Div C U16 Women 12A + 2C+1D +1R Gib

CONTD. ANSWER TO QUESTION 713/2012

Gib Chess	Late Applications Awaiting revised quotes
Gib Cricket.	Iberia Cup
	World Cricket League ICC
	U17 European DWZ Tournament ECB
	Girls U15 ECB County Festival Tournament
	Senior Women Cricket Board T20 Tournament ECB
Darts	Torre Open
	Med Cup
	EU Cup
	Winmau
	EU Youth Cup
Hockey	Pro Tour
	European Cup Mens Eagles HC
	European Cup Mens Grammarians
	European Cup Ladies Hawks HC
	European Cup Ladies Eagles HC
	World Series Cup July Mens squad 2012 Portugal
	U21 European Mens Junior Cup Portugal
	U21 European Ladies Junior Cup Portugal
Ice Skating Gib Netball	U16 European Boys & Girls Nations Cup
	Competition
	Comp to qualify for IFNA Champs May
	Netball Europe Festival Gibraltar+ Coach Ed
	Netball Europe U17 Wales
Gib Pool.	European Championship UK
	World Championship, Turkey
Gib Rowing.	FISA App Ghent Int Junior Championships
	EU Rowing Championships
	World Rowing Championships
Rugby	FIRA Int Comp x2 (subject to membership Approved)
Gib Sea Angling	European Boat Angling Championships Norway
	European Shore Angling Championships Iceland
	World Shore Club Championships Holland
Gib Squash	ETC Malta 9A+1C+1R
	ECC Czech 5A+1C+1R

CONTD. ANSWER TO QUESTION 713/2012

	ESF Junior Squash Qualifying event
Pistol	CSF ED
Clay	CSF ED
Rifle	CSF ED
Gib Swimming.	FINA World Championships Istanbul 4A+2O
	LEN International Swimming Champs Andorra 16A+2O
Gib Tenpin Bowling	Med Challenge Cup Serravalle, San Marino
	EU Mens Champs Vienna, Austria
	World Singles Champs in Den Hague, Netherlands
	EU Champions Cup Netherlands
	Commonwealth Champs
	Amf World Cup
Gib Triathlon	Iron Man Frankfurt Germany
	Ironman world Champs
Volleyball	Malta Med Games
	Junior tournament

(23) International Competitions- £30.22

Breakdown of expenses for the period 1/4/12 – 14/09/12

Subsistence Ministers meeting in London- £30.22

Pending commitments for this account, for which the GSLA is awaiting confirmation of completion and/or submission of relevant application forms, are those included in the following table of recommendations made by the Gibraltar Sports Advisory Council:

Details of event.
Common Wealth Games Glasgow
General Assembly
European meeting
Straits Games
Island Games Bermuda 2013

CONTD. ANSWER TO QUESTION 713/2012**(24) Sports Development Projects-****£14938.03**

Breakdown of expenses for the period 1/4/12 – 14/9/12

CSLA Tutor accommodation	£310.00
First Aid Course	£450.00
Exercise Instructor Fees	£90.00
Swimming Coach Expenses	£112.50
Elec and Water Boxing Club and Body Building	£80.38
Elec and Water Boxing Club and Body Building	£213.14
Elec and Water Boxing Club and Body Building	£123.76
Elec and Water Boxing Club and Body Building	£75.13
Premises minor works	£25.40
First Aid Courses	£320.00
Equipment for SDU	£678.43
Equipment for SDU	£1221.76
Equipment for SDU	£213.99
Sports Trust UK- Trainer	£489.54
Basketball Schools Sports Development	£4987.50
Football- Competition in Portugal	£1800.00
Coaching – Karate	£620.00
Cheerleading- Coaching	£732.00
Ju Jitsu- Competition in Japan	£1000.00
Ice Skating Schools Development	£325.00
Sub Aqua Courses	£709.50
Squash- European Federation AGM	£360.00

Pending commitments for this account, for which the GSLA is awaiting confirmation of completion and/or submission of relevant application forms, are those included in the following table of recommendations made by the Gibraltar Sports Advisory Council:

<u>Governing Body.</u>	<u>Details of event/project</u>
Artistic Gymnastics	Crash mats, Floor mats and a Spotting block
Athletics	Electronic photo finish
Climbing	Anchors and Bolts at recognised sites in Gib
Rhythmic Gym	New Carpet Needed
Gib Clay Shooting	2 Additional Traps
Gib Pistol Shooting	ISSF Rapid Fire targets

CONTD. ANSWER TO QUESTION 713/2012

	ISSF Air Pistol Target x8
	Change of shooting points to meet ISSF Standard
	Turning Target (1 piece bank of 5)
Taekwondo	Timing equipment
Gib Artistic Gym	UK Artistic Gymnastics Level 1 coaching course for Shane Israel
Gib Athletics	IAAF Congress – Convention Malta
	Youth Development Programme (10-15)
Gib Badminton	Badminton Europe and COMEBA AGM
	Badminton Summer Camp,
	ETB Ongoing Coach Education Programme
Gib Basketball.	Fiba Europe General Assembly, Slovenia
	Sec Gens Conference Germany
	EBE level 3 award
	Commissioner's Clinic in Germany
	FIBA Refs Clinic in Germany
	NRI Clinic in Spain
	Cadiz League Transport 2011/2012
Gib Cheerleading	UK Cheerleading Qualifiers x2
Gib Chess	Monthly junior coaching from Mr D Escobar
	Monthly training For S Whately via Mr D Escobar
	Monthly Senior coaching from mr D Escobar
	2 Day Arbiring Course and exam UK
	Arbiring Tournament in UK req to get Arbiring qualification
Gib Climbing	Junior Climbing competitions Via BMTC
Gib Cricket.	ECB Administration and governance forum
	ICC Annual Conference
	European Centre of Excellence Participation 2A+1C

CONTD. ANSWER TO QUESTION 713/2012

	Girls U15 ECB Country Festival Tournament
Gib Football	Junior Tournament -Portugal
	Senior Football
	International Challenge Trophy Jersey, Guernsey IOM + Gib (FIFA sanctioned)
	Senior Football
	International tournament Slovakia
	Dev Officer work in schools
	level 1 UK FA x24
	Level 2 UK FA x12
	referee instructor course
	Dev officer qualification (UEFA A)
	Junior Football
	Tournament in Sweden
	Tournaments, Seniors, Juniors, Ladies
Gib Hockey	Level 2 Coaching Course
	International Hockey federation Malaysia
Ice skating	Summer NISA Excellence and performance Clinics Madrid
	Easter Family Fun day Gibraltar
	Hull Open
	Dundee Open
	Bracknell Open
	NISA Exam 1 & 2
	Competitions
	Consultative Form
Gib Ju-jitsu	Butoku Sai Congress Japan
Gib Karate	Instructor development course Southampton
	Training Course with Harada
	Instructor development course UK
	instructor development course Wales
Gib Netball.	Coaching UKCC Level 1
	Coaching UKCC Level 2
	Umpire level C tutor / resources
	Umpire level C Assessor
	NE Coaching Conference
	Umpire level C tutor / resources
	Umpire level C Assessor

CONTD. ANSWER TO QUESTION 713/2012

Gib Paddle	Level 1 paddle Tennis - Course x 3 Junior Development Course 4 juniors
Gib Pool	Courses for Juniors and Seminars 2 visits professional mentoring of local coaches
Gib Petanque	FIPJP Congress
Gib Rhythmic Gymnastics	GB national grade testing x6 GB Grade Finals GB National Finals GB Coaches training Course GB Judges Course british Group National Championships National Coach Training Spanish level A and B 30 -50 girls Spanish level copa 10 girls
Gib Rowing	ARA training Course level 2 and 3 FISA Junior Coaches Conference TBA FISA Senior Coaches Conference TBA British Rowing Coaches Conference UK ARA Umpires training Course British Rowing Championship Nottingham England FISA Ordinary Congress Elite training camps in Seville
Gib Rugby	FIRA general meeting Insurance Barbarians Travel Costs Andalucian League
Sailing	Equipment for schools RYA Sailing Instructor Course - 6
Gib Shooting	
Gib Clay Shooting	2 Visits by Qualified UK Coach CPSA Coaching Course in UK 4 British Selection Events
Gib Shooting Pistol	1 Visit By Qualified ISSF Coach ISSF Range Course x2 ISSF coaching Course -2 Junior Training Material France Grand prix ISCh Hannover British Air pistol Champs

CONTD. ANSWER TO QUESTION 713/2012

	Intershoot Holland
	Jersey Open
	Welsh Air Champs
Gib Squash	ESF AGM
	ESF Junior Squash -Qualifying event
Sub Aqua	BSAC Advanced decompression Procedure x12
Gib Swimming	Elite Swim Camp Specialist Centre Tenerife
	Lifeguard Course
	LEN Congress
	Accredited Teacher Training
Gib Taekwondo	International Poomsae Seminar / Championship
	International Sparring Champ UK
	International Patterns Champ UK
Gib Tennis	Level One Coaching Course – 6
Gib Triathlon	Triathlon Coaching Course
Gib Volleyball	Referees Course + paper work
	Scorers Course
	FIVB Congress
	CEV Congress
Sports Specific Schools Development Projects	Football
	Basketball
	Ice Skating
	Rugby
	Badminton
	Cricket
Sports Development	Holiday programmes & generic coach education

CONTD. ANSWER TO QUESTION 713/2012

(25) Hosting of Special Sports and Leisure Events. £111231.20

Breakdown of expenses for the period 1/4/12 – 14/9/12

Classic Vehicle Rally	£1500.00
Kennel Club- Dog shows	£10000.00
Gib Fit Congress	£295.00
Minister's Reception UEFA	£616.75
Harley Davidson Rally	£2000.00
Minister's Football Reception	£415.60
Squash – Gib Open Prizes	£4500.00
Junior Chess Festival	£15000.00
2 X Minister Reception UEFA	£1558.75
Basketball hosting of 2 European Competitions	£51215.00
Minister's Reception Netball Europe	£1500.00
Football Expenses	£378.10
Minister's Contribution Man Utd Gib Anniversary	£1500.00
Strongman Champions League	£20000.00
Chess Festival Official Hosting	£236.00
Gibraltar Regatta- Official Accommodation	£516.00

There are still four pending commitments for this account:-

The Gibraltar Regatta recently held,
The Masters Ten Pin Bowling Championships,
The Chess Festival
Professional Darts Corporation.

Hon. E J Reyes: Yes, Mr Speaker, I am grateful for the information, which I can look at with greater time on my hands.

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Can I clarify from the Minister as and when he makes the additional grants or whatever under these sections, will he automatically then pass on to me the information?

Hon. S E Linares: Mr Speaker, as I understand it, it will also be... Yes, I will do that, and not only that, all this is now going to be on the new Gibraltar Sports and Leisure website. They are going to have an independent... Well, it will be run by Government but they are going to have their own website on which *all* this information will be, as soon as it can be provided.

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Hon. E J Reyes: It prompts me to ask something, Mr Speaker.

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I am very grateful that that sort of information is being provided through the Government website and so on. I would like to bring to the Minister's attention that when, on the Opposition side, you come to tabulate your Questions and hand them in before the deadlines, because this side of the House does not enjoy all these facilities to automatically have access to the online information...

I must express some gratitude to the Clerk of this House who actually made available to me the use of one of the officers' PCs so that we can have access, and it is something the Government may wish to consider, because information has been provided – we are grateful to the Ministers – but the facility for this side of the House to access the information has not been provided. So we are here, and other than Mr Netto, who happens to have his own personal laptop... I cannot look into it and verify or tabulate, or in fact, do the legitimate work of the Opposition, which is to see what is being provided or what further questioning from there may be needed. So that is something that this House should consider for the future if we are going to have increased

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1605 information being provided via these types of services.

Hon. S E Linares: Mr Speaker, just to say that if we do put it in the website, he can still ask the question and I can tell him that he can look at it on the website or, if he wants, he can ask somebody else to look on the website for him, but I have no problem in giving him the information – even if he asks in this House – straight to him.

Mr Speaker: I think this was a wider plea, rather than just the information. A wider plea to the Leader of the House to provide iPads and laptops to all the Members, which I must say I do endorse.

1615 **Hon. E J Reyes:** Thank you, Mr Speaker, for helping to clarify that.

1620 **Gibraltar Olympic Movement**
Application to join International Olympic Committee

Clerk: Question 714, the Hon. E J Reyes.

1625 **Hon. E J Reyes:** Mr Speaker, further to his recent announced support in respect of Gibraltar's longstanding application to join the IOC, can the Minister for Sport and Leisure provide details of what specific course of action his Ministry will be taking to sustain the bid submitted several years ago by the Gibraltar Olympic Movement?

1630 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, as the Leader of the Opposition, who is not here in the Chamber today, will know, the Gibraltar Olympic Movement commenced legal action against the International Olympic Committee before the Swiss civil courts many years ago and that action went all the way to the Swiss federal courts and was unsuccessful.

1635 The Gibraltar Olympic Committee is exploring what further avenues are available to succeed and the Gibraltar Government will support any initiative they or any other relevant parties may take in this respect in order to advance further.

1640 **Hon. E J Reyes:** Thank you for that, Mr Speaker.

So, what I gather is that the present Government will continue with the same level of support as this party did when it was in government, and I therefore publicly announce that I wish to join wholeheartedly with the Minister's efforts and he can count 100% on support from this side of the House in respect of the Gibraltar Olympic Movement's application to the IOC – in fact, I will even go further: in respect of all applications submitted by any legitimately registered sport associations – and I hope that we can work together in partnership, even, if need be, speaking outside meetings of this House so that we are mutually updated and there is a common approach for the good and benefit of all sports persons in Gibraltar.

1650 **Hon. S E Linares:** Mr Speaker, just to say that it is a thing that we welcome. It is not a party political issue. It is an issue that we should all be united on, and in this case I welcome any help or anything that the hon. Members on that side or anybody in Gibraltar might give.

1655 **Gibraltar Sports and Leisure Authority facilities**
Bookings/allocations made to sporting bodies

Clerk: Question 715, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Sport and Leisure provide details of all fixed

1660 bookings/allocations made to sporting bodies in respect of all facilities managed or administered by the Gibraltar Sports and Leisure Authority for the 2012-13 season?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1665 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the tables of all fixed bookings/allocations provided for use by sporting bodies in respect of all facilities managed and administered by the GSLA for the 2012-13 season are in the process of being finalised. The hon. Member will be sent a copy of what will become a public document on completion of the exercise.

1670 **Hon. E J Reyes:** I am grateful and I accept that, Mr Speaker.

Just so that it goes in the record, I had a similar thing which I accepted once from the Minister for Housing, and when he actually handed me the document we needed guidance from the Clerk so that that schedule or whatever was handed over could actually then be recorded and become part of the *Hansard*.

1675 So although I am patient enough and will wait and understand that the final allocations still have to be made, when that is available, somehow or other, Mr Speaker, I wish that to be recorded in Parliament. So perhaps at the next meeting, if it is ready by then, the Minister can actually table it – I think that is the advice that the Clerk gave us. The Minister can then table it and then he can legitimately make it form part of the *Hansard* for the sake of perhaps when it comes to a future reference.

1680 As a Member of the Opposition, one only has to look into *Hansard* and find all the information there. Otherwise, it ends up being lost. A piece of paper can easily be lost in my home, given that the Opposition does not even have offices available here within the Parliament building.

1685 **Hon. S E Linares:** Yes, Mr Speaker, suffice to say that, as he well knows, they are finalising it because of the time of the year where we are. It is August/September, so the season is changing, some seasons are starting and all that.

1690 But I can also say to him that in this case, yes, we will go through the process that he has mentioned, through the Clerk, so that it is in *Hansard*. I have no problem with that. But again, next year, all this will be on the website as soon as it is available, so there might not be a need next year to come through Parliament in order for this because it will be a public document that will be on the website. But this year I have no problem; we will do that.

Strongman Champions League 2012 Sponsorship arrangement

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Clerk: Question 716, the Hon. E J Reyes.

1700 **Hon. E J Reyes:** Can the Minister for Sports and Leisure provide details of the sponsorship arrangements, inclusive of its financial value, granted by Government towards the staging of the Strongman Champions League in Gibraltar during September 2012?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1705 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, Government, through the Gibraltar Sports and Leisure Authority, agreed to provide £20,000 sponsorship towards the staging of the Strong Man Championship League. Non financial assistance was also provided relating to resources, facilities and venues necessary for the event.

1710 It is important to understand that this event will be televised as a one hour programme in Eurosport and coverage of the event will also be transmitted on Channel 5 and ITV. Therefore, the event is seen as an *excellent* opportunity to market Gibraltar.

Hon. E J Reyes: Mr Speaker thank you for that information.

Within welcoming this type of events – and this party has always supported Gibraltar being a host nation

1715 for international events and so on – does the Minister know if the timing of events, did it infringe and therefore cause cancellations for other sporting events that were scheduled or, I am going to give him time perhaps to look it up and I can get the answer from him at any future date?

1720 **Hon. S E Linares:** Mr Speaker, as I understand it, it did not because the organisers came, if I remember correctly, it was about April/May time and by then they had already notified the dates that they wanted to use. As I understand it, the GSLA did not have any problem on the facilities exactly for the reason that I have just mentioned because August/September there are, it is like the summer and therefore associations and bodies are not using the facilities as they do during the winter time.

1725 But I can also say that it is not a firm date. Those are not firm dates for every year because we want it to be maybe an annual event and the sponsorship deal might change – we don't know. But, what I am saying to you now is that we want it to be an annual event because of the importance that Gibraltar is put on the map at least on this sport and Gibraltar itself, the one hour programme that apparently Eurosport is going to do, will include lots of shots of Gibraltar, lots of places in Gibraltar, so it will be like a story of the men coming to Gibraltar, seeing the place and that, in itself, is marketing. It is marketing tourism so we thought that it was very important to do this first one and then the next one, next year, things might change. Even the dates might change.

1730 **Hon. E J Reyes:** Can I then just simply to round it up, Mr Speaker, just ask the Minister that, although he will continue receiving our support on that, just to bear in mind for future dates requirement, the sensitivities of other sporting associations. I mean he has probably heard it the same as I have, you know those within for example the football fraternity who wish to have allocations now in order to get ready for the formal start of the season, end up feeling that their slots may have, in the same way that slots were found for the Strongman thing, that no slots were offered for them in order to prepare themselves better for a championship, more so with Gibraltar's pending and imminent membership of UEFA.

1740 **Hon. S E Linares:** Yes, Mr Speaker, we will look into that and I can assure you that the MUGA area, as it is called, was not a place where the footballers actually lost any allocations at all. The footballers themselves, if the MUGA is not a place where the footballers... (*Interjection*)

1745 Well, yes, fine. Yes, we will be sensitive towards all... because, like I said, we want – it is *events* that we want to do and we have to be both sensitive and see the value of the event and, at the same time, see it not affecting associations. Maybe we can think of more venues but, at this stage, we are not there yet.

1750 **Hon. E J Reyes:** And, once again, for clarity, Mr Speaker, I hope the Hon. Minister accepts my wholehearted support for Gibraltar to host international events and perhaps I can receive his assurance that we will work in an un-political manner in a joint effort to ensure that Gibraltar gets as much promotion in sporting events as possible.

1755 **Hon. S E Linares:** That is appreciated Mr Speaker.

**Locally registered sports associations
Government assistance for sports development officers**

1760 **Clerk:** Question 716, the Hon –
I beg your pardon, Question 717, the Hon. E J Reyes.

1765 **Hon. E J Reyes:** Can the Minister for Sport and Leisure provide details of any financial contributions it has made, or is committed to make, during this current financial year to any locally registered sporting association in connection with any expenses incurred in respect of, or by, their sports development officers?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, financial

1770 assistance through funds available for the sports development projects is made available to the sports associations in respect of previously approved projects which their sports development officers do in schools, but do not work there, they do directly for the... but work that they do directly for the association.

1775 In the current financial year, to date, the following payments have been made: Basketball £4,987.50; Ice Skating £325.00.

Procedural

1780 **Mr Speaker:** Would that be a convenient moment for a short recess before I move to the Questions for the Minister?

It was agreed.

1785 **Mr Speaker:** This House will recess for ten minutes.

The House adjourned at 11.40 a.m. and resumed its sitting at 11.57 a.m.

1790

ENTERPRISE, TRAINING AND EMPLOYMENT

1795 Graduate Employment Scheme Three year contracts for research assistants

Clerk: Question 718/2012, the Hon. Mrs I M Ellul-Hammond.

1800 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Employment explain how the Graduate Employment Scheme offering graduates three year contracts as research assistants works?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

1805 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, the graduates that are currently undertaking research are primarily engaged in sourcing information as and when required in relation to a number of areas. These are primarily in following up sources of information relevant to employment issues, legislation changes, innovation and inward investment possibilities relevant to the 'enterprise' element of my Department or as relevant in the Department in which they have been placed.

1810 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, when did this Graduate Employment Scheme start? Was this as from 9th December?

1815 **Hon. J J Bossano:** No, it was launched at the same time as the employment training scheme for non graduates, which was in February.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, how does a graduate go about signing up for the Graduate Employment Scheme?

1820 **Hon. J J Bossano:** Well, we have got fifty-six graduates who were unemployed at the time. The hon. Member has asked for a number of additional pieces of information in writing and there she has got the breakdown of when they started but I think something like ten of them started in February and the others have been coming through and there are now, for example, people are making enquiries and, essentially, very much like the ETCL, we take them in as we have something for them to do and we can place them somewhere. Some are in the private sector, some are in the public, I have got that all in the written breakdown and if she

1825 wants more information, I am happy to provide it.

Hon. Mrs I M Ellul-Hammond: Yes. Thank you for that.
So, Mr Speaker, registration is via the ETB. The graduate will go to the ETB to register.

1830 **Hon. J J Bossano:** It is only open to people who are graduates, who are in Gibraltar and therefore resident and registered as unemployed.

1835 **Hon. D J Bossino:** For the purpose of clarification, can I ask the Minister is there... are these graduates going to have some sort of input in relation to legislation, did he say? Can I ask him to clarify that?

1840 **Hon J J Bossano:** Yes, there are a number of lawyers who are unemployed nowadays. (*Interjection*) Yes, (*Laughter*) and given that there are so many in the pipeline studying, (*Laughter*) I would not be surprised if the biggest element in the graduate scheme is going to be lawyers in the future. But those that have got a legal background... For example, I have had some people doing research in my Department for me in relation to some of the legislation we have brought to the House, which means that we have got people that look at UK or other places and help me formulate policy before I ask the Gibraltar Government's Legislation Unit to prepare the draft. So they carry out research in areas of employment law for me or in areas of investment for me.

1845 **Hon. D J Bossino:** Do I take it that it is the Minister himself who identifies the expertise that is relevant to the particular area that the graduate who will be assisting him on?

1850 **Hon J J Bossano:** Well, no, the expertise that the graduate has depends on the degree that he has.
For example, I can tell the hon. Member I have got a graduate who has got a First Class honours in Physics and a Masters in Physics and I cannot provide him with anything that can use his specialist knowledge, but the whole concept is that people who are able to do studying at that kind of level in a UK university have got the ability to apply their *analytical* skills to any task that you give them – but it doesn't mean we are in a position to provide, for somebody that does nuclear physics, the equivalent of CERN. For somebody like that, we don't have that, but it is better that some of these people... I mean we are getting, I suppose, a situation now where, in the United Kingdom, there are 136,000 graduates out of work, who come out of University.

1855 So, before, we used to lose people the moment there was nothing here for them in their specialist field. They tended to go back, they used to come usually for the summer and then, if they couldn't find anything... and in terms of employment the openings for graduates are very limited outside, for example, the gaming companies.

1860 We are looking, also, at some of the graduates who may be interested – and there are a couple – in doing a second qualification in an area like accountancy, where we are having to give work permits to people who are non-EU nationals because the industry demands cannot be met from our local supply. So the whole idea of the scheme *partly* is to give Gibraltarians an opportunity to come back home and be available in the Gibraltar market and doing something worthwhile in return for the money that we pay them. That is the philosophy of it.

1865 **Hon. D A Feetham:** The position, when you talk about graduates doing research and I think that in my firm certainly there is at least one that has been placed there, one of the many lawyers in Gibraltar. But, is it the hon. Member that, effectively, says 'Look, I am interested in this particular area and I want you to do research in this particular area' or are you giving these particular graduates a very wide latitude to look at areas? What is the brief that is being handed to these individuals?

1870 **Hon. J J Bossano:** In my Department the brief is mine. That is to say, there are things that I want done for me either in the enterprise field or in the employment field or in the legislation field. There are some people... for example, that may be with Dr. Cortes and they are being asked to do research in an area of environmental products that we can be looking at in terms of investing in the programme that we want for, say, solar energy or anything like that. Most of this research is done on the internet and we have got people who have got the skills, because they have done research in order to get their degree. Nowadays, a big chunk of the first degree

1880 today is, in fact, researching projects so it is the research skills that they have already learnt that we are putting into use.

1885 **Hon. D J Bossino:** Mr Speaker, the question was ‘how does the scheme work?’ What I would like to know, and... forgive me if the answer has been given, but I do not think... If it has, I have not understood it. Who decides, of the pool of 56 graduates we currently have, who goes where? Is that the Minister? Yes. And doing what? Is that the Minister for –

Hon. J J Bossano: No, no, no. Look, the –

1890 **Hon. D J Bossino:** – Employment who could answer this question? For example, he has mentioned that there are two or three graduates working in the Ministry for Health, presumably because they have a certain expertise in that area. He has also mentioned that he has certain graduates – law graduates – who are assisting him in relation to the legislative aspects of the work of Government.

1895 What I want to know is who is the person who decides, or which body, if it is not one individual, which graduates should go where?

Hon. J J Bossano: Well, there is a Higher Executive Officer who is the manager of the company. He is the one dealing day to day with the graduates.

1900 **Hon. D A Feetham:** Just for example... It is just that we are trying to look at the way that this works. For example, you mentioned legislative changes. Of course, when I was the Minister for Justice, I had a programme on crime. We want to reform our criminal offences, we want to reform evidence of procedure. We then delegate to people who can do the drafting.

1905 These are lawyers that have just come out of university. *Presumably*, the hon. Gentleman, when he talks about, ‘They are doing some research on legislation for me’, *you* are telling them, ‘I want you to specifically research this particular area of the law or legislative change that I am thinking of introducing in Gibraltar’. Is that the position or is it somebody else? Or are they given a wide latitude – I do not know – ‘Have a look at, in this wide field, in terms of the environment, what are the laws that they have introduced in Gibraltar in relation to this, because we perhaps are interested in introducing it in Gibraltar’? I do not know how the process is.

1910 **Hon. J J Bossano:** Well, the process is dependent on what the area is that is being looked at. In my case, when I have given them the brief to look at labour legislation, I have done it on the basis of getting them to look at Labour legislation in the UK, compare it with what we have got here, identify particularly what the requirements are for the things that I want to achieve. Then that preparatory work means that, when it is passed to the Legislation Unit, it should shorten the process, because some of the stuff has already been done ahead of time, and I can give them a brief with which I am more satisfied that it will not be going backwards and forwards, because it will be more focused.

1920 In other areas, for example, there are things that, as a result of my recent trips, there are things that I have come back with that I want to follow up, on the enterprise side, and I need background information.

1925 **Labour market skills audit
Details and findings**

Clerk: Question 719, the Hon. Mrs I M Ellul-Hammond.

1930 **Hon. Mrs I M Ellul-Hammond:** Can the Minister for Employment provide the details and findings of the skills audit of the labour market that was to be ready by April of *this* year, according to the Government’s manifesto?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

- 1935 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Yes, Mr Speaker, the skills audit was conducted in the Department in March and was limited to the construction sector, and particularly to manual workers in the construction sector, since this is the area in which the priority is being given, in terms of future training.
- 1940 This produced a breakdown of 1,912 construction workers, broken down in the following areas: general craft operatives, 286; scaffolders, 50; labourers, 381, semi-skilled labourers, 112; masons, plasterers, renderers and bricklayers, 302; carpenters and joiners, 200; plumbers, 80; painters and decorators, 166; stores operatives, 30; welders and metal workers, 87; electricians and electrical fitters, 101; window fitters, 24; roofers, 19; lift operatives, 23; and drivers, 46.
- 1945 **Hon. Mrs I M Ellul-Hammond:** Thank you for that, Mr Speaker.
Can the Hon. Minister say if the skills audit will be conducted now in other sectors of the labour market?
- 1950 **Hon. J J Bossano:** Well, there is, in addition to this, a skills audit included in the survey questions for the year census which I think starts in October. So that means that the entire population will be subjected to questions which will reveal the... in a much detailed form than we can do it. One of the things is that here we are talking about historical data that has been inputted into our computer, whereas what we are going to have in April is a snapshot of the economy which will be completely up to date.
- 1955 The gap, when the Statistics Office produce the census report this year, they will have a very detailed breakdown which will give us the age profile, the nationality profile, the gender profile and the skills distribution of the whole of the workforce of Gibraltar that is resident. Obviously, we have got something like 7,000 non-resident workers which will not be reflected in that.
- 1960 In terms of what the Department is doing, since we are still at the stage of increasing the labour content in the construction industry, where it was very low, we have not yet moved into other areas. Therefore, I think the next target area for us after the construction is likely to be the retail and wholesale trade. Essentially, the selection of the area is determined and has been decided by virtue of the size. Since construction is the biggest area, the most obvious thing to do was to start with the area which had the greatest possibility of people acquiring skills and us increasing the resident workforce share of the industry.
- The next one on the list would be retail and wholesale, if we go by that criteria.
- 1965 **Hon. D A Feetham:** Mr Speaker, the survey, as I understand it, is effectively the supply side of the skills market. It is not a survey of the demand side. Does the Government intend to do anything on the demand side – in other words, what employers, what kind of skills employers need, as opposed to what is there already in these particular sectors?
- 1970 **Hon. J J Bossano:** Well, no, it is not the supply side; it is, indeed, the demand side. People have got jobs because there is a demand for those jobs. This shows what the market in Gibraltar currently uses. That is the demand side.
- There may be, amongst the 1,000 unemployed, 200 people who want to be carpenters, but that is not reflected here.
- 1975 So he has got it wrong – the wrong way round.
- 1980 **Hon. D A Feetham:** That does not necessarily follow.
- There may, in fact, be people who are unemployed who may actually have skills that you are not taking into account in the survey. There may well be employers that require certain skills that are not reflected in an exercise of that nature, because if you are only analysing... If you are doing a skills audit, just simply by looking who is in employment with what skills, that cannot surely – and I am asking him the question – be reflective *entirely* – it may be *partially* reflective – of what skills the economy and employers in particular require. For all we know, there may be employers that require different skills or, alternatively, for example, if there are 80 carpenters within the sector, there may be a demand for 200 carpenters. It cannot be reflective.
- 1985 **Hon. J J Bossano:** Well, Mr Speaker, we know there is no demand for 200 carpenters, because we have not got 200 vacancies for carpenters. That is obvious. But there is nothing to suggest that the proportions here are exceptional, and therefore it is not an unreasonable deduction from this which will be proved right or wrong when we do the one in October, anyway.

1990 The one in October is going to show what everybody in Gibraltar is doing and that will give us a picture of the whole economy and the distribution of skills. The number of vacancies are a very small proportion of the number of jobs at any one time, but if you look at the nature of the construction industry, the only thing that is likely to produce, I would say, a shift in the composition is if we have got – as we may well have – in the future, a situation where we are moving more to a higher dependence on maintenance work in the industry and a lower dependence on new construction.

1995 The reflection of the industry today, I would say, given the fact that there are no big construction projects going is probably a better snapshot of the long-term core construction industry profile than if we had done this, for example, when we had hundreds of workers in the tunnel, the airport, *Bruesa* and so forth, which might have given us a very distorted picture of the degree of numbers of people in one particular area where there might be a lot of people, for example, putting up steel girders, but who then come in and go.

2000 So I think, in some respects, the snapshot here is likely to reflect more the long-term basic core, which is, in my judgement, going to be around the range of between 1,500 and 2,000 jobs. Here we have got 1,912. But the industry, for example, in the October survey last year which has been tabled in Parliament was that there were 3,500 people in the construction industry. But many of those jobs would not be very useful to us if we are planning the training that we want to provide.

2005 **Hon. D A Feetham:** Mr Speaker, I understand what the hon. Gentleman is saying. The hon. Gentleman is saying ‘Look, we have reached a basement level now, in terms of jobs within the construction industry, which is reflective of what those jobs... the number of jobs in a situation where there is no peak in terms of construction demand for whatever reason.’ But, of course, does he not agree with me that cannot possibly be an accurate picture of skills requirements within the economy? Because he was very critical for example, when we were in Government, of the fact that there was an influx coming into Gibraltar of foreign labour – particularly skilled foreign labour, in particular areas, which... Those jobs were taken over by foreigners because we did not in Gibraltar have those skills. That is the point that... I know that his point is wider, but that is one of the points that he made.

2015 Therefore, does he not agree that he needs to undertake a survey of the skills that employers, for example, may say, ‘Look these are skills that we always require within this particular industry’, because you are undertaking a number of Government projects, for example? When those Government projects launch and start, then there will be a spike and, unless you are well prepared in terms of matching future projected skills with the skills that we have in the market, particularly amongst Gibraltarians, the jobs are always going to be taken by people that come out from the outside, because we do not have the skilled labour here.

2020 Hence why I am urging him to not just simply focus on what there is now at a basement level, but to undertake – and I think I have said this before to the hon. Gentleman across the floor – also undertake an appropriate survey of the skills that the employers themselves, within these particular industries, think are necessary in terms of skills and skills that, actually, from my own knowledge of speaking to employers, are always needed within the sector.

2025 **Hon. J J Bossano:** Mr Speaker, the skills we always need are the skills that are here – not the skills when there is a sudden big project. If somebody comes tomorrow and starts investing in a big way, and there is a lot of construction then, throughout our history, there has been a situation where people have been brought in, from the days of the Filipino hostel onwards, done the job and gone. The hon. Member seems to be under the misapprehension that these are 1,912 Gibraltarians. All the imported labour is included in this.

Hon. D A Feetham: I understand that.

2035 **Hon. J J Bossano:** Well, then, if he understands that, he will understand that, in fact, by knowing that there are, for example, 60 scaffolders and if there are only six who are locals, I know that there is a potential for 54 more.

2040 **Hon. D A Feetham:** Unless, of course, what the hon. Member – and I am asking – I quite understand his analysis – unless of course what he is planning is, what he is saying to me is this: there are 1,500 people within this sector, or whatever the number is. ‘There are these skills: 40% are Gibraltarians; 60% are foreigners. I plan in the future to get rid of the foreigners so that Gibraltarians take that 60%’ – is that what he is planning?

2045 **Hon. J J Bossano:** Well, I cannot say...
that it is not something that Gibraltarians will welcome, but the reality of it is that foreigners and Gibraltarians lose their jobs when construction projects finish. They do now and they did a year ago when the party that he now calls 'his' was in Government. Therefore, that will be a feature of the industry.

2050 The fact that we import people because we haven't got them does not mean that we have to say to our school leavers 'I am not going to train you so that we keep on importing people because we don't have locals'. The training will be determined by the prospects of employment, the selection of the skills. If we have got a situation where, for example, we have got very few carpenters and lots of painters, then the logic is to concentrate on training more carpenters. Why, because we want to have in Gibraltar the day when we don't need to import carpenters, except for exceptional things that are going to have a start and a finish.

2055 There is no reason why we should have non-Gibraltarians and non-residents in Gibraltar working long term on Government buildings or in Government Departments. No reason whatsoever. And that is the heritage that the previous administration, of which the hon. Member is now so proud, has left and which we intend to put right.

2060 **Hon. D A Feetham:** So effectively what the hon. Gentleman is saying is that he plans to get rid of foreign labour working within the public sector.

2065 **Hon. J J Bossano:** Well, Mr Speaker the hon. Member chooses to put it in a pejorative way and I choose to put it in a positive way. I intend to ensure that the proportion of *our* people in work in Gibraltar in the public and in the private sector increases for every single month that I am in office. *(Applause)*

Hon. D A Feetham: Is it true that the hon. Gentleman personally phones companies within the private sector saying: 'You are not getting a Government contract unless you sack foreign labourers and you employ Gibraltarians'?

2070 **Hon. J J Bossano:** No it is not true, I haven't found it necessary, but I will take his advice into account if I need to use his ideas. *(Laughter)*

Clerk: Question –

2075 **Mr Speaker:** The Hon. Isobel Ellul-Hammond.

2080 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, will the... Looking at the private sector, will the Government be identifying gaps in the market – for example, the number of accountants that are needed in order for our economy to progress? Will the Government be surveying the private sector and perhaps identifying and encouraging these educational programmes for young Gibraltarians to pursue in order to fill those gaps?

2085 **Hon. J J Bossano:** Well we know, in fact already, that... accountancy, which has been identified by the hon. Member, is an area clearly where we have got a shortage. There have been, for as long as I have been in the Department, unfilled vacancies for people in accountancy which we are not able to supply. Therefore, whenever people come and register, if they have not got accountancy qualifications but they have got, for example, 'A' levels or degrees, the Department interviews them and tries to persuade them to look at the possibility of accountancy.

2090 It is quite obvious, for reasons that are not very clear to me, that accountancy is not everybody's cup of tea. So we seem to have a problem. It is an area where we are now, in fact, meeting a requirement from the industry for work permits for non-EU nationals to come in. What we are doing is granting those work permits but on the basis that we will look, in the future, to replace the people we are importing with locally trained staff.

2095 I think I want to take this opportunity of saying that this is an area which is one that gives secure, more secure employment, I would say, than almost anything else, other than lawyers, in the private sector, given that, irrespective of the industry, they all need accountants. So even if there is an industry that is shrinking and another one is expanding, these are transferable skills. It is something we should be encouraging and I hope that people will see this as a future.

2100 The Department is very keen to give whatever assistance, both technical and financial, to people who want to go into that area. In *other* areas the bulk of the vacancies that are registered are in the gaming industries and, there, at some point I will need to be educated by the people in those industries as to what exactly it is that they want – because I’m afraid that I cannot even understand the labels.

2105 **Hon. Mrs. I M Ellul-Hammond:** Mr Speaker, is this something that perhaps your Department will be working with the Department of Education on, in order to identify these skills – and maybe the Department of Education can market these to students to perhaps pursue as future careers?

2110 **Hon. J J Bossano:** Well, I believe that is something that has been absent in the past and we need to see what we can do to correct that in the future – what there should be in terms of the careers guidance. There should be a briefing about what are the demands for labour in the economy, as reflected in the vacancies that are open and the prospect of those demands changing or remaining the same.

2115 So, I believe very strongly that our young people should be given the opportunity to study whatever they want to study, therefore to develop their intellect and, their innate abilities to the full and that we, as a community, should be proud of them and be willing to finance that. But I think people have also got to be made aware that that may mean that, once they have studied that, there are no prospects of employment in Gibraltar and that, therefore, they have to balance whether they want to spend their years in higher education in the UK acquiring skills that are marketable in our economy or acquiring something that is their passion in life.

2120 I think we should finance both alternatives but I think more needs to be done, in terms of careers advice, as to indicating to people which are the kind of skills that give them the best chance of employment and which are the ones where, when they come back, they really have to learn to do something else to earn a living.

2125 **Clerk:** Question –

Mr Speaker: No. The Hon. Daniel Feetham.

2130 **Hon. D A Feetham:** Yes, I thought he said, with his usual smile that sometimes spells trouble... when he said he would be turning his attention to the gaming industry, ‘I don’t understand the labels’ That made me quake slightly in my boots because the gaming industry unfortunately in Gibraltar is going to be facing some difficulty, particularly next year, in the light of legislative changes that are going to be made in the United Kingdom to betting tax source.

2135 May I urge, and does he not agree with me, that at this particular time, when that particular industry which, after all, employs 2,200 people in Gibraltar – the bulk of them may not be Gibraltarians, but in terms of the economic value of that through taxes and duties, and indirectly as well, a knock-on to other industries, that provides an immense benefit to Gibraltar – does he not agree with me that he has to tread with care in how he approaches the gaming industry in particular, listen to them very, very carefully and do nothing that can upset a very fine equilibrium, in terms of decisions that boardrooms and directors may make in relation to whether they stay or leave Gibraltar as a consequence of legislative changes in the United Kingdom?

2140 **Hon. J J Bossano:** First of all, Mr Speaker, I want to reassure him that he does not have to ‘quake in his boots’, because my bark is worse than my bite!

2145 **Hon. D A Feetham:** No, I don’t accept that! (*Laughter*)

Hon. J J Bossano: The industry wants to meet me, actually. So the initiative has come from them, not from me. I plan to sit down with them in a spirit of comradeship to learn from them. (*Laughter*)

2150

2155 **Basic Training Courses**
Availability and starting dates

Clerk: Question 720, the Hon. Mrs I M Ellul-Hammond.

2160 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Training tell us when the following courses will be starting at Bleak House: (a) the OCR Levels 1 & 2 of Numeracy & Literacy; (b) the CLaIT Courses, which are the computer and IT courses; and (c) the generally known as 'life skills' basic courses for Special Educational Needs students who are no longer within mainstream education?

2165 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, I am not in a position to say when the courses specified in (a) and (b) will be starting at Bleak House and, as regards (c), I am not aware that any such courses have ever been carried out before.

2170 **Hon. Mrs I M Ellul-Hammond:** Can the Minister explain why these courses stopped in May?

Hon. J J Bossano: I answered that question in the last House, Mr Speaker.

2175 **Hon. E J Reyes:** Perhaps the Hon. Minister can enlighten us a bit further.
In the last House he said that the course ran up to examination time that happened in the month of May, yes, but there has been no follow-up, no further courses for those who have a need to get these qualifications? One set was prepared for examinations up to May and that is when they sat their exams.

2180 My understanding, unless the dates have changed, is that there is probably another set of exams scheduled now for November. The course has not started yet, therefore those students would not be adequately prepared to sit the examination in November.

2185 **Hon. J J Bossano:** Apparently, I am told that these courses were offered to people on the VTS Scheme that no longer exists. Therefore, they are being looked at in the context that now we have got people who are in the Employment Training Scheme who are, in effect, in employment with ETCL, with an agreement with an employer that is going to take them on.

2190 So, unlike the people who were doing these things before, *so I am told*, because this came from what was then the Bleak House education side of the outfit, the people who are getting the £300 or £400 a month were given day release to do this. Therefore, we are looking at how we can provide the equivalent to those who are in the new system but may still benefit from this, which may not be in the same numbers that there were before, and whether we should continue to do it in Bleak House or whether we should be looking to the College to do it.

Therefore, the answer is I am not at the moment able to say whether this exercise that is currently being conducted is going to be finished in September or there may be a further delay.

2195 **Hon. E J Reyes:** Thank you, Mr Speaker, but can I add for the Minister's consideration, (*Interjection by Hon. J J Bossano: Sure.*) although the potential employer has that commitment to take him on, does it not help to improve the employability prospects of the individual if he were, whilst he is receiving the allowance – which comes from taxpayers' money – if he were able to complete these qualifications because they are basic skills that will be needed perhaps now and also for the future?

2200 We are looking, as well, at the long term prospects of the individual... So there is a lot of educational value on this. I just want to put it forward to the Minister that he considers it and, if need be, I am willing to sit down with him, as well, outside this Chamber and give him my personal view, from experience as well as an educationalist, so that we can give a package as good as possible for the individuals, even if it does mean, Mr Speaker, that the Minister may want to provide these courses outside, let us call it, the routine 9.00 to 5.00
2205 working hours so that the individual has better prospects for future employment now and in the future, because someone starts in a junior post with a particular employer and then wishes to aspire...

So, in the same way that the Government has continued doing it, for example, for those in accountancy firms where we help them do after office hours, we do the AAT and ACCA courses so they can aspire to

2210 become accountants – and we do not have to import accountants, on which both sides of the House are in agreement – we can do this right down to basic level. Perhaps we can meet one day for a cup of coffee, the Minister and I, and share it in a manner that makes it more beneficial for these youngsters?

2215 **Hon. J J Bossano:** Yes, Mr Speaker, I welcome that offer of assistance and I will take him up on it. Thank you.

**Equalisation of Old Age Pension
Commitment for both sexes at age 60**

2220

Clerk: Question 721, the Hon. J J Netto.

2225 **Hon. J J Netto:** Can the Minister for Social Security state if the Government is still committed to introduce equalisation of the Old Age Pension at 60 between both sexes during this term of office in line with their manifesto commitment?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

2230 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, I will answer this question together with Question 722, 737 and 738.

**Planned changes to Social Security Fund
Confirmation and details**

2235

Clerk: Question 722

2240 **Hon. J J Netto:** Given the comments of the Minister of Social Security in his Budget address this year, in which he stated that he will be bringing about new arrangements to the Social Security Fund in this financial year to coincide with the increase in the Old Age Pension, could the Minister say if this indeed has happened, or will happen soon, and provide the details of such changes, if any, and whether this will be happening through administrative changes, or by primary legislation?

2245

**Social Insurance Fund
Reform of structure**

2250

Clerk: Question 737, the Hon. D A Feetham.

Hon. D A Feetham: When will the Government be in a position to implement its manifesto commitment to reform the entire structure of the Social Insurance Fund?

2255

**Pensionable age
Equalisation for men and women**

2260

Clerk: Question 738.

Hon. D A Feetham: Does the Government intend to equalise pensionable ages for men and women in any new pension schemes?

2265 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, the position remains as stated in the manifesto and in answer to Question 125/2012.

2270 All new pension schemes are required to equalise pensions for men and women. Should the changes to the Social Security Fund require primary legislation, a Command Paper will be presented in Parliament and the hon. Member will have 10 weeks in which to look at the proposed text.

2275 **Hon. J J Netto:** Mr Speaker, if I may, the reason why I ask in relation to Question 721 is because the last time I asked this Question, which was back in February, and looking at *Hansard* in front of me here there was perhaps slightly some confusion, which *I think* needed clarity... clarity in the sense that, regardless of the answer that the Hon. Minister gave me, the last time, back in February, inasmuch as saying, well, European legislation *will provide* that there will have to be equalisation... despite that answer which he gave me back in February, one has to consider the fact that when the GSLP/Liberals actually produced their own manifesto, it is a manifesto for Government over four years, if elected by the people of Gibraltar.

2280 In the context of that manifesto, as opposed to the context of what may be the legislation, or the legal position, in the European Union, I am asking the question whether it is the view of the Government that, in order to honour that manifesto commitment, as stated in the manifesto, they will do it within their term of office, as opposed to having to wait for it, whenever being told to do so by the European Union. This is what I am trying to obtain an answer to from the hon. Gentleman, if I may.

2285 **Hon. J J Bossano:** Mr Speaker, since I have answered 'the position remains as stated in the manifesto', I think he has got his answer.

2290 **Hon. J J Netto:** Mr Speaker, can he tell me – perhaps provide me an answer – whether they will do it... because it is not clear from the previous answer whether they will do it within *this* term of office or they will simply put it to rest and they might do it if they get an instruction from the European Union to equalise it at some future date. That is what I am trying to find out.

2295 **Hon. J J Bossano:** As far as I am concerned, Mr Speaker, everything in the manifesto will be completed before the next Election. (*Interjections*)

Hon. D A Feetham: Well, I am glad to hear it.

2300 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** That is the whole point of a manifesto.

Hon. J J Netto: Do I take it, then, that this policy will be implemented by the end of this term?

Hon. J J Bossano: As stated in the manifesto, Mr Speaker.

2305 **Clerk:** Question seven hundred –

Hon. D A Feetham: His answer is very clear: everything in their manifesto will be completed this term. That is the answer.

2310 Does he have any plans, and if he does, can he share it with the House, about the restructure of the Social Security Fund?

Hon. J J Bossano: Obviously I *have* got plans, but I am not prepared to share them.

2315 **Hon. J J Netto:** Mr Speaker, can I also ask a further supplementary question, and this is in relation to Question 722.

One of the things I would like to know is in previous answers to *my* Questions, the Minister did say that the increases in the old age pension, I think he stated would happen as from the second quarter, meaning... yes, from the second quarter. We now find ourselves in the position, from the Government press release on

2320 the matter, that the increases will be given to the old age pensioners as from 1st October retrospective to 1st August – I think that is the statement from the Government – but given that he has also made commitments in the past that he will honour no erosion in the purchasing value of the old age pension by applying the index of retail prices to it, it seems to me – and I am not an economist; perhaps he can enlighten me on this – that by applying the index of retail prices of 1st July, pensioners may be somewhat out of pocket for a small amount of money.

2325 I would have thought that if the increases were being made on 1st October, rather than make it retrospective to 1st August it would have been made retrospective to 1st July. I understand and I accept that, obviously, he got the latest available figure, which was the figure of 1st July – fair enough, I am not saying that... If that is the latest available, that is the latest available, but why make it retrospective to 1st August and leave a complete month outside of the equation, because even if it is a small amount of money – whatever the changes to the index of retail prices are – for pensioners it is something that they value.

2330 So, if that is correct, if my analysis is correct, why does not perhaps the Government reconsider its position and make it retrospective to 1st July and not to 1st August?

2335 **Hon. J J Bossano:** Mr Speaker, I am sure the hon. Members know that this is not the first time this has happened and that this has happened previously in their 15 years where the dates have not coincided but, be that as it may, we picked 1st August because the confusion in the question that he is putting is that what I told him was going to happen in that quarter was not the reform of the Social Security but putting in a way of revaluing the pensions so that the minimum income guarantee did not subsequently have to be reduced, which is something that happened when he was there, and therefore he will see that on *this* occasion, when the payment has been made from the beginning of August, we have not made any allowance for the increase of December of the minimum income guarantee of 2011. That has not been deducted and therefore what we are trying to do is review the relationship between the household cost allowance, the minimum income guarantee and the old age pension so that they all go up at the same time and you do not have different payments going to the same people on different dates, and then you find that, because some are means tested and some are not, it has to be clawed back and people do not understand it.

2340 Quite apart from anything else, the pensioners cannot understand how they get an increase in January and then, in July, they are supposed to be getting another increase, and when the second increase comes the deduction of what they got in January – which is what happened last year – in some instances happened to be higher than the new increase. So people were saying, ‘Well, how can I have got an increase and I finished up with less money?’ Never mind a percentage that did not cover – less money in pounds, shillings and pence! Therefore, that is the explanation that I gave him in the last Question when he asked me and that is what he is referring to about the increases in the old age pensions being brought in at a particular time of the year. It was to coincide with the increase in pension, the review of the household cost allowance and the minimum income guarantee.

2355 What we have done this year is that we have ignored the past increases in order to try and rationalise it. It has nothing to do with a new pension scheme. It may well be that people are slightly out of pocket for one month as a result of those who do not get the minimum income guarantee not being benefited by the other changes, but it is not the first time that it happens.

2360 **Hon. J J Netto:** Mr Speaker, I have not got the figures in front of me to know whether it has happened in the past or not, (*Interjection*) but there is definitely a recognition on his part that there will be at least some – I do not know how much to quantify how big or small the sum would be – who will be out of pocket, and all I am asking, and all I am suggesting, is for him to consider whether, instead of making it retrospective to 1st August, make it just retrospective to 1st July, which is where you are getting the figure from.

2365 **Hon. J J Bossano:** No. The answer is no, I am not prepared to consider that. No.

Hon. J J Netto: Sorry?

2370 **Hon. J J Bossano:** No. The answer is no. He is asking me to consider it and I am saying to him no, I am not.

Hon. J J Netto: Can you give me an explanation at least why not?

2375 **Hon. J J Bossano:** Mr Speaker, I asked him last year to consider not taking money away from pensioners and he said I was not telling the truth, and he was lying and I was telling the truth.
He, last year –

Mr Speaker: Order!

2380 **Hon. J J Bossano:** – had representations from me –

A Member: Mr Speaker –

2385 **Mr Speaker:** Order!

A Member: Mr Speaker, on a Point of Order.

2390 **Mr Speaker:** May I just remind the Hon. Minister, we do not permit ‘lying’. So, perhaps, if he could rephrase that, the use of the word ‘lying’.

Hon. J J Bossano: I am only using it because he used it last year about me and now it is my chance to say it, too.

2395 **Mr Speaker:** Well –

Hon. J J Bossano: If he was forgiven for it last year, I can be forgiven for it this year. (*Interjections*)

Mr Speaker: If it escaped me last year, I apologise for that, but it has not today.

2400 **Hon. J J Netto:** Mr Speaker, the workings of how the minimum income guarantee operates, in taking into account all incomes of a particular person, is neither here nor there to the issue which I am raising. That is completely alien to the point I am making, and the point I am making is nothing to do with taking into account the increase of the old age pension or taking into account the increase of the household income support that he mentioned. The point I am making is he is making an increase of the old age pension on 1st October retrospective to 1st August, whereby he obtained the level of increase of 4.2% as it stood on 1st July. He has recognised the fact that some pensioners will be out of pocket, and all I am saying – which has nothing to do with how the workings of the household income guarantee operates – is to take it into account so that *nobody* is out of pocket. That is what I am saying.

2410 **Hon. J J Bossano:** And my answer to him is that ‘out of pocket’ for him means that some people might have got slightly more than they would have got if we had done it in July, obviously, and if I had done it in June they would have got even more, but being out of pocket is not this. Being out of pocket is what *he* did last year when he took the money out of their pockets. The money was *in* their pockets in June and he took the money out in July, and when the pension increases were given out last year, there were pensioners who came to see me, who made representations to me. I wrote letters. He said that the letters had been fabricated by me and that I had invented the people who existed!

2415 **Hon. J J Netto:** Yes. By you! By you!

2420 **Mr Speaker:** Order! Order! Order!

2425 **Hon. J J Bossano:** Mr Speaker, I was doing my job in the Opposition, advising people who had lost money from their payments by the Department under *his* ministry when *he* was there, and he was the one who took the money out of their pockets. *That* is how they were out of pocket. *He* put *his* hand in *their* pocket and took money out of it, and I gave him advice of the letters that they had to write to try to get the money back from him, and he refused to give it to them.

This year, I have made sure that those people that *he* prejudiced last year are in a better position, and therefore, just like he did not take my advice and my representation last year when people were affected –

2430 who were the people at the bottom of the income; the people who were means-tested were the ones that he took the money away from and he did nothing about them – I am not going to do anything that he is advising me, and that is the end of the story. He can take it or he can leave it.

2435 **Hon. J J Netto:** Mr Speaker, this is not about taking money away from any particular pensioners while I was the Minister, because it is... The actual formula of how the minimum income guarantee operates is that if any particular pensioner receives money from whatever source it is, it is taken into account in order to determine the level... whether that particular pensioner needs the minimum guarantee or a certain level of money within the minimum guarantee. So whatever money comes in from one side is taken into account, into the calculation. That is not taking money away. It is neither taking money away from what he is pretending to do, which is to say, 'I am going to put the two dates together so that the increase in the old age pension is taken into account and then pensioners do not see that there is a diminution. He is doing exactly the same thing as I was doing, albeit that, last year, it was on a different date. So it is not a question about taking money, and even if he wants to do all the shenanigans in the world to turn the whole issue upside down to confuse everyone, fine, but I am not talking about that.

2440 *Even* if he is right, which he is *not* – *even* if he is right, which he is *not* – the issue is not that. The issue which I am making, and I am asking him to consider, although he is very obstinate –

Mr Speaker: And he has answered.

2450 **Hon. J J Netto:** Although he is a very obstinate man –

Mr Speaker: Well, he has answered.

Hon. J J Netto: – is that given that –

2455 **Mr Speaker:** Order! Order!

If that is the question, it has been answered. You are repeating the same question, which is really not on. The question has been put and the Minister has answered, in no uncertain terms: no, he will not do it. You will have to leave it at that.

2460 Next Question, please.

**Social Security Department
Outstanding Higher Executive Officer position**

2465 **Clerk:** Question 723, the Hon. J J Netto.

2470 **Hon. J J Netto:** Mr Speaker, is the Minister for Social Security in a position to say when the outstanding position of Higher Executive Officer in the Social Security Department is going to be advertised so that civil servants can apply?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

2475 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Yes, Mr Speaker, the post became vacant on 1st September 2010 and the vacancy was advertised on 21st September 2011 during the period that the hon. Member was in Government, so the answer is it was advertised by him already.

2480 **Hon. J J Netto:** Mr Speaker, have interviews already taken place for people to apply for the posts and are they being considered?

Hon. J J Bossano: Mr Speaker, I do not monitor the movement of people in the Civil Service or the promotion board.

The Civil Service does not come under me and this is done by the people in Human Resources and the

2485 Public Service Commission. All I can tell him is the Question is not whether the job has already been filled; the Question is to tell me when people are going to be able to apply, and the answer is they have been able to apply since he was in Government on 11th September 2011. For all I know, they applied before 9th December.

2490 **Hon. D A Feetham:** Sorry but don't you know, it is perfectly, you would have been able to see the supplementary coming, I mean it is a supplementary that is obvious. Don't you know whether this particular post has actually been filled or not?

2495 **Hon. J J Bossano:** No, I don't know whether it has been filled or not, all I know is that I find it very strange that somebody who is now in Opposition should not know that he advertised the job on 11th September and he is asking me when I am going to do it and he did it in September last year. So I don't know whether the post was filled before the General Election.

2500 Mr Speaker, the answer that I have been given is the answer provided by the controlling officer of that budget and the Head of that Department and this is not a political decision that I take in selecting who goes to an interview or who gets picked. But the hon. Member is asking me, as a Minister responsible, when I am going to advertise this HEO vacancy. I took it for granted that the Member knows that it is there and, therefore, I asked the Department whether you are going to advertise it and the answer the Department has given me is that they advertised it in September last year when the questioner was in Government. Well, what supplementary does he want?

2505 **Hon. D A Feetham:** Sorry so you come prepared to make a political point but you haven't come prepared – you are so –

Hon. J J Bossano: I have come prepared.

2510 **Hon. D A Feetham:** No, with respect, you are so blinded, you are so blinded with your desire to make a political point to try and embarrass the Member sitting to my right that you haven't made what are reasonable enquiries which are – because certainly I would have, I would have said well, if it has been advertised, has it been filled? Now, if the hon. Member is not really interested in providing the information to this House and all he is interested in is making petty political points and trying to embarrass his political opponents, well fine.

2515 Does he not know –

Hon. J J Bossano: What is the question?

2520 **Hon. D A Feetham:** The question is this, does he not know anything about this particular post in terms of the filling of the post, how many applicants there were, whether it remains vacant, none of that?

2525 **Hon. J J Bossano:** Mr Speaker, let me make clear one thing to the hon. Member opposite. The work that I do in my Department is not dictated by the information that they may want or may not want. Therefore, if the hon. Member says to me when is the vacancy going to be advertised – I pass that question to the Department and get them to answer it. If the hon. Member is so incompetent and he may or may not be embarrassed – but in the forty years that I have been here I have never heard anybody ask when something is going to be advertised which *he* advertised when he was in office on 11th September. If his memory is already failing at his young age I hate to think what will happen to him when he gets to 73. All I can tell him is he has got the answer to the question on the order paper and, as far as I am concerned, there are no supplementaries to something which is so absurd that he is asking me about a vacancy to be advertised which he should know he was the one who advertised it.

2530

2535 So if the hon. Member thinks that I am doing this to embarrass the hon. Member he is wrong because I know that the hon. Member that is asking the question is *incapable* of being embarrassed. I have heard him say so many things from this side of the House and he never batted an eyelid when it was demonstrated that he hadn't a clue what he was saying and never became embarrassed. So there is *no chance* of him becoming embarrassed.

Clerk: Question –

2540 **Mr Speaker:** The Hon. Jaime Netto.

Hon. J J Netto: Can I come to the point. First of all, obviously, the Minister is not the person who advertises the vacancies. It is the department. So it is wrong to say that *I* advertised the vacancy. Secondly, I mean time has passed and we passed a new Appropriation Bill where in the Estimates Book of Revenue Expenditure, it tells you on the Head of the Department, the particular persons who are in post or not and I think I am entitled, with the passage of time, to ask what I think is a reasonable question without the hon. Member getting aggressive or hot and cold under the collar.

I think it is a perfectly reasonable and legitimate question and I would have thought that we are dealing not with an AO but we are talking about a senior manager in an important department like Social Security, in a position of HEO, that the Minister *would* be aware whether that particular vacancy has been filled or not. I think that Ministers ought to know that senior management are in post and, if they are not in post, why they are not in post or what is the process to get them advertised. As my hon. Friend said... I have just missed the point now. (*Interjection*) –

2555 **Mr Speaker:** Yes, would the Member get to the question.

Hon. J J Netto: Yes, indeed. So I would have thought... and perhaps he could consider whether the interviews have taken place and whether he wants to have this position fulfilled permanently, as opposed to an acting basis for a long period of time. After all, we are talking about how he has been in Government for nine months and I would have thought that he would want to see a permanent person in a higher position in the Department.

Hon. J J Bossano: Mr Speaker, when *we* came in, the number of vacancies of EOs, HEOs and AOs that were vacant and had been vacant for years, would have filled a book (*Interjection by Hon. N F Costa: Especially in the GTB. For years.*) – before 9th December – and suddenly not to be on top of a HEO vacancy being filled in nine months is a dereliction of Ministerial duty. Well, look, I will provide the hon. Member for his benefit –

Hon. J J Netto: I didn't say that.

2570 **Hon. J J Bossano:** What is the hon. Member saying? I should know if the job has been filled and I should be interested in filling it. Well, does he want me to tell him all the jobs that were not filled before 9th December and how long they had been unfilled and how nobody in the Government of which he formed part, seemed to care at all that they were not filled.

2575 The answer is when vacancies are open within the Government for promotion, people apply. I assume that the vacancy that was open on 1st September 2011 produced applicants. I assume that the applicants were interviewed. I assume that they were selected before the Election because it would be an unusual thing – (*Interjection by Hon. D A Feetham: It is in the Estimate book as not having been filled. This is what he is saying.*)

2580 Well I don't know why – he says the Estimate Books, he says it identifies the people who are filling the posts, I don't think it does, we don't have names in these – we have got a complement that may say two HEOs or three HEOs. I mean at any point in time Mr Speaker where you have got a situation where the public sector has got five thousand people, five thousand at any point in time, while we are speaking there are jobs being filled and jobs becoming vacant constantly, all over the place. This is an ongoing thing. There are people who are permanently employed doing nothing else in the Government and therefore the reality of it is that when I read the Question, I assumed naturally, that it was a job that had been filled before the Election and had become vacant since the Election and that therefore the thrust of the Question was if the job had become vacant, why wasn't I filling it. That is what I took it to be. It was only when I asked the Department why are we not filling it, that I was told well look the advert came out in September. It would be very unusual if the advert had come out in September and nobody who was an EO anywhere in Government had applied. Yes, that would be very unusual. But, I am answering the original Question and the supplementary would have been logical and legitimate if the answer had been it has still not been advertised or it was advertised last week. But if it was advertised three months before I get there and he was there and he doesn't know whether it was filled, why does he expect me to have to know when he didn't know?

2595 **Hon. D A Feetham:** Well, because you are responsible for Government and for this area of Government business.

Hon. J J Bossano: Yes, Mr Speaker, I am responsible since 9th December and this happened on 1st September.

2600 **Hon. D A Feetham:** May I, May I because the hon. Gentleman is going to blow a gasket and you know...

Hon. J J Bossano: Oh don't worry about it.

2605 **Hon. D A Feetham:** And you talk about *his* young age, and at his age, I wouldn't want that to happen. Now, this kind of exchange does no credit to the House – tempers can flare, sometimes they flare and sometimes they flare with important issues. On this particular issue I don't see why tempers ought to flare and it doesn't do credit to anybody.

2610 Can I ask the hon. Gentleman that perhaps he might look into this and write to the hon. Gentleman, just to see whether this particular post has in fact been filled or it has not been filled. It may well be... he has probably asked the question in this particular format because he knows that the post has not been filled and, of course (*Laughter and interjections*)

Could I ask the hon. Gentleman to just write to us, to write to the hon. Gentleman, Mr Netto, as to whether this particular post has been filled or it has not been filled.

2615 **Hon. J J Bossano:** Mr Speaker, first of all, I can assure the hon. Member – to put his mind at rest – that I am in robust state of health (*Applause and laughter*) and in no danger whatsoever of blowing a gasket or having to be visited by him on my deathbed. There is not the remotest risk of that happening! But I want him to be reassured because I know how worried he is about that possibility, because he keeps on saying it.

2620 Secondly, the answer is no, I am not prepared to write to him. If he thinks that this brings the House into disrepute, well, I don't know what he thinks of the performance of yesterday, but I was told that that was hair-raising. I wasn't here to enjoy it and I am sorry that I missed it, I must admit.

2625 So the answer is no. The hon. Member has put a question, the question, in my view, is not something for which I am responsible because the answer to the question is that he is asking me when it is going to happen: I have told him has happened already. I think that it is not my responsibility to go to the Department and find out what was happening before 9th December because the vacancy was there in September and it is inconceivable, not to say almost impossible, that nobody should have applied between 1st September and 9th December for an HEO vacancy That is unheard of. So, therefore, there must have been applicants when he was a Minister. Now he wants me to go back and say I am going to write to you to tell you what happened when you were there. Is that the idea?

2630 **Hon. D A Feetham:** Not necessarily.

Mr Speaker: Anyway, I think we should move to the next Question.

2635

**Drug or alcohol offenders
Finding employment after prison sentence**

2640 **Clerk:** Question 724, the Hon. J J Netto.

2645 **Hon. J J Netto:** Mr Speaker, can the Government state how many individuals recently have finished a prison sentence arising to, or due to, the individual's addiction to drugs or alcohol and have been assisted to find employment or are still registered as unemployed and, if so, can the information be provided on a monthly basis?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

2650 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, I am informed that no individual serving a prison sentence arising from, or due to, the individual's addiction to drugs or alcohol has finished so far this year.

2655 **Hon. J J Netto:** Mr Speaker, does the Minister for Employment, or is he aware, perhaps, as a result of the interface between his employment officers and registered unemployed persons, that some of them may have, or do have, an addiction or an affliction to drugs and alcohol and, in the past, may have even have served sentence in prison?

2660 The reason why I am trying to focus on that particular point is because, at the end of the day, I am sure we all want to try and assist as much as we possibly can those particular persons who may find it very difficult to get back into employment. So really, my question is, even if he has not been informed in the manner in which the question is asked, I am sure that perhaps he may be aware by now, given that he has been there for nine months, that there are registered unemployed persons who, sadly, are afflicted by these circumstances and they need all sorts of help in trying to assist them into employment.

2665 **Hon. J J Bossano:** Mr Speaker, I am aware that there are people who have been in this problem, primarily because in the area of the public sector some of the candidates that we said do not get past the vetting because of problems in the past like this. That is something which I think needs addressing. That is a separate issue.

2670 But I can tell him that the people concerned that have got that kind of problem I have not found difficulty in getting into employment without having to give them special treatment, just on the basis that we are putting them in, with the effort that we are making to get people in the construction industry, where there are people who are capable of working in that industry. In other areas, it may be more difficult but, as I have said in the past, we have got a very high level of people unemployed, and the people in this category are a very small proportion of the total. It is not as if...

2675 If you had a situation where you have full employment and you have got a minority of people who have great difficulty in getting a job when everybody else is getting it, then it is a different issue. But the reality of it is that we have got a high level of unemployment, and that, notwithstanding the fact that there are more people working now than there were in the past, the figures are not coming down.

2680 **Hon. J J Netto:** I understand that and I accept that to be the case, but every individual is different in their own circumstances in life. But focusing on this particular group of people, I just wonder whether the Minister perhaps is aware that some of them are now what we call long-term unemployed, meaning registered unemployed for more than 12 months, and perhaps one of the reasons why they are long-term unemployed is because in some – I am not saying all of them – they may have literacy, numeracy problems in order to be able to sell themselves to an employer for a job. On other occasions, it may be that despite being academically suited or skill-wise suited for the particular vacancy, some employers may say, 'Well, shall I take the risk of employing someone with a track record, having served a sentence in prison?'

2685 Perhaps one of the ways, which is one of the ways I remember we used to do, back in 1996 to 2000, was in some cases, we used to have even a wage subsidy to those long-term unemployed persons with this sort of affliction, to try and induce the employer to get these particular persons back into employment.

2690 What I am trying to find out, in the form of a question to the Minister, is to see whether, with the data available in his office, whether there are people in this group, long-term unemployed, who may need specialised focus, in order to try and get them back into work.

2695 **Hon. J J Bossano:** There is no data in the records of the Department as such, but the people who have had problems of this nature in the past – who have had prison sentences in the past – that I am aware of are the people who have actually come to see me in the interviews that I have given.

A couple of weeks ago, for example, I saw 107 in one week. So I can tell him that there are a number of people in that category that have actually talked directly with employers and, as a result of, in effect, underwriting them and giving a guarantee about their reliability, they have been taken on.

2700 In one particular case, for example, there was somebody that I think had made great efforts to break with the past, had been going to do the AAT courses in the college and still could not break into a field where there is a huge shortage, which is accountancy, and I am happy to say that he is now working.

Clerk: Question 725, the Hon. J J Netto.

2705 **Deputy Chief Minister (Hon. Dr. J J Garcia):** Mr Speaker –

Hon. D A Feetham: I had a supplementary – just one supplementary on the previous question. But of course, he is perfectly entitled to call the adjournment.

2710 **Mr Speaker:** Well, if it is only one supplementary, I am sure the Hon. Deputy Chief Minister does not mind.

Hon. J J Bossano: I will take the supplementary.

2715 **Hon. D A Feetham:** Yes, well, first of all, can I congratulate him in relation to this particular gentleman. He came to see me, just before the General Election and I know that it was a difficult case, but I, like him, am totally convinced that the gentleman is a reformed character, despite the seriousness of the offence that we were talking about, that he committed in the past.

2720 But I thought that he said in relation to – maybe I misheard – the public service, that we cannot employ people with criminal convictions in the public service, because of General Orders. I thought he said that that is something that we have got to look at. Is that what you said? Can you elaborate on that?

2725 **Hon. J J Bossano:** Certainly, I can tell him, we had a case last week, where an applicant for the job of cleaner in the public service was told that she had not been successful in the vetting because, in the process of an acrimonious break-up of a marriage, she had a row with her former husband, who reported her.

Well, look, if that is what the vetting produces, then we have somebody from al-Qaeda who goes into people's houses and somebody who has a row with her former husband who cannot get a job as a cleaner! There is something wrong with that system – that is what I am saying, so it needs to be looked at.

2730 **Hon. D A Feetham:** But, for example, I know that... These are difficult issues.

When I was a Minister, I used to come across them, and they are frustrating, but in relation to the Future Job Strategy, for example, I know of a number of instances of individuals that have had quite serious prison sentences who are now, as a consequence of the Future Job Strategy, being placed within Government Departments, where if they would have applied to those Government Departments directly for a job, General Orders would have prevented them from actually being selected for the job.

2735 Is this part – those examples and what he has just told me – of a change of Government policy in relation to the applicability of General Orders to people with criminal convictions in respect of entry into the public service?

2740 **Hon. J J Bossano:** Mr Speaker, this is not General Orders; this is throughout the public service. General Orders apply to civil servants, not to public servants. There is a distinction.

Hon. D A Feetham: General Orders and for example, in relation to the GDC, GDC General Terms and Conditions.

2745 **Hon. J J Bossano:** Well, yes, but look, it is... The previous Government chose to apply some things of the Civil Service to some people who are not civil servants, and not others. Therefore, when everybody in the GDC was made to comply with the pay and conditions of the Civil Service, there might have been legitimacy in applying General Orders to them, but not before. But in any event, I can assure him that there are people in the GDC who were made civil servants who would never have got through with that requirement in General Orders. That was done on 1st October by the previous administration.

2750 So whether the GDC had General Orders applied to them or not is highly questionable, because I can assure him that this is not what happened on 1st October.

2755 The point that I am making is that, in my experience, as Minister for Employment whose job it is to get as many people working as possible, I think that the interpretation that is being given to conviction is that it may be simply 'blowing a gasket' – to use the hon. Member's favourite phrase – or committing mass murder. There seem to be no criteria that are introduced to relate the severity of the alleged misconduct to the relevance to the work that is being done and the places that are sensitive.

For example, if you have got a situation where there are people with drug convictions, and it has been

2760 standard policy that you do not put them to work in a place where they have access to drugs. Quite apart from anything else, it is because you may be making life more difficult for them in putting temptation in their path.

2765 So what I am saying is that, as Minister for Labour, I feel, from recent experience, that there needs to be, if you like, a more intelligent and commonsense application of what is considered to be something that debars people from working in the public sector, in relation to the seriousness of the alleged offence that they have committed and the sensitivity of the place where they are going to work. It is not a matter on which we have taken a policy decision or introduced anything; it is just something that, frankly, it occurred to me as an issue in the context of helping people who come out of prison.

Hon. D A Feetham: I understand, and I apologise, but this is an important point.

2770 I understand and I said, I recognise, these are difficult decisions. There may well be, taking your example of a cleaner, somebody who has committed... has been cautioned in the past for a very minor drugs offence, and that should have absolutely no impact on his or her application in relation to a job as a cleaner.

2775 But, of course, it is always a question of fact and degree. You have said, there has to be an intelligent application. Whose intelligence are we talking about? Is it *your* intelligence? Because in the absence of proper policy underpinning and a proper analysis of how you treat these cases, then obviously it is *your* judgement as a Government Minister that is going to prevail in relation to these cases – hence my question about Government policy. Because otherwise, of course, you are going to receive criticism from this side of the House, in the absence of proper criteria and, quite clearly, when we have General Orders and they are there in order to maintain standards within the Civil Service.

2780 There may be cases that are really... Deserving cases, that unfortunately, are on one side of that line that one draws, but one could say, ‘Well, it should be on the other line’, but at least they set a standard. Unless one has a situation where, effectively, without a policy, *you* are going to be dealing with it, *you* are going to be taking these decisions – it is *your* intelligence that we are talking about – I would have thought that this is something that the Government surely must have a policy, perhaps in terms of a review of General Orders and including a different clause within General Orders or sending out a policy document or instruction to Human Resources after having reconsidered General Orders. I do not know. Or is it just simply going to be you?

Hon. J J Bossano: Well, Mr Speaker, the hon. Member opposite is wrong in thinking it is just going to be me, and I have not said it is just going to be me.

2790 What I have said, in answer to the previous supplementary question, was that in my view, the way that this law or system applies is that the Police are asked, ‘Has anybody committed an offence?’ and the answer is yes or no, and that is the end of the story. Therefore people are either put on one side or the other, and the offence can be anything from the insignificant to the serial killer and that in my judgement, we need to have a system that is refined so as to select criteria that determine what is serious and what is not serious and how relevant it is to the job in question. That is a position that I have volunteered that information in the context of a supplementary.

2795 Clearly, I have made a mistake and I must remind myself not to volunteer information that I am not asked!

Hon. D A Feetham: But you still have not answered the question!

2800 **Hon. J J Bossano:** Look, the question –

Hon. D A Feetham: Let me tell you about the Police –

2805 **Hon. J J Bossano:** Mr Speaker, I *have* answered the question.

Mr Speaker: The Minister did say that there should be a system, so I think he addresses the point the hon. Member is making. He is not talking about himself choosing; he says there should be a system. I think that answers the question.

2810 **Hon. J J Bossano:** Mr Speaker, there is a system in place. The system has not changed. I made the mistake of volunteering my own concerns about the system.

Now, the concerns about the system, the hon. Member is now trying to convert into a repetition of yesterday’s analysis that now the new Government is going to be putting their family, their party members

2815 and the convicts in the public service. Is that where he wants to get to?

Mr Speaker: No, I do not think –

2820 **Hon. D A Feetham:** The hon. Gentleman is really getting very, very paranoid in his advanced years, I have to say! (*Interjections*)

Mr Speaker: Order, order! (*Interjections*) I do not think the hon. Member should harp on about another Member's age or whatever it is.

2825 **A Member:** It is an insult.

A Member: Absolutely.

2830 **Hon. D A Feetham:** He has talked about the system that is in place. (*Interjection by Hon. J J Bossano: Yes.*) He has said it is not a perfect system, there are inadequacies in the system. I have personally said to him, I understand what those inadequacies are, there are difficult issues. In fact, when I was Minister, I spoke... I think I am right in saying that a new system was put into place because I did not feel it was right for the Police to be handing out this kind of information to any Government Department that asked for it and that it had produced some unjust situations.

2835 I remember there was a particular individual in the NHS, for example, who had been offered a job, and then the offer had been withdrawn on the basis of information that the Police had provided. One could have said, in relation to that particular case, well, actually the caution that was provided when that boy was young had no correlation with the job.

2840 I understand there are difficulties but, of course, if there are difficulties with a system – and this has all arisen out of you saying that is something we have got to look at – if there is difficulty in the system, then I suppose he is thinking of replacing it with a different system. I am asking, what is your thinking in relation to that system?

2845 **Hon. J J Bossano:** Mr Speaker, the answer to the last question is that it is my view that the system needs to be looked at.

Nothing is being looked at at the moment. There is no policy decision. If a decision is taken, when it is taken, it will be made public.

2850 **Procedural**

Mr Speaker: The Hon. the Deputy Chief Minister.

2855 **Deputy Chief Minister (Hon. Dr. J J Garcia):** Mr Speaker, I move that this House do now adjourn to three o'clock.

Mr Speaker: Is that convenient to all the hon. Members?

2860 *It was agreed.*

Mr Speaker: This House will adjourn until 3.00 p.m. this afternoon.

The House adjourned at 1.16 p.m. and resumed its sitting at 3.00 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 7.48 p.m.

Gibraltar, Thursday, 20th September 2012

The Gibraltar Parliament

The Parliament met at 3.00 p.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Questions for Oral Answer

CHIEF MINISTER

Hilton Hotel Progress of development

Clerk: Answers to Questions continue.
Question 701, the Hon. D J Bossino.

Hon. D J Bossino: The Question was submitted, Mr Speaker, addressed to the Minister for Tourism etc, but I understand it is going to be answered by the Chief Minister. So I will just amend that slightly.

Can the Chief Minister advise what progress has been made, if any, in connection with the development of the Hilton Hotel?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government continues in discussion with the investment group that has proposed a project that includes the potential establishment of a Hilton Hotel.

Tobacco smuggling
Government proposals to stamp out

Clerk: Question 811, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister state whether the only steps the Government proposes to take to make good on its recent public commitment to stamp out tobacco smuggling are limited to measures set out in the communiqué making that commitment?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government is taking considerable steps to stop illicit tobacco smuggling. One of the principal measures taken has been the bolstering of the frontier fence, which has been allowed to fall into disrepair to the extent that people were able to access Gibraltar without having to pass through the established entry points.

Other measures discussed with tenants associations of the housing estates most affected, Laguna and Glacis, include CCTV, potentially controlling vehicular access to estates and other measures. All policing matters are, however, a matter exclusively for the RGP.

Customs is also drawing up plans to control illicit tobacco smuggling, but Government is not involved in planning any such operations, of course.

The Government feels very strongly that the anti-social behaviour in the residential estates must be curtailed, as it is self-evidently affecting the quality of life of people who live in those estates.

Hon. D A Feetham: Yes, I am very grateful to the Chief Minister for that answer and of course it recognises what was going to be part of my supplementaries, that when one analyses the question of tobacco smuggling, with that we are not just simply dealing with smuggling of tobacco, either through the frontier fence or alternatively at sea, which happened to be the subject matter of the communiqué of 29th August, but that there is also an element that part and parcel of tobacco smuggling are the preparatory steps that are actually taken, at considerable nuisance to people that live in those areas, for example, Laguna Estate and also Glacis.

Does he rule out as well – in relation to taking these measures, that perhaps confining the sale of tobacco to particular areas in Gibraltar or at the very least taking out of the legality of where they are sold – residential estates? Because as he quite rightly recognised in his address to the Laguna and Glacis Estates, some of these shops, which were general convenience shops within those estates to start off with are now becoming tobacco supermarkets and are selling mainly tobacco products. Of course, it is causing huge amounts of nuisance to people in the area because of what it attracts.

Hon. Chief Minister: Mr Speaker, I rule absolutely nothing out and I do not want to be committed to anything, but I am working with those who may require the Government to be involved in some aspect of the operations in which they plan, to ensure that the Government's demeanor to this is always seen to try and control what is happening in those estates. That may include, Mr Speaker – I am happy to share with the House – the designation of certain parts of the estates as special zones, under the Tobacco Act, something which I am pursuing directly.

There is only really one issue of dispute between what the hon. Gentleman has said and what I am going to reply, and it is this: that the hon. Gentleman said that those areas are *becoming* a problem. Mr Speaker, I hope that we can agree, because empirically it is so, that these areas *were* and *are* a problem. None of the tobacco licences which are operating in those estates were granted by this administration.

I am sure that when tobacco licences were granted for those estates, nobody envisaged that they would be used for those purposes, but on 9th December, the moment from which we are responsible, this problem already existed and we are trying to deal with it as best as possible and as quickly as possible, because it is a real problem that we have inherited for the people who live in those estates.

The anti-social behaviour aspects of this, in places like Laguna and Glacis, are becoming so overwhelming that they have to be dealt with, because, since before the Election and after, there are remarks about children being exposed to people who are in states of undress, etc, blocks being used for these purposes and this Government certainly is not going to tolerate that. That was the position before 8th December; it is the position after 9th December. We are the ones in administration, we are the ones who have to deal with it and that is why I am telling the hon. Gentleman, I am ruling nothing out and I am already looking, with those who are responsible under the Tobacco Act, to the possibility of declaring special zones in different areas.

Hon. D A Feetham: The hon. Gentleman has said there is nothing in the semantics of it. I accept that this was becoming and was problematical prior to 9th December. I accept that and, in fact, I think that in

exchanges between the then Chief Minister and the now Chief Minister, when he asked questions about this in Parliament at the time, I think the now Leader of the Opposition, then Chief Minister, actually said that the Government was considering the possibility of introducing exclusion zones in these particular areas, because it was becoming a problem. As time goes by, I genuinely do believe that it is becoming a greater problem.

Just so that I understand these exclusion clauses, is what the Government is looking at is actually excluding the sale of tobacco wholesale in these estates, or some other limited form of exclusion?

Hon. Chief Minister: Can I just ask the Member to clarify whether he means, by the word 'wholesale', wholly or wholesale? (**Hon. D A Feetham:** Wholly.) Right, okay. I do not think there any wholesalers of tobacco in those areas which are causing a problem.

Mr Speaker, the Tobacco Act provides for the declaration of special zones, which give law enforcement officials greater powers in respect of those zones. The hon. Gentleman will know that, in the past three months, I have declared areas in and around the Airport special zones, so that Customs officers and RGP officers can ask people to move on or can search people in those areas, if they suspect that offences contrary to the Tobacco Act are being committed.

These are the zones that I am considering also declaring in Laguna and Glacis, which are the only ones that, in law at the moment, I would have the power under the Tobacco Act to declare. That is why it would have to be the Government involved and not the RGP or Customs who would be planning these things. This is actually a power, I think, in the Chief Minister or the Minister with responsibility for Customs, which happens to be the Chief Minister now and was previously the Chief Minister as well.

Mr Speaker, it is not possible, in our analysis, to take away from people a licence that they already have, so it is therefore not possible, in our view, to prevent people who are already engaged in this trade, simply by operation of law, whether in the public interest or otherwise, from continuing to trade from one day to the other. A case would have to be made, for something as draconian as the withdrawal of a licence, simply because of the area where trade is occurring, absent an offence committed by the licence holder, or a breach of the licence committed by the licence holder.

But there are many different possibilities here. For example, Mr Speaker, it is possible to see these licence holders being enticed to go elsewhere – (a); or (b) it is possible to see a situation where it is more attractive, for people who wish to come to buy tobacco in Gibraltar legally, to buy somewhere else. All of those things have to be looked at in combination. The Government can rule nothing out, as I told the hon. Gentleman, but a licence gives certain people a right – it is an acquired right – and we would not want to see ourselves in a situation of pulling licences. We very much hope that, with the co-operation of licence holders, of tenants in the estates, of the law enforcement officials involved and the instruments that we have available to us already in the legislation, it may be possible to deal with this issue. If it is not, then we will have to look at other potential ways of dealing with this matter.

But I would like the position to be known clearly, that what is going on in the estates is just unacceptable to the Government. It was unacceptable to us as an Opposition; it is unacceptable to us as a Government. This is not an issue where one can act overnight; one has to act properly. We have started already in dealing with the issues at the frontier and we are already dealing with the issues in the estates.

The issue of CCTV that I also talked about in the estates and the control of vehicular access to the estates, etc: all of that can contribute to controlling this activity and it is fundamentally important that we get it right when we do it, so that the activity is controlled and those who wish to buy tobacco legally in Gibraltar are able to do so in other places.

Procedural Question 812 withdrawn

Clerk: Question 812, the Hon. D A Feetham.

Mr Speaker: I think that was dealt with yesterday.

Hon. D A Feetham: Yes, this was dealt with, either this morning or yesterday.

Mr Speaker: Yesterday.

Chief Minister (Hon. F R Picardo): Is it withdrawn or...? I am happy to give an answer –

Mr Speaker: Well, I think the matter was –

Hon. D A Feetham: It was answered by the Deputy Chief Minister.

145 **Hon. Chief Minister:** But for Hansard, do you want to ask it and I'll stand up or do you want to...

Clerk: Yes. Yes.

150 **Hon. D A Feetham:** No, no, it was withdrawn – it was answered yesterday anyway.

Mr Speaker: We will treat it as withdrawn, I think.

155
Glacis and Laguna Estates
Construction of additional floors in blocks

Clerk: Question 813, the Hon. D A Feetham.

160 **Hon. D A Feetham:** Can the Chief Minister state what consultation of local residents took place before the Government announced it was constructing an additional floor on some of the blocks at Glacis and Laguna Estates?

165 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this Question together with Questions 814 and 815 of 2012.

170
Moorish Castle, Glacis and Laguna Estates
Cost of proposed cladding works

175 **Clerk:** Question 814.

Hon. D A Feetham: Can the Chief Minister state what is the estimated cost of the proposed cladding works at Moorish Castle, Glacis and Laguna Estates, now that the Government has confirmed to residents it will not be going ahead with the construction of extra floors?

180 **Clerk:** Question 815.

Hon. D A Feetham: Question 815 was in fact answered by the Deputy Chief Minister, so it is withdrawn.

185 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I can confirm that the proposal to construct these additional floors was put to the Development and Planning Commission as the start of the public consultation process. I also held meetings with the Tenants' Association of each of these estates and subsequently held public meetings with tenants of these estates.

The final design of the proposed cladding works at Laguna, Glacis and Moorish Castle Estates has not yet been finalised. Different types of cladding are being considered in consultation with the Tenants' Association and technical advisers.

195 Mr Speaker, I would have said, both in relation to Question 813 and Question 815, but I now say in relation to Question 813, that as the hon. Members will now know, the Development and Planning Commission is now an open forum so that all members of the community can provide feedback on the projects which are put before it. The Government will balance all the competing interests in deciding how to proceed in respect of any housing project.

200 **Hon. D A Feetham:** Can he tell us at least this – just focusing on Question 814 for the moment as to the cost – does he know what the cost was of actually building, or the proposed cost of the proposed building of extra floors on these estates?

205 **Hon. Chief Minister:** Mr Speaker, I think I know to the penny what it was that it was estimated that they would cost, but I do not have that detail with me. If he wants me to write to him and tell him what it would have been, if he sends me a note, I will ensure it is replied to with that detail.

Hon. D A Feetham: Yes, please. Thank you very much.

210 In relation to Question 813, does he know what the cost of preparing these proposals were in the first place, the producing of the plans and everything associated with the actual construction of the extra floors?

215 **Hon. Chief Minister:** Mr Speaker, it will be very closely intertwined to the planning for adding a lift and for adding certain types of cladding etc. So I do not know whether it is possible to divide the cost of what is going to go ahead from what is not going to go ahead; but, of course, he will know that it is not unusual to change plans. Changing plans in this particular respect is not, in my view, going to cost too much because he will know from the time that his party was in Government that when you *add* a lift, you tend to add, in effect, a floor and a pitched roof. So what is going to happen is that the internal layout of that extra floor is not going to be turned into flats.

220 **Hon. D A Feetham:** Because he had a cost or... if he doesn't, I am not going to press him, but does he have a cost of the actual plans for this particular project – how much it actually cost the Government to produce these plans to get it to the position of when it was announced to the public?

225 **Hon. Chief Minister:** I am sure, Mr Speaker, that there must be a cost or a cost can be given, but I do not have it with me. But the cost of what is going to go ahead is very likely to be very close to the cost of planning what is not going to go ahead because *externally* it is going to look exactly the same.

Hon. D A Feetham: I doubt that is going to be the case, but... (*Interjection*)

230 Mr Speaker, did you, for example, or did the Government, for example, conduct any kind of survey or any kind of analysis of the *impact* of constructing these floors on parking, for example, for residents before they announced the project?

235 **Hon. Chief Minister:** Parking, for example, but many other things too. All of this was considered in the planning stage and that is why it was an issue that had to be taken to the DPC for guidance and consultation, as we do with all of the Government projects.

240 But the hon. Gentleman will be a Doubting Thomas on everything that I tell him. He can rest assured (*Interjection*) that the cost of the plans, or perhaps that element of the planning which may now require a change, will be much less than the cost of the changes to the airport from £24 million when it was originally announced to £80 million when it was delivered. Or the costs thrown away in respect of the planning for the new Theatre Royal at the Old Theatre Royal site.

245 What is clear to us, Mr Speaker, is that this was a project that it was important to talk to the people in the estates about, and that is why I went out to the estates, that is why I saw the Tenants' Associations and that is why it went to the DPC. The hon. Gentleman may think that that is not sufficient consultation. I dare say it is more consultation than has ever gone on before.

Hon. D A Feetham: He is anticipating the points that I am going to make. I have not even got to those points and I had moved on from the point about the cost of the plan.

250 No, what I am asking the hon. Gentleman – and indeed, one can extend it to other areas – is did he or did he not conduct, or he did his Government, did the Government, or did it not, conduct any kind of survey on the *impact* of building these additional floors of parking, for example, on the potential need to relocate individuals living in the top floors of these estates, and on the potential for nuisance for those living in these estates, before it announced the project? Did it undertake that kind of survey?

255 **Hon. Chief Minister:** Mr Speaker, it depends what one means by 'survey'. Is this something to which attention was turned? Of course it was. I told him, in my first words when I got up to reply to him, 'parking, for example'. Of course these things were considered, and it was considered, how could people on top floors be moved away? How could *extra* parking be added? Would it be sufficient parking? Could the area, for example, at the entrance below Tankerville be used for additional parking for Moorish Castle Estate and would that be sufficient? Could the multi-story car park in the area of Devil's Tower Road take more parking from Laguna Estate if there were to be more flats in Laguna Estate?

260 Of course these things were considered. The officials who are working for the Government today are the same officials who were working for the Government before and they considered these things and presented the Government with their views in respect of them.

Did we carry out a survey in terms of *questioning* the people living in the estates about it? No, Mr Speaker. That is what the consultation process was about – the consultation process which went about later. I think it is perfectly normal to do things in that way which we consider to be appropriate.

Hon. D A Feetham: But doesn't the Chief Minister think that in relation to a project of this kind where one is not dealing with the building of something on a flat piece of ground where there are residents around, and you are always going to have those kinds of issues in Gibraltar... You are always going to have issues in terms of, for example, *balancing* housing needs of people with the quality of life and rights to light, rights to view – although there is no right to view – but those kinds of issues in the context of a small community like Gibraltar are always going to arise.

But is it not the case that this is different, because here you were proposing to, effectively, add another floor onto an existing estate, impacting very, very directly on the people living in that estate? Does it not really show a lack of thought and planning on the part of the Government of, effectively, making that announcement without actually bothering really to do in-depth studies and at the same time *consult* the residents as to whether this was a good idea beforehand or it was not a good idea, and whether it was supported by residents or it was not supported, given that they were going to be impacted very, very directly by this particular project?

Hon. Chief Minister: Mr Speaker, we just cannot get it right, can we? If we do a traffic survey, but we do not say what we think the results of that survey should be when we put it out to the public, we are told that we do not know what we are going on about and that we just want the public to write it for us and that that is not leadership. If we say, 'Look, these are the plans that we think work', when we go out to consultation for the public, we are told, 'Oh, you determined all of this before you started the consultation.'

Mr Speaker, I know that the hon. Members are here to do the political job that the Westminster system requires them to do, which is to hit us so that they can try and come over here – that is the adversarial system – but they have got to make up their minds. Either the leadership of Mr Bossino prevails, which is the one that says when you go out to a consultation process, you need to know where you are going, because you are there to lead Government; or the leadership of Mr Feetham prevails, which is you must consult on *everything* before you go out to present your plans for consultation. In other words, I have to knock on every door in Laguna Estate, Moorish Castle Estate and Glacis Estate and carry out a survey *before* I am able to take plans to the DPC for guidance and consultation with the general neighbourhood Tenants' Association and go out to a meeting with them.

We have done it the way that we have done it. We think it is the most appropriate way to do it. But let me ask him this: although it was not adding an extra floor, but it was *much more* inconvenient than that, what public survey – I say rhetorically, as I know he is not here to answer questions – did the previous administration do in Rosia Dale, in Cumberland, in Vineyards, before they built the cell block that is Cumberland Terrace's today, creating, in effect, a tunnel where Cumberland Road is? When they built Nelson's View *destroying* the water tanks that had victualled *Victory* and many other ships, what public survey was carried out there? (**A Member:** Hear, hear.)

What happened there was that they had created, Mr Speaker, such a housing problem in Gibraltar that at the last minute, in the final term and a half, they had to do everything possible to create housing – and one is tempted to say 'bugger', but one can't – but 'there goes public opinion' and 'there goes the survey', and 'let us just build as high as we can, as square as we can and as ugly as we can', and 'who cares about parking', because it is all very well to have one allocated parking per flat? Who cares about parking when most people have two cars per flat? So who cares about the density in those areas? Who cares about the right to the view, that we all recognise does not exist? Who cares, even, about the rights to light that *do* exist and have stopped some of those projects?

Mr Speaker, they have got their model of survey and consultation, which we think does not work. We have got our model of consultation, which we think not only works, but has been *seen* to work in this process and in particular in respect of these estates. We are judged by the electorate every four years, each team, on whether ours works or it does not. Theirs obviously appears not to have worked at the last Election, and ours, I understand, is by 237 votes that the hon. Gentleman calculates prevailed.

Hon. D A Feetham: Mr Speaker, the hon. Gentleman really has a habit of not answering the question. The reality is that they announced, under a great, great fanfare, the construction of these extra floors, going to the extent of saying, 'These are the forgotten estates', and it is them that actually forget to consult the people *there* who are most directly affected! Really, it must be the most unfortunate choice of words, this *phrase* that must have been coined by the Chief Minister himself, 'the forgotten estate', when they themselves actually forgot to conduct the most rudimentary consultation –

A Member: There is no question there.

Mr Speaker: I am hoping there is one at the end.

Hon. D A Feetham: – the most rudimentary consultation with residents of the area.

330 Does the hon. Member know this, for example, does he know how many extra parking spaces would have been *needed* in order to cater for all those extra flats that were going to be constructed on the top floors of those estates?

335 **Hon. Chief Minister:** Mr Speaker, these ‘forgotten estates’ are rightly described in that way because they were forgotten for the time that the hon. Members were in Government. That is why it is absolutely *appropriate* to call them ‘the forgotten estates’. That is why the fanfare is there, for the refurbishment plans that are at last going to be enacted by this administration for the people in those forgotten estates – estates, Mr Speaker, forgotten – I dare say, in reminding the hon. Gentleman of his immediately previous question – forgotten even in respect of the very serious anti-social behaviour that was occurring there in respect of the tobacco matters that we have just debated.

340 I assume that he also coined the phrase ‘the forgotten estates they forgot to consult’, because it is all about that, isn’t it, Mr Speaker? It is all about catch phrases – even adopting ones that others have already coined before, like ‘U-turn this’ and ‘U-turn that’. Politics is not about catchphrases, Mr Speaker; it is about the opportunity to make people lives better (**A Member:** Hear, hear.) and that is what this Government is going to do in those forgotten estates, make their lives better. (*Applause*)

345 I would tell him, Mr Speaker, in respect of the number of parking spaces, it would have been estimated at least that we should be able to have one extra parking space per flat and provision was being made on that basis. The whole issue was this: can you by adding one parking space per flat create such a scheme that will satisfy the parking needs of the area? And in some areas you could not (**A Member:** *Exactly.*) because in Glacis, there is already not one parking space per flat. In Laguna, there is not one parking space per flat. So if you plan to add something and you plan to add one parking space per flat, you are still, nonetheless, compounding the problem that was there. This was the issue to go out to consultation on and these are the things that we talked about with the Tenants’ Associations and with the people who live in the estates. That is the feedback we have got and this is not just, Mr Speaker, an issue about parking spaces; it is about many other issues.

355 The one thing, Mr Speaker, that I hope he is not trying to get away from is that these estates were forgotten by the previous administration. They were totally abandoned. Mr Speaker, some people say to us that they felt at least abandoned, because they were traditionally seen as not providing the hot bed of support for the hon. Member’s party. Well, Mr Speaker, I will give them the benefit of the doubt and I will believe that is not why they forgot them. They just forgot them, Mr Speaker. We will ensure that they are never forgotten again. (*Applause*)

Hon. D A Feetham: What a load of waffle, I have to say!

365 Mr Speaker, does he not recognise that the previous administration did a great deal for some of these estates. In Laguna Estate alone, there was considerable beautification of the estate. The sheds were built across the estate, although I am told that, in fact, in relation to the sheds, the hon. Gentleman’s Government has actually put a stop to that work. In Glacis Estate: pitched roofs were put into Glacis Estate, the lifts were also renewed in Glacis Estate.

370 The problem with the hon. Gentleman is that he may make a better point by overextending the point that he makes. This is the problem with these catchphrases. (*Interjection*) *He* is the one that makes the... *He* is the one that overextends himself. *He* is the one that makes the mistake by calling them forgotten estates.

375 He may have a valid criticism in saying, ‘Well, perhaps you should have done this and you didn’t do it’ – look, maybe. No Government actually does everything and no Government is beyond criticism and I, as the person here who is asking the question, if he has a valid criticism, I will accept it; but not that they were the forgotten estates.

380 On the basis, the hon. Gentleman says that they will not be forgotten, why was this commitment – which happens to be a flagship commitment during the first year of his Government – why was it not in their manifesto? It was certainly in ours, the question of the cladding, for example. Is this something that has occurred to the hon. Gentleman during the course of the first few months of his Government?

Hon. Chief Minister: Mr Speaker, I refer the hon. Gentleman to page 47 of the GSLP Liberal Manifesto which reads as follows:

385 ‘We will complete the programme of refurbishment, beautification and lift installation on existing Government estates where this has not already been finalised.’

If he reads further down Mr Speaker, on page 47, in the paragraph headed 'Refurbishment and Beautification':

'This will include re-cladding buildings in Glacis, Laguna and Moorish Castle Estates, as well as adding lifts if possible.'

Mr Speaker there is a splendid shot of what the re-cladding is likely to look like which takes up a lot of our manifesto, so I think, Mr Speaker, that he has forgotten what was in our manifesto, if he prefaces, or if he ends his presentation with that question.

Mr Speaker, it is clear that this question of the forgotten estates has done damage. It hurts, I can see, because whenever they come back at me and say that I am waffling, this is, as we analysed you in the course of the debate on the Appropriation Bill, that sort of attack is the best form of defence in the sort of leadership that Mr Feetham is likely to represent for the GSD.

Well look, Mr Speaker, if it hurts, I am going to say it over and over again: Laguna, Glacis and Moorish Castle Estates, the forgotten estates, the estates that were abandoned; Landport House unpainted for something like 40 or 50 years, Mr Speaker – (*Interjection by Hon. D A Feetham*) the only one that remains unpainted.

Look, Mr Speaker, if the hon. Gentlemen and Lady want to say to us that they did not forget Glacis and Laguna, that they built them sheds – well, Mr Speaker I think people want a lot more than sheds in life. A shed may be important, but people want a lot more than sheds in life. I do not recognise this idea that any shed programme has been stopped. What I will tell the hon. Gentleman, Mr Speaker, is that what is going to happen in those estates is designed for a purpose. It is designed to make the lives of the people who live in those forgotten estates better. It is designed to show those people that they are not forgotten as they were before the 8th December. The forgotten estates are forgotten no more and if the hon. Gentleman forgets to read our manifesto again, I forgive him. I know it is such a brilliant document, it hurts his eyes to read it.

Hon. D A Feetham: I have to say that there are so many promises in that manifesto, to so many people, so individually targeted that I am afraid that even I sometimes forget the promises that the hon. Gentleman opposite –

Hon. Chief Minister: Apology accepted.

Hon. D A Feetham: – had made.

But look is it not the case that it is not only about you forgetting to consult the very same people that you say are forgotten but that the Government did not in fact do its homework, because in answer to my questions, he has already said, 'Look, we were looking at it and it was a question of one parking space per flat that we were building and it just simply did not work out.' Well, that exercise did not require any consultation with anybody. That exercise was capable of having been done and that conclusion was capable of having been reached before the announcement was made. Is it not the case that the reality is that this was a half-baked, half-cocked idea that the hon. Gentleman or I don't know who in his Government came up with, which was ill conceived from the very beginning?

Hon. Chief Minister: Mr Speaker, 'do its homework', 'half-baked': once again, the politics of phraseology, ignoring how to deal with the substance of issues.

Mr Speaker, this was not half-baked. This was not a question of homework not being done. This was an exercise which the Government did and then took to the people who would be involved in it. I took it, Mr Speaker, to the Tenants' Associations and then to the tenants themselves. I am not running away from something, if I take it to that level of consultation. I am not running away from something, if I go to the heart of the area which is going to be affected and spend time with the people there, talking about this issue of how they feel about the parking, etc because ours, Mr Speaker, is not the policy of phraseology, it is not the politics of sound-bites; it is the politics of substance.

Mr Speaker, where is the difference? Very simple: we have an ambitious pledge in our manifesto. Our manifesto, of course it is ambitious and we are convinced that we can complete it in this term of office. Why? Because we are ambitious for Gibraltar. That ambitious promise is that everybody who was on the housing waiting list on 8th December will have a home before the next General Election.

Well, Mr Speaker, let us be clear: is that not what we should all be trying to achieve? Is that not what the aim should always have been? How is it, Mr Speaker, that we go from a housing waiting list of 200 people in 1996 to a housing waiting list – a *soul destroying* housing waiting list – of 1,500. Well, look, Mr Speaker, it must mean that their policies for 16 years were half baked, that their policies for 16 years were infected with an absence of homework. It must mean, Mr Speaker, that for 16 years they forgot not just Glacis, Laguna and Moorish Castle Estates, but the mounting number of people with real social and

personal problems who were putting their names on the housing waiting list and never likely to see the light of day.

Our policies, Mr Speaker, are not about being half-baked, although I will remind him that a soufflé is half-baked and it is one of the most expensive dishes on any menu. It is about ensuring that we house everybody who needs a home. That is why the Hon. the Deputy Chief Minister has said this morning and I repeat this afternoon, we have to marry the competing interests of those who need homes and those who will need to suffer some disruption whilst homes are built around them.

Mr Speaker, in this instance, we think we did a fine job to take this particular issue to the people who it would have affected the most. I think that is exactly the sort of way to run Government. It is a pity he does not share my view. He might have found himself on this side of the House again, if he did.

Hon. D A Feetham: Whether I or anybody on this side of the House will find ourselves on that side of the House is not up to him and it is not up to me. It is up to the people of Gibraltar in a democratic election.

But look, he keeps on harking back. Yesterday he made a point about the Hon. the Leader of the Opposition not giving credit where credit is due for things that were achieved during the GSLP Government. Today he is actually doing exactly the same thing in relation to housing and in relation to the achievements on housing of the GSD Government. Or does he not recognise – and I am asking him a question – the fact that it was this party that constructed the first Government rental housing estate in Mid Harbours that has nothing to envy at all any private estate, anywhere in Gibraltar, the first Government housing rental estate since Varyl Begg in the 1970s – not the AACR Government, not the GSLP Government – *since the early 1970s*. I think it was an IWPB Government. Does he not recognise that the GSD Government built hundreds of homes for the elderly at Bishop Canilla and other areas?

Does he not *also* recognise that, whatever the controversy may have been initially in terms of the location of Nelson's View, of Bay View and other estates on co-ownership that the Government built, Waterport Terraces, that these have provided homes for many ordinary working class Gibraltarians? Does he not recognise that? Is he not prepared to concede that it is never a question in politics of simply saying, 'No, you did absolutely nothing'? It is a question of actually recognising what your opponents have done, criticising what is wrong, recognising what they have done and not just simply stand up and make these wide-netted criticisms which really does your side of the House and the entire Parliament no credit at all.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Where has he been for the last 15 years? *(laughter)*

Hon. Chief Minister: Well, Mr Speaker, *(Interjections)* look, let me take each one of those points in turn.

Of course, the next election will be a democratic election where people will decide between this party and our coalition together as GSLP Liberals, and whoever is then in Opposition. I do not know whether the fault-lines in the party opposite will mean that it survives and fights the next election or not, but so be it. *(Interjection by Hon. D A Feetham)* It will be a democratic election and I will tell you why, Mr Speaker: because the Government will not be spending £150,000 on a rag to promote its policies. There will be a level playing field and it will be a democratic election – point one.

Do I recognise that they built the Mid Harbour Estate? Well, Mr Speaker, in all the time that he and I have known each other, we have debated with each other across the floor of the House or elsewhere, I have never suggested to him that he is stupid. I would be grateful if he did not suggest that about me. Of course, I recognise that, because it was built in the time that they were in Government and the Hon. the then Chief Minister used to go down to the building site in his work boots as Clerk of Works, they built the Mid Harbour Estate. Of course I do. Of course I know that the Waterport Terraces and Bishop Canilla were built on their watch.

And yet Mr Speaker, does he not recognise that there are still 1,500 people on the housing waiting list, because if he looks back to what I said – and I really think that I need to persuade the Hon. the Deputy Chief Minister to provide us not just with the excellent service that the House is now providing in *Hansard* which we get so quickly compared to what we used to get before, but we need to have voice recognition and immediate *Hansard*, so that the hon. Members can go back quickly and see what it is that we have said and not debate the ghost of the shadows of what they would rather we had said.

I did not say they had done nothing. I said that there were 1,500 people on the waiting list, that the list had got longer, rather than shorter. That is exactly what I said. And for that, Mr Speaker, by attacking me as he has, he has recognised that that is actually the case.

Or is it that he believes that we have manufactured the extent of the housing waiting list? I will tell him, he can go back and look at the answers of the then Minister for Housing, the Hon. Fabian Vinet, much missed in this House as he is, used to give the data. It is easy to plot from where one was in 1996, after the Election, to where Gibraltar ended up after they had been 16 years in Government.

Mr Speaker, the hon. Gentleman talks about making announcements in great pomp and circumstance and fanfare, and then having to withdraw. Well, I can think of a number, in the 16 years that they were in Government, not least the many uses to which Lathbury Barracks was going to be used and the many times that great projects were announced for there.

But I will remind him only of this, Mr Speaker (*Interjection*): before the 2007 General Election, a great project was announced, with great fanfare, of 700 homes at what became the Mid Harbour Estate in the area of *Rooke*. Mr Speaker, as he knows, we have raised no complaint in respect of the Mid Harbour Estate, other than whilst in Opposition, the Hon. Mr Bruzon attended on a number of occasions issues to do with cleaning, etc, which I am sure were concerns shared across the floor of the House.

But what I will tell him is, Mr Speaker, in case he does not know, was that that estate was only for 400 flats. So where was the homework, Mr Speaker? How could they announce an estate of 700 apartments, and yet, shortly thereafter, send out, in time for the Election, 400 letters allocating flats? How could they announce 700 flats, Mr Speaker, and yet build only 400 on the same footprint?

Well, Mr Speaker, ours is not the politics of phraseology, but if anything is half-baked, Mr Speaker, it must be the announcement that there were going to be 700 flats in the area of *Rooke*.

Look, the 400 people who got homes are very happy, Mr Speaker. Of the 1,500 who are on the housing waiting list, perhaps 300 also thought that their time had come and it did not.

I am also reminded Mr Speaker, and I should tell the House, that before the announcement of the building of the extra floors above Laguna, Glacis and Moorish Castle Estates, the Hon. the Minister for Housing had met with the Tenants' Association, just before this was announced, and said to them that he wanted them to go back and take the views of the tenants and that this announcement was going to be made so that we could have the input of the community generally.

Mr Speaker, in those circumstances, I think all of the comments that the hon. Gentleman makes can be seen to be an appeal to the grandeur and the importance of this House, only in an attempt to avoid the obvious criticism that must be levelled at them for having allowed in *16 years*, Mr Speaker... They did not have *one* term in office – for all we know, we may only have one term in office. They were privileged, Mr Speaker. They were privileged to have *four*, Mr Speaker, and in those four to allow the housing waiting list to go from 200 to 1,500, they know in their heart of hearts that that is one of the most monumental failures for which they are responsible, and I can understand why it is that they do not like to be reminded of it.

Mr Speaker: I have allowed considerable latitude away from the original Question on Glacis and Laguna and Moorish Castle Estates. We are now talking about general housing policy. There are Questions for the Minister for Housing later on in the Order Paper. I suggest we leave it at that.

Tripartite Agreement Instituto Cervantes

Clerk: Question 816, the Hon. D A Feetham.

Hon. D A Feetham: Does the Chief Minister still think that the best thing to come out of the Tripartite Agreement is the Instituto Cervantes?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman will know what our position in respect of the Instituto Cervantes has been and is, namely that it should not be housed in a public building or given any advantage in respect of a Government tenancy.

I was very happy that this red line of ours was adhered to when the Gaggero family generously provided a part of one of their buildings for this purpose. Since then, I understand that the Instituto has been very successful in offering its courses.

Hon. D A Feetham: Yes, I do not want to get him into trouble with his erstwhile leader who is in close proximity to his left, but with respect, he has not answered my question. (*Interjection*) With respect, he has not answered my question.

Does he or does he not still think – as he indeed said in Madrid, earlier on this year – that the Instituto Cervantes was the best thing to come out of the Tripartite Forum?

Hon. Chief Minister: Mr Speaker, I do not recognise that quote.

Hon. D A Feetham: Well, Mr Speaker, I know that the hon. Gentleman has a version of events of what happens in his meetings with representatives from Spain, and then the Spanish press and those on the Spanish side that come out of that meeting have a quite different version altogether. We saw an example of Mr Masa coming out of the meeting with the hon. Gentleman saying that he had been promised that he could commence fishing on 16th August, and then we had a different version altogether emanating from the Chief Minister. But it was widely reported – Europa Press, amongst other places, indeed in the national press – that he had made these statements.

Is he saying that he cannot remember or is he saying that he did not make them?

Hon. Chief Minister: Mr Speaker, I know that he prefers to believe everything that anybody who is in dispute with the Government says, rather than what the Government may say (*Interjection*) – he would much rather believe a Spanish newspaper than the Chief Minister of Gibraltar.

If he wants to talk about what happened in respect of the statements made by Mr Masa, etc, he just needs to go back and look at what actually was said on the day, and look at the detail of it, rather than just try and take the flavour of it and assume that that is what is correct.

Europa Press is a news agency, he will know, Mr Speaker. If Europa Press gets something wrong, then all the reports that he sees in the newspapers thereafter will also be wrong because Europa Press is the source of the story.

I do not recognise that quote, Mr Speaker. If that is what was put in the story it must have been a misquote. I will tell him with sincerity, Mr Speaker, that he should be wary of the Spanish press, because very often it unconsciously misquotes things that are said, in my view. It may be that it sometimes *consciously* misquotes, but it sometimes, I believe, unconsciously misquotes things.

I have seen an interview that I gave in Seville last week, today, in a newspaper called *El Economista*, that includes several misquotes. They are not issues in respect of which one would necessarily want to take issue with the journalist. In fact, Mr Speaker, there is very little point, sometimes, taking issue with journalists on minor quotes, because all that is going to happen is that a corrigendum will appear in a printed version of a newspaper somewhere, and may not even be seen.

But in this respect, Mr Speaker, I can tell him honestly that I do not recognise that quote. He can decide whether he believes Europa Press or me, but that is not the sort of thing that would slip off my tongue.

Hon. D A Feetham: No, he says it and I accept it.

But let me ask the question: does he think that the Instituto Cervantes is a good thing or a bad thing?

Hon. Chief Minister: Mr Speaker, I am grateful for the hon. Gentleman accepting what I have said.

The Instituto Cervantes is in Gibraltar under agreements done by the administration that he represents. As far as we are concerned, the point we have consistently taken and we have been very clear about this is that the Instituto Cervantes – or A N Other entity, in particular a Spanish entity, given the political issues – should not be given, before others who have been waiting, some of them for years – associations, clubs, institutions – a public building from which to ply its trade. That was the position, under the Córdoba Agreement. We were very clear about what our red lines were, in respect of that agreement, and behold, the building that was used was not a public building.

Mr Speaker, there are many institutes in Gibraltar, many organisations. The Government does not express views about them. As far as we are concerned, this is an entity which is trading legally in Gibraltar and not in a public building, and if it were in a public building, we would have something to say about it.

I will tell him that I believe – and perhaps he has the same feedback – that it is trading successfully amongst those who do not have Spanish as a second language and avail themselves of the services provided there for that purpose. I do not think it should be a matter for me to provide an opinion in respect of any emanation of the Spanish state, other than those who take us on and require to be told what we think about them and in particular the Instituto that is here.

Religious minorities Discrimination within job applicants

Clerk: Question 817, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister state what steps the Government is taking to ensure citizens from religious minorities who cannot work either at certain times of the week or year are not discriminated against when applying for jobs in any part of the public sector?

635 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, this administration has asked the Chief Secretary to set out clear guidelines for all public bodies to address this important and sensitive issue.

640 **Hon. D A Feetham:** Well, I congratulate the Chief Minister. I think that is the right step. Certainly, when I was a Government Minister, I... and I cannot remember any other colleague of mine ever discussing this as having been an issue, but it certainly on two occasions now has come to my attention. It probably has come to the attention of the Chief Minister.

645 Has he had any input at all in those guidelines or is he just simply allowing the Chief Secretary to deal with this? Or has he set any kind of parameters for the Chief Secretary to come up with guidelines?

Hon. Chief Minister: Mr Speaker, I believe that the two occasions that have been brought to his attention have been brought to *my* attention. That has happened, I am very sorry to say, in the past 21 or 14 days. The Government has acted immediately, and the remit to the Chief Secretary from the Government is to say that this has never been an issue before, and it should never be an issue again.

650 Because when people have minority issues, they need to be accommodated as best as possible, because that is what our Constitution provides and that is what everyone in this House stands for.

655 **Gibtelecom and AquaGib
Pension issues**

Clerk: Question 818, the Hon. D A Feetham.

660 **Hon. D A Feetham:** Has the Government engaged with the Unions or the employees of Gibtelecom and AquaGib to address pension issues which the GSLP said during the election had been raised by those employees with them?

665 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, yes.

Hon. D A Feetham: Can he say whether that engagement is at an advanced stage, whether the Chief Minister is also confident of reaching agreement in relation to these issues?

670 **Hon. Chief Minister:** Mr Speaker, when you are dealing with issues like this, there are two concerns. There are issues of principle, and then there are financial issues.

675 What I have asked the Financial Secretary to do, with the individuals concerned and the companies concerned, is to first of all ascertain what are the financial implications of this, and then to meet with me to consider further the issues of principle.

I have met, I believe, on two occasions with the representative of the staff and the unions with the Financial Secretary. Calculations are ongoing. I believe that staff members have had, through their unions, legal assistance also, working on these issues to try and understand the financial implications and at the same time, we are going to consider the principle of what they have raised, to see whether it is possible to reach an accommodation, either in one particular way or another.

680 But those two issues need to be considered separately: principle and finances.

Hon. D A Feetham: I do not want to in any way jeopardise any negotiations that are taking place or talks that are taking place between his Government and the unions. Is there a reason why he should not provide, if I ask him now, what are the type of issues and principles that are engaged in relation to this, why he should not provide it across the floor of this House? Would he prefer that I write to him, so that he could write back to me in relation to that?

I am just concerned about the issues of principle.

690 **Hon. Chief Minister:** Mr Speaker, frankly, I do not think this is something to write about, but I am quite happy to have a conversation, if he can bear it, about the issue, if he likes, behind the Speaker's Chair.

695 **Hon. D A Feetham:** So he is not prepared to tell me what kind of issues of principle – (*Interjection*) No, no, I mean across the floor of the House. If there is a problem –

Hon. Chief Minister: Sorry, sorry, Mr Speaker, I misunderstood. I thought the hon. Gentleman had said that he assumed that I would not do that here, because we are negotiating about them, and would I write to him about it. What I have said is, this is a complex issue. It is much easier to have a conversation about it than it is to write down what the issues are – not because I am afraid to see it written down, but because I think where we are in the negotiations, it is worth talking about.

But I assume he was approached, and his party was approached before the election as well, and he will understand what the issues of principle are. They are not complex, but there may be some disagreement between the unions or at least, between the members of staff that the union represents and the Government, and perhaps even between the union and the Government and the members of staff. But those, I think, are not insurmountable. With good faith, we can try and get over them in some way.

The finances are another issue that we need to look at as well, to see whether it is possible to accommodate in some way.

I am confident that going forward it is going to be possible to square the circle – but as the hon. Gentleman knows, I am an optimist.

Hon. D A Feetham: Yes, sometimes he is too much of an optimist, but there is nothing wrong with that.

There is a duty... there is a duty... We are here to ask questions, you are here to answer them and answers are given for the benefit of *Hansard*. Forgive me if I did not make myself clear, but is there a reason why you ought not to tell me what those issues of principle are across this House? If he says, 'Yes, I can't because there are negotiations, it might prejudice negotiations', or for whatever reason, I will accept that, he can tell me in the lobby of the House; but if there are not those kind of issues, will he tell us so that everybody else understands them, what those issues of principle are?

Hon. Chief Minister: Mr Speaker, I am ever so grateful that he is going to allow me to be an optimist. It is very kind of him.

Look, Mr Speaker, it is the reason that he prefaced his question twice, that we are in the middle of negotiations and I do not think it is sensible, for any of the parties, that this matter be ventilated across the floor of the House, otherwise I may as well conduct my negotiations with the union with them sitting where the mace is. That was never the case when the hon. Gentlemen were here on this side of the House. We believe ourselves to be open and transparent, but that does not mean that we can have a webcam in my office and people can just see everything that is going on, because that would not give business efficacy to the business of Government.

I am happy to give him the information, if he can bear a conversation with me behind the Speaker's Chair.

Hon. D A Feetham: I accept that and I am not asking him for the nitty-gritty of all the details; neither was I asking him to bare openly within this House what those details are. It is the *points of principle* that concern me that may in fact have an impact across other sectors. I do not know whether they do or they do not, but that is what concerns me – the points of principle, not the detail.

Hon. Chief Minister: Mr Speaker, that is why they are points of principle, because they could have consequences across other sectors.

Hon. D A Feetham: Not necessarily.

Hon. Chief Minister: 'They *could* have' means that they do not necessarily have to. That is what 'could' means.

ENTERPRISE, TRAINING AND EMPLOYMENT

Ms Joanna Hernandez
Details of post with Employment Service

Clerk: Question 725, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Employment and Social Security provide the following information in respect of Ms Joanna Hernandez: (a) in which month of this year she started work with the Employment Service; (b) the job title; (c) salary grade; (d) whether the position she is now

holding is a temporary or permanent one; (e) whether the position was advertised either through the GDC or externally so that anyone in Gibraltar could have applied for the vacancy; and (f) provide a copy of the job description.

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, the Government employee to whom the Question refers was unfairly dismissed by the Members opposite when they were in Government. (A Member: Hear, hear.) The Tribunal included in its findings the recommendation that she should be re-engaged within the Government service on the same grade and salary scale that she enjoyed as manager of the Dr Giraldi Home.

This recommendation was implemented in July of this year. The title is that of manager. The employment is with an indefinite contract and she is seconded to the Employment Service as manager of the Supported Employment Company Limited. The role in that company is to co-ordinate the provision of supported employment and to advise those who are seeking such employment.

Hon. J J Netto: Was this particular position a vacancy that was there available before the employment of Ms Joanna Hernandez within the Employment Service or was it a new extra employment opportunity within the Department?

Hon. J J Bossano: The managers of the companies are not paid as managers of the company; they are all required to do that additional work, in addition to their employment in the public service which they get paid for in the public service.

Hon. J J Netto: [*Inaudible*] perhaps you misunderstood me or perhaps I should have expressed the supplementary –

Hon. J J Bossano: No, no, I understood.

Hon. J J Netto: – question in a different way.

Hon. J J Bossano: I have understood precisely.

Hon. J J Netto: What I am trying to do is to follow the logic in the sense that in his original answer he was saying that she was a manager, obviously she was working as a manager for Dr Giraldi Residential Home, what was then the Social Services Agency. Now, if I follow the logic of your answer she is now working as a manager in the Employment Service, which is a different entity altogether.

In other words, what has superseded the Social Services Agency is the Care Agency; but she is not working for the Care Agency, she is now working for the Employment Service and I believe or suppose that she is a GDC employee, as opposed to a Care Agency employee.

So what I am asking is whether there was, prior to the employment of Ms Joanna Hernandez in the Employment Service as a GDC officer, a vacancy for the things that he has now said.

Hon. J J Bossano: Yes and I am telling him, Mr Speaker, the job that she is doing as manager of the company is the same as the job that is being done by the manager of the two other companies. Those three managers are not jobs that are vacant which are advertised and recruited from outside. They are duties allocated to staff of the Employment Service and therefore the people who are in the Employment Service that manage the three companies are people that, if the companies were not there, would still be in the Employment Service.

This particular employee was re-engaged in the Government service – that is to say, in the Civil Service – in accordance with the recommendations of the Tribunal and she has been deployed to the Employment Service and she has the grade and the pay scale of the manager of the Dr Giraldi Home which is what the recommendation was.

Hon. J J Netto: Well, Mr Speaker, notwithstanding the fact that she had already been paid compensation as a ruling from the declaration from the Chairman, can the Minister tell me whether the salary scale is the salary scale of a HEO?

Hon. J J Bossano: I have just told him, Mr Speaker, the salary scale is the salary scale of the manager of the Dr Giraldi Home. The recommendation of the board was that she should be paid compensation *and* re-engaged in the Government service, but not in the Care Agency, given the fact that there might be a

problem of friction in returning there and that is the recommendation that has been accepted and implemented by this administration. So what does he want to know?

Hon. J J Netto: Mr Speaker, what I am trying to find out is that this particular lady, she was working as a manager in Dr Giraldi Home and for that she was the manager, so she had a wage which was to do the managing for that particular function.

What I am trying to find out is, as a manager now working for the Employment Service, whether she is in that particular grade of a HEO or perhaps some other particular grade, and I think that is a reasonable question. I am sure that the Hon. Minister would know whether she is working... Because the point is when she was working for the Social Services Agency, that grade at that time was not a grade HEO or GDC equivalent. It was a specific grade of the Social Services Agency before.

So what I am trying to find out now, something that does not exist right now, because obviously the Social Services Agency has been superseded by the Care Agency, she is now working in Employment Services, whether that is the grade of the HEO.

Hon. J J Bossano: I know what he is trying to find out and I have given him the answer on each and every time that he has repeated the question.

Mr Speaker, the Tribunal made a ruling. The ruling was compensation and a recommendation of re-engagement by the Government of Gibraltar, in any Government Department but not in the Care Agency, on the scale and the grade that the person that had been dismissed enjoyed at the time that she was dismissed, and that is what we have implemented. If that pay is the same as the pay of a HEO or an SEO or any other grade, I am not able to tell him, but I can tell him that he can find it in the Estimates Book. It is a public document which will show what the manager of the Dr Giraldi Home is employed at and that is the pay.

Hon. J J Netto: No, no, there is a difference. There is a difference because as the Minister of Social Services will be able to inform him, at the time that particular post of manager was, as I said before, manager only and exclusively of Dr Giraldi Home. The post of manager, which it is now, is a post of manager for Dr Giraldi Home and St Bernadette – in other words, a general manager's post – which is a different thing to what happened before. So it is not the correct analogy in terms of what you have just said.

Can I put it in a different way, if he finds it so difficult? (*Interjection*) Can he actually say what is – the point, in whatever grade of manager – the annual wage that she will be getting?

Hon. J J Bossano: Well, I can tell the hon. Member that what we have done in her case is that the recommendation of the Tribunal has been implemented and therefore, we have taken the pay of the job that she was doing, we have looked at what is the equivalent pay now and we have given her that pay.

There are peculiar examples of things that have happened in the GDC, where for example, a monitor was recruited on an advertised rate of £18,000 and within a month of having started work, he had negotiated for himself an increase of 50% in his pay, backdated to the day that he started work. (*Laughter*) So, if he wants me to give him the details of anomalies, I can be here a very long time, pointing to all the anomalies that have existed.

As far as I am concerned, no political decision has been taken on changing the ruling of the Tribunal. The political decision has been to accept the recommendation of the Tribunal. The Tribunal said that she should be re-engaged on what was the equivalent pay of what she was getting, which she would have been getting, if she had not been sacked.

Hon. D A Feetham: Can I ask the hon. Gentleman, did the Tribunal, when it made its compensatory award to Mrs Hernandez...? I ought to have actually declared an interest: I represented Mrs Hernandez to begin with, in fact, before she asked me to pass the file to Mr Picardo and he took over from me. I am duty bound to declare that. I think Mr Bossano represented her later on as well. (**Hon. J J Bossano:** Absolutely.) But did the compensatory award, awarded to her, did that include future loss of earnings? Is he absolutely certain – I have not looked at the judgment, but certainly I am going to look at the judgment after we leave tonight – that the total package of compensation awarded to Mrs Hernandez did not take into account the fact that reinstatement was not a possibility in this particular case and that, therefore, she is not now in a position where she has obtained that compensation – which she would not have got, if she had been reinstated – plus reinstatement? Is he certain of that?

Hon. J J Bossano: Well, Mr Speaker, I do not pretend to be a lawyer, but I am not sure that the hon. Member is as conversant with employment law as I am. (*Interjection and laughter*) In fact, if she had been re-engaged at the time that the ruling was made, then of course clearly, which is when the Chairman intended that it should be made, she would have been paid a lot of money between then and now.

The Tribunal made the ruling that this should be done in conjunction and in addition to the compensation for loss of earnings between the last day that she worked and the day that the ruling was made and the Government agreed to pay the compensation, but said they would resist the re-engagement recommendation, and I regret to say, in my view, incorrectly – the Tribunal did not go back and revise the compensation in the light of the fact that the other half of the recommendation had been rejected.

Hon. D A Feetham: That is what I am asking.

Hon. J J Bossano: Yes. It did not happen, I think, incorrectly.

Hon. J J Netto: Mr Speaker, can I ask another supplementary question and that is that this particular post that this lady is occupying today is a post that should be ring fenced, in accordance with the agreement between the union and the Government. In other words, whenever a post exists in any particular organisation within the GDC, it should go internally within what are the employees of the GDC, to be able to apply, or at least to have the opportunity to apply to a post which is quite senior, particularly if I understand correctly, she is holding a position of HEO.

Has the Government therefore not consulted the union to waive the agreement, so that, given that it was ring fenced, they can put it to one side so that the Government could proceed in this direct appointment?

Hon. J J Bossano: I am afraid, Mr Speaker, the hon. Member does not have a clue what he is talking about. *(Laughter)* There is no ring fencing in the GDC. What *his* administration agreed with the union was that whether they liked it or not, everybody was made a civil servant on 1st October 2011 and then, when the GGCA objected to the transfer of people into the Civil Service – I must say in a way which was completely in breach of General Orders, vetting and everything else – when a list of names was provided to the Public Service Commission by the Office of the Chief Minister with instructions that they had to rubberstamp it, they were all given letters informing them that they were now civil servants as of 1st October. *(Interjection)* Well, Mr Speaker, I am not going to waste opportunities to remind Members of things that they seem to have forgotten! *(Laughter and interjections)*

It was as a result of that objection that the previous Government backtracked on what it had told the GDC employees, which was that they were going to be integrated into the Civil Service unconditionally, and they said that those who were in the Civil Service were now ring fenced, meaning that they could only apply for each other's jobs.

When we came in, since it was our intention not to dissolve the Gibraltar Development Corporation, which was the previous plan, I thought it would be fair to the people who had been told they were going into the Civil Service without an alternative because their previous home was being demolished with them still in it, that they should be given an opportunity to come back home, and I am happy to say that 75% of them did come back home.

The ring fenced ones therefore are the ones who stayed in the Civil Service in accordance with the union agreement. There is no union agreement covering GDC employees on ring fencing; nor is there anything to prevent the GDC employees from adding new jobs or having people seconded to it. Indeed, some new jobs have been created recently because some people from the Regulatory Agency are going to be within the GDC. So this is something... and indeed, once the jobs are in the GDC, it means the that the people there will have more opportunities in the future than those who, in my view, mistakenly accepted the philosophy of the GSD and stayed ring fenced, because they will never get out of the ring.

Hon J J Netto: Mr Speaker, I think that in a previous supplementary question, the answer by the Minister did not actually provide, in my opinion, the information I wanted, and that was whether he could tell me exactly what is now her annual wage at the moment. Can he actually tell me what is her annual wage? That is the first thing.

The second thing, which is part of the original question, is can he provide me with a job description of the work to be fulfilled? Can he do so?

Hon. J J Bossano: Mr Speaker, the question says 'salary grade'; it does not say her annual wage. I do not know what she is getting paid. I know that the salary grade is the salary grade of the job that she had in the Dr Giraldi Home. I do not know whether it is the equivalent of an HEO or not. I know the other two companies' managers are Employment Service HEOs, but I do not know whether her grade is the same, below or above. So I cannot tell him that. I can tell him that the grade is the grade of the Giraldi Home that she would have got had it been implemented at the time and her pay has been increased since then.

As regards her job description, I have given him what the role in the company is, and the role is to co-ordinate the provision of supported employment and advise those who are seeking such employment. So

in fact the actual thing that she does on a daily basis is to look after the 48 people we have now got in supported employment who have now got indefinite contracts who are placed in different places to liaise with the relatives of those people, because they are people who need support, and to make sure that they have not got any problems where they are placed. So we have now got a dedicated person doing that and, in addition, interviewing people who approach us on the basis that they have got somebody in their family who they feel might require the working environment that this company is providing, which they welcomed when I answered it in fact.

Hon J J Netto: Mr Speaker, just one final one, a supplementary question. If I were to write to the Hon. Minister in relation to what is her annual wage at the moment and whether she is within the HEO, will he be able to provide me with that information?

Hon. J J Bossano: Yes, I will get her to write back to you, Mr Speaker. *(Laughter)*

**Notices of termination of employment
Number received since 9th December 2011**

Clerk: Question 726, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state how many notices of termination of employment have been received by the ETB since 9th December 2011 divided by (a) by nationality; and (b) by industry sector?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, I will answer this Question together with Questions 727 and 728.

**Notices of termination/engagement of employment
Number received from public sector since 9th December 2011**

Clerk: Question 727.

Hon. D A Feetham: Can the Minister for Employment state how many notices of engagement of employment has his Department received from employers in the private sector since 9th December 2011 divided by nationality and by industry sector?

Clerk: Question 728.

Hon. D A Feetham: Can the Minister for Employment state how many notices of termination of employment and notices of engagement have been received by the ETB from the public sector (including for the avoidance of doubt Government-owned companies and authorities) since 9th December 2011 divided by nationality?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, the number of notices of termination of employment received by the Department from the private sector between 9th December 2011 and 30th June 2012 was 4,556.

The nationality breakdown of this 4,556 is as follows: Gibraltarians, 1,455; Moroccans, 72; other British, 950; other EEC, 642; non-EEC, 66; and Spanish, 1,371.

The breakdown by industry is as follows: electrical supply, 2; water supply, 8; ship building, 125; construction, 1,230; other manufacture, 38; wholesale trade, 49; retail trade, 343; hotel trade, 36; restaurants and bars, 327; repair of goods, 25; sea trade, 58; air transport, 6; road transport, 70; post and communications, 11; banking, finance and insurance, 498; public administration, 93; Police and Fire Service, 62; sanitary services, 3; education, 38; medical and health services, 89; and other services, not otherwise classified, 1,445.

The number of notices of terms of engagement received by the Department from the private sector between 9th December and 30th June was 3,844. Of these, the breakdown by nationality is as follows: Gibraltarians, 1,494; Moroccans, 54; other British, 882; EEC, 429; non-EEC, 67; and Spanish, 918.

I am informed that the computer programme does not provide the function that gives a breakdown by industry sector of the terms of engagement.

The breakdown now of the terminations in the public sector is as follows. The total in the same period is 357 from the public sector and the breakdown of the 357 is Gibraltarians, 239; Moroccans, 7; other British, 57; other EEC, 10; non-EEC, 1; Spanish, 43.

The number of terms of engagement in the public sector between December 2011 and 30th June by nationality is as follows. The total is 961, of whom 808 are Gibraltarians, 11 Moroccans, 91 other British, 17 other EEC, 2 non-EEC and 32 Spanish.

Hon. D A Feetham: Can I ask the hon. Gentleman – I have no supplementaries – for a photocopy of that answer so that I can take it with my papers?

Hon. J J Bossano: Well, I suppose...

Hon. D A Feetham: It need not hold the proceedings up, because I have no supplementaries.

Clerk: I have a set here which I can have photocopied.

**Future Job Strategy
VTS trainees/employees placed with private employers**

Clerk: Question 729, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state how many VTS trainees/employees under the Future Job Strategy are currently placed with private employers?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): I will answer, Mr Speaker, this Question with Question 730 and Question 731.

**Future Job Strategy employees
Employers who have signed ETCL contracts**

Clerk: Question 730.

Hon. D A Feetham: Can the Minister for Employment please provide a list of the names of employers who have signed contracts with Employment and Training Company Limited in respect of the Future Job Strategy employees?

Clerk: Question 731.

Hon. D A Feetham: Can the Minister for Employment state how many VTS trainees/employees are placed within the public sector under the Future Job Strategy identifying the Department, Authority or the Government company in which they are placed?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, the number of VTS trainees/ETCL employees placed in the private sector is 381.

The number of employers that have entered into partnership agreements with ETCL since 1st February is 140. These 140 employees have been contacted to see if they have any objections to having their names made public.

The number of VTS trainees/ETCL employees placed with the public sector is 185 in the following Departments: Care Agency; Ministry for Enterprise, Training and Employment; Department of Social

1065 Security; Department of Consumer Affairs; Department of Education; GHA; Gibraltar Citizens' Advice Bureau; Gibraltar Court Services; Gibraltar Sports and Leisure Authority; Gibraltar Tourist Board; Ministry for Sport, Culture, Heritage and Youth; Human Resources; Royal Gibraltar Police; Statistics Department; and Treasury.

1070 **Hon. D A Feetham:** If he does not know the answer because he requires notice, I will give him notice next time around, but does he have a breakdown of the number of trainees in respect of each of those Government Departments and Authorities?

1075 **Hon. J J Bossano:** It is a list that would only be true on the day that I give it to him –

Hon. D A Feetham: Absolutely. I understand that.

1080 **Hon. J J Bossano:** – because it is not that people are there fixed. So the answer that I would give today would not necessarily be accurate tomorrow. I would say that about half of the people were people who were already in those Departments under the VTS and the other half are people who have come in since February. Of course, it includes the people in the Gibdock and the people in the Construction Training Centre and people who were in the Treasury and in the Tax Office because they were doing, at the same time some kind of business course, in Bleak House.

1085 But if he gives me notice, I can give him where they are the day I give the answer; but the following day the numbers will have changed. They are not static.

Hon. D A Feetham: No, I understand that. What I am asking him is does he have the information there in front of him today?

1090 **Hon. J J Bossano:** No.

Hon. D A Feetham: Alright, well I will give him notice next time round.

1095

**GTC apprentices
Number in training and employers**

1100 **Clerk:** Question 732, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state how many apprentices registered at the Gibraltar Training Centre to NVQ standard are currently undertaking training and how many of these apprentices are in placements with training providers, identifying the employers?

1105 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): I will answer this Question together with Questions 733 and 734.

1110

**Gibdock apprentices
Number in training and employers**

1115 **Clerk:** Question 733, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state how many apprentices registered at Gibdock Training Centre are currently undertaking training and how many of these apprentices are in placements with training providers, identifying the employers?

1120

Clerk: Question 734.

1125 **Hon. D A Feetham:** Can the Government advise how many school leavers have this year applied for apprenticeships in the Engineering and Construction Trades, Social and Health Care, Business and Administration programmes, or any other, and how many of these will be taken on as from September?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

1130 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, there are 42 trainees at the Construction Training Centre, of which 17 are in placements – in the Housing Works Agency, nine in GJBS and three with private companies.

There are 34 trainees in the Gibdock Training Centre, of which 13 are placed with Gibdock, 13 in Government Departments and eight in private companies.

1135 The Government has not yet finalised the arrangements for apprenticeship schemes that will be introduced in the current financial year.

Hon. D A Feetham: Just in relation to the identification of the employers, I did make a note that, in relation to a previous question I asked, he had said he was going to ask the employers whether they had objection to their names being identified. There is another Question on the Order Paper that we will come to in a moment, and that is one of the reasons why I actually need the names.

1140 Does he not accept that... or is there any reason in principle why the Government will not identify the names of these employers, if one or two of them come back and they say... or however many come back and they say, 'We do not want you to identify our name.' Is there any reason in principle why you ought not to identify the names of these employers?

1145 **Hon. J J Bossano:** The reason in principle is that I think when we approached them to take on a trainee and sign an agreement with us, we did not tell them we were going to publish their names. Therefore, if they do not want their names published, we will not publish them.

1150 **Hon. D A Feetham:** Yes, but does he not recognise that there is a legitimate interest in the Opposition in knowing the names of these particular employers, given, for example, that it has certainly come to the attention of this side of the House that a number of these companies that have actually signed contracts with Employment Training Company Ltd are actually start-up companies? Therefore, it is part of the legitimate role that the Opposition plays in actually analysing Government business and what the Government is actually doing in respect of what is a very important area of Government policy.

1155 Therefore, we have a legitimate right to make that analysis and to see how many are start-up companies, how many, for example, are then involved in other types of transactions with the Government. There is a Question on the Order Paper in a moment about how many of these companies that take on these trainees also have the benefit of a contract with the Government, and whether there is some form of *quid pro quo* for example, taking place here, where the Government is saying to somebody, 'Start up a company, you take on board five of my trainees and I will then give you a Government contract to clean lifts or to renew lifts' or whatever.

1160 Does he not accept that that is, it is legitimate for us, bearing in mind our role, to know the identity of these individuals/companies?

1165 **Hon. J J Bossano:** Well, Mr Speaker, I think if the hon. Member is interested in knowing how many of the people that have got partnership agreements are actually providing work for the Government, that is the question that he is asking. Why he should want to know what the name of the company is, I do not see that provides him with any further information than what he wants to know.

1170 **Hon. D A Feetham:** I have just explained.

Hon. J J Bossano: I do not agree with him that it is either necessary or legitimate to want to know the name, because it is not... I have told him the number of companies there are and therefore, I think he will find, when we get to the other Question, that the immense majority of those companies are not doing anything for the Government.

1180 **Hon. D A Feetham:** Of course the immense majority are going to be doing nothing for the Government! I would be very surprised if 140 companies had Government contracts, but you see the point is that 10 of those companies or a number of those companies do have something to do, or are providing services to the company under contracts that may be very beneficial to those companies. We certainly have a legitimate interest and a legitimate need to know, for example, whether those companies are start-up...

1185 I am just giving you an example. This may not be the entirety of our concern in relation to this. We are entitled to know whether the Government is actually potentially saying to individuals, 'We will give you *x*, *y* and *z* contract, you take on five of our employees'; indeed, also, look at who exactly is behind these companies and draw whatever inference, or whatever conclusion we feel is politically legitimate for us to draw. That is politics.

1190 **Hon. J J Bossano:** Well, if it is politics, I can tell him that there is a company called Capurro that has got a contract for £32,000 a month with a bus company. I do not know whether I can draw any inference from the relatives of Mr Capurro, but I can assure him that nobody is getting a contract from the ETB that is anywhere near that or at all, and that therefore, since he is asking me about 140 companies and he already knows that the vast majority of them have nothing to do with getting any contracts, then I think it is legitimate that I should ask my staff to contact the 140 and say to them, 'Look, Mr Feetham wants me to publish your names. Do you have a problem?' If the 140 say no, we will publish 140; if 139 say no and one says, 'Yes, I have a problem', then we will publish 139 names.

1200 **Hon. D A Feetham:** Do you have a problem in providing me... – and I do not want to, for the avoidance of doubt, resile from the position that this information ought to be provided publicly and that we are entitled to this information. But will he in the first instance, at the very least... Look, I may be on a trail of inquiry that leads to a dead end. I do not know. There are people that come to me – maybe even the same people that used to go to him and he used to say, 'Look at what the GSD is doing, look at what they are favouring x, y and z, friends of theirs'. Well, those same people may be coming to us now. It is perfectly legitimate for us to at least investigate that and say, other people that, for example, are getting contracts in respect of lifts in the estates and are they starting up companies and is that linked to the Future Job Strategy and trainees? I do not know.

1210 Is he prepared to provide me with a list of those companies, in private? I will not make it public, unless it is provided across the floor of the House. Right. So, in other words, he does not suffer in his position, because I am not going to make them public, unless he does so across the floor of this House, so at the very least, I can see whether there is anything in some of these complaints that are coming to me, or there is not.

1215 **Hon. J J Bossano:** I do not know what complaints he is getting. I know what was being said before and I do not know whether everything that was said before was true, or none of it was true.

All I can tell him is, Mr Speaker, that certainly he has chosen a very bad example in pointing to the lifts, because all the guys that are repairing the lifts all live in Algeciras and they all have to be called via Madrid for them to come here and repair lifts. A situation I intend to put right, by the way.

1220 **Hon. D A Feetham:** I know that you intend to put it right.

Hon. J J Bossano: Absolutely.

Chief Minister (Hon. F R Picardo): Don't you agree?

1225 **Hon. J J Bossano:** Perhaps you prefer that they should be in Algeciras?

Hon. D A Feetham: No, Mr Speaker, as long as it is done fairly and openly and everybody is given a chance to compete for those jobs, absolutely, I agree entirely with the hon. Gentleman.

1230 **Hon. J J Bossano:** I can tell the hon. Gentleman –

Hon. D A Feetham: What I would not agree is, of course, if it goes to one or two favoured individuals *a dedo*, as the Chief Minister likes to –

1235 **Hon. Chief Minister:** That used to happen before 8th December.

1240 **Hon. J J Bossano:** Right. Mr Speaker, I can tell the hon. Member that when it comes to the other Question, he will see that either the people that are telling him stories are not telling him the truth, or his fertile imagination is running away with him.

Clerk: Question –

1245 **Hon. D A Feetham:** He hasn't... Just give me one more opportunity.

Is he prepared to provide me with that information with the names of those companies on a confidential basis, so that I can make my own enquiries, or not?

I think that is a fair request. It does not prejudice the position of these individuals at all, because you are providing them to me on a confidential basis. Your concern is providing it publicly across the floor of the House. If you are prepared to do it, I am –

1250 **Hon. J J Bossano:** I think I will wait until I get the replies from the 140 people that we have contacted and see what happens.

1255 **Future Job Strategy sheltered employment schemes**
Number of people placed in public and private sectors

Clerk: Question 735, the Hon. D A Feetham.

1260 **Hon. D A Feetham:** Can the Minister for Employment state how many people are on the sheltered employment schemes under the Future Job Strategy who are currently placed in the private and public sectors?

1265 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, there are currently 48 persons who are employees of the supported employment company, of whom 29 are in the private sector and 19 in the public.

1270 **Hon. D A Feetham:** Are new entrants closed to the scheme? I know I am coming back to the previous Question, but I note that, in relation to the previous Question – they are all related, it is just that there are different aspects of the Future Job Strategy – he said that, for example, in relation to the construction sector, that no decision had actually been made as to new intakes in September. Has a decision been made in respect of sheltered employment in respect of new entrants?

1275 **Hon. J J Bossano:** It is demand led. It depends on how many people need the support, but clearly it is something that needs to be carefully assessed, because this is, we are giving indefinite contracts to the people here and we do not expect them to ever be without work and we are giving them as a consequence, basically a job for life, which I think they deserve. Therefore, really, we need to be sure that those we are helping are those that really need that help and we do not finish up with a lot more people who could in fact be in the market, albeit being given a helping hand at the beginning.

1280 The position now is that with the numbers we have got in ETCL, we are now waiting to see some movement out into the placements, so that we can recycle that money and take new people in. I think in the case of the apprenticeships for the construction that I am hoping to achieve, that will mean that once we have got that ready, that could be quite a big influx into that particular company, but we are not likely to take very many before that is ready, because frankly, I want to make sure that I have got enough funding in the moneys that the House has provided, so that we do not run out of money when the time comes to finance the construction training, which is a very important part of the strategy.

1285 But in this case we can expect it to be gradually increasing, that is the answer.

1290 **Hon. D A Feetham:** Yes. The position in relation to these is different from the position – (**Hon. J J Bossano:** Absolutely.) These are jobs for life.

1295 What you are saying, so that I understand it, is effectively that in relation to the main bulk of the trainees in the Future Job Strategy, the decision as to whether to take new people on depends on the success of actually ensuring that private employers take these people on permanently. The reason for that, I presume, is because the £11 million that has been estimated as a recurrent cost every single year is based on a finite number of individuals (**Hon. J J Bossano:** Absolutely.) and you have got to effectively re-site some of them. That is the position.

1300 **Hon. J J Bossano:** That is the position.

Hon. D A Feetham: Alright.

1305 **Hon. J J Netto:** Mr Speaker, just for the purpose of clarity more than anything else, when we talk about 48 persons in sheltered employment schemes, what do we actually mean by the definition of ‘sheltered employment’? Are we simply talking about disabled persons or perhaps we are talking about disabled persons and some other groups of people – to mind, it could be some looked after children, it could be perhaps some people may have, as I was saying before, an affliction by drugs and alcoholism...?

1310 **Hon. J J Bossano:** No, the majority of this – I would say probably something like 40 out of the 48 – were in January under the VTS. Some in fact are in the... There is one young lady in the Employment

Department, who has been there for eight or nine years – (*Interjection by Hon. D A Feetham*) in your time, that is right. She is now in the Employment Company and she has now got an indefinite open contract and therefore she is paying social insurance, she is treated as an employee and she will eventually get an old age pension and community care. That is one of the benefits of putting her in this set-up.

Clearly, as a result of monitoring this more closely now, because we now have a dedicated company that does that and nothing else, we have found some people who were not happy where they were and therefore, maybe they were not turning up but they were still getting paid. Those we have moved sideways into other areas and now we are at the stage where we think the 48 are now settled, the bulk of them in the private sector, 29 and 19 in the public sector, but we keep in touch with the individual, the placement provider and the family to monitor that. We are now looking at other people that we might be able to help, but it is not intended for people who have got, if you like, social problems and therefore have difficulty in competing in the market. The people with social problems we will deal with, ETCL and clearly, for those people, we are in a position to persuade employers who are doing work for the Government to take those cases on, which I think was happening previously anyway with the VTS.

Hon. J J Netto: I can accept everything that the Hon. Minister has said, but what I was trying to find out, by the application of the words ‘sheltered employment’, that we were not just talking about people with disabilities. I think in fact there is a Question on the Order Paper later on for the hon. Lady, in relation to some looked after children – this is what I am trying to find out – (**Hon. J J Bossano:** No, no, no.) which may or may not be included under the 48. Perhaps he may need notice of the question, but whether we are talking about that group of people or perhaps we are talking, in addition, to people with disability, some people may have an affliction in the past with drugs or alcoholism.

Hon. J J Bossano: Although the Question is about sheltered employment, the answer is about supported employment. I assumed that ‘sheltered’ was intended to refer to the questions I have answered before, which were the people in the VTS which then became the employees of a dedicated company that is [*inaudible*]. Those are not people with personality problems, shall we put it that way. These are people with disabilities which means that they would not be employed anywhere if we were not providing the wages. Those people will be, presumably, as long as they are fitting in and are happy and they are able to live and work in an environment where generally, if they have been there a long time, frankly, moving them elsewhere is a problem, because they are surrounded by people who are caring and are kind to them and they are happy there, and that is what we want.

We monitor it, just to make sure that that continues to be the case. We find slots for those who would be taken on from now on, where, as I have said, I believe about 40 of the 48 were there in January and that we have not taken all that many on.

But what we do not want is that this should be converted into something for which it is not intended.

Hon. D A Feetham: Can I just ask one more question in relation to this?

I have had a couple of constituents that have approached me that have said that they have gone to the hon. Gentleman’s Department with employers that are effectively willing to train them, and willing to enter into contracts with Employment Training Company Ltd.

In relation to those people, the position then really is again exactly the same, that unless... It does not matter whether they have a placement or they do not have a placement, whether they have an employer who is willing at the end of the day to guarantee them a job, unless there are two people who drop out of the system because they are permanently employed, those within the system, that you are effectively not funding any more of these trainees...?

Hon. J J Bossano: No, in the immediate future, like next week, that would be the case. But if we are approached by people in the category that the hon. Member has told us, then in fact they will be given priority and be put at the top of the list, because there is movement all the time taking place, within the 500 people we have already got, there are some people who are now coming out of the system and new people who are going to be taken in.

The increase is being, if you like, rationed at the moment, because I do not know whether I am going to be needing to find money for 50 construction apprentices or for 100 or for 150. Therefore, I do not want to use money that could provide financing for construction apprentices – we made a bid for a much bigger sum from the EU to support a much bigger volume of apprenticeships, and therefore at the moment, the intake is not as big as it has been, for example, until the month of July, when we were taking on something of the order of 25 months.

But the answer is, if those people have been to the Department, then they should make sure that there is a record of their having been there and that they are being put at the top of the priority list, so that they can be called as soon as we can start paying them. We want to encourage that.

1375 **Hon. D A Feetham:** No, they say that they have been. They say that the staff tell them that it is on your desk, so no doubt the Hon. Minister will get to them when he –

Hon. J J Bossano: As soon as I can, absolutely!

1380 **Hon. D A Feetham:** – as soon as you can. Of course, there is no question of those particular ‘jobs’ going to anybody else. If they are the ones that are –

Hon. J J Bossano: I understand.

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**Employers with Future Job Strategy trainees
Number also providing goods/services to Government**

1390 **Clerk:** Question 736, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state how many employers who have signed contracts with Employment Training Company Limited in respect of Future Job Strategy trainees have the benefit of a contract with the Government, any public authority or Government-owned company for the provision of any goods and/or services of any kind?

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Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

1400 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Yes, Mr Speaker, there are nine employers with partnership agreements with ETCL who are working on Government contracts that I am aware of – that is to say that the Department has something to do with it.

Whether any of the other 141 employers are providing any service or any work or anything to any other Government Department, because they have got a tender for something or other, I do not know.

1405 But I can tell him that the nine are the ones that are involved in the system introduced by the previous administration of allocating contracts from the Employment Service, on the basis that they took on people who were on the unemployment list.

Hon. D A Feetham: That is pretty nifty footwork, if I may say so, it really is!
But the question is not about your Department. The question is:

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‘with the Government, any public authority or Government-owned company’.

In other words, it is with *anybody*. Is there any particular reason why he has come to this House today, and not in a position to answer what is a pretty clear Question, which is –

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Hon. J J Bossano: Well, I don’t think it is a clear...

Hon. D A Feetham: – which is that I am asking how many of these people who have signed contracts with Employment Training Company Ltd also have the benefit of a contract for the provision of goods and services with the Government? Very clear.

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Hon. J J Bossano: Well, it may be very clear to him, but it is only clear to him, given the assumptions that he is making which he revealed in the supplementaries previously.

1425 That is to say, I can tell him that as far as the Department is concerned, there are only nine, because the Department has only been involved with nine companies that are doing work in the construction sector predominantly, where they are on the approved contractor list. These are companies that put a bid for work, under the system introduced by the previous administration when they announced they were suspending the tender system and that people have to submit... There will be a rotation of contracts for the construction work and I think, out of the nine, eight are construction companies, and these eight construction companies take labour from the ETB as required by the original conditions. They are not

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allowed to use subcontractors, they have to use local labour, and they have to put a competitive price, which has to be monitored on the basis of what is the going rate by other people. Those are the only nine.
The only way that I can answer the hon. Member’s question is to write to the 139 – or the 131 – that are not involved with my Department, and say to them, ‘Are you by any chance selling something to any Government Department – any service?’

1435 The other Departments do not know that they have got a contract with me, and I do not know whether they are selling anything to anybody else. That is the whole point. Therefore the hon. Member assumes that there is somehow, within Government, a system where, when people put a tender, they get asked 'Do you have a partnership agreement with ETB?' No such system exists.

1440 **Hon. D A Feetham:** The problem with the hon. Gentleman is that he answers my question, anticipating my supplementary.

You have come to this House anticipating that I am going to accuse you personally of 'You have effectively enabled the employment of x number of Future Job Strategy trainees by offering contracts, lucrative or otherwise, to those employers.'

1445 Look, I do not know, it depends on the answers and the information that you provide as to whether that conclusion is justified or it is not justified. But the reality of the situation is that you are not only... you are representative, you are responsible, obviously, for areas within your responsibility. The Future Job Strategy is within your responsibility. Unless I ask the same question to every single Government Minister, I am never going to get the answer, according to your logic.

1450 Is he prepared to provide me with the answer to this question? He can do it by way of correspondence to me, or is he not? Because that information ought to be available.

Who are the people who have entered into contract with Employment Training Company Ltd, who have the benefit of a contract with the Government for the provision of goods and services? Very simple.

1455 **Hon. J J Bossano:** Mr Speaker, first of all, I am not answering a question on the assumption of his supplementary before the supplementary is put, because by mistake, he put a supplementary in respect of the previous question instead of this one. He actually said in the previous question what he has just said now, that he wanted to know the names of the 140, to see if any of them have the benefit of a Government contract and I told him to wait till he came to this question, when he might be surprised. Those are precisely my words of 10 minutes ago, and in fact what I have told him is, there are, as far as I am aware, nine *and only nine* of the 140.

1460 If I have tomorrow a partnership agreement with Barclays Bank, then presumably, by the logic of the hon. Member, I ought to announce that the Government has got a bank account with Barclays Bank, even though the bank account is not the bank account of the ETB and if I have a partnership agreement with Morrison, then I have to say that somebody from the Health Authority went across and bought something from Morrison's.

1465 Because he is asking me whether anybody in the 140 supplies anything to the Government.

1470 **Hon. D A Feetham:** [*Inaudible*] answer the question!

Hon. J J Bossano: Yes, that is the question. Yes, that is precisely the question: 'Has anybody who has signed an agreement with me makes... the benefit of a contract with the Government, any public authority, any Government-owned company, for the provision of any goods or any service?' So that means that if tomorrow the bus company buys petrol, I am supposed to be able to say to the hon. Member, 'Shell has got a partnership agreement with me and is now selling petrol to the bus company.' That is precisely what the question asks.

1475 My answer to him is there is no connection between the sale of petrol to the bus company and the partnership agreement with me. Whether there *is* a connection, or whether he could *impute* a connection or whether he could argue that there is a connection is in the one where the partnership agreement and the allocation of the work happens in the same place, and there are nine in that category.

1480 **Hon. D A Feetham:** He really does like to obfuscate and confuse issues and weave in and out and dodge –

1485 **A Member:** He's calling the kettle black. (*Laughter*)

Hon. D A Feetham: It is very simple. There are 140 private companies that have entered into a contract with the Employment and Training Company Limited. How many of those provide goods and services for Government?

1490 And you are refusing to provide me with the answer to a quite legitimate question. Is it because you have something to hide? Because that is the inference that I need to draw from your refusal to provide me with the information!

1495 **Hon. J J Bossano:** I am not surprised that he draws that inference, he served in a Government that had plenty to hide all the time! I am not at all surprised that he thinks that everybody is like they were – and he is wrong!

As far as I am aware, 131 do not supply anything to the Government, but I cannot guarantee him that tomorrow somebody is not going to buy a cup of tea in a coffee shop where there is a partnership agreement with me. In that case, that coffee shop will be selling something to the Government.

The inference that the hon. Member is trying to invent is that, somehow, the 140 companies have been selected in preference to competitors because they signed partnership agreements and others do not. That is complete and utter fabrication on his part, and there is no justification for it.

As far as I am aware, none of the other companies have anything to do with the Government in terms of any contract, as far as I am aware. But since I am writing to all of them, to see if they are happy to have their names revealed, I will say to them, 'Mr Feetham wants to have your name, because he suspects that I am bribing you with contracts. So please can you answer the two questions: (a) do you mind your name...; and (b) can I tell Mr Feetham that you're not being bribed' and that should keep him happy.

Mr Speaker: I think really we have quite exhausted the subject, unless there is a different question.

Hon. D A Feetham: No, no, Mr Speaker, he has either misunderstood or on purpose he really is clouding the issue. It is not a question of the provision of goods and services at a level of the tea lady or somebody buying some sandwiches for a meeting that the Chief Minister may hold at No. 6 Convent Place –

Mr Speaker: With respect –

Hon. D A Feetham: It is the benefit of a contract – that is the question.

Mr Speaker: No, with respect, I have got the question here –

Hon. D A Feetham: It is the benefit of a contract.

Mr Speaker: No, with respect, goods and services *of any kind* – which to me, includes tea and coffee.

Hon. D A Feetham: No, it is the benefit of a contract with the Government!

Mr Speaker: Yes, for the provision of goods and services *of any kind*.

Hon. D A Feetham: Yes, of course but – Yes, but it is the provision of a contract with the Government!

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Selling a sandwich [*inaudible*].

Hon. D A Feetham: It is the provision of a contract. (*Interjection*)

Mr Speaker: Order, order! I get the point. 'Of any kind' could relate either to the contract or could relate to the goods and services.

Hon. D A Feetham: No, no, it relates to the goods and services provided under the benefit of a contract. (*Interjections*) Nobody could be misled. There is no way in a million years that the hon. Gentleman could possibly, from this question, have the... 'Well, Feetham, what he really wants me to do is to provide him with information of how many sandwiches the Chief Minister actually buys from Amar opposite No. 6 Convent Place.' (*Interjections*) *It cannot possibly be the case!*

What we are asking is the benefit of contracts. Now, you do not want to provide me with the information – fair enough.

A Member: The Speaker has ruled!

Mr Speaker: I think the question has been posed and I have allowed it to be posed several times in as many variations as possible. I think the answer has been equally consistent in that manner. We really cannot pursue the matter much further.

Hon. J J Bossano: Can I make clear that my answer is, as far as I am aware, and I have no reason to believe that I am mistaken, the only nine people who are providing any kind of service on any kind of contract are the nine that I have mentioned. Is that clear enough for the hon. Member?

1560 **Hon. D A Feetham:** That is in relation to his Department. (**Hon. J J Bossano:** Yes.) Right.

Hon. J J Bossano: As far as I am aware, no other –

Hon. D A Feetham: That is not the question.

1565 **Hon. J J Bossano:** Mr Speaker, no other Department that issues contracts asks the prospective contractor, ‘Do you have...?’ None of the Departments know who I have contracts with and I do not know who they have contracts with, so there is no connection between the two! Does he not understand that? That is what I have been telling him all the time! If there are people in...

1570 If tomorrow, the Health Authority (*Interjections*) or the Tourist Office has given a contract out, it is not the case that in deciding between one offer and another offer, they ring me up to see whether there is a partnership agreement in place. That is *not* the case. The only Department that dishes out work to contractors in the construction industry and in the cleaning industry is my Department, in continuation of the policy introduced by the previous administration in 2010. (*Banging on desks*)

1575 **Mr Speaker:** I think really we have got as far as we can get with that question.

1580 **Gibraltar Savings Bank**
Question 739 withdrawn

Clerk: Question 739, the Hon. D A Feetham.

1585 **Mr Speaker:** I think that has been withdrawn, according to the note I have here.

Clerk: But he has got to do it formally. He has to formally withdraw it.

1590 **Hon. D A Feetham:** Yes, the Question is withdrawn – all aspects of Gibraltar Savings Bank business are actually exempt. I had a look at it in the Act.

HEALTH AND THE ENVIRONMENT

1595 **Commonwealth Park**
Budget for Park and car parking

Clerk: Question 740, the Hon. S M Figueras.

1600 **Hon. S M Figueras:** Yes, Mr Speaker, will the Minister for the Environment provide details to this House of the budget established for the creation of the Commonwealth Park providing, where possible, breakdowns in relation to anticipated expenditure on the Commonwealth Park itself versus the expenditure anticipated for the creation of the car parking facilities related to that project?

1605 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, the works for the creation of the Park have still not been awarded, therefore it is not considered advisable to publicly state the budget allocated to the project.

1610 I am, however, very pleased to announce that the Kusuma Trust Gibraltar has expressed an interest in participating in the project with a view to enhancing certain aspects of the park area for the benefit of the people of Gibraltar along the lines of its previous involvement in the Europa Point project, when it constructed the Kusuma Promenade as part of a wider improvement of that area.

1615 The cost of the creation of the car-parking facilities related to the project is also the subject of Question 784/2012 and will be answered by the relevant Minister.

Hon. S M Figueras: Mr Speaker, I asked the question of the Hon. Minister, to whom I am grateful for the answer, and I am obviously... I thank the Minister specifically for informing us that the Kusuma Trust

1620 has expressed an interest in participating in a manner similar to which it did in relation to the beautification of the area of Europa Point.

However, the reason why I asked the question, Mr Speaker, fundamentally is because in a statement by the Chief Minister in Press Release 505/2012, which was part of an exchange that we had in relation to the Commonwealth Park openly, he said that:

1625 ‘The project was likely to be completed ahead of schedule and under the budget originally estimate.’

Now, Mr Speaker, it is really very easy for the Government – certainly it looks very easy from this side of the House – to say that something is coming in under budget and earlier than originally estimated, without those figures or those dates actually being made public. So I wonder whether perhaps the Minister will reconsider the question and share with us that budget which was originally estimated to give us the opportunity and anyone listening in, to assess whether or not the Park is coming indeed under budget and coming ahead of schedule.

1635 **Chief Minister (Hon. F R Picardo):** Mr Speaker, no, for this reason: because I have already dealt with this point on a number of occasions in this House in respect of a number of projects. We know what we think these projects were going to cost, because we costed our manifesto. The works have not yet been awarded. It does not make any sense to say what we think it costs to develop the Park, because if people who are going to offer to be the developers in a process of obtaining the work might be prepared to do it for less.

1640 In those circumstances, Mr Speaker, all we would be doing is spending more than is necessary of the taxpayers’ money in order to deliver these projects. If the hon. Member wants, at the end of the legislature, I will tell him what on our ledger we had as a potential cost for each of these projects, and what in fact they have cost, and then he can see which have cost less and which have cost more. I am even prepared to tell him how quickly we thought we could achieve the completion of certain projects, and then he can compare it to when we have. And that would be the appropriate time, Mr Speaker.

1645 I think I recall that in those exchanges I told him, also, that the Government was not going to be incurring more cost than it had to, to deliver its manifesto. Mr Speaker, the answer is the same in respect of this issue as it was in respect of the issue he was raising in those press releases, because what we will not do is allow those who may be seeking to do the work to know how much we had allocated it for it, so that even if they would do it for less, they will do it for more.

1650 **Hon. S M Figueras:** Subject to reservations in relation to the publication of those figures at that time, I am happy to accept that answer.

1655 **Hon. D A Feetham:** Mr Speaker, can I just ask the Chief Minister, what is the difference between providing my hon. and learned Friend the information in relation to those figures for this particular project and announcing that the extra floors plus the cladding at the ‘forgotten estates’ was £80 million?

1660 **Hon. Chief Minister:** Very simple, Mr Speaker, that those works were to be undertaken by GJBS. They were not going to go out for anybody to competitive tender.

Hon. D A Feetham: So effectively the position in relation to the cladding of the housing estates is that that is going to be done by GJBS.

1665 **Hon. Chief Minister:** Mr Speaker, we are in Parliament at Question Time to elicit information – not for information to be elicited *again*.

Mr Speaker, we have had this debate. He needs to go back to the *Hansard* and look at what we said then. It has already been clarified.

1670 **Hon. D A Feetham:** No, with respect, this has not been clarified. The importance of this is *consistency, consistency* on the Government side.

Hon. Chief Minister: This is ridiculous!

1675 **Hon. D A Feetham:** Now, you have – No, it is not ridiculous! (*Interjection by Hon. Chief Minister*) I am sorry, you may not like the question because you do not know the answer, or you make it along, as you go along.

1680 **Hon. Chief Minister:** That is silly!

Hon. D A Feetham: That is the problem. (*Interjections*) You provided an answer, you cannot provide the information because it is going to go out and it is commercially sensitive and I quite understand that. I have asked you what is the difference between that and the so-called forgotten estates' £80 million? You have said GJBS.

1685 So, I am just simply saying to you, the cladding therefore is going to be done by GJBS – and you do not want to answer (*Interjection*) because you do not want to –

Mr Speaker: Order! Order! Order!

1690 **Hon. Chief Minister:** And I am saying to you, in previous answers to previous questions, that has already been answered and you have forgotten, like you have forgotten the estates!
Go back and look at the *Hansards*!

1695 **Hon. D A Feetham:** And I am suggesting to you that you make things along as you go along! That is the problem with you.

Mr Speaker: Order! Order! Order!

1700 **Hon. Chief Minister:** And I would suggest many more things to you about what it is that you do!

Mr Speaker: Order! Order! Order!

That question has been put. An answer has been provided. Another question, if necessary, but not shouting across the floor, 'You have' or 'You haven't'.

1705 Next question.

Western Beach pollution Update on resolution

1710 **Clerk:** Question 741, the Hon. S M Figueras.

1715 **Hon. S M Figueras:** Can the Minister for the Environment report such developments as may or may not have occurred in relation to the resolution of the Western Beach pollution issue, further to recent questions and discussions in this House on the matter?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

1720 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, there have been no further developments to report at this stage, but the Government is continuing to pursue alternatives to attempt to resolve the matter as soon as possible.

1725 **Hon. S M Figueras:** Perhaps the Minister... I have to say I am obviously, as I imagine many of those concerned individuals listening in will be, I am quite disappointed by the answer, because this is a matter that has been going on now for some time. The Government has been in charge of resolving this since 9th December 2011 and whilst it has been acknowledged in this House by myself and by my learned Leader of the Opposition in debates with the Hon. the Chief Minister, it is a complicated issue, given its international dimension and the fact that it is out of our control, however, the Minister has assured us on a number of occasions that it is being dealt with as a matter of the highest priority, because certainly, I think there is agreement across the House that it is a matter of the highest priority.

1730 I recall that the latest position was that it was with the legal team that was assessing its options. Is the Minister able to provide any kind of update in relation to *that* process, given the fact that it has been a couple of months since we last discussed it?

1735 **Hon. Dr. J E Cortes:** Mr Speaker, I can report that fortunately, the levels of pollution at Western Beach this summer have been totally acceptable, or certainly within the acceptable limits.

1740 Mr Speaker, there are obviously legal implications to this, which, as I said in my answer, Government is continuing to pursue, but because of the sensitivity of this, it is not something that I would like to say here in public, but I am more than willing to share with my hon. Friend outside the session in the lobby.

Hon. S M Figueras: I am grateful for the offer, one which I shall certainly take up.

**Jellyfish in Gibraltar waters
Management of issues**

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Clerk: Question 742, the Hon. S M Figueras.

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Hon. S M Figueras: Yes, Mr Speaker, Can the Minister for the Environment provide further detail of advice sought, if any, in relation to the various issues that have arisen from the prevalence of jellyfish in our waters in recent months and, in particular, whether the Government is considering taking any specific action in the management of this issue beyond raising public awareness?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

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Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, the Department of the Environment obtained the advice of marine biologists and in-house environmental scientists regarding the recent upsurge in jellyfish number in our beaches. The advice received is consistent with published scientific literature, in that outbreaks of jellyfish numbers, particularly the 'mauve stinger', will continue into the foreseeable future.

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The accelerating degradation of the Mediterranean from overfishing, loss of predators such as marine turtles, eutrophication, decreased oxygen, climate change, and species introductions is believed to be expounding the problem of increased jellyfish numbers.

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In relation to any possible actions that can be undertaken, the Gibraltar Tourist Board, in close consultation with the Department of the Environment was specifically tasked with identifying possible measures to reduce jellyfish numbers at our beaches. Proposals have now been received from two local companies, which are currently being considered by Government.

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Furthermore, the Department of the Environment will continue with the Gibraltar Tourist Board to explore measures that could ameliorate the situation for the start of the next bathing season in 2013, apart from raising public awareness.

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Hon. S M Figueras: Mr Speaker, I am grateful for the answer. Is the Minister able to provide us with any more detail about specifically the last part of his answer and the measures that are being contemplated to ameliorate the situation before the start of the next bathing year, which is essentially where I was going fundamentally with the question?

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Hon. Dr. J E Cortes: Mr Speaker, a number of possibilities have arisen and in fact were considered this summer, including one which was discarded because clearly it would not have had a significant effect, which was the removal of some jellyfish, because with the numbers that there were in the region, no matter how many we removed from near our beaches, there would have been more coming in very, very quickly.

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One consideration that has been... one possible measure that is being considered – and as I say, it is being considered only – is the provision of exclusion nets to keep jellyfish out of parts, at least particular parts of our beaches, so that they cannot come in and have relatively safe bathing. This is similar, although at a very different scale, to shark exclusion that is done in other parts of the world.

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Hon. S M Figueras: And just by way of one final supplementary, more for clarification than for anything else, is this something that will continue to be considered and the policy of the Government is to pursue this, if the situation gives rise to the need for it?

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Hon. Dr. J E Cortes: Indeed, Mr Speaker, in the likelihood that, because of the degraded state of the Mediterranean, for all the reasons that I have mentioned, this could continue for a few years to come, this is something that we are already considering, with my hon. Colleague Mr Costa, in advance of next year's bathing season.

**Barbary Macaques
Number exported since July**

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Clerk: Question 743, the Hon. S M Figueras.

Hon. S M Figueras: Can the Minister confirm whether any Barbary Macaques have now been exported since I last asked a similar question on this matter during the July session of Parliament, specifically Question 621/2012?

1805 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, no, sadly no Barbary Macaques have been exported since the last Parliament session. The International Primate Protection League and the Born Free Foundation are still pursuing the possibility of finding locations
1810 willing to accept monkeys from Gibraltar.

Hon. S M Figueras: Is the Minister or has the Minister been made aware by either the International Primate Protection League or Born Free Foundation of any avenues specifically that are being explored into which *some* inroads have been made in relation to their export?
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Hon. Dr. J E Cortes: Yes, Mr Speaker, in fact I have been in discussions for some time now. There is a possibility of one centre in the Netherlands which specialises in the conservation of Macaques and we are discussing various possibilities with them.

1820 **Hon. S M Figueras:** Is the Minister at liberty to say the numbers of apes we would be looking at in the Netherlands option?

Hon. Dr. J E Cortes: Approximately, in multiples of 30. They would be whole groups and it would either be one group or two groups; I doubt whether three, so it would be 30 or 60 or thereabouts. But we
1825 still do not have confirmation of destination.

Hon. S M Figueras: And finally, Mr Speaker, is the Minister able to provide us any kind of indication as to how long he expects this particular exploration of an option may take?

1830 **Hon. Dr. J E Cortes:** No, sir.

1835 **Thinking Green Conference**
Fees for former US Vice-President Al Gore and Juan Verde

Clerk: Question 744, the Hon. S M Figueras.

1840 **Hon. S M Figueras:** Yes, Mr Speaker, can the Minister for the Environment please provide details of the anticipated fees for attendance at the Thinking Green Conference in October of this year by former US Vice-President Al Gore and Juan Verde as key note speakers?

Clerk: Answer, the Hon. the Minister for Health and the Environment

1845 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker the cost for Vice-President Al Gore's participation in the Conference is subject to final adjustment. It is anticipated that this sum will be paid by third party sponsorship of the event and not by Government.

A full account of the cost of the event will be published after it has been held.

1850 **Hon. S M Figueras:** I am grateful to the Minister for that answer, although, however, it is not the answer I was seeking from the question.

I understand that the cost will need to be adjusted because I have certainly, since I asked the question, become aware of the fact that there will be tickets sold and that therefore the cost will be adjusted by whatever income that may generate. The question itself was whether he was able to provide me with an
1855 estimate of the fees for attendance by the two speakers.

Hon. Dr. J E Cortes: Mr Speaker, as I said, this is still subject to final adjustment.

1860 **Hon. S M Figueras:** Mr Speaker, can the Minister confirm whether there is a ball park? I imagine that before signing a contract or even pencilling in the date for the arrival of a former US Vice-President there must have been some kind of ball park agreement of cost.

Hon. Dr. J E Cortes: Mr Speaker, because we are at the moment still sealing sponsorship deals, it is a matter that I think I should not go further on, at this stage, until we seal this and a full adjustment has
1865 been made. As soon as it is done, I am very happy to make that information available.

Hon. S M Figueras: Mr Speaker, I am grateful and I am fully understanding of the situation that the Minister is alluding to.

1870 However – and I shall not press further than this supplementary – whilst I understand that money secured by sponsorship will adjust the ultimate cost to the Government of the project, the attendance fee is something that will be set by the speakers in question. I note that the Minister does not want to share that figure in the House this afternoon, but I wonder whether the Minister would be as kind as to offer that information on a confidential basis, behind the Speaker's Chair.

1875 **Hon. Dr. J E Cortes:** Yes, the information will be shared and, obviously, as I said earlier, a full account of the costs will be published. I am very happy to have a conversation with the hon. Member opposite, who I know directly is looking forward to the event.

1880 **Hon. S M Figueras:** Indeed, Mr Speaker.

**'Dog Parks' in residential areas
Progress**

1885 **Clerk:** Question 745, the Hon. E J Reyes.

1890 **Hon. E J Reyes:** Mr Speaker, can Government state what progress it has made to date in respect of its manifesto commitment to provide 'Dog Parks' in residential areas, so as to prevent the problem of indiscriminate dog fouling?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

1895 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, I think this is my first response to a Question from Mr Reyes, so I just highlight that. We go back a long way.

The Government has produced a proposed design for the first dog park in an area west of Harbour Views which has been presented to the Estates Management Company and will shortly be tabled at the Development and Planning Commission.

1900 This project will be the first test case and further ones will be delivered subsequently. Additionally, there are plans in hand to provide a dog park of some substantial size in the reclamation area that can be used by any dog owner wishing to provide exercise to their dog.

1905 It must be clear that dog parks are *not* designated dog fouling areas, so these are not being created as a means of preventing the indiscriminate dog fouling problem. They are meant as areas where dog owners can allow their dogs to exercise freely in a controlled environment.

The problem of indiscriminate dog fouling is being tackled separately, through an awareness and subsequent fining campaign, which will commence in early October this year.

1910 **Hon. E J Reyes:** Thank you, Mr Speaker.

My choice of wording here of the 'provision of dog parks in residential areas so as to prevent the problem of indiscriminate dog fouling' is taken directly verbatim from the manifesto, which is why I chose those words so there would not be any misunderstanding.

Can I press him, I think the Hon. Minister said that they are in the process now of presenting to the DPC a possible project West Harbour Views, did I hear correctly?

1915 **Hon. Dr. J E Cortes:** Mr Speaker, I said that it is being presented to the management company and would then be tabled at the DPC.

1920 **Hon. E J Reyes:** So subsequent to that, Mr Speaker, will due notice be given to the general public of when the DPC is to deliberate on this matter? Because I must declare my vested interest. I live within the Harbour Views Estate and I know that a very, very large number – and I wish to underline and put in bold print, '*large number*' – of residents have already expressed great concern about the dog park, noise pollution, not to include the smell pollution as well, that could possibly come out of it, so I want to make sure that the residents of the area may sleep soundly tonight, knowing that due notice will come out, so that they may make their due representations, as residents of that area.

1925 **Hon. Dr. J E Cortes:** Mr Speaker, in this new era of democracy that Gibraltar has entered on 9th December, all documents and the Agenda of the Development Planning Commission are published in

advance on the website, so clearly they can sleep peacefully tonight, hopefully without too many dogs barking.

1930

Hon J J Netto: Mr Speaker, if I may, first of all let me declare an interest here, because I do have a dog and I do live in Harbour Views.

Now, unfortunately, there are many dog owners who do not actually clean up after the dog has done its business. Unfortunately, I have to say that the whole perimeter pavement around Harbour Views is in a *dreadful, dreadful* state of affairs, which is really bad.

1935

I think the Hon. Minister did say that he was going to start a campaign of ensuring that the law is complied with. I congratulate him on that and, by all means, do start in that particular area, because there are some good owners who do the correct thing. So, that is in relation to that.

But the other thing is that this particular area, the dog park which he mentioned, is that the one which is adjacent to the football/basketball pitch in front of the Promenade?

1940

Hon. Dr. J E Cortes: Mr Speaker, I believe it might be, but I am not absolutely sure. I have not been dealing with this personally. It has been officials dealing with it, but I can confirm that and advise the hon. Member.

1945

I believe, some people I know who live in the area have told me that the cleaning of the area has increased recently, after they made representations. In any case, I can confirm that, early in October, we will be starting an awareness campaign which involves the Police, the Environmental Agency, the Department of the Environment, the responsible pet owners, the veterinary clinic and Rocky, who is our dog who will be leading this campaign. We will have awareness leaflets on television and an awareness day in October, where I think the whole question of dog fouling will be put across, I think in a humorous manner but taking the message home that we really have to be responsible dog owners.

1950

1955

Procedural

Clerk: Question 746, the Hon. Mrs I M Ellul-Hammond.

1960

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain –

Chief Minister (Hon. F R Picardo): Mr Speaker, sorry, if the hon. Lady will allow me, is this a convenient moment to perhaps break for 15 minutes?

1965

Mr Speaker: Is that convenient to all hon. Members?
The House will recess for 15 minutes.

The House adjourned at 5.30 p.m. and resumed its sitting at 5.55 p.m.

1970

EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS AND JUSTICE

1975

Cover for maternity/paternity leave Number of teachers for year

Clerk: Question 798, the Hon. Mrs I M Ellul-Hammond.

1980

Hon. Mrs I M Ellul-Hammond: Mr Speaker, under ‘Cover for Maternity/Paternity’ in this year’s Estimates Book on page 64, £490,000 is earmarked; can the Minister for Education explain how many teachers on maternity or paternity leave does this reflect for the year?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1985

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, in the same way as a Question which was asked earlier, this really is a matter

which should have been raised in the course of the Committee Stage of the debate on the Appropriation Bill.

1990 Nonetheless, I will explain that the provision of £490,000 was based on an estimate of 20 teachers taking up their full maternity entitlement for 2012-13. This figure also includes cover for paternity leave entitlement for teachers.

1995 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, considering that over 40 teachers on the supply list have been employed, are there enough supply teachers to cover for these maternity and paternity leave absences, with enough supply teachers left to cover routine absences?

2000 **Hon. G H Licudi:** Mr Speaker, the result of the engagement of the 47 new teachers from the supply list is – I do not have the exact number – but I understand there are well over 40 teachers still on the supply list. On the basis that we have estimated 20 teachers on maternity leave at any particular time, there are still teachers available on the supply list to cover other absences and we have got to remember, Mr Speaker, that it is a matter of policy of this Government that supply workers are only used to cover *temporary* absences and not to cover vacancies. If a vacancy arises, then the vacancy will be advertised and will be filled in the normal way.

2005

Examination Expenses Increased forecast outturn

2010

Clerk: Question 799, the Hon. Mrs I M Ellul-Hammond.

2015 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, in this year's Estimates Book, on page 65, an increase of £275,000 from last year's forecast outturn is assigned to Examination Expenses. Can the Minister for Education explain why there is such an increase?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

2020 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the same issue arises in respect of the Committee Stage of the Appropriation Bill.

2025 However, I can confirm that the increase of £275,000 from last year's forecast outturn is attributed to a general increase in the fees charged per subject and entry. Other general costs, such as exam software upgrades have also increased.

GDC staff member for training purposes Grade and duties

2030

Clerk: Question 800, the Hon. Mrs I M Ellul-Hammond.

2035 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, on page 65 of the Estimates Book under 'Other Charges – Contribution to GDC', £53,000 is assigned to a GDC staff member for training purposes, as explained by the Hon. Minister for Education at the Committee Stage of the Appropriation Bill. Can the Minister for Education tell us what the grade of this post is and the duties assigned to it?

2040 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

2045 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the post is Bleak House Administrator, which is a GDC Grade 5 post. The core duties include the management and administration of Bleak House.

I do in fact have further details of the job description, where the role is described as:

'To be responsible for the management and administration of all activities taking place within the institute'

– within Bleak House. The duties are:

2050 'To be responsible for the administration and management of all professional and vocational courses taking place in Bleak House; to provide all relevant resources for such courses; to liaise with the training officer for the provision of courses within the institute; to liaise with external training providers with a view to accommodating their needs within the institute; to manage industrial and non-industrial staff at Bleak House; to ensure that Bleak House facilities are kept in a fit state; to undertake any other duty required by the Director of Education commensurate with the grade.'

2055 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is there a course or required specific qualifications for this particular post that this individual needs to undertake, in order to offer the duties that have been assigned to him or her?

2060 **Hon. G H Licudi:** The person who is in post... Is the hon. Member asking what qualifications the specific person in post has, or what qualifications were required when the post was advertised?

Hon. E J Reyes: Mr Speaker, £53,000 does seem a considerable sum of money –

2065 **Hon. G H Licudi:** It is not a salary.

Hon. E J Reyes: No, £53,000 is the cost of the training, isn't it?

2070 **Hon. G H Licudi:** Mr Speaker, the £53,000 that the hon. Member refers to appears on page 65, under 'Contribution to Gibraltar Development Corporation – Staff Services'.

2075 If the hon. Member were to have looked at page 156 of the Book, which is Appendix B, which deals with the Gibraltar Development Corporation, there is a provision there which says, 'Head 17 – Education – Salaries – £44,000.' So the salary... This is a GDC Grade 5 employee; that is the equivalent of an SEO, as I understand it, and £44,000 is within the scale of the SEO. In fact, I understand that the SEO goes up to about £47,000, but because this is a contribution to the GDC, there is also an additional £9,000 in respect of social insurance and pension contributions in respect of that particular post, but the salary is in fact £44,000, and it is shown in the Book.

2080 **Hon. E J Reyes:** Thank you for that, Mr Speaker. It does clarify. I clarify for the Hon. Minister: we were a bit under the impression that it was training that was going to be undertaken by the individual. No, so it is a contribution that offsets that. It does not necessarily mean that the individual is going to have to undertake any further training herself. That person was chosen and it is just a contribution for services really rendered, that is, it's services done to the Department of Education, hence why the virement of sums, yes?

2085 **Hon. G H Licudi:** Yes, Mr Speaker, it is a contribution by the Government under the budget of the Department of Education. That is why it appears under Head 17. It is a contribution to the GDC in respect of *all* the costs attributed to that particular post.

2090 **Hon. E J Reyes:** Most grateful, Mr Speaker. It has certainly clarified the misunderstandings we had from this side. Thank you.

2095 **Earlier opening for first schools
Women's Association desire for 8.30 a.m. start**

Clerk: Question 801, the Hon. Mrs I M Ellul-Hammond.

2100 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education tell us if he concurs with, or will consider, the Women's Association desire to see First Schools open their school gates 15 minutes earlier, at 8.30 in the morning?

2105 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

2110 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Government has received representations from the Gibraltar Women's Association and from a number of working parents expressing a desire to see First Schools open their school gates at 8.30 a.m. The Government is currently considering those representations.

It should be noted that opening schools at 8.30 a.m. does not simply involve opening the school gates. It requires that pupils arriving at school should be supervised during this time. The Government is taking on board the views of all stakeholders and is analysing the possible educational impact of this move, before arriving at a final decision on this matter, in consultation with the Gibraltar Teachers' Association.

2115

**Bayside School students
Repeating failed GCSE core subject exams**

2120

Clerk: Question 802, the Hon. Mrs I M Ellul-Hammond.

2125

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Education advise whether Bayside School students, who have failed their GCSE core subjects, are able to repeat these exams after a year of study, as per the set up at Westside School in their year 12G?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

2130

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the Department is working closely with the senior management team at Bayside School, so that students who fail their GCSE core subjects are afforded the same opportunities as Westside students.

2135

Clerk: Question –

2140

Hon. E J Reyes: Sorry, Mr Speaker, yes, I think the Hon. Minister will agree, what happens at the moment is if you are female, it means you can go back to your school to resit, for example, mathematics and English and if you are male, Bayside School says it cannot cater for that.

I understand the Minister wants to enter into discussions with the professions and so on. Does he have a target date of when this might be achievable?

2145

Hon. G H Licudi: Yes, Mr Speaker – I may have misunderstood the supplementary – this is not something that we are discussing with a view to considering. The matter has been considered already and the answer that I have given is that we are already working closely with the management team at Bayside, so that those students *are* afforded the same opportunities.

2150

It is my own view that it should not matter, when it comes to getting the best possible educational experience, whether you are a boy or a girl. It should not matter at all, but this is a system that we have inherited. This is not a system that we would certainly put in place. It is not intended to make this political or to start making allegations as to it is your fault or it is our fault, but this is a system that we have inherited. I am certainly, as Minister for Education, not happy at all with students in one school getting some benefit which students in another school do not get.

2155

Therefore, the instruction has been and the discussion, in consultation with the professionals of the Department and now with the management team at Bayside, is that students from both schools have to have the same opportunity. It was not possible for logistical reasons, because the matter was raised during the course of this year, it was not possible to put together the arrangements for September of this year, but I am certainly intending that this should be in place by September of next year.

2160

Hon. E J Reyes: Thank you for that, Mr Speaker. This side of the House concurs completely with the Minister for Education and he can count on the full support of us to make this a reality as soon as possible.

2165

Hon. G H Licudi: Thank you very much.

**Excessive noise from motor vehicles
Persons reported and prosecutions**

2170

Clerk: Question 803, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Government provide details to this House of the number of persons reported for process for offences of excessive noise in the context of motor vehicles, broken down by vehicle type and source of noise during the last 12 months, broken down by month and compared with the number of successful prosecutions during the same period, expressed on a month-by-month basis?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the information requested by the hon. Member is set out in a schedule that I now hand to him.

SCHEDULE TO QUESTION 803/2012

Month	Offence	Type of Vehicle	Number of Cases	Prosecution Outcome
Jul-11	Operating a Loudspeaker 2100hrs & 0800hrs (Public Health Act - Annoyance)	Car	4	1 caution
				3 pending court proceedings
Aug-11	Operating a Loudspeaker 2100hrs & 0800hrs (Public Health Act - Annoyance)	Car	27	1 caution 1 withdrawn in court 25 pending court proceedings
Sep-11	Operating a Loudspeaker 2100hrs & 0800hrs (Public Health Act - Annoyance)	Car	4	All pending court proceedings
	Defective Exhaust	M/cycle	1	
	Excessive Noise	M/cycle	1	
Oct-11	Operating a Loudspeaker 2100hrs & 0800hrs (Public Health Act - Annoyance)	Car	6	All pending court proceedings
	Defective Exhaust	Car	2	
	Defective Exhaust	M/cycle	2	
	Excessive Noise	Car	2	
	Excessive Noise	M/cycle	5	
Nov-11	Operating a Loudspeaker 2100hrs & 0800hrs (Public Health Act - Annoyance)	Car	11	All pending court proceedings
Dec-11	Operating a Loudspeaker 2100hrs & 0800hrs (Public Health Act - Annoyance)	2 Cars	2	All pending court proceedings
	Defective Exhaust	M/cycle	1	
	Excessive Noise	M/cycle	1	
Jan-12	Operating a Loudspeaker 2100hrs & 0800hrs (Public Health Act - Annoyance)	Car	7	All pending court proceedings
	Defective Exhaust	M/cycle	2	
	Excessive Noise	M/cycle	1	

Feb-12	Operating a Loudspeaker 2100hrs & 0800hrs (Public Health Act - Annoyance)	2 Cars	2	All pending court proceedings
	Defective Exhaust	Car	1	1 caution
	Defective Exhaust	M/cycle	2	2 pending court proceedings
	Excessive Noise	M/cycle	4	All pending court proceedings
Mar-12	Operating a Loudspeaker 2100hrs & 0800hrs (Public Health Act - Annoyance)	Car	4	All pending court proceedings
	Defective Exhaust	M/cycle	2	
	Excessive Noise	M/cycle	5	
Apr-12	Operating a Loudspeaker 2100hrs & 0800hrs (Public Health Act - Annoyance)	Car	9	All pending court proceedings
	Defective Exhaust	Car	1	
	Defective Exhaust	M/cycle	2	
	Excessive Noise	M/cycle	5	
May-12	Operating a Loudspeaker 2100hrs & 0800hrs (Public Health Act - Annoyance)	Car	3	All pending court proceedings
	Defective Exhaust	Car	1	
	Defective Exhaust	M/cycle	2	
	Excessive Noise	M/cycle	6	
Jun-12	Operating a Loudspeaker 2100hrs & 0800hrs (Public Health Act - Annoyance)	Car	5	All pending court proceedings
	Defective Exhaust	M/cycle	2	
	Excessive Noise	M/cycle	6	
Jul-12	Operating a Loudspeaker 2100hrs & 0800hrs (Public Health Act - Annoyance)	Car	1	All pending court proceedings
	Excessive Noise	M/cycle	1	

Total Operating a loudspeaker from cars (annoyance)	85
Total Defective Exhaust Cars	5
Total Defective Exhaust M/cycles	16
Total Excessive Noise Cars	2
Total Excessive Noise M/cycles	35

2185 **Hon. S M Figueras:** Mr Speaker, I will just start my line of supplementaries which will not be too long, with one relating specifically to the information that I have just had a very quick opportunity to look at. That is at the total at the very end of the schedule of information, there is a very helpful totalling of the offences. The total for defective exhausts on motorcycles is 16 and the total for excessive noise from motorcycles is 35.

2190 Is the Minister in a position to explain what the total other excessive noise from motorcycles may be down to? I know he may not, but if he is, I would be grateful for the assistance.

2195 **Hon. G H Licudi:** I am afraid I cannot help him very much, other than, in the schedule, there is a distinction drawn in respect of motorcycles between defective exhausts and excessive noise. I do not want to speculate, but one can speculate that a motorcycle might make excessive noise without necessarily having a defective exhaust.

I can find out, if the hon. Member really wants me to, (**Hon. S M Figueras:** Yes.) but I do not have the information.

2200 **Hon. S M Figueras:** Yes, I cannot imagine there would be that loud a turn or indicator signal! (*Interjection*)

2205 I am grateful for his attempt to assist and would be grateful for some clarification on that, insofar as it may be helpful, because the point of the question, Mr Speaker, is that I am approached regularly by concerned individuals and note myself that there seems to be an increasing number... well, I do not know whether perhaps if 'increasing' number is the correct way to describe it, but a very significant instance of

very, very loud motorcycles in particular, sporting after market exhausts which cause what is to the minds of these concerned individuals, and certainly myself, excessive noise.

2210 Is the Government in a position to explain what its policy is in relation to this, specifically in relation to this trend that seems to have emerged in recent times for excessively loud exhausts which are not necessarily defective?

2215 **Hon. G H Licudi:** Mr Speaker, we do not have any particular policy on that. The matter simply has not been brought to my attention as being an area of concern. If the hon. Member tells me that there are hundreds or thousands of motorcycles out there making this excessive noise, then it is a matter that we would look at.

2220 What we do have in respect of excessive noise by motorcycles, over a period of one year, in fact the information provided spans to 13 months, because it starts in July 2011 and ends July 2012 inclusive of the two July's – so it's 13 months – there are 35 reports over 13 months. I am not sure whether we can classify that as a major problem that needs to be looked at as a matter of policy or not. But if the hon. Member tells me of different specifics as to the nature of the problem, I am happy to discuss that with the Police.

2225 **Hon. S M Figueras:** Yes, Mr Speaker, I am grateful for the Minister's intervention. The total amount of 35 certainly, in the context of 13 months, does not strike one as a worrying figure at all. However, what I would say to the Minister – and perhaps this will assist – is that some of the concerned individuals are police officers, who explain that the issue is that these exhausts are not defective; that they are designed in a way that they are indeed louder, and that – (*Interjections*)

I can wait for the Ministers to confer.

2230 What I am given to understand, Mr Speaker, is that these exhausts are not defective in any way but can be modified in a very, very simple way so as to arguably increase performance or make more noise, which is the net effect of making that very simple modification, and that in instances, if it is not the trend, upon reporting for process for excessive noise, which may be what it is in fact referring to, that schedule, – excessive noise – by the time the noise can be measured at the Test Centre, which I believe is the manner in which these matters are dealt with and assessed – and I am happy to be corrected if I am wrong

2235 – the simple modification can be undone, so as to avoid the detection.

This is the issue that perhaps you have not yet been made aware of. It is clear that you have not. I wonder whether the Minister will be happy to consider reviewing the situation, if I can bring some more information to his attention on this matter.

2240 **Hon. G H Licudi:** Yes, Mr Speaker, I will do that in conjunction with my hon. Colleague, the Minister for traffic, who tells me that, in fact – and I did not know this – when these vehicles are made, then the motorcycle or the car is in fact referred to the MOT Test Centre for some sort of [*inaudible*] –

2245 **Hon. S M Figueras:** Testing, yes.

Hon. G H Licudi: Whether there is any power to actually undo what has been done... There is a power to report somebody in respect of an offence. The matter then is reported for process and ends up in the Magistrates' Court. The court will have whatever powers it has in respect of sentencing for that particular offence.

2250 But off the top of my head, I cannot think that there is any power for members of the MOT Department simply to rectify something that has been done privately –

Hon. S M Figueras: Perhaps the Minister will give way?

2255 **Hon. G H Licudi:** – but it is something that perhaps we can look at.

2260 **Hon. S M Figueras:** Yes, in fact there is, Mr Speaker, a recommendation that was made to me, that was mentioned to me in passing and that was that the issue may well be resolved, by the acquisition by the relevant authorities of a device that can measure the noise level on the spot. That was one of the suggestions that was made.

I understand that we are not going to get any further with this, given the fact that the Minister is certainly not aware of it and I understand that fully. I will be happy to continue this conversation outside the Chamber to see whether perhaps a solution can be reached.

2265 **Hon. D J Bossino:** Mr Speaker, just if the Minister could assist me in understanding the schedule which he has kindly passed over to the Opposition, and that relates to the description under the column entitled 'Prosecution Outcome'. Do I take it that all 'pending court proceedings' – or more particularly,

pending court proceedings which seems to the description which applies to almost all of the offences – means that technically, it is before the court, but it is awaiting a court hearing? Is that a proper interpretation?

2270

Hon. G H Licudi: That is correct.

2275

**Offence of feeding apes
Persons reported and prosecutions**

2280

Clerk: Question 804, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Government provide details to this House of the number of persons reported for process for the offence of feeding apes over the last 12 months, compared to the number of successful prosecutions over the same period, also broken down on a monthly basis?

2285

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

2290

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, during the past 12 months, no persons have been reported for process for the offence of feeding apes.

Hon. S M Figueras: Mr Speaker, I fear I may be walking into a lion's den – *(Laughter and interjections)*

2295

A Member: An apes' den!

Hon. S M Figueras: Indeed, well, yes! I am sure apes are incapable of such vicious behaviour as I may well incur by embarking upon this supplementary journey!

2300

Is the Minister able to assist or has he any information that may enlighten us as to why there seems to have been a lack of enforcement of this particular provision in the last 12 months?

2305

Hon. G H Licudi: Mr Speaker, as the hon. Member well knows, matters of enforcement in respect of the law are matters for the Police, and if he does not know, the hon. Member to his left will clearly tell him. It is a matter for the Police to enforce the legislation.

What I can tell him is that the information I have is that during the relevant period, there have been no complaints by members of the public in respect of this particular offence – sorry, I should say, no complaints *to the Police* in respect of this particular offence.

2310

Clerk: Question 805, the Hon. J J –

Hon. D A Feetham: Can I just say to the Hon. the Minister for Justice that... I live up there, in the Upper Rock... I think it is actually, 100 yards from the apes' den. I drive up there every day, and I habitually see the feeding of apes by members of the public!

2315

A Member: You should report it. *(Interjections)*

Hon. D A Feetham: I do and in fact I have on a number of occasions stopped my car and actually told people –

2320

A Member: Citizen's arrest! *(Laughter)*

Hon. D A Feetham: Yes – a citizen's arrest! I have told people that that is not something that they ought to do.

2325

How far are we from a situation where the Government is going to perhaps have somebody up there who might help with this particular point? Because ensuring that if anybody does this kind of thing, that it is reported to the Police, or that by having somebody up there, obviously it is going to mean that this does not occur with the frequency that it does at the present moment.

2330 **Hon. G H Licudi:** Mr Speaker, I am not sure... I would have to take a reference of 'having someone up there', whether the hon. Member is suggesting that police officers should be permanently placed there or whether it is a matter of ape management. But the hon. Member who is responsible for the Upper Rock perhaps can enlighten us.

2335 **Minister for Health and Environment (Hon. Dr. J E Cortes):** Mr Speaker, the Macaque Management Plan is virtually complete and I am having meetings next week, which I hope will finalise it and that would include provision for supervision up on the Rock.

2340 As far as elsewhere in Gibraltar where it is just as illegal as on the Upper Rock, we will shortly be seeing some signs going up, advising the public that they are *not* to feed the monkeys. One takes the view that we should warn people, because it is even advertised abroad that people can come to Gibraltar to feed the monkeys. We need to make that perfectly clear to all to be fair, before the Police may or may not – it is entirely up to them – choose to take this up. But the signs will be going up in some parts of Gibraltar shortly.

2345 **Hon. J J Netto:** But, Mr Speaker, if I may, signs in the Upper Rock have been there for many, many years, and people have never paid...

Hon. Dr. J E Cortes: Mr Speaker, I said *other* than on the Upper Rock.

2350 **Hon. J J Netto:** It seems that people have never paid any notice whatsoever of the signs, regardless of the size of the board which is quite enormous.

2355 So the point that my hon. learned Friend was making is that if the Police for whatever operational reasons do not go to the Upper Rock to enforce the law as it stands, I think what he was hinting at was whether the Department of Environment would be employing some kind of wardens, which may have certain powers, just like traffic wardens have in relation to complying with certain traffic matters. I think that is what he was pointing at, and perhaps he could enlighten us whether this is in the pipeline to be done.

2360 **Hon. G H Licudi:** Mr Speaker, let me make one thing absolutely clear: I did not say what he suggests, that the Police do not go to any part of Gibraltar to enforce the law. (*Interjections*) He said, 'not go to the Upper Rock to enforce the law.' The Police do go wherever it is necessary –

Hon. J J Netto: For whatever *operational reasons*.

2365 **Hon. G H Licudi:** – in order to enforce the law. Sometimes there are complaints by members of the public. I note that the hon. Member seems to be suggesting or has suggested that he has seen offences being committed but he has not –

Hon. D A Feetham: Habitually, every single day.

2370 **Hon. G H Licudi:** Habitually, but he does not call the Police to report the offence. I do not know whether that makes him an accessory or anything like that, (*Laughter*) but that is a matter for his own conscience.

2375 But I just wanted to refute the suggestion that the Police do not enforce the law. It is a matter for the Police, how they enforce the law, but clearly if offences are committed, the Police will –

2380 **Hon. J J Netto:** Mr Speaker, if the Hon. Minister will give way, there are many good, operational reasons why the Police would not go up to the Upper Rock, either most days or some days. I am not questioning that; but the fact remains that a person is not there on a permanent basis, to enforce the legislation.

2385 Given that we have that and given that we know that apes should not be fed – which is not good for their health – the point should be whether we should have some other kind of presence there, in the form of wardens. Therefore, if this is something that the Hon. Minister for the Environment, who is keen to stand up and give us an answer, says is something that is in the pipeline, and if it is so, whether these wardens have certain powers to be able to fine people on the spot if they were to be feeding apes, or in fact contravene any other aspect of the Upper Rock.

Hon. Dr. J E Cortes: Mr Speaker, the hon. Member well knows, when he was my Minister for the Environment, during which there was a long and very cordial and, I think, fruitful relationship, this has always been a problem, which we are addressing in this Macaque Management Plan and which *will* be

2390 addressed, (*Interjection*) which I have said earlier on today and I have said on other occasions in Parliament.

I must add that zero charges, prosecutions, in nine months is probably statistically more significant than zero in 16 years, but in order not to blame it all on the previous Government, I think that since the law was passed prohibiting the feeding of apes in 1918, there have been three prosecutions. I suspect that that may largely be the cause of why we have problems with the macaques at this point in time, but obviously we are going back almost a hundred years.

Hon. D A Feetham: Yes, on that basis, nearly the entire community are accessories to a crime, because we have all probably seen it done!

A Member: Indeed.

2405 **Juvenile crime**
Details of under-18s in court

Clerk: Question 805, the Hon. J J Netto.

2410 **Hon. J J Netto:** Can the Minister for Justice state how many juveniles below the age of 18 have appeared before the Courts of Gibraltar during 2012, broken down by months and including the following: their sex; their age; the charges; whether the Courts have found any of them guilty; and the sentence?

2415 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

2420 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the information requested, subject to what I will say in a moment, is set out in a table which I now hand to the hon. Member.

The hon. Member asks in his Question for details concerning juveniles below the age of 18. The information provided in the schedule, however, deals with persons below the age of 17.

2425 Under the Criminal Procedure Act 1962, a young person is defined as a person who has attained the age of 14 years and is under the age of 17 years. A child is a person under the age of 14. A differentiation is therefore made, for the purposes of court and police records, of persons charged and appearing in court who are under the age of 17 on the one hand and those who are 17 and over on the other. That is why the information provided concerns persons below the age of 17.

2430 The position will be different once the Criminal Procedure and Evidence Act 2011 comes fully into force in early October 2012, which I know the hon. Member will be very happy about. Juveniles are defined in that Act as persons below the age of 18. It will therefore, as from then, be possible to provide hon. Members with details of all persons below the age of 18 who appear in court.

Mr Speaker, perhaps I should also – because I had some difficulty following the table originally, when I got it – explain to the hon. Member how the table actually works.

2435 The table is related to persons charged to appear. Although the Question relates to persons appearing in court, the table goes a little bit further and gives, in fact, a little bit more information than the hon. Member has sought.

2440 The hon. Member will see the first column is ‘Month’; the second column is the number of persons arrested; then the breakdown by age... males and females; and then the breakdown by age of all those persons arrested; and then we see the number of persons charged from those arrested. Clearly, the number of persons charged will not total the number of people arrested.

2445 In the first row, Mr Speaker, where it says ‘Possession of Drugs – 1’, ‘Taking a Conveyance – 2’, ‘Common Assault – 3’, that is the number of people. So he should not take it that there is a correlation between the age and the charge that is right beside it. They are totally separate and distinct columns. One gives the breakdown of age and the other one just gives the numbers of juveniles charged in respect of each of those particular offences.

In the final column, which talks about the sentence imposed if convicted, again, where it says ‘Conditional Discharge – 4’, it simply means that four of the people who were charged were given a conditional discharge, three were given fines and six are still pending in respect of court proceedings.

So that essentially explains how this table has been put together.

Schedule to Question 805/2012

Juveniles Charged to appear before the Juvenile Court - 1st January to 31st August 2012

Month	Number of Juveniles Arrested	Males	Females	Breakdown by Age	Juveniles Charged	If Convicted, Sentence Imposed
Jan-12	24	24	0	6 x 12yrs 2 x 13yrs 2 x 14yrs 6 x 15yrs 6 x 16yrs 2 x 17yrs	Poss of Drugs - 1 Taking a Conveyance - 2 Common Assault - 3 Obstructing Drugs Misuse Act - 1 Poss of Tobacco - 2 Robbery - 4	Conditional Discharge - 4 Fines - 3 (ranging from £100 to £500) Pending - 6
Feb-12	25	24	1	1 x 13yrs 1 x 14yrs 7 x 15yrs 8 x 16yrs 8 x 17yrs	Poss of Drugs - 1 Common Assault - 1 Robbery - 1 Poss Offensive Weapon - 3 Causing Damage - 1 Theft - 1 Handling Stolen Goods - 1 Taking a Conveyance - 2 Obstructing Police - 1 Exporting Tobacco - 1	Attendance Centre Orders - 2 Fines - 3 (ranging from £30 to £200) Pending - 8
Mar-12	18	17	1	1 x 12yrs 1 x 14yrs 5 x 15yrs 8 x 16yrs 3 x 17yrs	Poss of Drugs - 2 Theft - 1 ABH - 1 Taking a Conveyance - 3 Burglary - 1	Attendance Centre Orders - 2 Fines - 2 (ranging from £50 to £200) Pending - 4
Apr-12	20	16	4	4 x 13yrs 4 x 14yrs 4 x 15yrs 4 x 16yrs 4 x 17yrs	Obstructing Police - Drugs Misuse Act - 2 Poss of Drugs - 4 Violent Behaviour - 2	Conditional Discharge - 3 Fines - 3 (ranging from £50 to £70) Pending - 2

May-12	21	16	5	6 x 13yrs 2 x 14yrs 4 x 15yrs 7 x 16yrs 2 x 17yrs	Poss of Drugs - 3 Theft of Motor M/C - 2 C/Damage to vehicle - 3 Arson not Endangering Life - 1 Common Assault - 1	Attendance Centre Order - 3 Conditional Discharge - 1 Fines - 3 (ranging from £50 to £100) Pending - 3
Jun-12	20	18	2	5 x 13yrs 5 x 14yrs 4 x 15yrs 5 x 16yrs 1 x 17yrs	Failing to comply with Court Order - 2 Poss of Drugs - 2 Supplying Drugs - 1 Assault on Police - 1 Poss Offensive Weapon - 1 Poss Firearm / Ammunition - 2 Causing Damage - 1 Violent Behaviour - 1	Fines - 2 (ranging from £40 to £100) Proved No further penalty - 1 Payment of Compensation £250 and No Separate Penalty - 1 Probation Order for 12 months - 1 Pending - 6
Jul-12	12	12	0	1 x 12yrs 2 x 13yrs 1 x 14yrs 2 x 15yrs 4 x 16yrs 2 x 17yrs	Poss Prohibited Import - 1 Poss of Drugs - 2 Obstructing Police - Drugs Misuse Act - 1 Poss Commercial Quantity Tobacco - 1 Burglary - 1 Possession of a Firearm/ Ammunition - 1	Fines - 2 (ranging from £200 to £340) No separate Penalty - 1 Conditional Discharge 12 months - 1 Pending - 3
Aug-12	22	20	2	1 x 9yrs 3 x 13yrs 4 x 14yrs 10 x 15yrs 2 x 16yrs 2 x 17yrs	Burglary - 6 Poss. of Drugs - 5 Conduct Likely to Cause a Breach of the Peace - 2 Burglary Dwelling House - 2 Taking a Pedal cycle - 1 Taking a Conveyance - 1 Breach of Bail Conditions - 1 Theft - 2	Fined - 1 (£50.00) Pending - 19
Totals	Arrests 162	Male 147	Females 15	N/A	Juveniles Charged to appear in court - 90 NOTE - Additionally, out of the initial number of 162 juveniles arrested, the remaining 72 would have been dealt with by way of a formal Police Caution, Released from Arrest without charge, or in more recent cases, may still be on Police Bail.	39 Juveniles Dealt with - 51 are Pending

2450 **Clerk:** Question 806.

Mr Speaker: The Hon. Daniel Feetham.

2455 **Hon. D A Feetham:** Just in relation to July and also June of this year, it says 'Possession of a Firearm/Ammunition' on both. Are we talking in terms of possession of firearms... Are we talking possession of what is called in Spanish *escopeta de perdigones*, or are we talking about proper actual firearms, guns? Does he know that at all, or not?

2460 **Hon. G H Licudi:** The answer is that I do not know which specific weapon is referred to when it comes to possession of firearms, but 'firearm', as the hon. Member knows, under the Firearms Act, includes the air rifles and air pistols, so all those that the hon. Member has described includes 'firearms'. There is no distinction as to what is a proper firearm and what is not –

2465 **Hon. D A Feetham:** No, I do understand that.

Hon. G H Licudi: – but I do not have the information as to which particular category of firearm that charge relates to.

2470 **Hon. D A Feetham:** I am asking because it would be very worrying indeed if you had two separate incidents in June and July of possession of firearms other than pellet guns. It is not justified – it is against the law – but pellet guns are in a different category to other types of firearms that are far more serious.

2475 What about the possession of offensive weapons in June 2012 and also February 2012? Does he have any information about those, as to whether they relate to knives, for example, or does he not have any information?

Hon. G H Licudi: No, Mr Speaker, I do not have the specific breakdown of the type of weapon, but I am happy to find out for the hon. Member.

2480 **Hon. D A Feetham:** Please.

Domestic violence Breakdown of cases

2485 **Clerk:** Question 806, the Hon. J J Netto.

2490 **Hon. J J Netto:** Mr Speaker, can the Minister for Justice state if there have been any cases of domestic violence reported to the Royal Gibraltar Police since Question 163/2012 to date, showing the number of persons affected by such violence, their age, sex, the number of persons arrested and the persons charged?

2495 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

2500 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, a total of 60 reports of domestic violence, affecting 85 persons, of which 67 were females and 18 were males, have been made to the Royal Gibraltar Police from 1st February 2012 to 12th September 2012. A total of seven persons have been arrested of whom four have been charged.

The ages of the persons affected are shown in the schedule, which I now hand to the hon. Member.

Schedule to Question 806/2012

AGE OF PERSONS AFFECTED	NO. OF PERSONS
12 YEARS	1
16 YEARS	1
18 YEARS	4
19 YEARS	1
21 YEARS	4
22 YEARS	4
23 YEARS	2
24 YEARS	3
26 YEARS	5
27 YEARS	3
29 YEARS	4
30 YEARS	3
31 YEARS	1
32 YEARS	3
34 YEARS	2
36 YEARS	4
37 YEARS	3
42 YEARS	5
43 YEARS	4
44 YEARS	3
45 YEARS	6
46 YEARS	3
49 YEARS	4
51 YEARS	3
52 YEARS	4
53 YEARS	3
66 YEARS	1
67 YEARS	1
TOTAL	85

2505 **Hon. J J Netto:** Mr Speaker, looking at the schedule that the Minister has so kindly provided, I notice at the very top... and I would not want to, across the floor of the Chamber, necessarily go into the detail, but I notice that there is one person who is 12 years old and one person who is 16 years old. They may be, to some degree or other, affected as a result of this.

Is the Minister perhaps in a position to say whether, in relation to those two cases I have referred to, they required any kind of support perhaps from Social Services in relation to counselling or something of that kind, given the age of these particular persons who are affected?

2510 **Hon. G H Licudi:** Mr Speaker, I do not have that specific information, but I will check whether Social Services were involved and I will let the hon. Member know.

Mr Speaker: The Hon. Isobel Ellul-Hammond.

2515 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, yesterday the United Kingdom Government announced that the Home Office is changing the definition of domestic violence by including coercive control, such as psychological abuse, as part of it. Will the Government consider following this lead and updating Gibraltar's definition too?

2520 **Hon. G H Licudi:** Mr Speaker, we are fast, but not that fast. If this announcement was made by the UK, I certainly have not got any information or knowledge of that, but I am happy to look at what proposed changes are being made to see whether we can improve in any way our legislation in Gibraltar. Certainly every effort will be made to protect individuals from domestic violence.

2525 **Hon. Mrs I M Ellul-Hammond:** Yes, I am grateful for that. That is why I said 'would the Government consider'.

2530 **Sexual assaults on juveniles
Breakdown of cases**

Clerk: Question 807, the Hon. J J Netto.

2535 **Hon. J J Netto:** Mr Speaker, can the Minister for Justice state if there have been any persons during 2012 who have been charged with sexually assaulting juveniles, broken down by months, and provide the following information: (a) the possible number of victims suspected as a result of the charge of sexual assault; (b) how many cases have now been heard in our courts or are waiting to be heard; (c) of those heard, how many have now been concluded; and (d) the sentence of those found guilty?

2540

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

2545 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, from 1st January 2012 to 12th September 2012, a total of two persons have been charged with sexually assaulting juveniles. One person was charged in January 2012 with sexually assaulting one victim, and another was charged in March 2012 with sexually assaulting two victims. Court proceedings are still ongoing.

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**Child pornography
Breakdown of cases**

2555 **Clerk:** Question 808, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Justice state how many persons have been charged with the illegal download of pornographic pictures of juveniles during 2012, broken down by months, and provide the following information: (a) the number of persons who have been found guilty in the courts and the sentence given; (b) the number of cases pending a hearing at the courts; and (c) the age and sex of those awaiting a hearing and of those found guilty?

2560

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

2565

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, from 1st January 2012 to 12th September 2012, one person has been charged with the illegal download of pornographic pictures of juveniles. The person concerned is a 67-year-old male. Court proceedings are still ongoing.

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**St Bernard's Hospital site
Government's plans**

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Clerk: Question 809, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Development and Planning explain what plans the Government has for the old St Bernard's Hospital site that was earmarked by the former GSD Government as a joint first and middle school?

2580

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

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Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, there are no concrete plans for the site as yet.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, in February, the Hon. Minister for Education answered to this Question that they were still considering various options. Can he say what those options are that are being considered?

2590

Hon. G H Licudi: No, Mr Speaker, the Government still has an open mind as to what those premises are going to be used for and is still considering a number of options. I would not like to give details of what those options are until we decide what we are going to do with that site.

2595

HEALTH AND ENVIRONMENT

**Hospital meals
New arrangements**

Clerk: Question 746, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain the new arrangements for hospital meals and where the new kitchens will be sited?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, the proposal presented by the Catering Department to revert to bulk meal service was approved and discussions with the relevant Departments have taken place in order to phase in this service. Introduction dates to the new services have not been established and agreed to date. The new Catering Facility will cater for bulk food distribution.

A feasibility study to relocate the Catering Facility to St Bernard's Hospital has been commissioned and proposals for possible sites are being considered. The Government Architect will be presenting scheme designs shortly, and in fact I spoke to him yesterday and I expect them on Monday or Tuesday.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, does the Minister know what will be happening to the old kitchen site on the North Mole?

Hon. Dr. J E Cortes: No, Mr Speaker. No decision has been taken on that site.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, as part of this new meal service, will patients be given a choice of food, which they could order the day before, according to the dietary needs – for instance, vegetarian or diabetic, celiac or gluten free, or intolerant and so on?

Hon. Dr. J E Cortes: That is the intention. The first step is to have the bulk service and once that is established, the intention is to do what should have always been done and that is to give the patients a choice.

**Nursing assistants and registered general nurses
Eight-month contracts**

Clerk: Question 747, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health advise how many nursing assistants and registered general nurses, as per the advert in February for their recruitment, are on the eight-month contracts as advertised, and is it the intention of the GHA to permanently employ such persons upon the successful completion of the eight-month contract?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and Environment (Hon. Dr. J E Cortes): Mr Speaker, the nursing assistant vacancies advertised internally in March 2012 were, as indicated in the advert, for appointment on indefinite permanent terms, and I can confirm that 18 appointments were made.

Further vacancies were advertised internally in April 2012 on the same terms and conditions, and a further 14 appointments were made.

As far as the registered general nurse vacancies are concerned, these were advertised on a short-term contract for 10 months. One appointment was made and although it was the GHA's intention to permanently employ that person on completion of the contract, the appointee resigned shortly after.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, is this recruitment part of the GHA's drive to employ over 20 new nurses and increase the complement as announced during the Budget?

Hon. Dr. J E Cortes: Yes, Mr Speaker.

GHA review
Findings by UK consultants; recommendations

2660

Clerk: Question 748, the Hon. Mrs I M Ellul-Hammond.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain what the overall findings of the GHA review by the UK consultants were and what measures will be taken to implement the recommendations?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

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Minister for Health and Environment (Hon. Dr. J E Cortes): Mr Speaker, the contents of the review will be made public shortly and will be considered by the Gibraltar Health Authority and GHA management with a view to preparing an implementation plan.

2675

Hon. Mrs I M Ellul-Hammond: Mr Speaker, when will the GHA be in a position to inform the people of Gibraltar as to the results of the review?

Hon. Dr. J E Cortes: There are meetings being held next week of both the Health Authority and GHA management in order to discuss a timeframe for this.

2680

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister say if part of the findings of the GHA review was to restructure the GHA's management?

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Hon. Dr. J E Cortes: Mr Speaker, the restructure of management is something that has been ongoing since... maybe not the 9th, but certainly 10th December. I have been involved in discussions with the Executive of the GHA and others.

I have, as this House is aware, also looked at models in other jurisdictions, so that partly this is happening anyway, but there are suggestions and recommendations in the Report which do have a bearing on the restructure and which will be taken into account, as this restructure is finalised.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister advise if part of the findings of the GHA review was that Dr McCutcheon should resign as Chief Executive of the GHA?

2695

Hon. Dr. J E Cortes: Mr Speaker, I want to resist... I have already offered information, but only in as far as there are recommendations on restructure, which will surprise no one, but I do not think that I should say anything further while the Health Authority and the management of the GHA have still not deliberated and considered this review. As it will be made public, then that information will be available shortly and I dare say more than likely before the next sitting of Parliament, and obviously then I would be willing and able to take questions.

2700

Health and Safety Committee of the GHA
Membership, qualifications and duties

2705

Clerk: Question 749, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain who comprises the Health and Safety Committee of the GHA, what their qualifications are and what they do?

2710

Clerk: Answer, the Hon. the Minister for Health and the Environment.

2715

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, the Health and Safety Committee is comprised of the following staff members: Mr Chris Wilson, Director of Human Resources, who chairs representing the GHA; Evelyn Cervan, Deputy Director or acting Director of Corporate Services representing the GHA; Edward Holmes, Deputy Director of Nursing Services representing the GHA; Lloyd Ocaña, Craftsman who represents Unite, I believe, this is the staff side; Harold Zammit, Linen Supervisor, also Unite; Paul Tremayne, Emergency Medical Technician, also representing the Union; Darren Cerisola, Emergency Medical Technician, also representing the Union; Linda Castro, Dermatology Nurse Specialist, representing the Union; Marilyn Bramble, Nursing Assistant representing the Union; and Jane Marzan, a Personal Secretary representing the GHA.

2720 Their role is to conduct audits and inspections and address any issues that arise from these or otherwise brought to their attention.

2725 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is any one of those in the Committee the Health and Safety adviser, or is that still being considered?

Hon. Dr. J E Cortes: Mr Speaker, this is a Committee that looks overall at Health and Safety issues within the GHA. None of them is specifically a or the Health and Safety adviser.

2730 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister explain how they assess risk assessments – how they are conducted?

2735 **Hon. Dr. J E Cortes:** Mr Speaker, that is not information I have available. I have explained who comprises, what they are and what they do in carrying out audits, but any further details I would need notice of.

Clerk: Question –

Mr Speaker: The Hon. Jaime Netto.

2740 **Hon. J J Netto:** Mr Speaker, first of all, the first comment I would like to put as a premise is that obviously one welcomes the fact that there is an established Committee in the GHA which is composed from management and the union in order to discuss and highlight issues in Health and Safety, and that in itself is a welcome step in the right direction.

2745 But as the hon. Member knows, back in February or March of this year, I did ask him specifically whether the GHA would consider having a permanent person qualified and specialised in Health and Safety as a Health and Safety adviser or officer, and at the time, the hon. Member did say that they were conducting a review of management needs in the GHA and he would certainly look into that.

2750 What I am about to ask him is that if he looks at the numbers of Health and Safety advising officers, as applied by the Hon. the Minister for Health and Safety in various Government Departments, Authorities and Agencies, he will be able to see from the previous list – and I say this because there is another Question on the Order Paper which may be updated from the old one that I have available – that there are some Government Departments... in fact, the City Fire Brigade has a specialised Health and Safety adviser officer and Customs has another one. Both Departments, both numerically in numbers and perhaps in the diversity of functions, do not come anywhere near the size of the GHA, both in people employed and the diversity of functions that the GHA provides across the board. So basically, I think it is not fair to say that the onus of responsibility for risk assessment and audits of this kind should go on people, who may be very qualified in management and be very good qualified in many things in the trade union field, but not necessarily be a specialist in Health and Safety, because in the UK, as far as I am aware, Health and Safety adviser officers do require to have a number of qualifications in that particular field.

2760 So what I am asking the Hon. Minister, and I am glad for your indulgence in my prelude to this, is whether he has considered the development of a particular post on a permanent basis for the GHA or whether this is in the pipeline?

2765 **Hon. Dr. J E Cortes:** Mr Speaker, I chair a complex large multi-disciplinary organisation that I have inherited and I suspect that I could probably list more shortfalls myself than anybody else present in this House at the moment. So the fact that there is no such adviser is certainly not of my making or this Government's making.

2770 Having said that, it is an important role to be played in any organisation of this size and it is certainly something that is being looked at.

Hon. J J Netto: So is it part still of this review that has not finished?

2775 **Hon. Dr. J E Cortes:** This review did not, as far as I can recollect, address specifically the Health and Safety issue. It was more looking at clinical governance and management procedures.

Hon. J J Netto: I am referring to the view that you referred back in February or March where the GHA was going to consider this.

2780 **Hon. Dr. J E Cortes:** Yes, this is being considered, but it is not part of the review that we were referring to earlier. It is being considered within management.

2785 **Hon. J J Netto:** Does the Minister have an indication by when they will be in a position to know whether they will or will not have a Health and Safety adviser or officer – which is another option perfectly legitimate for him to take, if he wants to take it? He can also say, ‘Well, look, I will satisfy my obligations under the management of Health and Safety legislation, not necessarily by employing someone permanently in the GHA, but by outsourcing the function to someone else, in support of the management who has the responsibility to comply with that.’ That is another option he can take. It is up to him.

2790 **Hon. Dr. J E Cortes:** Mr Speaker, that is already happening. The Government’s Health and Safety Inspectors have carried out Health and Safety audits of some parts of the GHA, including the kitchen facilities, which were found *very, very, very* lacking, and we have already taken steps to correct most of those faults which again I have inherited. It was a particularly scathing report that we got very early on, on the kitchen, but that is by the by.

2795 So they have carried out a number of Health and Safety inspections within the GHA, so it is not that nothing of this sort is happening. It is happening, but we have to consider, as the hon. Member rightly says, whether with the size of organisation we should have one person specifically employed for that or whether we should outsource, as we are already doing, with Government Health and Safety Inspectors.

2800 **Hon. J J Netto:** Mr Speaker, in this last statement that the Hon. Minister has just said, he said that a number of *audits* – in plural – have been carried out in GHA, and then he went on to mention the one in the kitchen. If I were to write – because obviously he would probably need notice of the question – to him asking him what other Departments within the GHA the audit has been done, will he be able to supply me with that information?

2805 **Hon. Dr. J E Cortes:** Certainly.

2810 **Cancer Nurse Specialists
Administrative support**

Clerk: Question 750, the Hon. Mrs I M Ellul-Hammond.

2815 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health advise if the Cancer Nurse Specialists will be receiving administrative support, as per the concern raised on page 9 of the Director of Nursing’s Report to 17th July GHA Board meeting?

2820 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, administrative support for the Cancer Nurse Specialists is being considered in the context of the overall need to boost specialist services, including nurse-led services. No details have yet been decided.

2825 In the interim, however, Nurse Management’s administrative staff has been providing support on an *ad hoc* basis.

2830 **Finance and Procurement Directorate
Management structure**

Clerk: Question 751, the Hon. Mrs I M Ellul-Hammond.

2835 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does the Minister for Health concur with the Director for Finances’ statement on page 2 of his Report to 17th July GHA Board meeting which says:

‘The overall management structure within the Finance & Procurement Directorate, inclusive of this new middle management post, is not robust enough to effectively deal with a portfolio and budget of this size.’

2840 And, if so, what measures will the Minister implement to address this?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

2845 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, I cannot, at this point in time, agree or disagree until such time as the recruitment of the HEO, expected shortly, takes place. Once the post has been filled for a period of time, I will be able to make an informed judgement. I do note however that again the Director of Finances makes this criticism of the structure left behind by the party opposite.

2850

**GHA Information Management and Technology
Permanent office space**

2855 **Clerk:** Question 752, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health advise when the IM&T Department will be given permanent office space, as per the concern raised on page 8 of the Acting Director for Information Management and Technology's Report to the 17th July GHA Board meeting?

2860

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, the issue of space is being addressed in the wider context of the usage of space in the GHA as a whole.

2865

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister say what options are available for the additional space or relocation for this Department?

2870 **Hon. Dr. J E Cortes:** Mr Speaker, it is very complex. The St Bernard's Hospital, in the short time in which it has existed, has had different departments springing up in different areas and the layout is not altogether to my satisfaction.

2875 IM&T certainly have a very cramped situation, again which I found on visiting them actually, but there are other areas where the use of space is not really to my satisfaction and we are looking... We have a committee being put together to look at the whole issues of space in the context, of course, as well, of the new kitchen and the ambulance. This is all coming together to see how we can improve the efficiency of the use of space.

2880

**Ambulance facility
Project commencement and location**

Clerk: Question 753 the Hon. Mrs I M Ellul-Hammond.

2885 **Hon. Mrs I M Ellul-Hammond:** Then you have partially answered this Question already!
Yes, Mr Speaker, can the Minister for Health advise, as announced in his Budget speech, where the new larger Ambulance facility will be and when the project will commence?

Hon. Dr. J E Cortes: Mr Speaker – Sorry.

2890

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Sorry, Mr Speaker. Apologies to the Clerk for jumping my cue – I didn't used to do that too often in my acting days! (*Laughter*)

2895 The facility is, as I have already said, currently – (*Interjection and laughter*) I have no comment to make at this point! – being planned in conjunction with the redeployment of other services and all space issues within the GHA.

Clerk: Question –

2900

Hon. Mrs I M Ellul-Hammond: Mr Speaker, does the Minister have a time frame for the movement and creation of new areas and movement of facilities?

Hon. Dr. J E Cortes: Okay, again it is difficult because of the complexities and the number of different groups and patient groups and so on involved. But certainly, I would like to have a clear picture

2905 by the end of this calendar year, certainly of things like the kitchen and the ambulance which are a clear commitment. Certainly within this calendar year, we will know where we want everything to be.

2910 **Charities**
Encouraging contribution to Health Service

Clerk: Question 754, the Hon. Mrs I M Ellul-Hammond.

2915 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain further the statement in his Budget speech in relation to the work that charities do for the Health Service of, and I quote:

2920 'Rather than discourage their work and contributions, as was often the case before, I encourage it as adding value'

and give examples of where the GSD discouraged the work and contributions of charities?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

2925 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, it is the GSD who could, of course, better answer this question. I can only go by personal experience in my last occupation, when I was discouraged by my Minister from approaching charities for contributions, as the then Chief Minister was not keen on these. It was only after a great deal of insistence on my part that I was able to access such funding.

2930 I am aware of at least one project that was executed in La Línea because it was not authorised by the then Government. Also, an offer from a charity to pay for the refurbishment of children's playgrounds was declined, which resulted in these then being paid for by the taxpayer and possibly being of lesser quality.

2935 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, and in relation to the Health Services?

Hon. Dr. J E Cortes: As I say, Mr Speaker, those are the examples that I can give from direct experience. I have heard of other instances, but my experience in the courts tells me that hearsay is not something that I should present in this House. I have been asked to give examples and examples I have given.

2940 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, could the Minister then clarify what he did say in his Budget speech and he said – I will read it –

2945 'I would like to take this opportunity to publicly express my appreciation for the work the charities, large and small, do for the Health Service. Rather than discourage their work and contributions, as was often the case before, I encourage it as adding value to our work and giving ownership to our people. Likewise, I would like to thank the Health Users' Forum...'

2950 So it was stated within the context of Health, within the Health section of your Budget and I am asking for examples of where charities within the spectrum of Health Services... where their work and contributions were discouraged by the previous Government?

2955 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am delighted to give particular examples. I understand that a number of charities were prepared to purchase equipment and they were discouraged from doing so by the previous Administration. I am happy to give the hon. Lady the names of those charities and the type of equipment that we are talking about, outside the Chamber.

Hon. Mrs I M Ellul-Hammond: I appreciate that, thank you.

2960 **Hon. D A Feetham:** Can I ask the Hon. the Minister for Health, why does it necessarily follow that, simply because the Government took a decision as a matter of principle to fund the parks, that they would be of lesser quality than if they had been funded by a charity?

2965 **Hon. Dr. J E Cortes:** From personal experience, the only park that was in fact funded by that particular charity ended up being – coincidentally or otherwise – within the Alameda Gardens and, in fact in my opinion, it is of far better quality than the others that were put up in the rest of Gibraltar. As it was

the same charity that was going to fund them, I could only extrapolate that conclusion and say that they would have been of better quality. Certainly they would have cost the people less.

2970 **Hon. D A Feetham:** Certainly they would have cost the people less, yes, but why...? I do not understand... It is very easy to make these kinds of very broad sweeping statements in the House, which are difficult to actually verify. What is it that you are basing yourself on in terms of the quality of the parks that were the parks – ? (*Interjection by Hon. Chief Minister*)

2975 May I just ask the question? I know the Chief Minister is very eager to give instructions to his Minister.

Hon. Chief Minister: I can whisper as much as I like.

2980 **Hon. D A Feetham:** Well, yes but please pay me the courtesy, because of course, I am asking a question and you are whispering to your – (*Interjection by Hon. Chief Minister*) And you are still talking! Do you have something to say? I will sit down –

Mr Speaker: Order! Order! Order!

2985 **Hon. Chief Minister:** I do have something to say and I am grateful for the hon. Gentleman giving way.

I will talk to my Ministers and my Ministers will talk to me, as we desire and we will abide only by the rules of Mr Speaker and his rulings – something which I know Members opposite these days do not seem to like to want to do, and we will not have ourselves brought to order by the hon. Gentleman.

2990 **Mr Speaker:** May I invite the hon. Member who has asked the question, please feel free to ignore whatever is going on behind the scenes, if I might call it that, and proceed with your question and leave it to them to sort it out.

2995 **Hon. D A Feetham:** But Mr Speaker, I find it –

Mr Speaker: It may be disconcerting, but –

3000 **Hon. D A Feetham:** It is very off-putting and it is a matter of common courtesy that one obviously listens to the questioner, rather than be talking amongst themselves when I am asking the question. It is a matter of common courtesy, but look, the Chief Minister –

Mr Speaker: The Speaker does not really –

3005 **Hon. Chief Minister:** Mr Speaker, it is a matter of common courtesy. I agree it is a matter of common courtesy. It is a common courtesy that is not extended to us by the hon. Members opposite on a number of occasions and, therefore, the behaviour in this House has been that both sides have acted in that way.

3010 The hon. Gentleman does not like it when it happens to him. Well look, so be it. If he does not like it when it happens to him, he has got to put up with it, if the rest of us have to put up with it when it happens to us.

3015 **Mr Speaker:** The Speaker does not control the communications between Members of this House on either side between themselves, as long as such communication does not really interfere with the progress of proceedings. I appreciate that the hon. Member may find it off-putting and disconcerting. All I can suggest is ignore what is going on and just get on with the question. You might be asked to repeat the question, but that is the best I can help, really.

3020 **Hon. D A Feetham:** Mr Speaker, well, on that basis, I have no further questions. I have to say that it is *extremely, extremely* disappointing that Mr Speaker says that, because it is within Mr Speaker's authority that if you have a situation where somebody is asking a question to somebody opposite and effectively they are talking amongst themselves in a way that is discourteous to the person who is asking the question, that surely must be a matter for Mr Speaker. But I am not going to push it further.

3025 What I will say is this: that the Chief Minister is becoming as high handed as he used to accuse us when we were in Government of being. He is slowly morphing into the very thing that he always criticised.

Hon. Chief Minister: Mr Speaker, that is not a question; that is a remark made for the purposes of trying to persuade people who may be listening of a party political issue which he wants to raise.

This is Question Time Mr Speaker. I complained about many things when I have been in Opposition. I stand by all those criticisms. Anybody who makes an objective assessment of what used to happen before and what happens today – an *objective* assessment, not the hon. Gentleman's subjective self-serving assessment – will realise just how different things are.

I get up to answer that point, Mr Speaker, because the hon. Members think that they can use Question Time, by a side line sometimes, to make political points. They can try, Mr Speaker, but they will have political points made back at them.

Hon. Dr. J E Cortes: Mr Speaker –

Mr Speaker: Order

Hon. Dr. J E Cortes: – if I may, there was enough of a question by the hon. Member for me to be able to extract what he was asking, so I would like at least to give an answer.

Mr Speaker: I will allow the Hon. Minister to do so, but allow me just to... I do regret that the Hon. Daniel Feetham feels disappointed, but with respect, there are limits to what the Speaker's powers are. What I have never done to either side in the past is treat the members like school children, saying, 'Behave yourself, be quiet', and things like that. There have always been conversations held behind the scenes, so to speak, on this side and on that side, no matter who has occupied which side. It has always been the case.

I do not propose at this stage of my tenure to reduce myself to being – no, sorry, wrong word – to *behave* like a school teacher. As long as the conversations that are held in private do not interfere with the proceedings, I have never found it necessary for me to interfere with those private conversations. I can only encourage a Member to proceed with his speech or his question and just ignore what is going on on the other side. That is my position and that is it.

The Hon. the Minister for Health and the Environment.

Hon. Dr. J E Cortes: Mr Speaker, in my opinion, the playground that was created, or paid for by that charity is of better quality than the other playgrounds. It is my opinion only, based on what I have seen and on the experience that I had managing an area which included playgrounds, which were partly my responsibility and which used to sit approximately 15 metres from my office.

Hon. J J Netto: If I may, the hon. Gentleman just said that the facilities, the attractions in the park by the Alameda is a much better quality than the one that the Government provides, yet, as far as I understand, he overruled a charity in one of the particular attractions because he felt they were not safe enough, and that particular attraction is now for the benefit of the people in La Línea, who have got it across the other side of the border.

Hon. Dr. J E Cortes: Mr Speaker, that was an action which I took in a previous profession, as Director of the Botanic Gardens, for which I believe I am not answerable here.

But in any case, the facts are not correct. The issues to do with that were purely related to the suitability of that facility in the heart of a botanic garden and nothing to do with anything else.

Mr Speaker: The Hon. Edwin Reyes.

Hon. E J Reyes: Mr Speaker, I am grateful that the Hon. Minister did qualify his statement by the prefix that it was in his opinion. Is the Minister aware that whilst I was the Minister for Sports and Leisure, and therefore had an input in the purchase of equipment – that Government officials expressed to me their views that the playground equipment provided at taxpayers' expense was in no way inferior or of lesser standards than those that ended up in the Botanical Garden and that is a professional view expressed to me, as a Minister of Her Majesty's Government, during my tenure as Minister for Sports and Leisure.

Hon. Chief Minister: Sorry, Mr Speaker, I think it is impossible for the hon. Member to answer that question, because how can we know what the hon. Member was told? I think this side of the House is happy to accept that he says he was told it, but we cannot accept or deny whether that was actually the case.

3090

**Society for Cancer Relief
Support for new hospice facility**

Clerk: Question 755, the Hon. Mrs I M Ellul-Hammond.

3095

Hon. Mrs I M Ellul-Hammond: Mr Speaker, will the Minister for Health explain the detail of support, announced in his Budget Speech, that the Government will be giving the Society for Cancer Relief in order to run their new hospice facility?

3100

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, the Gibraltar Health Authority will be releasing a member of staff who will dedicate time both to the hospice facility and to cancer patients within the GHA, so ensuring continuity of care and smooth liaison between the charity and the Authority.

3105

Other ways in which the hospice can be supported are currently being studied.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. Minister tell us who the member of staff is? Is it a nurse or a doctor or a specialist, a GP?

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Hon. Dr. J E Cortes: I do not feel comfortable in releasing the name without talking to the person in advance. The person is aware that he or she is the one designated for that, not currently practising as a nurse, but I believe with nursing qualifications.

I do not think I should go further than that.

3115

Hon. Mrs I M Ellul-Hammond: Mr Speaker, is the GHA considering funding a palliative doctor or helping the hospice fund a palliative doctor for the hospice?

3120

Hon. Dr. J E Cortes: Mr Speaker, as I said, other ways in which the hospice can be supported are currently being studied and that could include medical support. Quite how that would be achieved is what is being considered at the moment.

3125

**Sponsored Patients
Definition of 'disabled'**

Clerk: Question 756, the Hon. Mrs I M Ellul-Hammond.

3130

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain what the Government constitutes as 'disabled', with reference to the extra 50% allowance for Sponsored Patients, introduced in the Budget?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

3135

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, in this context, the Government constitutes the entitlement of 'disabled' as follows: people with Disability Pension, who have severe disability from birth; and people with a Disablement Pension – loss of faculty due to an injury at work.

3140

Hon. Mrs I M Ellul-Hammond: Mr Speaker, does not the definition of 'disabled' also include the description given in the Equal Opportunities Act 2006?

3145

Hon. Dr. J E Cortes: Mr Speaker, this is the way that the Sponsored Patient in advance of the review is dealing with this, because these are the particular definitions that we have currently in Gibraltar, related to disability. That is what we have to work with.

Any changes in that – any, for example, disability register which my colleague is developing and so on – may have a practical effect on who is entitled to that 50%. At the moment, and pending those reviews, that is what is happening at this point in time.

3150

Hon. Mrs I M Ellul-Hammond: Mr Speaker, the Equal Opportunities Act 2006 adds another description which says:

'A person who has cancer, HIV infection or multiple sclerosis is to be deemed to have a disability and hence to be a disabled person.'

3155 Will that not be taken into account as part of this description?

Hon. Dr. J E Cortes: I am advised that that relates specifically to the work environment and does not fall within the definitions that are currently used for this, but if any other evidence can be presented, then certainly we will have a look at that.

3160 I must say that, in the review, of the Sponsored Patients process, we have to look at all possibilities, including that.

3165 **Hon. J J Netto:** Mr Speaker, if I may, if I understood the Minister correctly, he said that right now, the only ones who benefit under those definitions are either disabled people at birth, obviously getting Disability Allowance, or people who have sustained an accident at work and are getting... I am not quite sure of his exact words but something like a pension derived from an accident at work, or words to that effect. So that is the criteria, the yardstick that is being applied.

3170 He also mentioned in that sentence that his colleague sitting next to him is conducting a review that may broaden out the definition of disability. Is that exactly what he is saying? I was not sure.

Hon. Dr. J E Cortes: No, what I was referring to is a disability register, which is being worked on. That is what I was referring to.

3175 **Hon. J J Netto:** So that will not impact in any way the definition the Social Security Department has for people who have an accident at work who then get a pension derived from an accident at work? The reason why I am saying this is because that definition, as far as I understand it, goes all the way back to when the Social Security Benefits Scheme took place in 1952 or 1954. So one can argue, and quite rightly, that it needs a review and needs to be broadened. This is why I was trying to find out whether this review he was alluding to, by the Minister for Social Services, is something that will impact on Social Security benefits.

Hon. Dr. J E Cortes: No, Mr Speaker, I did not mean to imply that at all. It is outside my area completely.

3185 I have answered the question. I have been asked, who do we pay this to? I have said who we pay it to. If there is a future policy change, then there might well be, and then we can obviously be taken to task for it, but at the moment, that is the answer that I have.

Chief Minister (Hon. F R Picardo): Mr Speaker, I might be able to assist the hon. Gentleman.

3190 If he looks at our manifesto, I think it is page 82, what we say about disability laws, that would have, potentially, the effect the hon. Gentleman is talking about. It is a different type of assessment of the definition of disability.

3195 **Hon. J J Netto:** I am grateful for that information, but just to try to develop it a little bit further, therefore, consistent with that manifesto commitment, is the Chief Minister then saying that there is a review taking place which may produce a broadening of the definition?

Hon. Chief Minister: This is it, Mr Speaker. There are different references to disability in our laws. The difference may be wider in some areas and narrower in others.

3200 The commitment here is to establish a different definition of disability for the purposes of a general definition, which may be applicable in some instances, and not in others, depending on which type of entitlement we are dealing with, which moves away from simply a disability an individual is born with. So people may find themselves eligible for disability benefit etc, where today they do not, because they are not born with a disability.

3205 The hon. Gentleman may know a number of cases where people have become disabled six months after being born, let alone 45 years after being born and in an industrial accident, but they are not recognised as 'disabled' under our laws. I think most administrations have tried to use such discretions as have been available to them, but nobody has actually faced up to the need to look at that core definition, and that is certainly something that we are looking at.

3210

**Colon Cancer Screening Programme
Details**

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Clerk: Question 757, the Hon. Mrs I M Ellul-Hammond.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health provide details, as announced during the Budget, for which £300,000 has been earmarked, of the Colon Cancer Screening Programme and how it will take effect?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

3225

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, the £300,000 provided as start-up capital for the service is as follows: Pathology for histology equipment, £35,000; IM&T scoping and specifications, £5,000; IM&T development and implementation, £25,000; Surgery, four flexible colonoscopes, £160,000; Surgery, disinfectors, £50,000; Surgery, drying and storage unit, £25,000; making a total of £300,000.

3230

At this point, arrangements are in the process of being made to procure all the necessary equipment prior to commencing with the programme. The details of implementation are currently being discussed by a multi-disciplinary team.

3235

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister give an indication of when the GHA would like to start the screening programme?

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Hon. Dr. J E Cortes: Clearly as soon as possible, Mr Speaker, but this is complex because it requires a lot of different disciplines. It involves also a system to advise potential members of the community for the screening, so it is something that is being developed at the moment, and I cannot give an implementation date at this point in time.

3245

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister say if the screening will be taking place within St Bernard's Hospital?

Hon. Dr. J E Cortes: It is likely, but I cannot confirm that, at this moment. That is the likely place that this would happen.

3250

Hon. Mrs I M Ellul-Hammond: And Mr Speaker, can the Minister advise which sector of the population will be targeted? Is it above a certain age or would be a certain type of person who will be invited for screening?

3255

Hon. Dr. J E Cortes: The specifications are being developed by the multi-disciplinary team. It is above a certain age. I am not sure whether it is 55. I am not absolutely sure, but I can provide that information separately.

But as I say, the details of implementation are not just who is going to do what and how people are going to be called, but also who are the people who are going to be targeted in this? So that is hopefully what this team will come up with very shortly.

3260

Hon. Mrs I M Ellul-Hammond: Mr Speaker, does the GHA have a gastroenterologist to form part of this screening programme and will the images be read here, or sent to the United Kingdom?

3265

Hon. Dr. J E Cortes: Mr Speaker, we have recently recruited a new surgeon who specialises in this type of intervention. Whether he will be the one carrying it out or not is something that is part of this discussion.

3270

As I say, details of implementation are currently being discussed by a multi-disciplinary team. I do not want to say anything here that the multi-disciplinary team may have discussed a week ago, and may not have got back to me on, and I am going to say something that the clinicians do not support, because it is absolutely essential that it is the clinicians who decide how this goes forward and not the politicians. Therefore, when I have the information from the multi-disciplinary team, I will clearly share it. In fact, our whole community will know because it is the community that hopefully will benefit – that *will* benefit.

3275

**Patients' appliances
Decrease in forecast funding**

3280 **Clerk:** Question 758, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain why there is a decrease of £30,000, from the forecast outturn of 2011-12 to the 2012-13 estimates, in funding for 'Patients' Appliances', found on page 170 of the Estimates Book?

3285 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, as we have seen before in this session, this is really a matter that should have been raised during the course of the Committee Stage of the debate on the Appropriation Bill.

3290 Nonetheless, I will explain that the final spend for 2011-12 on Patient Appliances was around £181,980 and not £230,000.

3295 The forecast outturn figure presented on page 170 of the Estimate Book 2012-13 was that provided halfway through the year and was calculated based on the spend at the time. The spend in the last six months of the year was not as high as expected. Therefore, the £200,000 provided is expected to be adequate.

**Dressings, medical gases and tests
Decrease in forecast funding**

3300 **Clerk:** Question 759, the Hon. Mrs I M Ellul-Hammond.

3305 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain why there is a decrease of £100,000, from the forecast outturn of 2011-12 to the 2012-13 estimates, in funding for 'Dressings, Medical Gases and Tests', on page 170 of the Estimates Book?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

3310 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, with the same preamble regarding the Committee Stage, I will explain, similarly, that the total final spend for last year was around £1,281,000 and not £1,300,000. The forecast outturn presented on page 170 was that provided again halfway through the year and calculated based on the spend at the time.

3315 The spend in the latter part of the year was lower than expected. The actual decrease is therefore about £80,000, not £100,000, which is not unreasonable, given the lower trend towards the end of the year. In any case, this does not mean that should there be a need to increase the spend, the necessary items will not be bought – because they will.

**Procurement of equipment and medicines
Ensuring value for money**

3320 **Clerk:** Question 760, the Hon. Mrs I M Ellul-Hammond.

3325 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, with regard to the subhead of 'Other Recurrent Expenditure, Equipment and Related Expenses' on page 170 of the Estimates Book, can the Minister for Health explain how will the GHA ensure value for money and waste elimination in the procurement of such equipment and medicines?

3330 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

3335 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, with a similar preamble about the Committee Stage, I will explain that, as in previous years, the GHA follows tender procedures as per Government procurement processes.

**Ambulance and public transfer vehicles
Fuel expenses**

3340 **Clerk:** Question 761, the Hon. Mrs I M Ellul-Hammond.

3345 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, if the fleet of ambulances and public transfer vehicles has increased, can the Minister for Health explain why the funding for 'Fuel Expenses', in the Estimates Book on page 170, has gone down by £20,000 on last year's forecast outturn?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

3350 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Yes, Mr Speaker, because the fuel expenses for the ambulance fleet is met from the recurrent ambulance budget and not from the motor vehicles and fuel expenses account.

EQUALITY AND SOCIAL SERVICES

3355

**Care Agency
Trainees**

3360 **Clerk:** Question 762, the Hon. J J Netto.

3365 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state how many trainees, if any, have been placed in the Care Agency by the Employment Services or through the Government company 'ETCL', and state the training being provided, the location within the Care Agency, how long the training will last, will such training deliver any recognisable qualification or qualifications, and if so, which ones?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

3370 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the Employment Service does not place anyone in employment. There are currently 35 ETCL trainees placed as care workers within different departments of the Care Agency. They are not always in the same department.

3375 The trainees who are taken on as care workers undertake the Care Agency's generic core training which is delivered by the Care Agency, following which they undertake training within the various departments of the Care Agency in which they are based. The modules in the generic core training have been modified so that they can serve as a precursor to a Diploma in Health and Social Care.

The training can last for a period of up to 11 months. There are four ETCL employees working in general administration as part of their acquisition of office skills, but they are not in the Care Agency permanently and are rotated. There is one labourer, and the same principle applies.

3380

**Care Agency
11-month contract holders**

3385 **Clerk:** Question 763, the Hon. J J Netto.

3390 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services provide the information on the following: (1) have any of the persons given an 11-month contract, as stated in Question 636, now ended such short-term contract, and if so, how many of them have been provided with an indefinite contract stating their grade and nationality; and (2) have any of the 11-month contracts been issued since this Question was last asked in Question 636 in the Care Agency, and of those: (a) what are their nationalities; (b) their grades; and (c) their location.

3395 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, none of the 11-month contracts referred to in Question 636 have yet ended. Seven new 11-month contracts have been

issued since this Question was last asked in Question 636. I am handing the hon. Member a table with the breakdown requested.

3400

ANSWER TO QUESTION 763 OF 2012

Number of new 11 Mths Contracts issued	Grades	Nationality	Location
7	5 Registered General Nurses	1 Brit/UK 1 Irish 3 Spanish	Elderly
	1 Social Worker	Brit/UK	Social Services
	1 Domestic	Brit/Gib	Elderly

**Mount Alvernia
Nursing Co-ordinator post**

Clerk: Question 764, the Hon. J J Netto.

3405

Hon. J J Netto: Mr Speaker, can the Minister for Social Services state if the vacant position of Nursing Co-ordinator at Mount Alvernia has now been filled, and, if not, by when does the Care Agency intend to fill such post?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

3410

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I can confirm that the vacant position of Nursing Co-ordinator at Mount Alvernia is currently being filled, albeit in an acting capacity.

3415

Hon. J J Netto: Is the person acting in this particular post an employee of the Care Agency, or an employee of the GHA or perhaps outside the GHA?

Hon. Miss S J Sacramento: It is an employee of the Care Agency, Mr Speaker.

3420

Hon. J J Netto: And when does the hon. Lady think that such a position will become regularised, in the form of advertising internally within the Care Agency the vacancy?

Hon. Miss S J Sacramento: Mr Speaker, there is currently a review of the structure of the Care Agency, so once the review is undertaken and finalised, then we will be able to take a position on vacant posts.

3425

Hon. J J Netto: Is the hon. Lady perhaps saying that the review...? I am not anticipating what the conclusion of a review can be, but at least to the extent that the review might say that they will do away with the position of Nursing Co-ordinator.

3430

Hon. Miss S J Sacramento: Quite possibly.

**Care Agency
Chief Executive post**

3435

Clerk: Question 765, the Hon. J J Netto.

3440

Hon. J J Netto: Can the Minister for Social Services state if the position of Chief Executive of the Care Agency has now been appointed on a permanent basis, and if so, when did this happen, or is the current incumbent still carrying out these functions on an acting basis?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

3445 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the Chief Executive for the Care Agency has not been appointed on a permanent basis. It continues to be covered on an 'acting' capacity by the same person appointed by the hon. Member on 29th November 2011.

3450 **Hon. J J Netto:** Is there any particular reason why, given that the Members opposite have now been in Government for something like nine months, such a crucial and important post as the Chief Executive of such a big organisation... Can the hon. Lady sit down and let me be allowed to finish? Thank you

Hon. Miss S J Sacramento: Finish the question.

3455 **Hon. J J Netto:** Well, I am, if you calm yourself down.
Given that this is quite a large organisation, employing a substantial amount of people there... that perhaps it has taken such a long time. Is this perhaps part of the review she was referring to before?

3460 **Hon. Miss S J Sacramento:** No, Mr Speaker, it is precisely because it is such a crucial role and because we are a new Government and because the Care Agency has the enormous problems that it has, that the Chief Executive continues to be the same person, because at least there will be a period of continuity by someone who was there before this Government came in, Mr Speaker.

3465 **Hon. J J Netto:** Mr Speaker, does the hon. Lady have any indication as to by when she thinks that she will be in a position to place this vacancy out so that people in the Care Agency can apply on a permanent basis?

3470 **Hon. Miss S J Sacramento:** Mr Speaker, by way of example, the post of General Manager for GBC was vacant for four years, the post of Chief Secretary, which is an even greater role than that of Chief Executive of the Care Agency, was vacant for 18 months. This is a post on which the person who is currently acting has been acting for a little over 10 months, Mr Speaker.

It is likely that there may be a change soon. In fact, this is also a post that will be considered in the review, but for the time being, Mr Speaker, it is not unusual or extraordinary that the person that the hon. Gentleman placed in an acting position a few months ago continues to be acting now.

3475

**Care Agency
Disabilities Team Leader post**

3480 **Clerk:** Question 766, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services state how long the vacancy of team leader has been vacant for and if it is the intention of the Care Agency to fill such vacancy?

3485 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

3490 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, if the hon. Member is referring to the Disabilities Team Leader post, I can confirm that it is currently being filled in an acting capacity. This post has been vacant since 19th July 2011, when the previous incumbent retired. The vacancy was never advertised at the time. This post is currently under review.

3495 **Hon. J J Netto:** Will the review take into consideration whether the team leader's post will be someone – although at that particular grade – perhaps who specialises in disability? Is that part of the review or part of the issues that will be taken into account?

Hon. Miss S J Sacramento: Mr Speaker, one would naturally expect that the position filled by the Disabilities Team Leader would be someone with experience in the field of disabilities, yes. I do not think we need a review for that, Mr Speaker.

3500 **Hon. J J Netto:** Mr Speaker, if she does not need a review for that, can she then tell me when is the vacancy going to be advertised?

3505 **Hon. Miss S J Sacramento:** Mr Speaker, it is not the qualification of the person; it is the nature of the role. That is what is being reviewed at the moment.

Hon. J J Netto: Mr Speaker, the hon. Lady has had nine months to review the role? Is she saying that she is going to take three-and-a-half years to look at the role, given that she knows already that the person has to be a specialist person in disability? The role is not something that requires... We are not talking about rocket science; we are talking about a role within the management of disability issues. How long is it going to take: another nine months, another two years, three-and-a-half years? I do not know.

Hon. Miss S J Sacramento: Mr Speaker, first of all, let me repeat what I said earlier: that the post is currently being filled by someone in an acting capacity, so it is not as if the role is vacant. Second, Mr Speaker, the person who left the role left on 19th July 2011, so the hon. Member had the months of July, August, September, October, November and December to advertise that role, (**A Member:** Five months.) and that is a role that they created, so clearly they were satisfied with that role, so they had no excuse not to advertise the role, Mr Speaker.

We are reviewing the role, the structure and the function of the Disability Service, Mr Speaker, but in the meantime the role is covered, so I can assure the hon. Member that it is covered and that the Disability Service is covered.

Unfortunately, Mr Speaker, the hon. Member has left me with such a mess that I have had to deal with all sorts of problems.

A Member: Hear, hear. (*Banging on desks*)

Hon. J J Netto: Mr Speaker, let me tell her why the delay of five months on my part. The delay was simply because –

Hon. Miss S J Sacramento: Where is the question, Mr Speaker?

Hon. J J Netto: Mr Speaker, I am having a preamble to then ask a question.

Mr Speaker: Not a very long one – a preamble, yes, but not a very long one. Go ahead with the preamble and then the question.

Hon. J J Netto: The only reason why there was a delay of five months is because there was an agreement between the union, the GGCA and the Government in which that particular post had to be a social worker, not necessarily a person who had to be specialised in disability, and those were issues that had to be negotiated with the union. That was part of the delay. Having said that, I am not aware whether once they got into Government they have continued with the union to pursue whether the agreement can verify in any way where, not necessarily a senior social worker, a team leader in this particular case, would fit into that particular post, because my view at the time was that it would be much better to have a person specialised in disability for that.

But having said that, Mr Speaker, given that she has now said that there is a person acting while the consideration is taking place, is the person acting someone who is either a social worker or a senior social worker, or whether it is someone who has a speciality in disability?

Hon. Miss S J Sacramento: Mr Speaker, the person who is acting in the role is the same person who was acting in the role when the previous incumbent retired.

Hon. D A Feetham: Sorry, what do you mean by the phrase ‘the previous incumbent’? Do you mean my hon. Friend Mr Netto?

Hon. Miss S J Sacramento: No, the previous incumbent of the role – the person who was the Disabilities Team Leader. That person retired in July last year and someone was acting in that position. The person who is acting now is the same person.

Hon. D A Feetham: Sorry. It is just that I had thought that what you were saying was the position had remained vacant from July until December and that you had put somebody in, in an acting capacity, and at the very least you had done that. So the position then is that there has been acting, since July of last year and that person continues to act as from July of last year – the five months that he was responsible and the nine that you were responsible.

Hon. Miss S J Sacramento: Actually, Mr Speaker, I understand that someone was not acting continuously between July and December, but that from time to time somebody acted during that period. The person who is acting now is the person who intermittently acted during that period. I hope that is clear.

Hon. J J Netto: Mr Speaker, the actual person that the hon. Lady is mentioning is a person who is not a social worker or a senior social worker, but a person who was the assistant nursing co-ordinator in Mount Alvernia. The only reason why he actually went to act at the time, when the previous person retired, was because it was more or less at the same time where we had employed new nurses to provide nursing duties in Dr Giraldi Home and it was important to ensure that we marry all different types of facilities, and this particular person had a specific timing or acting there to ensure that the smooth reforms were taking place.

So have the duties that were assigned at the time, for a specific period of time – certainly much shorter than five months, because it should not have been more than perhaps two or three months – now been extended, or whether that particular person has been made... I would not say ‘permanent’, because you told me it is on an acting basis?

So the person has been extended well beyond the brief that was done by the Care Agency at the time and obviously this has given a situation where you continue to act for this person, but the review is taking place. Eventually that particular person, if the review says, is not going to be a senior nursing grade, he is going to be someone specialised in disability and would have to return back to Mount Alvernia. Is that the case?

Hon. Miss S J Sacramento: Regardless of what the recommendation is, it will be a review of the structure and not the person. That person is acting and that person will return to that person's post in Mount Alvernia when the acting period finishes.

If the vacancy then arises and that person wishes to apply for it, then so be it; but there is no question of that person then being made permanent there because that person is acting.

Hon. J J Netto: Mr Speaker, what I am saying... perhaps I have not made myself sufficiently clear.

The substantive position of that particular person is not to be team leader of the Care Agency in terms of disability. The substantive position of that person is to be the assistant nursing co-ordinator up in Mount Alvernia. Therefore, there has to be a definite time when he has to finish the acting, to be able to go back. Or is it that he has no place there whilst somebody is acting in his post at Mount Alvernia?

Hon. Miss S J Sacramento: Mr Speaker, he is placed there temporarily while he is acting and someone is acting in his place in Mount Alvernia.

First of all, I think it is important to remind the hon. Member that the Dr Giraldi Home has a manager in any event, and we are talking about the post of the team leader, which is a management post, and then co-ordinates both the manager at Dr Giraldi Home and the manager at St Bernadette's.

The hon. Member will be happy to know that we have spent a considerable time reviewing this post, reviewing the structure, and in fact this is one of the posts that will be advertised very, very shortly. As he alluded to earlier, this also involved negotiations with the unions. So I hope that the answers are now clear.

Hon. J J Netto: Mr Speaker, I am somewhat confused because I seemed to have picked up that she is now saying that the advert is going to be shortly advertised, when before she was telling me it was part of a much bigger review. The review has now concluded, obviously, and this is why you are in a position to... or the Care Agency are in a position to actually get out the vacancy to be published. So it seems like your previous intervention is contradicted by your latter one.

Hon. Miss S J Sacramento: No, Mr Speaker, because I said that the review was the reason as to why the post had taken nine months to be advertised. The review has been undertaken by many professionals, in consultation with the union, and the review is almost complete and we are in a position where we are now able to take a decision.

Hon. D A Feetham: Can I just ask, have you taken a decision or is it that you are in the process of taking the decision? Has the review completed or are you in the process of completing the review?

Hon. Miss S J Sacramento: In relation to this post a review has been undertaken. It is almost finalised and we expect to be in a position to be able to take a final decision very shortly – hopefully next week, if not the week after. (*Interjections*)

Hon. J J Netto: I am accepting that now, but she also mentioned that there have been discussions, perhaps negotiations with the union. Can I ask her then whether the union – the GGCA in this particular case – is satisfied and happy to change the original role of the team leader, which used to be a social worker, to perhaps being someone who is not necessarily a social worker but perhaps someone of another profession, but certainly someone who is specialised in this disability?

3630 **Hon. Miss S J Sacramento:** Mr Speaker, the hon. Member is assuming that the professionals involved in the review think that the post should not be undertaken by a social worker.

3635 **Hon. J J Netto:** No, no, it is not me who is saying that. This is the position of the GGCA. What I am trying to ascertain is whether the union, in part of this negotiations that you are now alluding to, has consented that the change can take place. It is not my view; it is the view of the union.

Hon. Miss S J Sacramento: Mr Speaker, the union would only have to consent in the event that there was a change. I am not saying that there has been a change, Mr Speaker.

3640 **Hon. J J Netto:** Therefore, if there is not going to be a change, it means that it is not going to be someone of a profession who specialises in disabilities; it is going to be someone who comes from a social worker's background.

3645 **Hon. Miss S J Sacramento:** Mr Speaker, perhaps it may be news to the hon. Gentleman, but most people who specialise in disabilities have a social worker background.

3650 **Care Agency
Residential Home Manager post**

Clerk: Question 767, the Hon. J J Netto.

3655 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services say how long the position of Residential Home Manager has been vacant for and if it is the intention of the Care Agency to fill such a post in Tangier Views?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

3660 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the position of the Residential Home Manager has been vacant since 5th September 2011. It is being covered in the same way that it was under the previous administration. The structure of residential care is under review.

3665 **Care Agency
Assistance for former Looked After Child**

3670 **Clerk:** Question 768, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services say what assistance, if any, is the Care Agency providing to the former Looked After Child, now back with the family, as stated in answer to Question No. 632 of 2012?

3675 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

3680 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the Looked After Child was formally discharged from care on 9th July 2012 following a formal LAC review which identified the support that was required, and a support package was provided.
Further details will be provided to the Opposition on a confidential basis.

3685 **Care Agency
Training for Looked After Children**

Clerk: Question 769, the Hon. J J Netto.

3690 **Hon. J J Netto:** Can the Minister for Social Services state if further progress has been made in finding suitable training programmes for the remaining Looked After Children referred to in Question 632/2012; and, if so what the training will consist of, when the training will start, who will provide such

training, and in the absence of a training programme placement, what measures is the Care Agency taking to ensure the Agency fulfils its parental responsibilities towards these children?

3695 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

3700 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, this question now applies to two Looked After Children because one of those referred to in Question 632/2012 is no longer in care. One has been in employment through ETCL since 30th July 2012 and the other is registered with ETCL.

Given that this answer only applies to two children, further details will be provided to the Opposition on a confidential basis to avoid the risk of them being identified.

3705 **Clerk:** Question 770.

Chief Minister (Hon. F R Picardo): Mr Speaker, if that is a convenient moment, I propose to move the adjournment now to 2.30 p.m. tomorrow.

3710 **Mr Speaker:** I now propose the question which is that this House do now adjourn to Friday, 21st September 2012 at 2.30 p.m.

I now put the question, which is that this House do now adjourn to Friday, 21st September 2012 at 2.30 p.m. Those in favour. (**Members:** Aye.) Those against. Passed.

3715 **Mr Speaker:** Carried. This House will adjourn until Friday, 21st September 2012 at 2.30 p.m.

The House adjourned at 7.48 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 2.30 p.m. – 6.00 p.m.

Gibraltar, Friday, 21st September 2012

The Gibraltar Parliament

The Parliament met at 2.30 p.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Order of the Day

SUSPENSION OF STANDING ORDERS

**Standing Order 7(1) suspended
to proceed with Government Bills**

Clerk: The sitting of Parliament, Friday, 21st September.
Suspension of Standing Orders. The Hon. the Chief Minister.

5

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with Government Bills.

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Mr Speaker: Those in favour. (**Members:** Aye.) Those against. Carried.

BILLS
FIRST AND SECOND READINGS

A Bill for an Act to amend the Public Health Act
First Reading approved

Clerk: Bills – First and Second Readings.

A Bill for an Act to amend the Public Health Act. The Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Public Health Act be read a first time.

Mr Speaker: I now put the question which is that a Bill for an Act to amend the Public Health Act be read a first time. Those in favour. (**Members:** Aye.) Those against. Carried.

Public Health (Amendment) Act 2012
Second Reading approved

Clerk: The Public Health (Amendment) Act 2012.

Minister for Health and the Environment (Hon. Dr. J E Cortes): I have the honour to move that the Bill be now read a second time.

Mr Speaker, this Bill to amend the Public Health Act goes in tandem with a Bill that we will be presenting shortly in the line of business today, which is related to the smoke-free environment. It was a commitment to offer certain facilities to establishments to help them, if help were needed, to adjust to the fact that they will now have to be smoke free. Therefore, we are introducing a system of reduction of rates, on a sliding scale, which will initially involve an additional 20% of discount for one year to 30th September 2013 and that will reduce to an additional 10% leading up to 30th September 2014.

I say ‘additional’, Mr Speaker, because there is already a 20% reduction on rates for prompt payment. However, we have had to include an additional amendment in this Act, because the 20% which is currently given, which is more than the 10% legislated, was an arrangement arrived by the previous Administration by an exchange of letters and was never incorporated in the law. Therefore, we have taken this opportunity because we believe it is our duty to do so, to incorporate this discount in the law by the amendment in clause 2(1), making it 20% as opposed to 10%, and then the additional 20% and then 10% on the sliding scale.

Therefore, I now commend the Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

The Hon. Daniel Feetham.

Hon. D A Feetham: Mr Speaker, the Opposition will be supporting this Bill, as indeed it will be supporting the Bill that I think the hon. Gentleman will be putting before the House in a few moments.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Public Health Act be read a second time. Those in favour. (**Members:** Aye.) Those against. Carried.

Public Health (Amendment) Act 2012
Committee Stage and Third Reading to be taken at this sitting

Clerk: The Public Health (Amendment) Act 2012.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

Members voted Aye.

Mr Speaker: The Committee Stage and Third Reading will be taken today.

A Bill for an Act to prohibit smoking in certain places, premises and vehicles
First Reading approved

Clerk: A Bill for an Act to prohibit smoking in certain places, premises and vehicles. The Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, I have the honour to move that a Bill for an Act to prohibit smoking in certain places, premises and vehicles be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to prohibit smoking in certain places, premises and vehicles be read a first time. Those in favour. (**Members:** Aye.) Those against. Carried.

Smoke-Free Environment Act 2012
Second Reading approved

Clerk: The Smoke-Free Environment Act 2012.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, I have the honour to move that the Bill be now read a second time.

Mr Speaker, following the trend in many other countries and, indeed, a campaign led for several years in Gibraltar by several people, notably Mr Bryan Zammit, there was a general feeling in the community that we should catch up with the rest of the world and introduce legislation that would make the environment within premises and public service vehicles free from smoke.

It is one subject that was not contentious during the election campaign, but it was certainly this party's intention to introduce this Bill in the shortest time possible. I am therefore very pleased, as Minister both for Health and for the Environment, to bring this Bill before the House.

It is a Bill which brings us up to date with legislation in the UK and other European countries. It will prohibit smoking in enclosed public spaces. It will prohibit smoking in public service vehicles, with exemptions only in private residences, except when they are used as a place of work, and in certain specified rooms in hotels and, indeed, in other residences, such as care homes, hospices, prison and so on, where special provision can be made for long-term residents who smoke, to be able to continue to do so.

There are other interesting exemptions – although very few exemptions – and one is for performers in a play where the artistic integrity of the performance makes it appropriate for the person to smoke. I think that is a curious one to point out.

There is provision for exemptions to be made, although none are being made. The other provision is that 'no smoking' signs have to be placed in both premises and vehicles and there are penalties both for smoking where one should not and for not preventing smoking where it is prohibited.

I think that summarises the intention of the Bill. It is well known, it has been well covered in the community as a whole for quite some time, and I therefore commend the Bill to the House.

130 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

The Hon. Selwyn Figueras.

135 **Hon. S M Figueras:** Mr Speaker, yes, I commend the Government for bringing the Bill to the House. It is an initiative that, as he himself has pointed out, had the support of all political parties at the last election. It is in the furtherance of a trend identified by the Minister, which is a very positive one and this is a very good step for our community. As an ex-smoker myself, it is a measure that I felt was long overdue and which I am happy to support, as are the rest of the Members sat on this side of the House.

140 **Mr Speaker:** I now put the question, which is that a Bill for an Act to prohibit smoking in certain places, premises and vehicles be read a second time. Those in favour. (**Members:** Aye.) Those against. Carried.

145 **Smoke-Free Environment Act 2012**

Committee Stage and Third Reading to be taken at this sitting

Clerk: The Smoke-Free Environment Act 2012.

150 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

155 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and the Third Reading of the Bill be taken today?

Members voted Aye.

Mr Speaker: The Committee Stage and the Third Reading of the Bill will be taken today.

160 **A Bill for an Act to amend the Supreme Court Act**
First Reading approved

165 **Clerk:** A Bill for an Act to amend the Supreme Court Act. The Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

170 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Supreme Court Act be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Supreme Court Act be read for a first time. Those in favour. (**Members:** Aye.) Those against. Carried.

175 **Supreme Court (Amendment) Act 2012**
Second Reading approved

180 **Clerk:** The Supreme Court (Amendment) Act 2012.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I have the honour to move that the Bill be now read a second time.

185 Mr Speaker, in July of this year, Parliament passed an amendment to the Magistrates' Court Act, which had the effect of increasing the age for magistrates and justices of the peace from 70 to 72. This Bill does the same, in terms of increasing the age, but for lay assessors under the Supreme Court Act.

190 In order for a lay assessor to be appointed, that person needs to be qualified to be on the Jurors' List and be no more than 70 years old. The Government received representations, in particular from the Judicial Services Commission, about the desirability of increasing the age to 72 and the Government has accepted that recommendation and has put forward this Bill for that purpose.

I have, Mr Speaker, given notice that I will be moving at Committee Stage an amendment to the Bill. What the amendment does is allow justices of the peace to sit also as lay assessors. This again follows representations made to the Government by the Magistrates' Association, on the basis that their experience and expertise could be well utilised, if they were to be called upon to be lay assessors.

As the Act currently stands, they would not be able to do so, because of the requirement to be on the Jurors' List. Justices of the peace are not entitled to go on the Jurors' List, so therefore they were exempt from the possibility of applying for lay assessors or being appointed as lay assessors. What the amendment does is allow simply the appointment of justices of the peace as lay assessors.

Mr Speaker, I commend the Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

The Hon. Daniel Feetham.

Hon. D A Feetham: Yes, Mr Speaker, I think that we have had exchanges in relation to this in the past. I think that it is a sensible proposal by the Government and therefore it will enjoy the support of the Opposition benches.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Supreme Court Act be read a second time. Those in favour. (**Members:** Aye.) Those against. Carried.

Supreme Court (Amendment) Act 2012
Committee Stage and Third Reading to be taken at this sitting

Clerk: The Supreme Court (Amendment) Act 2012.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

Members voted Aye.

Mr Speaker: The Committee Stage and Third Reading will be taken today.

**A Bill for an Act to provide protection for employees and
other workers who disclose information in the public interest**
First Reading approved

Clerk: A Bill for an Act to provide protection for employees and other workers who disclose information in the public interest. The Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, I have the honour to move that a Bill for an Act to provide protection for employees and other workers who disclose information in the public interest be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to provide protection for employees and other workers who disclose information in the public interest be read a first time. Those in favour. (**Members:** Aye.) Those against. Carried.

Employment (Public Interest Information) Act 2012
Second Reading approved

Clerk: The Employment (Public Interest Information) Act 2012.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, I beg to move that the Bill for the Employment (Public Interest Information) Act 2012 be read for a second time.

This Bill implements one of our manifesto commitments which we have referred to in the past as whistleblower protection, as is the case in the UK – the same terminology is used. The purpose of the Bill is to provide protection for people who come forward to provide information about abuse or other wrong doing and the way that we are proposing to do this is to amend the Employment Act in a similar way to such protection which exists elsewhere such as in the UK.

Members of this House will be aware that a Command Paper was presented and published in June 2012 on this matter and the Command Paper contained the draft version of the Bill. The Government received one single response, which was taken into account before publishing this Bill. The response did not necessitate any changes to the substance of the Bill, so the Bill before this House is as it appeared in the Command Paper.

On the Bill itself, the protection it provides extends virtually to all employees in the public, private and voluntary sectors and the reference to ‘workers’ is a wider definition than that of ‘employee’ in the rest of the Employment Act. Therefore it includes members of the Royal Gibraltar Police under section 45L.

It protects them, if they make a qualifying disclosure in accordance with the provisions of the Bill. A qualifying disclosure is a disclosure of information which the worker reasonably believes tends to show one or more of the following that it is either happening now, took place in the past, or is likely to happen in the future: a criminal offence; a breach of legal obligation; a miscarriage of justice; a danger to health or safety of an individual; damage to the environment; or deliberate concealment of information tending to show any of the above five matters.

In making the disclosure, the worker must have a reasonable belief that the information he or she is disclosing shows one or more of the matters listed above, which is referred to in the Bill as a ‘relevant failure’. For a belief to be reasonable in such cases, the worker must show that he or she actually held that belief and that it was reasonable to do so in the circumstances at the time of the disclosure, even though it may be that the belief was unfounded and it might subsequently be discovered that the worker was wrong.

When the worker makes a qualifying disclosure, he or she will be protected by the provisions of the Bill, if the disclosure is made under the right circumstances, including that it should be made in good faith. There are, however, some occasions when a worker would not be protected: for example, in making the disclosure, the worker commits a criminal offence by doing so, or if the disclosure is made by the legal adviser, when information is subject to legal professional privilege.

Under the Bill, protection can be sought, even if the relevant failure took place overseas, or where the law applying to a relevant failure was not that of Gibraltar. There are a number of persons to whom disclosures may be made, ranging from the employer, the legal adviser, Ministers, and prescribed persons by order of the Minister. Disclosure to any of these persons are subject to different requirements, which are set out in the proposed sections: 45C, 45D, 45E and 45F.

A qualifying disclosure will be a protected disclosure, even if it is not made by any of the people listed above if the following conditions are met, which are set out in 45G. The worker must be making the disclosure in good faith, must reasonably believe that the information and the allegations are substantially true and must not be acting for personal gain.

Additionally, one or more of the following conditions has to be made: the worker reasonably believed that he or she would be subjected to a detriment by his or her employer, if the disclosure was made to the employer or to a prescribed person; in the absence of an appropriately prescribed person, the worker reasonably believed that the disclosure to the employer would result in the destruction or concealment of evidence relating to the failure; and the worker had previously disclosed substantially the same information to his employer, or to a prescribed person.

Finally, it must be reasonable for the worker to make the disclosure. Guidance as to what is reasonable is also included in the section which sets out what the Industrial Tribunal would have to take into account if it was required to decide whether the worker acted reasonably in all the circumstances. This includes: the identity of the person to whom the disclosure was made; the seriousness of the failure; and whether the relevant failure is continuing or likely to continue in the failure; whether the disclosure is made in breach of the duty of confidentiality, or by an employer to any other person; whether the disclosure was previously made to the employer or a prescribed person; and whether the disclosure was previously made to an employer and the worker complied with internal procedures.

The proposed section 45H makes provision for disclosure of information relating to exceptionally serious failures. In such cases there are different requirements relating to such a disclosure.

The proposed sections further make provision for the voiding of contractual duties of confidentiality which might preclude workers from making such a disclosure. The Bill will protect workers from action taken, or which may be taken by their employer. For example, if an employee is dismissed because he or she made the disclosure, this will be treated as an unfair dismissal, which may be actioned as such.

Workers are given a new right not to be subjected to a detriment by their employers on the grounds that they have made a protected disclosure and workers may present a complaint to a tribunal, if they suffer detriment as a result. Such complaints must be made within three months or such other time as the tribunal considers reasonable. If the tribunal finds a complaint well founded, it shall make a declaration and may make an award of compensation to be paid by the employer and the amount shall be such as the tribunal considers just and equitable in the circumstances.

The Bill in fact follows closely the provisions of the Public Interest Disclosure Act 1998, which amended the Employment Act 1996.

I commend the Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. Daniel Feetham.

Hon. D A Feetham: Mr Speaker, yes.

Mr Speaker, unfortunately, in its current form, the Opposition is not able to support this Bill. I will express my concerns in relation to it and it may well be that a formula can be worked out, perhaps at Committee Stage. But of course, I will listen to what Minister Bossano has to say in response that may deal with our concerns, allowing the Opposition to support it.

Our concerns are that, although this is a Bill that has to be seen in the context that it is going to amend the Employment Act and it relates to workers, none of the disclosures or the so-called disclosures qualifying for protection are actually circumscribed by the worker's employment or the environment in which he works.

In other words, if one looks at, for example, proposed clause 45B(1), it says this:

'In this Part a "qualifying disclosure" means any disclosure of information, in other words, any disclosure of information which, in the reasonable belief of the worker making the disclosure, tends to show one or more of the following—

- (a) that a criminal offence has been committed, is being committed or is likely to be committed;
- (b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject;
- (c) that a miscarriage of justice has occurred, is occurring, or is likely to occur...

In its current form, it is our view that, though it may be *intended* by the Government that it ought to be read as circumstances relating to that person's employment, that is not the way that it reads and potentially, if this is allowed to go through, then the qualifying disclosures can be much wider. Yesterday, we were talking, jesting about the fact that when I drive home, I see people feeding the apes. That potentially may fall under something like this, because a criminal offence may be committed. I am a worker and I may then say, 'Well, I am a worker and I am entitled to whistleblow in that particular situation, without taking advantage of anonymity.' That is not the intention of this. I believe it is the effect of it and of course, if the Government were to turn round and say, 'Alright, it is a valid point, we will agree to an amendment'... and the amendment that I had in mind, for example, is in 45B(1), after the words 'means any disclosure of information', add the words 'relating to his employment or the environment in which he works', and then when one turns to clause 45C(b), where it says:

- 'where the worker reasonably believes that the relevant failure relates solely or mainly to—
- (i) the conduct of a person other than his employer, or
- (ii) any other matter for which a person other than his employer has legal responsibility,'

— again, wider, potentially, than circumstances relating to his employment —

'to that other person'

and I would add there: 'provided that the relevant failure or other matter relates to circumstances relating to the worker's employment.' If that formula of words, or something similar, can be worked out and either agreed or something similar can be suggested from the Government benches to make it absolutely clear that this relates to the working environment — the worker and the working environment and no wider than that — then it *would* have the support of the Opposition benches.

Otherwise, I am afraid that this goes too far and we are not inclined... we will not support it, because potentially it allows workers, with the benefit of all the protection in this Bill, to just simply whistleblow in circumstances where I do not think, and we do not think, that the Bill is intended to cover.

Mr Speaker: Does any other hon. Member wish to speak on the general principles and merits of the Bill?

The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, we do not think that that is a possibility, because the structure of this Bill, inserting into the employment provisions of our law, is clearly relating to workers, dealing with aspects relating to their employment or in the carve-out which is provided for in the section that the hon. Gentleman has just taken us to.

Therefore, the hon. Gentleman is raising a point which we think is a non-point. He is identifying that he agrees with us in respect of what it is that we all wish to provide coverage for. We are not advised that this is an issue. In the hon. Gentleman's interpretation, this Bill covers anyone in Gibraltar who is in employment who witnesses any offence being committed and who then, instead of having such obligations or rights as he may have to report that matter, actually uses this particular amendment of the legislation as a cloak to ask for anonymity in that reporting. Mr Speaker, we do not think that is, in any way, a point of substance that causes us concern.

If an individual went to the police station and said, 'Look, I have seen an offence being committed and I am very worried about reporting it, because of the repercussions that could happen to me,' well, the Police have certain powers to assist that individual to deal with what he is telling them as intelligence, for example, rather than as evidence and in that way have some protection, if there is a good reason for the individual to seek protection in certain circumstances and within the discretion of the officers who may be dealing with the matter or of the Attorney, when it came to bringing a prosecution in respect of that information.

This Bill is being dealt with in this way, in particular, in order to ensure that it is clear – and we think it is abundantly clear – that what you are dealing with here are matters relating to employment and workers in the context of the legislation, clearly relating therefore to employment circumstances. So, Mr Speaker, although the hon. Gentleman has raised the issue, I do not think that this has merit requiring us to agree to an amendment.

But I will say this to him: although we do not agree that it is a relevant point, now that he has raised it and we are saying that the Bill is not intended to cover any of those circumstances and it is employment legislation for that purpose, I think he should rest assured that if anybody needs to look at any aspect of this piece of legislation, once it is an Act, if there should be *any doubt*, under the principles in *Pepper v. Hart*, then they will be able to see in *Hansard* that that is not the intention of the legislature at all.

Not that we believe for one moment that it is possible to read the Bill in that way, other than mischievously. I am not suggesting that the hon. Gentleman is reading it mischievously, but a lawyer might read it mischievously for the purposes of interpretation, in a case in a court or in a tribunal in this jurisdiction. They will now have that door closed to them, by the hon. Gentleman having raised the point – I do not think mischievously; I think genuinely – and the Government having dealt with it.

Mr Speaker: Does any other hon. Member wish to – ? I am not sure you are allowed to... but I am not saying no, but the rules of debate are that everybody gets only one say in the matter. The usual process is to allow a Member to give way, but because of the nature of debate, I will allow...

Ah, the Hon. Gilbert Licudi. There is a way there! No doubt you will allow him to [*inaudible*]!

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): I was going to say that, if the hon. Member wants to say anything and he asks me to give way –

Mr Speaker: I was not going to rule him out altogether, but I am glad the Hon. Minister – I appreciate that –

Hon. G H Licudi: It is a Rule, that a Member speaks only once and then the speaker... the mover of the Bill –

Mr Speaker: No, but everyone gets only one say, anyway.

Hon. G H Licudi: Yes, that is absolutely right, sir. If the hon. Member, before I sit down, wants me to give way – does he want to – ?

Hon. D A Feetham: I am very grateful.

Hon. G H Licudi: Do you want to speak now, or after you hear what I have to say?

Hon. D A Feetham: Well, perhaps you might have your say and then I will –

Mr Speaker: You may not get a third bite of the cherry!

Hon. D A Feetham: Mr Speaker, I am perfectly aware of the Rules. We have been tolerant and lenient in the past in relation to this –

Mr Speaker: No, no exactly. I was not going to rule it out altogether, but I just thought I would point it out.

The Hon. the Minister for Justice.

Hon. G H Licudi: Mr Speaker, the point has been emphasised by the Chief Minister as to the context of this Bill and what it is intended to do. The very fact that it is brought to this House, not as a self-standing Bill for an Act, but as an amendment to the Employment Act precisely shows the context that this is the employment scenario.

But the Bill actually goes further than that. What we have to analyse in this context is what it is that this Bill does. This Bill is not about people going out and making disclosures. Anybody can go out and make a disclosure today about a criminal offence and all the other matters which are set out in the Bill. The purpose of the Bill is to provide *protection* in respect of that disclosure and what the hon. Members need to look at is what is the nature of that protection. The nature of that protection is the specific right, a statutory right that is included in this Bill, specifically for the purposes of that protection. ‘Rights under this part’ are set out in what is now clause 45M, which says specifically:

‘A worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his employer done on the ground that the worker has made a protected disclosure.’

Then 45N deals with complaints to the Industrial Tribunal, a complaint against the employer in respect of any detriment caused to the employment situation as a result of the disclosure.

So that is what this Bill is intended to do, to protect a worker in respect of detriment by the employer, arising from any disclosure which is listed.

It is important to remark and to reassert that anybody has the absolute right to make any disclosure of the type which is listed under ‘qualifying disclosure’ – *anybody* can do that – but what this does is go further than that and say *if* you do that *and* you are subjected to a detriment, that is a breach of a specific right which you have under the Bill and you can present a complaint to the Industrial Tribunal. Therefore, it is clear that it is in that context and that right exists in the employment scenario.

But I am happy to give way, if the hon. Member wants me to.

Mr Speaker: The Hon. Daniel Feetham.

Hon. D A Feetham: I am very grateful to him for his contribution, which is always constructive. (*Interjection*) Look, there is a distinction here – (*Interjection*) There is a distinction between context and whether a particular disclosure is actually circumscribed by the principal Act. I accept that the context is the Employment Act, the context is a worker making the disclosure. I accept all that; but what I do not actually see in this Bill – and that is why we are concerned about it... Let me say that our concerns are not concerns that I have just simply thought about last night, looking at this Bill. I actually sat down with the Leader of the Opposition and looked at this and we were very concerned about the width of the disclosures, and also in particular clause 45C(b).

There is nothing in this Bill that actually circumscribes the nature of the disclosure and 45C(b) actually goes further. It is not even disclosure to the employer; it is disclosure to another person. All I am saying here, in relation to this, is if you want the support of the Opposition, let us make it absolutely clear that that is the context. I have suggested some language that you may wish to consider. There may be other language that the Government may want to propose.

I do not want to drag the point, but those are the concerns. I think that they are valid concerns and, at the present moment, taking into account this Bill, it does allow for disclosures that are wider and potentially, I think, there is a potential of misuse of the Bill.

The Chief Minister has said the courts can take into account debates in Parliament; but we all know that there are specific principles involved in relation to whether courts can take into account, in statutory interpretation, debates in *Hansard*. With respect, it is not as simple as what the Chief Minister has outlined to this House.

I think it is a simple point. Let’s just make the Bill clear, that it relates to these kind of circumstances and then it will enjoy the support of the Opposition – otherwise I am afraid that it will not.

Hon. G H Licudi: Mr Speaker, the hon. Member talks about context. It is not just the context; it is the specifics. It is the substantive issues that arise and what the hon. Member says – and he should reflect on what he is saying – his specific words are ‘this does allow for disclosures that are wider than necessary in the employment situation and permits abuse’.

This is not a Bill which is intended to proscribe – in other words, to limit – any behaviour that any of us are perfectly entitled to do today. So what disclosure is wider under this Bill than what I can do today by going to the Police and reporting a criminal offence or by making any other disclosure in respect of the six or the five items that are listed under ‘qualifying disclosure’? There is no limit. There is no proscription in any law, except possibly a confidentiality clause, rules of defamation, but other than those limits which are set out by law, other than those issues which are part of the general framework of our legislation and our common law system, *anybody*, whether a worker or not a worker, can make any disclosure of the kind described in this Bill.

So that is not what this Bill is about. This Bill is not about describing the types of disclosure that you can make; it is simply about giving a right to a worker of protection from detriment by your employer, *if you make* a disclosure that you can make in any event, regardless of this Bill. So you can go out, a worker or non-worker, in the street today and make this disclosure – nothing happens. But if you are subjected as a worker to a detriment by your employer, this Bill provides protection. It gives you an absolute right not to be subjected to detriment and a right to make a complaint against your employer in the Industrial Tribunal. That is what this Bill is about and not about allowing or disallowing disclosure.

So with the greatest respect – and I acknowledge the contribution that the hon. Member has made and it is clearly well intended and well meaning, with a suggestion of an amendment – but as the Hon. Chief Minister said, it is absolutely not necessary, because we do not want to give any sort of impression, in this Bill or otherwise, that we are limiting the rights of citizens out there in the street to make disclosures in the public interest. *Everybody* can do that, but workers who do that should not be subjected to a detriment in the context of their employment. That is what this Bill does.

Mr Speaker: Does any other hon. Member wish to speak on the general principles and merits of the Bill?

Does the mover of the Bill wish to reply? The Hon. the Minister for Employment.

Hon. J J Bossano: Well, Mr Speaker, first of all, we have got a manifesto commitment and therefore, we are going to implement what we committed to in the manifesto. If the Opposition wish to vote in favour, they can and if they wish to vote against, so be it.

Let me say that I have got here the UK law that was passed in 1998. The hon. Member has spent many years in the United Kingdom. I have never come across anybody in the United Kingdom arguing that the UK law should be changed since 1998, which is in fact 14 years, because there was a danger that this law might be used for anything other than what it was intended. In fact, the provisions are identical, down to the last full stop and comma – in fact, the United Kingdom law, section 43B, ‘Disclosures qualifying for protection’, broken down in (a) to (f) are an exact replica, because of course it has been copied from it – of 45B(1)(a) to (f). So the answer is we see no reason to depart from what has been in place in the law of the United Kingdom since 1998 and in which, in our view, is long overdue and should have been here, and the previous Government should have done in the 15 years they were there. It came into the legislation of the United Kingdom two years after the 1996 election.

Strangely enough, they have provided, in fact, similar protection by regulation for employees of European companies and apparently they did not see anything wrong with the wording they put there. This was done by them in 2005 and amended by me in 2012, as a result of a Directive that was amending the previous Directive which required it. They had no choice of course – it was EU law. But I find it odd that they should have decided in 2005 to give protection to people who work for European companies but not to the workers of Gibraltar and Gibraltarian companies. (**A Member:** Hear, hear.) (*Banging on desks*)

In addition, there is a very important area here, in terms of the work of the Employment Service. I am sure that anybody on that side who was previously working in the Employment Service will know that the problem that exists with people who are not being paid the legal wage is that there is no protection in the law of Gibraltar against an employer that is not paying the legal minimum wage. For example, we have got a legal minimum wage now of £5.70 and if somebody is paid less, the Labour Inspectors, if they can find the evidence, can require the employer to pay it and in fact we can prosecute it, because it is a criminal offence not to be doing it. They are breaking the legislation which is there to protect good employers against bad ones, as well as protecting employees. But the employee who reports this is not protected against dismissal in the first 52 weeks of his work, so nobody will come forward, and even after the 52 weeks they do not come forward. So people get told quite openly, ‘If you don’t like the wage, there is the door’, and there is nothing they can do because we do not protect them.

With this law somebody can, in their first week of employment, go to the Employment Service and say, ‘This is what my employer is doing’, and if he gets sacked, even though he has not had 52 weeks of continuous service, this law gives him immediate protection. That, I hope, will have an immediate effect in ensuring that those employers who have not been able to get to comply with the law in the past will comply with the law in the future.

I see the main effect of this legislation, in fact, in ensuring that workers who are in the private sector and are not receiving what the law entitles them to will be able to come forward as soon as this is on the statute book and the Employment Service and the Labour Inspectors will be able to *ensure* that those workers are protected, that the law is observed, and those workers will then be entitled, if they are suffering detriment, in the sense that they are sacked as a result of coming forward and giving the evidence, they are protected because it then is an automatic unfair dismissal and there is no limit to the compensation.

So I commend the Bill to the House. (*Applause*)

Mr Speaker: I now put the question, which is that a Bill for an Act to provide protection for employees and other workers who disclose information in the public interest be read a second time. Those in favour; those against.

Members voted as follows:

FOR	AGAINST
Hon. P J Balban	Hon. D J Bossino
Hon. J J Bossano	Hon. Mrs I M Ellul-Hammond
Hon. C A Bruzon	Hon. D A Feetham
Hon. Dr J E Cortes	Hon. S M Figueras
Hon. N F Costa	Hon. J J Netto
Hon. Dr J J Garcia	Hon. E J Reyes
Hon. G H Licudi	
Hon. S E Linares	
Hon. F R Picardo	
Hon. Miss S J Sacramento	

Mr Speaker: Carried. (*Interjections*) I counted it as six.

Hon. G H Licudi: So there is only one, *no*?

Mr Speaker: I counted it as six.

Employment (Public Interest Information) Act 2012 Committee Stage and Third Reading to be taken at this sitting

Clerk: The Employment (Public Interest Information) Act 2012.

Mr Speaker: Does the Hon. Minister want the Committee Stage taken today? (*Laughter and interjections*)

Minister for Enterprise, Training and Employment (Hon. J J Bossano): I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

Members voted Aye.

Mr Speaker: The Committee Stage and Third Reading of the Bill will be taken today.

COMMITTEE STAGE

Public Health (Amendment) Bill 2012 Smoke-Free Environment Bill 2012 Supreme Court (Amendment) Bill 2012 Employment (Public Interest Information) Bill 2012

Clerk: Committee Stage and Third Reading. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: the Public Health (Amendment) Bill 2012; the Smoke-Free Environment Bill 2012; the Supreme Court (Amendment) Bill 2012; and the Employment (Public Interest Information) Bill 2012.

In Committee of the whole Parliament:

Public Health (Amendment) Bill 2012
Clauses considered and approved

Clerk : A Bill for an Act to amend the Public Health Act.
Clause 1.

Mr Chairman: Clause 1 stands part of the Bill.

Clerk: Clause 2.

Mr Chairman: Clause 2 stands part of the Bill.

Clerk: The Long Title.

Mr Chairman: The Long Title stands part of the Bill.

Smoke-Free Environment Bill 2012
Clauses considered and approved

Clerk : A Bill for an Act to prohibit smoking in certain places, premises and vehicles.
Clause 1.

Mr Chairman: Clause 1 stands part of the Bill.

Clerk: Clause 2.

Mr Chairman: Clause 2 stands part of the Bill.

Clerk: Clauses 3 to 5.

Hon. Mrs I M Ellul-Hammond: Mr Chairman, for the sake of clarification, can the Hon. Minister say if it will be considered... There is no provision for activity in the area. No provision of activity has been taken into account, for example, the eating in a conservatory and whether that would be considered...

Yes, a concern was felt that if an area was designated where smoking was allowed, for instance a covered area outside a restaurant, and we have received representations from the public where they felt uncomfortable with having a smoker on the table next to theirs while they were eating, and there is no provision for activity in those areas within these sections.

Minister for Health and Environment (Hon. Dr. J E Cortes): Mr Speaker, this relates to premises and not activity.

An area outside a restaurant could well be considered an enclosed area because even though it is a temporary awning, if there is sufficient cover along the sides, and it is defined in the Bill – I believe it is more than 50% of the sides, excluding doors and windows – that is considered an enclosed space. So even outside a restaurant, if it were significantly enclosed, that would be prohibited. If it is completely unenclosed, then that would not be prohibited and not covered in this Bill, although I believe there are moves elsewhere and perhaps we would catch up with that later.

But at this point in time the activity does not fall within the confines of this Bill.

Hon. S M Figueras: Mr Chairman, we have only raised the concern in the context of the developing trend that is becoming apparent elsewhere and certainly just to put it in mind, although you may well have... you indeed already seem to have had it in mind, of such developments.

But I am grateful for the discussion of this [*inaudible*].

Hon. Dr. J E Cortes: Yes, it is something that *may* develop in other countries and we will want to keep abreast with that and not have to catch up afterwards.

Hon. D J Bossino: Mr Chairman, could the Minister just assist me for one moment? What provision does he say is defined in the Bill?

Hon. Dr. J E Cortes: What I said is that it determines what an enclosed space is. For example –

Hon. D J Bossino: It has just been identified to me and it is clause 2(3).

Hon. Dr. J E Cortes: – that describes what... that is right.

Mr Chairman: Clauses 3 to 5 stand part of the Bill.

Clerk: Clauses 6 and 7.

Hon. S M Figueras: I am sorry, Mr Chairman, sorry.

In respect of clause 4, 'Public service vehicles'... (*Interjection by Hon. Dr. J E Cortes*) Yes. In relation to the clause that covers public service vehicles, it just occurs to me something actually we have discussed beforehand, it just occurs to me where such a vehicle is used for those purposes, does this cover smoking in the vehicle when it is not occupied for the purposes of that service – for example, a taxi driver when he has no fares on board. Does this provision cover that instance as well?

Hon. Dr. J E Cortes: I think by reading it, Mr Chairman, it is prohibited at all times in any vehicle which is used or is licensed to be used.

Hon. S M Figueras: I am grateful, Mr Chairman. I am grateful for the clarification because certainly, obviously, there is an issue relating to the presence of tobacco fumes in vehicles, even for some time after with open windows and doors, and I merely wanted to have that clarifying conversation between us.

Hon. Dr. J E Cortes: And the smell as well within the vehicle, Mr Chairman.

Mr Chairman: Are we content with clauses 6 and 7? Clauses 6 and 7 stand part of the Bill.

Clerk: Clause 8.

Hon. Mrs I M Ellul-Hammond: Mr Chairman, within the specified premises where smoking is allowed, does this mean that the workers in these institutions can also smoke in these areas or just the residents of those particular rooms or institutions?

Hon. Dr. J E Cortes: Again, it defines, Mr Chairman, the areas by space. It is not prohibited in a designated room that is used as... One would have thought that the workers would not be smoking in those rooms, but it actually designates the room where smoking is not prohibited.

Hon. S M Figueras: Yes, perhaps, Mr Chairman, on the other side of that and the fact that smoking would be allowed in those rooms, workers in those areas who do not smoke, has the Government considered the issue for employees who are employed in that environment and the affect that that may have on them? Is this something which is obviously not covered in this particular Bill?

Hon. Mrs I M Ellul-Hammond: Carrying on from what my hon. Friend has said, for instance, there is protection for workers in clause 6(2). Is there something similar for these – ?

Hon. Dr. J E Cortes: A residential home would be a public space, so it would be covered because it is a public area, an area to which the public is allowed; but the exemption is in those designated rooms (**Hon. S M Figueras:** Yes.) like in a hotel. In a hotel you are not allowed to smoke except in those designated rooms which are designated as smoking.

Hon. S M Figueras: Yes, but the point we raise is only in respect of the protection of employees having to work in those areas and again, it is not a bone of contention. It is just an issue that we raise, because it is certainly something that has been represented to us on a couple of occasions by some constituents who have identified that it is an issue for these employees in the areas where smoking is allowed.

Chief Minister (Hon. F R Picardo): Yes. Can I just say, Mr Speaker, perhaps the point is this, and to ask the hon. Lady and Gentleman how it is that they were going to protect workers in the private clubs and restaurants that operated isolated and separately ventilated smoking rooms, where they *would* have allowed smoking?

You see, the policy that is being given effect to by these two Bills actually takes into consideration that even in letting bars, restaurants and private clubs who have isolated rooms to allow smoking, which our Bill does not but theirs would have, you would have been exposing employees to smoking.

So the only people sitting in those areas to have their meals would be those who wanted to sit in smoking areas, but the employees would not necessarily have wanted to be in smoky environments, but if they had the job in that restaurant or that private club, they would have been exposed to smoking.

So in the context of what they were committed to doing, employees – smokers and non-smokers – would have been exposed to smoking. In the context of what we are doing, there is a very tight control in respect of where that exposure will occur is much tighter than this would have allowed.

So that is the issue, I think, to try and reconcile.

Hon. S M Figueras: Mr Chairman, with respect to the Chief Minister, I did say, the moment before he made his contribution, that this is not a matter of contention between us. It was something that I was certainly highlighting or that had come to our notice, post the election and post those commitments, which in any event are irrelevant today, in the extent that this is a policy that is now being pursued by the Government and which we are commending the Government for.

Again, it is just an issue we are highlighting for discussion, or perhaps just to bear in mind again as part of the development of this policy.

Hon. Dr. J E Cortes: Mr Chairman, obviously we show great concern for the workers, but I think we have to focus this, as the Chief Minister has said, in that we have gone the whole hog, so to speak. We have to look at it the other way around.

This is an exemption to allow people who are in care homes, hospices, maybe in prison, who have to be there long term, who may already be smoking, to allow them some kind of exemption because they have no choice but to be there and one would have thought that any worker who has to enter those rooms would do that for relatively short periods of time.

But the focus here is on the people who actually have little choice but to be within those rooms.

Hon. Mrs I M Ellul-Hammond: Mr Chairman, clause 8(3)(c):

‘has a ventilation system that does not ventilate into any other parts of the premises...’

How will this subclause work in existing premises?

Hon. Dr. J E Cortes: The ventilation would have to go outside the building. It would have to suck it outside the building. It would have to be done in such a way that the ventilation was not just circulated into another part of the building. (*Interjections*)

Mr Chairman: Before we leave clause 8 should not, in subclause (3), the word ‘regulation’ be replaced by the word ‘Act’? This is an Act. (*Interjections*)

Hon. Dr. J E Cortes: Mr Chairman, thank you for spotting the deliberate mistake. (*Laughter*)

Mr Chairman: Clause 8, as amended, stands part of the Bill.

Clerk: Clauses 9, 10 and 11.

Hon. Mrs I M Ellul-Hammond: Mr Chairman, in clause 11(2), does that include clubs’ premises?

Hon. Dr. J E Cortes: It says that this part does not extend in a place where retail of alcohol is allowed, so that includes any place where retail of alcohol for consumption is allowed.

810 **Hon. Mrs I M Ellul-Hammond:** Yes, the only reason I raise it is that we assume this has been taken based on the UK legislation, i.e. the Health Act 2006, and in that Act, in section 3B, it does specify, as it says in subclause (2), authorising for sale by retail of alcohol for consumption, but it also has a separate subclause saying:

815 'premises in respect of which a club premises certificate has effect.'

Hon. Dr. J E Cortes: That is not included here.

820 **Hon. Mrs I M Ellul-Hammond:** That is not? Do our clubs come under a different regime, or it is taken as read then that clubs would come under...?

Hon. Dr. J E Cortes: It is taken as read that they would come under this one if they sell alcohol.

825 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Chairman, just a minor matter: clause 11(1) reads:

'The Minister with responsibility for health may make regulations providing smoking not to be prohibited.'

830 It should probably read 'may make regulations providing *for* smoking not to be prohibited.'

Mr Chairman: So we add the word 'for' between 'providing' and 'smoking'.
Yes.

835 **Hon. Mrs I M Ellul-Hammond:** Mr Chairman, clause 11(6): is there a particular policy in that regard, and will there be guidelines?

840 **Hon. Dr. J E Cortes:** Mr Chairman, the policy is subclause (6), that before I consider making any regulations for exemptions, I feel that I need the advice of the person who is qualified in these areas, the Director of Public Health, to advise me of public health consequences. I feel that it is a safeguard to public health that the Director should be consulted, before I take it upon myself to make an exemption.

Mr Chairman: Are we content with 9, 10 and 11? Clauses 9, 10 and 11 stand part of the Bill.

845 **Clerk:** Clauses 12 and 13.

Mr Chairman: Clauses 12 and 13 stand part of the Bill.

Clerk: Clauses 14, 15 and 16.

850 **Mr Chairman:** Clauses 14 to 16 stand part of the Bill.

Clerk: The Long Title.

855 **Mr Chairman:** The Long Title stands part of the Bill.

Supreme Court (Amendment) Bill 2012
Clauses considered and approved

860 **Clerk:** A Bill for an Act to amend the Supreme Court Act.
Clause 1.

865 **Mr Chairman:** Clause 1 stands part of the Bill.

Clerk: Clause 2.

870 **Hon. E J Reyes:** Mr Chairman, I run the risk of being a little bit over pedantic, but in the suggested amendment by the Minister for Justice where he is, in effect, asking us to include the words 'or his being a justice of the peace', my first reaction is the nomenclature 'justice of the peace' is probably a proper noun – should it not carry a capital J and a capital P in the same way that in a previous Bill, when we referred

to Minister with capital M and to the Director of Public Health, who was capital D for Director and so on?

875 It is a small pedantic thing, but coming from the teaching profession, I sometimes am overkeen in trying to get this thing right. (*Laughter*)

880 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Chairman, my recollection is that in the Magistrates' Court Act the definition of 'magistrate' says it includes a justice of the peace, and that uses small *j* and small *p*, but that is only recollection. I believe that is the case.

Clerk: Clause 2.

885 **Mr Chairman:** There are amendments moved by the Minister.

Hon. G H Licudi: Yes, Mr Chairman. In clause 2(3), I would ask that for the words, and I quote:

"the only reason for his disqualification from being a juror is his age"

890 we should substitute:

"the reason for his disqualification from being a juror is his age or his being a justice of the peace."

895 In clause 2(4), for the words:

""(other than by virtue of his age)""

we should substitute:

900 ""(other than by virtue of his age or his being a justice of the peace)"".

Those are the only two amendments that I propose.

905 **Mr Chairman:** Clause 2, as amended, stands part of the Bill.

Clerk: The Long Title.

Mr Chairman: The Long Title stands part of the Bill.

910

Employment (Public Interest Information) Bill 2012 **Clauses considered and approved**

915 **Clerk:** A Bill for an Act to provide protection for employees and other workers who disclose information in the public interest. Clause 1.

Mr Chairman: Clause 1 stands part of the Bill.

920 **Clerk:** Clause 2.

Mr Chairman: Clause 2 stands part of the Bill.

925 **Hon. D A Feetham:** Mr Chairman, to go back to clause 2, can I ask the Hon. the Minister just to explain, in relation to 45C(1)(b), where it says:

930 'where the worker reasonably believes that the relevant failure relates only or mainly to –
(i) the conduct of a person other than his employer, or
(ii) any other matter for which a person other than his employer has legal responsibility to that other person.'

– what circumstances does that clause envisage?

935 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** I would imagine, Mr Speaker, that if you are in a place of employment and you see somebody committing a criminal offence, you do not ignore it just because, in fact, the person who is there may be a customer. If you go to report it to your employer and your employer sacks you because it is bad for business, then you go to the tribunal.

I can tell the hon. Member that that is also in UK law.

940 **Hon. D A Feetham:** Well, look, he has not provided me with the explanation, but in any event, we have had the debate.

945 **Hon. J J Bossano:** Mr Speaker, he has asked me to give him an example, which is... I have invented one on the spot for his benefit. I do not know what more he wants me to do for him.

Hon. D A Feetham: But that example cannot really be apposite, no. If you have a customer and the customer is doing something, you report it to the employer. Here, what we have is:

950 '(i) the conduct of a person other than his employer, or
(ii) any other matter for which a person other than his employer has legal responsibility,
to that other person.'

955 I do not know what that particular section actually goes to. I can understand, according to the debate that we have had and the rationale that you have provided and the Minister for Justice has provided, that you may make a disclosure to your employer about something occurring within the context of the employment organisation, but (b)... I am not sure what (b) is actually intended to do.

960 **Mr Chairman:** As a lawyer, I would say a superior officer who is not an employer. Someone in between the chain of command. That would be his superior officer –

Chief Minister (Hon. F R Picardo): I am happy to give another example, if the hon. Gentleman likes.

965 If you have a situation where, for example, a law firm calls in a firm of accountants to do a job, the individual who comes in from the accountancy firm works for the accountancy firm. He may spot something in the law firm which he believes is contrary to law and he reports it, in this context, to the head of chambers at the law firm, not to his chief executive officer in the accountancy firm. That is covered by this clause.

970 **Mr Chairman:** That would be covered by the normal audit practice, anyway.

975 **Hon. Chief Minister:** Well, it might be, Mr Speaker, but what this does is that the accountant reporting the matter to the head of chambers cannot be sacked by the chief executive of the accountancy firm for having taken that step. If the head of chambers is very annoyed as a result and makes a complaint to the accountancy firm, or such other circumstances as might stem from that, it protects the employee of the accountancy firm, principally from the accountancy firm, for having taken that step in reporting something to the head of chambers.

Mr Chairman: Clause 2 stands part of the Bill.

980 **Clerk:** The Long Title.

Mr Chairman: The Long Title stands part of the Bill.

985 *The House resumed.*

BILLS FOR THIRD READING

990 **Public Health (Amendment) Bill 2012**
Smoke-Free Environment Bill 2012
Supreme Court (Amendment) Bill 2012
Employment (Public Interest Information) Bill 2012
995 **Third Readings approved; Bills passed**

Clerk: The Hon. the Chief Minister.

1000 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Public Health (Amendment) Bill 2012; the Smoke-Free Environment Bill 2012; the Supreme Court (Amendment) Bill 2012; the Employment (Public Interest Information) Bill 2012 have been considered in Committee and agreed to, with amendments, and I now move that they be read a third time and passed.

1005 **Mr Speaker:** I now put the question, which is that the Public Health (Amendment) Bill 2012, the Smoke-Free Environment Bill 2012, the Supreme Court (Amendment) Bill 2012 and the Employment (Public Interest Information) Bill 2012 be read a third time and passed.

Those in favour of the Public Health (Amendment) Bill 2012; (**Members:** Aye.) Those against. Carried.

Those in favour of the Smoke-Free Environment Bill 2012; (**Members:** Aye.) Those against. Carried.

1010 Those in favour of the Supreme Court (Amendment) Bill 2012; (**Members:** Aye.) Those against. Carried.

Those in favour of the Employment (Public Interest Information) Bill 2012; (**Members:** Aye.) Those against. Carried by majority. (*Interjection*) Only against the Employment.

1015 **Hon. Chief Minister:** I think, purely by inadvertence – but, for the purposes of *Hansard* – that the hon. Member voted against the Supreme Court (Amendment) Act.

Mr Speaker: No.

1020 **Clerk:** That is how it sounded. (*Interjections*)

Hon. D A Feetham: There appears to be a division on your side of the House as to whether I voted against.

1025 **Hon. Chief Minister:** Mr Speaker, let's be clear: the hon. Gentleman, when the noes were called, made a noise. He may have made an 'aye-no' noise, but he made it when the noes were called. (*Interjection*)

For the purposes of *Hansard*, can we just clarify that the Supreme Court (Amendment) Act has gone through unanimously?

1030 **Hon. D A Feetham:** Mr Speaker, absolutely. I indicated during the debate on the merits that we were voting in favour of it. I commended the Hon. the Minister for Justice on something that needed to be done, and that is the position of the Opposition. There appears to be division on your side, even on that!

1035 **Hon. Chief Minister:** When the Speaker called 'all those against' or called for the noes, the hon. Gentleman said 'Aye', and that –

Hon. D A Feetham: At that point.

1040 **Hon. Chief Minister:** – and that, for the purposes of *Hansard*, can be very confusing, so I think it is important that this should be clarified.

1045 **Mr Chairman:** My understanding was that the first three Bills were passed unanimously and the last Bill was passed by a Government majority. (*Interjections*) I had to prod them into voting against.

Questions for Oral Answer

1050 **EQUALITY AND SOCIAL SERVICES**

**Care Agency staff
Training and Development Programme**

1055 **Clerk:** Answers to Oral Questions continue.

Question 770/2012, the Hon. J J Netto.

1060 **Hon. J J Netto:** Mr Speaker, can I just say, before reading the Question, that with hindsight, having written the Question and submitted it, and when I actually saw it again, I came to the realisation that it is excessive in length. It is not intended to set a precedent, obviously, in the future, and obviously I shall take it into account that in the future it is not as excessive as this one. It is not intended to be so.

1065 **Mr Speaker:** My initial view, on reading this Question, was it *was* excessive and contrary to Standing Orders, but then I took the view that, if I had drawn it to the Hon. Member's attention, it would have been substituted by 32 Questions and, in all probability, several of them would be answered together. So without setting any precedent, it was allowed on this occasion.

1070 **Hon. J J Netto:** I am grateful and obviously it was not intended to be excessive in nature. Having said that, if I may continue then, with your ruling, Mr Speaker –

Chief Minister (Hon. F R Picardo): If I can assist the hon. Gentleman –

Mr Speaker: The Hon. Chief Minister.

1075 **Hon. Chief Minister:** If I can assist the hon. Gentleman, if he will give way, we are happy to take that Question as read, because I know it is a very long question for him to have to read into *Hansard*.

Mr Speaker: I am told *Hansard* needs a full recording.

1080 **Hon. Chief Minister:** Because now... Sorry, well, we were prepared to take it as read, but now that it is a recorded *Hansard*, I am afraid that it is –

1085 **Hon. J J Netto:** Could I propose a hybrid. Could I propose the beginning and the end? Would that be sufficient?

Mr Speaker: No, I am told by the Clerk... I did discuss this with the Clerk before we sat. I am told that for *Hansard* purposes, I am afraid the hon. Member will have to expend energy.

1090 **Hon. J J Netto:** I shall have my friend to fill a glass of water here for me! (*Laughter and interjections*)

1095 Mr Speaker, can the Minister for Social Affairs state if the Staff Training and Development Programme for the Care Agency staff for 1st April 2012 to 30th March 2013 contains any of the following: (1) General Information; (2) Staff Training Record; (3) Application for Training Forms (Training outside Care Agency); (4) Internal Training Request Form; (5) Training Evaluation Form; (6) Proposals for Training Form; (7) Training Timetable; (8) Presentation Skills Course; (9) DCRT-Conflict Resolution Training (Level 1 Trainers Update); (10) Missing Persons Training; (11) DCRT-Conflict Resolution Training (Level 2 Train the Trainer); (12) Safeguarding Vulnerable Adults-Policy & Procedure Training; (13) Within the Generic Core Training-Timetable: (a) Introduction to the Care Agency; (b) Health and Safety, Food Hygiene and Infection Control; (c) Values, Attitudes and Beliefs; (d) Professional Boundaries; (e) the Importance of Carer Workers and Caring; (f) DCRT-Conflict Resolution Training (Level 1); (g) Effective Communication; (h) Safeguarding Vulnerable Service Users; (i) Manual Handling Training; (j) Accountability, Responsibility and Medication Training (Assessed); (k) Fire Safety, EVAC Chair and Anglia Blanket; (l) Emergency First Aid at Work; (m) Customer Care; (n) Alcohol/Drug Abuse-Awareness and Policies in the Care Agency; (o) DCRT-Conflict Resolution (Level1-Refresher); (p) Manual Handling, EVAC Chair/Anglia Blanket, Basic Life Support (Refresher Course); (q) DCRT-Conflict Resolution Training (Level 2); (14) Headway-Acquired Brain Injury – Challenging Behaviour; (15) Headway-Acquired Brain Injury – Understanding the Brain, its physical, cognitive, behavioural and emotional effects (Day 1); (16) Headway-Acquired Brain Injury – Challenging Behaviour (Day 2); (17) the 12-hour Paediatric First Aid Course; (18) Emergency First Aid at Work (1 day); (19) People Handling and Risk Assessment Key Trainers Certificate and Children; (20) Handling supplementary day (5 days Trainer the Trainer course); (21) Basic Life Support – Train the Trainer; (22) Mentorship for Practice (5 days); (23) Eastern Beach Mobility Assistant Induction Training; (24) Level 3 Chartered Institute of Environmental Health Accredited – Health and Safety in the Workplace (days); (25) BVS Online Training; (26) NVQ A1 Assessors course (Level 3); (27) NVQ Health and Social Care Levels 2 and 3; (28) Children Act Training; (29) 12-hour Paediatric First Aid Course; (30) Makaton Training; (31) ILM (Institute of Leadership and Management) Level 2 Award in Team Leading; and (32)

if any of the above have not been included, which one(s) is/are they, and if there is/are additional item(s) which is/are over and above those listed above, which one(s) is/are they?

1120 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I am grateful to the hon. Member for acknowledging that his Question and the format is in fact in breach of Standing Orders. Perhaps it may have been easier if this was a Written Question.

1125 In any event, Mr Speaker, let me start off by saying – although, of course, I am sure that this was an innocuous mistake – but I think that, for the record, I want to make it clear that my title is the Minister for Social Services and not Social Affairs, which is what the – **(Several Members: Ooh!)** For the sake of *Hansard*, Mr Speaker.

1130 **Mr Speaker:** Valid point.

Hon. Miss S J Sacramento: I assume that the information contained in this Question is from the 2011 Training Manual, which the hon. Member has retained and I can confirm that the above mentioned has been included in the Care Agency Staff Training and Development Programme for the Care Agency for 1st April 2012 to 30th March 2013, with the exception of numbers (3) and (5), because they have been updated and amended; (8), (10), (11), (12), (14), (17), (19), (20), (23), (24) and (27) to (31) because they were specific service requests for that time period.

Items (13)(e), (g), (h), (n) and (q) have been updated and delivered as part of another session and are now done as in-house training.

1140 Additional items have been included in this programme. I am now handing the hon. Member a list of additional items.

ANSWER TO QUESTION 770 OF 2012

Additional items included in the Programme are as follows:

Form 1 – In-house Training
Form 2 – Application Form for NVQ Assessors Course
Form 3 – Application Form for NVQ Level 2 in Health and Social Care
Form 5 – Application for External Training
Form 7 – Union Training (approved Leave form)
Form 8 – Online Training
Care Agency Course Evaluation Form (revised)

As part of the Generic Core Training:

- Introduction to Personal Development
- Principles of Safeguarding and Protection in Health and Social Care
- Introduction to the Role of the Health and Social Care Worker and Duty of Care
- Equality and Inclusion
- Introduction to Communication in Health and Social Care and Handling Information.
- Implementing Person-Centred Approaches in Health and Social Care
- Meeting the Needs of our Service User's
- Practical Skills

First Aid at Work (3 days)

Level 2 Award in Food Safety and Food Hygiene from the Chartered Institute of Environmental Health (UK)

Level 2 Award in Environmental Principles and Practice (Chartered Institute of Environmental Health)

Level 2 Award Principles of Risk Assessment (Chartered Institute of Environmental Health)

British Sign Language Course – Level 1

EVAC Chair – Key Trainer Course

Manual Handler Train the Trainer Course

Manual Handling Trainers Refresher Course

Basic Life Support Trainer Refresher Course

First Aid at Work – 2 day Refresher Course

Charlie Bloo Online Training

Social Care Institute for Excellence E-learning

Cont.....

ANSWER TO QUESTION 770 OF 2012

NVQ Health and Social Care Level 2

Additional Supplements to Training and Development programme since April 2012

Additional Generic Core Training Programme

Train the Trainer Safeguarding Adults at Risk Basic Awareness training programme

Venepuncture Assessor Course

Basic Excel Computer Course

Intermediate Excel Computer Course

1145

HOUSING AND THE ELDERLY

**Mid Harbour Estate
Maintenance**

1150

Clerk: Question 771, the Hon. D J Bossino.

1155

Hon. D J Bossino: Mr Speaker, I am asking this Question, although I do not have shadow responsibility for housing, only because my hon. Friend, Mr Reyes, was away at the time and we wanted, as an Opposition, to submit this Question for tabling for Oral Questions in this House. Just to explain that to those listening in.

1160

Can the Minister for Housing advise this House what arrangements are in place in relation to the general upkeep and maintenance of the Mid Harbour Estate, to include, in particular, the replanting of the flower beds, the re-installation of the gym equipment and the children's play area?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1165

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, with regard to the general upkeep and maintenance of the Estate, this is carried out by GJBS. The replanting of the flower beds is carried out by Greenarc, as part of the initial contract.

The department responsible for the maintenance of all play areas, including gym equipment, is the Gibraltar Sports and Leisure Authority, who are currently involved in carrying out the necessary repairs in connection with the gym equipment and the children's play area.

1170

Hon. D J Bossino: I understand from representations which have been made to us as a party that the play area is not yet ready and, furthermore, that the gym equipment – or the fitness equipment may be a more appropriate term to use, in these circumstances – I understand it is equipment which is used by people outside and not in an enclosed area – is not yet available and is still currently in a store room.

1175

So in the light of those prevailing facts, I would ask the Hon. Minister if he could advise when he thinks these two aspects within the Estate will be complete and ready for use.

1180

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, if I may, I will answer that question, because it is the Gibraltar Sports and Leisure Authority which is in charge of the playground and the fitness area and yes, he is right it is not in place yet. Unfortunately, it needed to be lifted because of water penetration on the parking spaces underneath.

1185

What happened was that it was done in such a rush and so quickly to be put on the podium, that advice given to the GSLA not to place it there was ignored and therefore they did place it there, which meant that the bolts that were holding the play area plus the gym equipment penetrated what was a layer of tarmac or tarmacking underneath the podium and therefore has now created the problem of water penetration underneath.

1190

So what has happened is that, when I went there, the solution to the problem was to lift everything off, get the contractors to put a new tarmacking underneath and then, therefore, place these things in the right way, so that there is no penetration through the tarmac and no penetration of water underneath.

So there has had to be extensive works that have to be done because the professionals' advice previously was not listened to and therefore this is the consequences of the delay.

Hon. D J Bossino: I hear what the Minister says and I cannot necessarily rebut what he is saying specifically in his initial words in his reply, where he says 'because of the rush' – I am not in a position to refute that or otherwise, but it is certainly something I will investigate.

1195

Mr Speaker, I am not sure that the supplementary has been answered, which is when does the Hon. Minister for Housing – or in this case perhaps, the hon. Member with responsibility for Sports – thinks that these amenities will be available?

1200

Hon. S E Linares: Mr Speaker, as soon as is possible and I am talking – pardon? (*Interjection*) No, I cannot give you the time, because then you will hold me to the time, basically; but I am telling you that I am pressing, I can assure you that I am pressing both the GSLA, the contractors and anybody who is responsible to put that back, to put it as soon as possible. I am pressing on that.

1205

I am hoping that it will be weeks, rather than months, so I can give you that indication, because what happens is that I am pressing as much as I can, but it is a physical thing. If it is not ready, it is not ready, but I can tell you because I am aware that children there cannot use the playground and I am aware that people who used to use that training facility and the gym cannot use it. So, as Minister, I want it ASAP.

Mr Speaker: The Hon. Edwin Reyes.

1210

Hon. E J Reyes: May I, Mr Speaker, come back to the Minister for Housing, who kindly told us that the general upkeep and maintenance for the Mid Harbour Estate was undertaken, those tasks were undertaken by GJBS. Just for the sake of clarity, does that include the replacement of the fused light bulbs, which has been a cause of previous questions in the past? The Minister at that time was not exactly sure. Maybe he has been enlightened now in respect of light bulbs.

1215

Hon. C A Bruzon: The replacing of a light bulb will be done by our technical staff in the City Hall, I am sure. If it is something major, then of course we will involve GJBS.

1220

Hon. D J Bossino: The reason we are asking is because I am not sure if the Minister is aware – I am sure he himself may have been at the receiving end of representations, as indeed we have – as to the general state of the Estate. Does he have any information with regard to this and can he supply us with any information with regard to this? Is he concerned that the Estate may not be up to scratch, in terms of maintenance and the like?

1225

Hon. C A Bruzon: I am not quite sure what you mean by 'the general state' of the Estate – if you could define that a little more clearly?

1230

Hon. D J Bossino: There have been complaints in relation to the inordinate amount of time, we believe, it takes for repairs to be undertaken – like, for example, my hon. Friend referred to, the fixing of light bulbs. I raise that as one specific example.

1235

Hon. C A Bruzon: I was not aware that it takes such a long time, but I can confirm to the hon. Gentleman that I will be meeting the Committee, and I am sure that they will raise points, such as the one you have raised now. As I say to all the other representatives from different Government estates, these simple issues should be addressed immediately and there should be no delays.

So that is the message I want to convey to you and to the tenants of the Estate.

1240

Hon. D J Bossino: Yes, those are, indeed, simple issues which ought to be addressed as quickly as possible. But I would ask the Minister – given that he has indicated that he will be meeting the Committee of the Estate – as to when he... Is a meeting scheduled? If so, when is that meeting to take place?

1245

Hon. C A Bruzon: The date is not scheduled yet, but we have been in correspondence and my secretary will be contacting them soon to arrange a date, probably mid to end of October.

Flats currently empty and awaiting repairs Details

1250

Clerk: Question 772, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, further to his answer given in Question 638/2012, can the Minister for Housing state how many flats are currently empty and awaiting repairs, giving a breakdown in respect of:

1255 (a) pre-war and post-war flats; (b) flat size composition; (c) the dates as from when these flats have been empty; (d) the nature of repairs which are required to be undertaken before they may be reallocated?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1260 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, the information requested has already been published online on the Government website.

Hon. E J Reyes: Mr Speaker, I do not think the full extent of what is requested is available. I did come here to Parliament and went online and checked it and, certainly, the full extent was not available there.

1265 Perhaps we are going to have to agree to disagree, but I did not find the full... I did in respect of other Questions that I have asked in the past, but not in respect of this one, Mr Speaker.

1270 **Hon. C A Bruzon:** I have got a note here that says that these are published in tables at pages 30 and 31 – if you would like to make a note of that. Should the information not be there, obviously if you call my secretary, I would be happy to ask my staff to provide you with the information.

1275 **Hon. E J Reyes:** I think, Mr Speaker, that is the best mutual arrangement we can come to. I will check the tables on pages 30 and 31 and should I experience any difficulties, then I will be in contact with the Minister's office.

Housing Waiting Lists Details

1280 **Clerk:** Question 773, the Hon. E J Reyes.

1285 **Hon. E J Reyes:** Can the Minister for Housing state how many applicants on the Government's Housing Waiting Lists have, since his answer given to Question 651/2012, been allocated a flat, giving a breakdown of the size of home as well as indicating if they pertained to either the Social or Medical Waiting Lists category?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1290 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Yes, Mr Speaker, I will now hand over to the Hon. Member a schedule containing the information requested.
In general I can say that a total of 39 applicants have been allocated a flat.

ANSWER TO QUESTION 773

A total of 39 applicants have been allocated a flat, as follows:

	Medical A+	Medical B	Social A	Waiting List
1RKB	-	-	2	1
2RKB	3	-	1	5
3RKB	-	-	2	15
4RKB	-	1	3	5
5RKB	-	-	-	1
6RKB	-	-	-	-
TOTAL	3	1	8	27

Housing Waiting Lists Number of applicants purchasing homes

Clerk: Question 774, the Hon. E J Reyes.

1300 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state how many applicants on the Government's Housing Waiting Lists have, since his answer given to Question 652/2012, been removed

from the waiting lists due to purchasing their own homes and, if any, indicating if they pertained to either the Social or Medical Waiting Lists category?

1305 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Hon. C A Bruzon: Mr Speaker, none.

1310

**Housing rental stocks
Criteria for contracting out repairs/refurbishments**

1315 **Clerk:** Question 775, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide details of his Ministry's criteria for the contracting out of repairs/refurbishments of housing rental stocks?

1320 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, as the refurbishment etc of flats are of a minor nature, contracts are being awarded on the lowest of a three quote system. Contractors used are all in the Government's approved lists.

1325 **Hon. E J Reyes:** I am grateful for that, Mr Speaker. My understanding is that obviously he is getting three quotes and then going to the lowest in respect of minor repairs. Does that mean that these are in respect of *all* repairs and refurbishments, or only those that the Housing Works Agency have not been able to meet within a certain timescale of tackling the job?

1330 **Hon. C A Bruzon:** This refers to jobs being done by the Housing Works Agency, or by small companies that are engaged to do internal repairs.

1335 **Hon. J J Netto:** If I may. What are the Department's criteria for triggering any particular work to be contracted out to these particular contractors in the approved list? Is it a question that when a report is reported to the reporting office, beyond a certain date when the work is not done that you may have a particular independent category of work perhaps, a set amount of time to allow for the Housing Works Agency to do it; but if it goes beyond that particular reference target date... What are the criteria for saying this would have gone initially to the Housing Works Agency, but now it is going to go to the contractor, in the contractors' approved list? What are the criteria? How does the Department go about determining...?

1340 **Hon. C A Bruzon:** Yes, I believe we have had this question before and I do not know if the answer was unsatisfactory and you want a more accurate answer. The reality is that when jobs are reported... I remember saying to the hon. Gentleman, Mr Speaker, that I have no system in place that says that the job has to be done within a three-month period. I answered him by saying that the situation is such and the urgency is often such, obviously for the tenant, that it is always important that the jobs have to be done as soon as humanly possible. That is the answer that I have to give you again, Mr Speaker... that I have to give the gentleman again, Mr Speaker.

1350 **Hon. J J Netto:** Mr Speaker, I can accept that there may not be any systems in place. I am not suggesting that he is trying to avoid the issue, but clearly someone has to have criteria for saying, 'Well, this particular report which has just been recorded in the Reporting Office is going to go straight to the Housing Works Agency to be done today' or no... Perhaps this particular job, because we know in the Reporting Office, it is something to do with doing a new pair of doors, when we have so many doors outstanding in the Housing Works Agency to be done, we know it is going to be taking a long time to do. So therefore, rather than take it into the Housing Works Agency, you might as well go straight to the contractor, or else the job is never going to be done.

1355
1360 Someone somewhere has got to have some kind of criteria for determining when the report comes into the Reporting Office, where you send it towards the Housing Works Agency or you send it over to the contractors, and that is what I am trying to establish. We are not inventing the wheel here. Any local authority in the UK, I am sure, with council houses and flats, they have their own system in play and depending on the type of report they would say, 'Well, you know, it takes two weeks for this particular

job to be done by an in-house directly employed labour force or to the contractor.’ These things are well established perhaps in local authorities up and down in the UK.

I accept that there may not be a system in place in Gibraltar, I accept that, but there have to be criteria for determining how long does the tenant wait for a job, depending on the nature of the report, because if something can wait for a while – fine. But there are certain things that cannot wait for a while.

Perhaps if he has not got an answer... I shall leave it to rest there, but perhaps bring it back in a few months’ time to see to give an opportunity when he can have a discussion with his own technical officers, who undoubtedly will tell him that what I am saying exists in the local authorities in the UK, to be able to determine what criteria to use.

So I shall leave it there to rest and perhaps he may take it on board with his own staff to look into the matter.

Hon. C A Bruzon: I will just thank him, Mr Speaker.

I will make an additional comment, of course, that almost goes without saying, that there are urgent cases, like a plumbing problem, which are tackled immediately – that is pretty clear. There are other problems, which I am sure that my technical staff will look at and use their discretion, their expertise, and say, ‘Well, look, let’s get on with this job because this one is more urgent than the other one.’

I cannot offer you at the moment any other... I just leave it to the discretion of the technical people who know exactly what... hopefully, what they are doing and they have to...

We are also undergoing, Mr Speaker, a whole process of reformation and there will be major changes, which I hope sincerely will improve the service to the customer.

Mr Speaker: The Hon. E J Reyes.

Hon. E J Reyes: I am grateful, Mr Speaker. The Hon. Minister for Housing has concluded by saying that there will be many major changes. Changes in respect of procedures? Changes in respect of staffing? Can he shed some light?

Hon. C A Bruzon: Yes, indeed. It has been mentioned before in the past. We are embarking upon changes within the Technical Department of the City Hall and the Housing Works Agency to bring about a merger, which will happen when we are ready, and it will be announced, hopefully, very shortly.

Bath-to-shower conversions Contractor; tender process

Clerk: Question 776, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing state which company carried out the recently announced 44 bath to shower conversions at a total cost of around £300,000, averaging circa £6,800 each, as well as indicating if these jobs were allocated through a tender process or otherwise?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Yes, Mr Speaker, all the bath-to-shower conversions have been executed by GJBS.

Hon. E J Reyes: Mr Speaker, is the Minister satisfied that – obviously the amount charged for the job, which gives us an average of £6,800 per conversion – the amount of work required can justify that price?

Hon. C A Bruzon: The question does not distinguish between a standard bath-to-shower conversion and works where the OT – Occupational Therapist – is involved, which obviously would be much more expensive and that is why we give the average. All invoices have not yet been received, but the final cost should still be at no more than the £300,000 mentioned.

The explanation that may satisfy the hon. Gentleman is that the bath-to-shower conversions, the normal ones are cheaper than where the OT requires special works to be done within the bathroom. They will be obviously more expensive.

Hon. J J Netto: Could I put the question in a slightly different way perhaps? Given that we know that the average, depending on the particulars, is £6,800 in terms of the cost that the Housing Ministry is

1425 paying GJBS, does that amount of money coincide with the estimates of your staff, the technical staff in-house?

Well, you can put it another way. Whatever work gets done, the estimators just estimate what is the cost to be done, either by the Housing Works Agency or by a contractor. What I am saying is that, if this is what we are paying to GJBS, do those payments coincide with the estimates of your own staff in Housing? Does he know that?

Hon. C A Bruzon: No, Mr Speaker, I do not. Maybe if you give me notice of that question, but you are asking me...

Let me understand and make sure that I understand the hon. Gentleman. We have estimators who go and provide us with the cost of a particular job. You are asking me if the costs given to us by our estimators is more or less than GJBS, or the other way round?

Hon. J J Netto: It is the other way round, in the sense that when a job needs to be done, your in-house technical staff, the estimators, do an estimate and if they have to do a door, or so on – ‘To do this door here, it would last so many days and it would cost so many pounds.’

Regardless whether the job of the door is done by the Housing Works Agency or regardless whether it is done by GJBS or by any other contractor for that matter, at the end of the day, when the job is done and the contractor or the Housing Works Agency invoice the Housing Ministry for the work done, the estimator will see... ‘Well, if my estimate was £200 for the door, but GJBS is charging me £2,000 for the door, there is something wrong here somewhere.’

So, what I am basically asking the Hon. Minister is whether, given what seems at first hand excessive, in terms of the charges being given by all these conversions, do these prices coincide with his own in-house estimates by his own staff?

Hon. C A Bruzon: And as I indicated, I did not know the answer, but the question that I will have to ask my people is: is it just offered to GJBS, period, or do we have a system in place when, for certain jobs, certain bath-to-shower conversions, our technical people contract a private company to do it? I just do not know the answer to that, Mr Speaker, so he will have to maybe either ask me next month –

Hon. J J Netto: No, Mr Speaker, I am not trying in any way to confuse the issue. When something needs to be done by the Housing Ministry, regardless of whether the Housing Works Agency or a contractor, regardless of the contractor, you do not knock on the door of someone saying, ‘Look, I need this to be done and just give me a price.’ The in-house technical staff would know beforehand, before going to the contractor of the Housing Works Agency, what the cost of doing such a thing would be.

When the work gets done by whoever it gets done by, the estimator would have to reconcile to say, ‘Well, if my estimate was £200 to do x, why have I received an invoice for £2,000?’ All I am saying is, from the point of view just of accountability and value for money really, are we matching up the payments we are making to contractors or to the Housing Works Agency against our own estimates? That is all I am asking.

Mr Speaker: I think the Hon. Minister did answer that previously, but the hon. Member preferred to put it the other way round, but I think it was answered before the last one.

Hon. J J Netto: Which is?

Hon. C A Bruzon: Yes, as I explained earlier, I think the question that I am now asking myself, for the benefit of the hon. Gentleman, is is the system in place that we just simply give GJBS *all* bath-to-shower conversions, or not? This is something that I do not have an answer for, so if you want to either ask me next month or write to me, I will certainly have no problems in furnishing you with the information when I have an answer. I will be happy to do that.

Hon. J J Netto: I will, Mr Speaker.

1480

**Construction of additional homes
Government intentions
Question withdrawn**

1485 **Clerk:** Question 777, the Hon. E J Reyes.

Hon. E J Reyes: Yes, Mr Speaker. I think Question 777, in many ways, needs to be withdrawn because I had given notice of this Question before any announcements were made, and so I think most of the hon. Members on the Government benches at least are aware that Mr Speaker and I did represent this esteemed House in the Commonwealth Parliamentary Conference in Sri Lanka, where we passed on Gibraltar's regards to all concerned. Therefore, Mr Speaker, I am sorry to have wasted your time by having filed this Question.

However, may I indulge a bit of generosity on the Housing Minister's time by saying, from what I have read it seems that Government have passed on these proposed projects to the DPC for guidance, and so on, and they have got some advice back, which has made them then cancel the project. I am a bit confused, and I know the Hon. Minister can enlighten me that way – when did the Development Planning Commission actually consider this project?

Minister for Housing and the Elderly (Hon. C A Bruzon): Would it not be better if he asks the Question, Mr Speaker?

Mr Speaker: Yes, perhaps.

Hon. C A Bruzon: Do we know what Question he is talking about?

Hon. E J Reyes: Okay, I am talking about –

Mr Speaker: Question 777.

Hon. C A Bruzon: I know the one he is talking about, but for the benefit of –

Hon. E J Reyes: Alright, yes, Question 777, as announced by the Clerk, in which I was going to ask the Minister to confirm that Government still intends, despite the representations indicating opposition to such projects by the relevant housing estates tenants, to proceed with the construction of additional homes by means of building floors at: (a) Moorish Castle; (b) Laguna; and (c) Glacis Estates? That is what I was referring to. I then clarified by saying I think all that has been answered. We now know it is not.

As a way of supplementary, if the Hon. Minister does know, when was this presented to DPC?

Hon. C A Bruzon: It was presented to the Development and Planning Commission... I forget the exact date.

Chief Minister (Hon. F R Picardo): Can I just clarify one point? That is a matter of public record. The DPC is public; it is online. All that information is a matter of public record. I know that the hon. Gentleman, wanting to be helpful, is going to provide the answer, but the DPC is now a public forum. (**A Member:** Hear, hear.) The time when things are submitted to the DPC is actually put on the website, so this is a totally public piece of information.

Mr Speaker: That is a valid answer; it is a matter of public record.

Hon. E J Reyes: Alright, Mr Speaker, the reason why I ask that is because, from the Development and Planning Commission's meeting agenda on Wednesday, one of the items listed there was actually this project, and prior to that having taken place on Wednesday, there had already been an announcement from Government that they were not going to continue with this.

Alright, Mr Speaker, I think that has been clarified, and when I look up at what is on public record, if I have any problems, I can always come back next month.

Construction of rental housing Government intentions

Clerk: Question 778, the Hon. E J Reyes.

Hon. E J Reyes: Further to their announced plans to build additional floors at three existing rental housing estates, can the Minister for Housing commit himself and state what other rental housing Government intends to construct, indicating estimated commencement of construction and completion dates?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Yes, Mr Speaker, the Government expects to have made announcements on this before the end of the year, and we have, in fact, already made an announcement of the drawings and planning for 450 eco houses for 50:50 purchase going to the Development and Planning Committee – that took place a few days ago – and also 70 flats for our senior citizens. That is also being considered by the Development and Planning Commission.

Hon. E J Reyes: I am grateful for that, Mr Speaker, but in my Question I was saying what other rental housing is going to be constructed. I had taken note of previously announced projects that go for 50:50 purchase.

Hon. C A Bruzon: The hon. Member is absolutely right, but I can also repeat the answer which will refer to rental housing, and that is that we expect to make an announcement on our plans to construct Government rental homes. The announcement will be made hopefully before the end of the year.

Hon. S M Figueras: Mr Speaker, just by way of clarification, my recollection... the announcement in respect of the eco housing – we are referring to the ones in the Aerial Farm, is that correct? Yes. The announcement did not – *(Interjection)* Yes, it is public, yes I know. I am referring to a press release because that was public and I saw it.

Chief Minister (Hon. F R Picardo): It is not just that though; there have been others as well.

Hon. S M Figueras: Yes, indeed, but the eco housing at the Aerial Farm is, I believe, what we are talking about here. That press release did not actually make reference to the fact of whether it was going to be for co-ownership or for rental, from what I can recall, so I take it that the decision to make it for co-ownership is something that has followed the issue of the press release?

Hon. Chief Minister: No, Mr Speaker. The fact is that the press release talks about the project; it does not talk about the details of the project. That is what has been put into the public domain until now. It may be that there are different mixes available to the Government. The Government may decide that some of that may be available for rental, some of it may be for 50:50 purchase and some of it may be for 100% purchase.

When the Government decides exactly what the composition will be – and it is very likely to be 50:50 – then there will be a press release that deals with that, but at the moment it has just gone for guidance to the DPC about heights and densities and the things which it goes to the DPC for.

Hon. S M Figueras: I am grateful for the clarification. I only ask because it was spoken of very matter-of-factly a moment ago between the Minister and my hon. Friend that it was indeed for co-ownership, so it appears, it struck me, that there was some resolution in that respect. But I am grateful for the clarification in any event.

Co-ownership housing estates Meetings with Government

Clerk: Question 779, the Hon. E J Reyes.

Hon. E J Reyes: Can Government state if it has held meetings with any management companies/committees of co-ownership housing estates in order to address any new or ongoing concerns and, if so, provide details of the concerns raised and respective final outcomes?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, as I have replied on various occasions when the hon. Member has asked a similar Question, no management company or committee have approached my office requesting a meeting.

I know, however, that a number of management companies and committees are in contact with the Chief Minister.

1610 **Hon. E J Reyes:** Therefore, because my Question this time, as opposed to previous occasions when I was asking just the Minister for Housing, I am asking, has Government held any meetings? Is there any Member on the Government side that can answer anything in that respect of my Question?

1615 **Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, as the hon. Gentleman has indicated, I have held meetings.

Hon. J J Netto: Could I ask with whom, Mr Speaker?

1620 **Hon. Chief Minister:** With management companies and committees of co-ownership estates.

Hon. J J Netto: Which ones in particular?

1625 **Hon. Chief Minister:** A number of them, Mr Speaker. I do not know whether it is appropriate to list the ones that have come already and those that have not, but I have no difficulty saying that I have met with the management committees of Vineyards and of – *(Interjection)* Sorry? Of which? *(Interjection)* The management of Vineyards; the management committee of Brympton; I have had representations from the management committee of Elliot's Battery; I am meeting, subject to diary arrangement, the committee of Montagu Gardens; I have met the committee of Sir William Jackson Grove.

1630 Mr Speaker, what I am not going to do is tell the hon. Members who was present, who I met, what I discussed with them; otherwise, I might as well just put a webcam in the meetings, Mr Speaker!

Hon. J J Netto: Certainly not, he can rest assured that we will not do that, but is there one meeting scheduled for the Harbour Views management committee?

1635 **Hon. Chief Minister:** Actually, thank you for reminding me. I have met them too.

Clerk: Question –

1640 **Mr Speaker:** The Hon. Edwin Reyes.

Hon. E J Reyes: My Question did end up saying, 'if so, provide details of the concerns raised and respective final outcomes'. Is that something that the Chief Minister feels it is not appropriate to talk about?

1645 **Hon. Chief Minister:** I am not going to give that information, for a simple reason. The hon. Members are free to approach the management companies of the estates in Gibraltar and ask them what issues concern them and what issues they have brought to the attention of the Government, but I do not think it is appropriate for me to give that information in the House.

1650 If there is a resolution of something and the Government commits itself to do something in respect of a particular management company, then if the hon. Member asks me about what we have committed ourselves to do, we will of course be obliged to answer that question because it is a thing that we, as Ministers, are doing.

In fact, I have also met the committee of Bayview, Cumberland Terraces and Nelson's View, I have just remembered.

1655 So I do not think it is appropriate to say, 'What concerns have they raised with you?' These are public individuals. You can go and ask them yourselves, the same as would be the case in respect of other interest groups, where the Opposition would be in dialogue with them as much as the Government.

1660 The Government – this Government – does not take the attitude that people who talk to the Government cannot talk to the Opposition. People can continue in dialogue with the Government and can talk to the Opposition, if they like. The position before 8th December, as the hon. Gentleman will know, was that people were told that if they wanted to continue to be in dialogue with the Government, they could not talk to the Opposition. That also ended with the new dawn of 9th December.

1665

Housing Works Agency Recruitment

1670 **Clerk:** Question 780, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing explain why no new employees have been engaged by the Housing Works Agency in order to replace former employees who have retired/transferred, in keeping with the agreement between Government and Unite the Union?

1675 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

1680 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, staffing levels related to the Housing Works Agency are currently the subject of a comprehensive review of the Agency and the Ministry for Housing.

**Old St Bernard's hospital site
Elderly people's home**

1685 **Clerk:** Question 781, the Hon. J J Netto.

1690 **Hon. J J Netto:** Mr Speaker, can the Minister for Housing state why the new elderly people's home at the old St Bernard's Hospital site has not yet been opened, despite having said in Parliament that works would be complete in April of this year?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1695 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, Government was advised by GJBS that works would be complete in April this year and it is not uncommon for construction works to suffer some delays. In this case, the issues arising also relate to the need for changes to be made to certain parts of the site to make it accessible to elderly people with mobility issues.

1700 **Hon. J J Netto:** I presume, Mr Speaker, that those changes may have happened or occurred as a result of the new party coming into Government and altering the original plans – because the initial plans, when we were in Government, meant that the project *was* finished on 1st April. So my question is those new changes have arisen once the new party has been in Government – is that the case?

1705 **Hon. C A Bruzon:** I am not sure that I understand the question, but let me explain that technical completion is one thing. When technical completion happens, then a number of things also have to happen.

1710 My hon. Colleague, Samantha Sacramento and I have had site visits with our staff, we have visited the premises on more than one occasion and we have realised that certain adjustments have to be made, particularly to the ground floor, to make the apartments user-friendly for people with mobility disability. That may account – that *does* account, in fact – for the fact that we have not yet allocated any of these flats, but we are now in the process of identifying people whom we feel may wish to move from a larger Government flat into these rather beautiful 2RKBs.

1715 **Hon. J J Netto:** Does the Minister know by when will the building be finished and allocated?

Hon. C A Bruzon: We are precisely now currently involved in considering people for an allocation of these flats. It will be happening very, very soon.

1720 **Chief Minister (Hon. F R Picardo):** With this caveat, Mr Speaker: that there may have to be works done to general areas and therefore the allocations may have to wait. This is a really unfortunate turn of events that I am very disappointed in, which is that the plans that have been drawn up and on which a large amount of public money has been spent, render the place inaccessible for people with wheelchairs, and the expert advice that we have – because we do not tend to know about the space required for turning for wheelchairs etc – is that –

1725 **Miss S J Sacramento (Minister for Equality and Social Services):** And zimmer frames.

1730 **Hon. Chief Minister:** – and zimmer frames, not just wheelchairs – is that access areas for the building may also require work, in order that people with wheelchairs and zimmer frames etc can access the building. That may delay even the allocations in respect of people who do not have mobility problems, because the general areas may also require work.

To have spent public money, Mr Speaker, on such a project without taking these things into consideration is something that I think the hon. Members opposite should really have considered more carefully at the time.

1735

Hon. J J Netto: Mr Speaker, the Opposition does not agree with the Chief Minister, because the changes for the wheelchairs that he is referring to are perhaps because the specification that was originally intended has changed. In other words, when the GSD Government gave the specification to the contractors to provide that facility, it was meant as a facility for independent elderly people with no mobility problems. Therefore the construction was made on those specifications.

1740

The new Government is perfectly entitled to change the specification that the previous Government did – that is no problem – but the reality of the situation is that the work ended in December, the snagging had been taking place from December to April. The situation is that both the Minister for Social Services – so she does not get offended – and the Minister for Housing (*Interjection by Hon. Miss S J Sacramento*) have been at loggerheads because the Minister for Housing wanted the building to be finished to be able to allocate to elderly people who are independent living with no mobility problems, but the lady, the Minister for Social Services, has – rightly or wrongly; it is not for me to determine that – wished to change the specifications that were originally made by us.

1745

That is a different matter, they can do it, but what they cannot say is that the taxpayer has had to put a lot of money to put it right. It has not happened. The reality is that the works were done to what was intended, (*Interjections*) and what I am asking is whether the specifications, meaning that the building is now intended not only for independent elderly people, it may also be intended for people with mobility problems, which is a different thing, and that is my question.

1750

Hon. Chief Minister: Mr Speaker, the position is very clear. First of all, the hon. Gentleman is living in cloud-cuckoo-land and believing every rumour that he wishes to believe, if he believes that there are Ministers on this side of the House who are at loggerheads. I hear these rumours all the time and they are absolute and complete poppycock.

1755

This is a Government that *works together*. (**A Member:** Hear, hear.) This is a Government that meets every Monday at nine o'clock in the morning and makes decisions by consensus, and therefore there is nobody at loggerheads with anybody else here.

1760

Mr Speaker, this is not a question of changing specifications; this is a question of the *wrong* specifications having been given for the works to be done in the first place. (*Interjections and banging on desks*) Or is it that he does not know, Mr Speaker, that the doors fitted to this new development are not doors of the size required for people with mobility problems? They are not even standard-size doors for people with no mobility problems. They are *smaller* than standard-size doors, and therefore of course he is right that there has had to be a change of specification, because we have had to give the *right* specification!

1765

Or does he not know, Mr Speaker – or is he trying to forget – that when you develop housing for the elderly, the elderly may be mobile one day and less or immobile the next? There are many elderly people with mobility problems who will need to be rehoused very shortly and this part of the housing stock is going to be used for that purpose with the necessary modification, and some of the elderly people who are mobile today and are moved up there may not be mobile at all within months or years, unfortunately.

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Anyone who was prudently developing a facility like this one would have ensured that, from the word go, they would have made the necessary specifications, such that either people with mobility problems or people who are today enjoying independent living but tomorrow may have mobility problems might be able to avail themselves of the service of this development.

1775

That is the reality of the situation, Mr Speaker. He may not like it, and I know that it hurts, but he has to accept it. (*Banging on desks*)

1780

Hon. D A Feetham: Mr Speaker, I do not know about rumours. We hear a lot of rumours. We hear a lot of rumours of Ministers threatening to resign on the Government side, (**Hon. Chief Minister:** You wish!) (*Laughter*) if the Chief Minister does what his instincts tell him to do on the fishing dispute, which is enter into a reasonable agreement with the fishermen. (*Interjections*) There are rumours...

1785

Mr Speaker: Order! Order! Order!

Hon. Chief Minister: Mr Speaker, Point of Order.

1790

Mr Speaker: Point of order, yes.

Hon. Chief Minister: Mr Speaker, who is the hon. Gentleman to speak of what *my* instincts tell me to do? He can talk about what *his* instincts might tell him that *my* instincts might tell me to do, but he cannot talk about my instincts, because he has always got those wrong.

1795

Mr Speaker: Before the hon. Member continues, before he continues, I was about to remind him that under the Standing Orders, and certainly under the guidance of *Erskine May*, a Member asking a question must make himself responsible for the accuracy of the facts, so I would advise Members to steer away from rumours.

1800

Do carry on, please.

Hon. D A Feetham: Yes, of course, I apologise, Mr Speaker, –

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Mr Speaker: No, I was just guiding.

Hon. D A Feetham: – and I will not go into the rumour of resignations or of slanging matches at No 6 Convent Place between the Hon. the Chief Minister and the Minister for Employment.

1810

Mr Speaker: I think the Hon. Member is compounding it by repeating all that.

Hon. Chief Minister: Mr Speaker, he has raised something I am going to deal with.

Mr Speaker: Order! Order!

1815

Hon. Chief Minister: He has raised something I am going to deal with. He has, as usual, wanted to pretend not to say something but say it, so I am going to deal with exactly what he has said. I am going to put on record, because he has now elevated a stupid rumour to a stupid remark in the House, and I am going to deal with this in this way. (*Interjections*)

1820

Mr Speaker: Order! Order! Order!

1825

Hon. Chief Minister: I am going to deal with this in this way. He can talk and he has my freedom to talk to every single person in the corridor of power at No 6 Convent Place in Gibraltar. *Everyone* will tell him that that ridiculous rumour that he has elevated to a ridiculous remark across the floor of the House is not just wrong, it is manifestly untrue; that actually what is happening, which is so difficult for people to bear, is that the people on this side of the House are getting on perfectly, that we are working collectively in the interests of Gibraltar, and that in particular the relationship that I enjoy with the Minister for Employment is among the best that I enjoy with all the people who sit on this side of the House.

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They will also tell him that the slanging matches, the banging of doors, the shouting –

Hon. D A Feetham: Mr Speaker –

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Mr Speaker: Order!

Hon. Chief Minister: – they recall happened when he used to go in to see Mr Caruana, when Mr Netto used to go in to see Mr Caruana, and when Mr Montiel used to go in to see Mr Caruana, all of which I consider to be to their eternal credit because, of the others, I hear that there was only squeaking like mice, and that today, thank goodness, those days are *over*.

1840

Mr Speaker: The Hon. Daniel Feetham.

Hon. D A Feetham: May I now ask my questions?

1845

Mr Speaker: But not rumours, please.

Hon. D A Feetham: No, no rumours. I would not want to compound –

1850

Mr Speaker: Say no more.

Hon. D A Feetham: – the... yes... (*Laughter*) the Hon. the Chief Minister's state of emotion this afternoon.

Hon. Chief Minister: I get very emotional when I am [*inaudible*] with my friends.

Hon. D A Feetham: Absolutely. But does the Chief Minister not accept that there is a distinction, and I think that the hon. the shadow Minister for Social Services, Mr Netto, has been very clear and very fair in the way that he has, in his exposition of that distinction, that there is a distinction between elderly who are people who can live independently and therefore may require a facility that is obviously commensurate with that level of independent living, and elderly who cannot live independently because they may have mobility issues and that, as a matter of policy, this particular facility was not intended to cater for the latter, was intended to cater for the former.

Does he accept that distinction? Because we certainly accept that the Government today is entitled – perfectly entitled – to change its policy and to say, ‘No, this is a facility that we would wish to cater for both independent living and mobility.’ We think there is a difficulty there, but look, you are perfectly entitled to take a different approach.

And does the Chief Minister not accept that that does not mean – that it *does not* mean...? I think it demeans politics, if we then reduce everything to the level (*Interjection*) of ‘We are now in Government, this is all rubbish that you have done, it is all wrong and we are going to change it because it is all rubbish and it is all wrong.’ You may have a different policy. It does not mean that what we did was all rubbish and all wrong. (*Interjections*)

Hon. Chief Minister: Mr Speaker, it demeans politics that people just want to get up and hear their own voices.

Hon. D A Feetham: Just like you.

Hon. Chief Minister: It demeans politics, Mr Speaker, that people want to pretend that their opponents have said one thing, when actually they should be defending a different position, which is what has been put to them.

Mr Speaker, it demeans politics for the hon. Gentleman to say that this facility they were developing up there *only* for people who had no mobility problems but who were elderly, because people listening to this debate are not stupid. Politicians demean politics when they say things that could only be believed by the stupid, and there are no members of this electorate that I know of who are stupid.

Mr Speaker, if you develop a facility for the elderly who are today mobile, what do you do with that elderly person when they become less mobile or immobile?

Hon. J J Netto: I will answer that later.

Hon. Chief Minister: It is very simple, Mr Speaker: you have to move them from the facility, or else the facility will become a useless prison for them, and in particular, given the location of this facility in the upper town, it would be even worse to have people who might develop mobility problems – and unfortunately the elderly often do – *very* often do... to have planned this facility without the simple measures necessary to also make it suitable for people who may be less mobile, either when they move in or in the future.

Mr Speaker, the hon. Gentleman has to understand that he has to make such statements not in the vacuum and not in the reality that he wants people to believe that 8th December was, but in the *real* reality of 8th December, because, Mr Speaker, he knows what that was, I know what it was, and the members of the general public who are listening know what it was.

That reality, Mr Speaker, was 1,500 people on the housing waiting list. That reality was, Mr Speaker, a lot of people who are elderly with mobility problems, either stuck in the hospital because their existing homes were not suitable for them or stuck in their homes because they could not get out of them because of their mobility problems.

In those circumstances, Mr Speaker, to have planned this facility without the capacity of it taking people who have or may develop mobility problems is what we think was wrong and the hon. Gentleman makes a virtue of giving us the rights that we have. He said, ‘I accept, of course, that you are entitled to change the policy...’ *Of course* we are entitled to change the policy! We are the Government! We are entitled to take such policy as we believe, but we do not take that policy – saying, as I explained to his erstwhile leader at the beginning of Question Time this week – pretending that the world started on 9th December.

I said when I accepted our election victory in the Mackintosh Hall, and I have said since, that the hon. Members did not do ‘nothing’ for 16 years, but that is what they want me to say because then they attack me by saying, ‘Well, you cannot say that. Your talking is not true. You are saying that everything we have done is rubbish and that is just not true.’ *I am not saying that*, Mr Speaker.

1915 What I am talking about are the things they *did not do*. The things they did which were wrong! They know they were wrong and they demonstrate that they know they were wrong by getting up to say, 'You see, it is so unfair when you say that we did nothing and that everything we did was wrong...' Of course, because that sounds so unreasonable. But that is not what we are saying. We are saying that *this* was wrong and on other occasions we say the *other things* that were wrong and this *was* wrong, Mr Speaker, for the reasons that I have already explained.

1920 Mr Speaker, we are convinced that the facility up at St Bernard's needs the work that the Hon. the Minister for Social Services has already outlined and that the Hon. the Minister for Housing is aware of. There are some people who may be able to move in more quickly with that caveat that I have given about having to change certain rooms and having to change certain access areas, but it is going to be delayed, and it is delayed because of those failures.

1925 Mr Speaker, they may like it or they may not, but that is the reality of the situation and that is the view that this Government takes.

1930 **Hon. D A Feetham:** I have to say, Mr Speaker, that for somebody who says that I like the sound of my own voice, I should remind the Hon. the Chief Minister that he has taken 10 minutes with his response – 10 minutes giving us a political speech. (*Interjection*)

He likes so much the sound of his own voice, that he did not actually hear Members of his own benches actually reiterate the point that I was making that this project, what we had done, it was all rubbish and all wrong. Those were the cries from the Opposition benches... sorry, from the Government benches (*Interjections*) from his own Ministers when I was making the point.

1935 Does the Chief Minister not accept that actually this particular site is not a good site for elderly who have mobility problems? It is in a very difficult part of town; hence, one of the reasons why we had allocated this particular facility for elderly people who were capable of independent living. Is he satisfied that this is an appropriate facility for elderly people who have mobility problems, up there in the upper town as it is located?

1940 **Hon. Chief Minister:** Mr Speaker, I know that the man has only been gone 24 hours, but to say that somebody is fond of the sound of their own voice because they take 10 minutes to answer a question – I doubt it was 10 minutes – is really to call into question what it is that the Hon. the Leader of the Opposition, when he was Chief Minister, was fond of, when he used to sometimes take 45 minutes to answer a question, or six hours to reply to a Budget speech!

1945 Anyway, Mr Speaker, given that there are so many people dancing on the hon. Member's, the Leader of the Opposition's grave, I will allow the Hon. Mr Feetham that further tango on it.

1950 Mr Speaker, what Members of the Government – we are not of the Opposition, remember – Government – were doing was reiterating the very point that I have made in colourful language – adopting his word of 'rubbish' – about this project. What he was talking about – and I know that they rather *Hansard* did not exist, but it does and it will be there for people who go back and look at this debate to see what he was talking about – was us saying that *everything* they had done was rubbish. This particular project, Mr Speaker, in that particular respect in our view is rubbish.

1955 **Hon. J J Netto:** Answer the question.

Hon. Chief Minister: It is rubbish –

1960 **A Member:** Answer the question.

Hon. Chief Minister: – as a facility for people who have mobility issues because all of the criteria which have to be taken into consideration for accessibility by people who have mobility problems for this particular facility are not met inside the facility.

1965 Am I satisfied that being up there in the upper town, this facility can be used by people with mobility difficulties? Yes, I am. Is that me just making up my mind about it? No. Experts tell us that it is possible for people with accessibility issues to use that facility. Different steps are being taken to make it easier for them to access the area and people with mobility issues are asking us, please, to make it available to them once adapted. There may be some who do not want to go up there and they will not be made to go up there, and those who do want to go up there will be able to go up there.

1970 Mr Speaker, they may not like the answer because it flies in the face of what they want to hear, but that is the truth. That is what is happening and that is why these works are going... or rather, why this project is going to have to be delayed and require more money to be spent on it.

1975 **Hon. J J Netto:** Mr Speaker, it not a question that we do not like the answer, it just that –

Mr Speaker: Is it a question?

1980

Hon. J J Netto: It will come –

Mr Speaker: Soon I hope.

Hon. Chief Minister: It has got to be a question.

1985

Mr Speaker: It has to be a question.

Hon. J J Netto: Well, Mr Speaker, you know at least I will be allowed the latitude of an introduction

–

1990

Mr Speaker: A brief introduction. Yes.

Hon. J J Netto: – to preface my question.

1995

Mr Speaker: *Erskine May* tells me it must be a *brief* preamble.

Hon. D A Feetham: Not 10 minutes.

Mr Speaker: No, that is not a preamble, that is an answer. (*Interjections and laughter*)

2000

Hon. J J Netto: I promise you that it will be a quarter of the time of the Chief Minister.

Mr Speaker: Okay.

2005

Hon. J J Netto: Mr Speaker, it is not a question that we do not like the answer; it just that the analysis that they have done is wrong. It is wrong because he knows that the location up there is not suitable for people with mobility problems and we took that decision on the basis that we created sufficient stock for other elderly people with different needs, by providing Bishop Canilla, Albert Risso House, ground floor flats in Government housing estates, lift installations throughout all Government estates, making Mount Alvernia full of capacity, which it was not before we came into Government, and this is one of the reasons why we did it.

2010

The reality is that... or the question is that they have changed the specification and we would like to know whether they have changed the specification and are now coming with the excuses on the basis of saying, 'We need to change it because of mobility problems.'

2015

The original specifications were carried out. They were completed in December. The snagging took between December and April and now they have changed the specification. They are entitled to do it. They are the Government to do it, but they should not be shy from saying that they have done it.

So could I get an answer saying, have they changed the specification from what was originally met?

2020

Mr Speaker: I think that has been answered, but if the Chief Minister wants to –

Hon. Chief Minister: I have answered that question so many times that I am afraid –

Mr Speaker: – answer it... It has been answered and changed –

2025

Hon. Chief Minister: – that I do not want bore listeners into listening to it again.

Mr Speaker: – and for reasons that I understand, both sides have a different approach to what the facility was for, really. I do not think we can take this debate much further.

2030

Next question.

2035

TRAFFIC, HEALTH & SAFETY AND TECHNICAL SERVICES

2040

**Street cleaning campaign
Removal of illegally parked cars**

Clerk: Question 782, the Hon. D J Bossino.

2045

Hon. D J Bossino: The Minister is now back.

Mr Speaker, I have got three questions on traffic related matters and I hope they will not descend into the performance that we have just witnessed. *(Interjections)* The Chief Minister is in an awful mood this afternoon, I must say. He is not here, okay? Good.

2050

Mr Speaker, can the Minister for Traffic, Health & Safety and Technical Services, provide the House with the full particulars of how it proposes to ensure that illegally parked cars will be removed in the context of its street cleaning campaign?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

2055

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the street cleaning campaign is aimed at improving the cleanliness of various areas and the removal of vehicles on a regular basis is an essential element for its success. This will allow the cleaning operations to be carried out effectively.

2060

The process has started with the distribution of flyers in the areas forming part of the campaign. Following this, fixed penalty tickets will be introduced. The RGP will endeavour, by way of education and interaction with the community, to request that residents remove their own vehicles in a timely manner. However, should there be a need, offending vehicles will be towed away in the future.

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Hon. D J Bossino: In the context of ensuring that illegally parked cars are removed in the context of the street cleaning campaign, a reference was made in the Government's press statement as reported in the press – I have got an article here from the *Gibraltar Chronicle* – and the answer given by the Minister I think reads pretty much from that press statement.

2070

There are two items in particular which I would highlight in the context of my supplementary and that relates to, for example, information flyers and the fact that there will be manpower deployed in the form of RGP Officers and Highway Enforcement Officers. In that context, will the campaign result in further costs to the Government?

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Hon. P J Balban: Mr Speaker, I am not aware whether there will be any further costs with regard to what the hon. Member is asking.

2080

Hon. D J Bossino: Presumably, the answer really is that the Minister does not know, but there could be a cost. Is that a more accurate way of putting it?

I do not presume for one moment to be answering the question for the Minister, but I just propose that as an answer – given that I have been admonished by the Chief Minister in the first sitting of the House for proposing answers to Ministers – proposing as an answer, just by way of clarification.

2085

Hon. P J Balban: Mr Speaker, I do not anticipate any further costs. As I said, the information flyers have already been printed and been distributed; but again, as far as I am aware, there should not be any costs, but if there were, obviously I will let the hon. Member know.

Hon. D J Bossino: This question may an unfair question, but does he know how many information flyers are involved at all?

2090

Hon. P J Balban: No, it is right to say that this could be unfair. No, I do not know.

Hon. D J Bossino: Then I will ask the question at the next sitting.

2095

**New pelican crossing, Europa Road
Electrical equipment; date available for use**

Clerk: Question 783, the Hon. D J Bossino.

2100 **Hon. D J Bossino:** Further to Question 433/2012, can the Minister for Traffic, Health & Safety and Technical Services advise this House whether the electrical equipment for the placing of the new pelican crossing at Europa Road in the area of Brympton/Mount Road has arrived and when he expects that the crossing will be available?

2105 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, I am glad to report that the pelican crossing will shortly be installed at Europa Road in the area of Brympton/Mount Road.

2110 **Hon. D J Bossino:** By implication, the answer suggests that the equipment is available and ready for installation. Is that correct?

2115 **Hon. P J Balban:** That is right. As it implies in the question, the equipment is available and will be installed shortly.

Hon. D J Bossino: That, Mr Speaker, will be very welcome news for residents in that area, particularly in Brympton.

2120 The Minister refers to 'shortly'. We have also had this debate in the context of questions and answers in this House, I think in relation to the word 'soon', where the Chief Minister has referred us to the Oxford English Dictionary thereof. Is the Minister able at this stage to give me a more precise indication as to the timings?

In other words, where I do not necessarily have to raise this question at the next sitting of the House at the end of October?

2125 **Hon. P J Balban:** This is actually sooner than... (*Laughter*) sooner than when –

Hon. D J Bossino: Sooner than 'soon'.

2130 **Hon. P J Balban:** Yes, sooner than 'soon', when obviously the GSD was in Government!

**King's Wharf site
Car park**

2135 **Clerk:** Question 784, the Hon. D J Bossino.

2140 **Hon. D J Bossino:** Can the Minister for Traffic, Health & Safety and Technical Services advise this House what the costs of the setting up of the car park opposite the fair was and what arrangements were arrived at with the owners of the site where the parking was provided?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

2145 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the development of the car park at the King's Wharf site is part of an agreement with the developers of the site, at no cost to Her Majesty's Government of Gibraltar, to make the site available for use as a temporary public car park for a period of two to three years.

2150 In exchange, Her Majesty's Government of Gibraltar will agree an extension to the current lease the developer has for the site. Government has not yet finalised the actual terms of the agreement with the developers or received a final statement of the cost of producing the car park.

It is anticipated that the said arrangements should be finalised and the costs should be available in the next 30 to 60 days.

2155 **Hon. D J Bossino:** Mr Speaker, just by way of supplementary, the cost of the car park is a cost on the Government, is that correct? It is not a cost to be visited upon the developer – is that correct?

Chief Minister (Hon. F R Picardo): That continues to be a subject of discussion.

2160 **Hon. D J Bossino:** So just to understand the situation: the car park was provided now, because it is there in place, the whole area has been tarmacked and it is in use, and what is expected is that there will be an extension of the lease provided to the developer who currently owns the site. Is that correct?

2165 **Hon. Chief Minister:** That is exactly what the answer given says.

**Factories inspectors
Employment details**

2170 **Clerk:** Question 785, the Hon. J J Netto.

2175 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety give details of the total number of factories inspectors employed, the number of Health and Safety advisors or officers employed in various Government Departments, authorities and agencies, stating their grades, where they are employed, Health and Safety qualifications and whether any of them are currently undergoing any training or courses leading to a Health and Safety qualification?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

2180 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the present complement of the Factories Inspectorate consists of four factories inspectors – that is one principal and three Health and Safety inspectors. At present, there are no officers undergoing training.

2185 A list of grades and qualifications, as requested by the hon. Member, is contained in the schedule, which I now hand over to him.

Answer to Questions 785

Department	Grade	Nos.	Qualifications
TSD	HPTO	1	NEBOSH Certificate (in Construction) NEBOSH DIP Parts 1 & 2 Occupational Health & Safety
Housing Works Agency	PTO	1	NEBOSH Certificate Occupational Health & Safety
Environmental Agency	SEHO	1	CIEH Approved
Factories Inspectorate	Factories Inspector	2	International Diploma in Risk & Safety Management
		1	Masters Degree in Health and Safety
		1	Post Graduate Certificate
CFB	Firefighter	1	MSC Occupational Health & Safety Management CMIOSH AIEMA
Customs	AO	1	NEBOSH (Health & Safety Practitioner) NEBOSH (Occupational Health & Safety)
Sports Authority	Deputy CEO	1	Certificate (Health & Safety in the Workplace)

2190 **Hon. J J Netto:** Mr Speaker, can I start by asking a supplementary question? Obviously, the difference between the different chart that he gave me some time back, in Question 181... because we have gone up by two. I think that the previous one was eight; now we have got 10, if we include the two extra factories inspectors. Is that correct?

2195 **Hon. P J Balban:** Yes, as explained to the hon. Member last time, because of the secondment of the two individuals from the Housing Works Agency, they have joined the Factories Inspectorate – that is why there are an extra two in that respect.

Hon. J J Netto: For the sake of clarity, Mr Speaker, I do recall, when I asked this question subsequently to Question 181, in relation that there were two people seconded to the Factories Inspectorate, I do recall – although I have not got *Hansard* with me right now – that the Hon. the Minister

2200 for Health & Safety did say that they would not form part, necessarily, of the Factories Inspectorate, only
if the vacancies went out and they applied for a job. So do I take it that those two new extra posts now, as
factories inspectors, have emanated as a result of vacancies and those two people who were seconded
2205 applied, or have they simply been absorbed without the process of the vacancy coming out in the first
place?

Hon. P J Balban: No, as I said earlier, they are still part of the Housing Works Agency. They were
seconded to the Department. (*Interjection by Hon. J J Netto*) No vacancy is available there for them; they
are just working, helping the Factories Inspectorate at the moment.

2210 **Hon. J J Netto:** So the situation remains the same, then – they are still seconded? That is the case, is
it?

Hon. P J Balban: That is correct.

2215 **Clerk:** Question –

Hon. J J Netto: Mr Speaker, can I –

2220 **Mr Speaker:** Yes, the Hon. Jaime Netto.

Hon. J J Netto: Thank you – you have got to be quick in here!

Mr Speaker: Yes!

2225 **Hon. J J Netto:** Mr Speaker, can I also ask if the Hon. the Minister for Health and Safety could at
least tell me what are the typical work activities of the Health and Safety advisers and officers, obviously
within the respective Departments, authorities and agencies that they are doing... In other words, what
are the ins and outs of everyday work that they are doing in order to support those Government authorities
2230 and agencies as Health and Safety advisers or officers?

Hon. P J Balban: Are you referring to the two seconded members of staff?

2235 **Hon. J J Netto:** No, for the sake of clarity, Mr Speaker, if we forget for one minute the... Let's say
the four factories inspectors, of whom two are seconded – let's forget about them. The rest, which he has
kindly provided to me, who are Health and Safety advisers or officers, like the one, for instance... You
have one in the Technical Services Department, you have one in the Housing Works Agency, one in the
Environmental Agency, there is one in the City Fire Brigade, there is one in Customs and there is one in
the Sports Authority. What I am trying to get a feel for, if the Hon. the Minister can provide, is what are
2240 the typical work activities that they carry out in support of those Departments, authorities and agencies?

Hon. P J Balban: Mr Speaker, the only person I am able to comment upon is the Health and Safety
officer we have within the Technical Services Department. You would actually have to ask the other
relevant Ministries to see what their Health and Safety advisers do in their relevant Departments.

2245 In my Ministry, in which is the Technical Services Department, the Health and Safety officer there is
actually responsible for looking after the wellbeing and the safety of the Sewers Division, so he will
actually go and check the procedure they are using before entering a sewer etc is adhered to, and just
guarantees the safety of the workforce in that respect.

2250 **Hon. J J Netto:** I can accept that, in the sense that what he is basically saying is that because of
people who work in confined spaces... In other words, the people who work in the sewers obviously
require a very high standard of Health and Safety – and I know that from experience myself, and that is
quite correct – but my supplementary question is much wider than that, in the sense that if you look – in
the UK, at least; it may be different in Gibraltar – that the work that typical Health and Safety officers or
2255 advisers do, it has a wide range that they could do to ensure giving advice to that particular organisation
that they are complying with obviously legislation affecting the circumstances or the environment in
which they are working. They do audits and risk assessments on behalf of those Departments, but I do not
know whether that same pattern that they follow in the UK is necessarily the pattern they follow here.
This is why I am trying to seek a clarification from the Hon. the Minister for Health and Safety. Do they
2260 follow the same pattern they follow in the UK, or is it a different one?

Hon. P J Balban: Mr Speaker, I presume that these individuals working in the other different Ministries will be responsible for, obviously, looking after the Health and Safety of the persons within their organisation. As I said, I have the responsibility for the member of staff in the Technical Services Department. I know exactly what that person is responsible for. I would presume, or I do know the fact that there are other individuals within the other Ministries... that Health and Safety is not their pure, full-time job. They are qualified in Health and Safety and I presume they will give advice to the relevant Departments, but that is not the entirety of what they do.

Hon. J J Netto: Mr Speaker, I cannot remember now whether it was this morning or perhaps yesterday, when there was a Question from my hon. Friend, Isobel Ellul-Hammond to the Minister for Health, in relation to the audit being carried out by the factories inspectors on the kitchen. Basically, the Minister said it is not the only audit that is being carried out by the factories inspectors; there are other audits. Obviously, he has not got, in the GHA, a Health and Safety officer or... what is the other word now I am looking for? – *bueno*, a Health and Safety officer to be able to conduct that, but the equivalent in the UK would mean that their own in-house Health and Safety officer would have been able to do that.

Presumably, your own Health and Safety officer in the Technical Department, over and above what you have just cited, in terms of supporting the people working in the sewers, because of confined spaces, will also be able to help the Department as a whole in relation to complying with a whole series of different things, from lighting to chairs to risk assessments and records in support of the senior management or the Chief Executive of the Technical Department.

Given I do not know the answer to my question, I am asking the question to you, as the Minister. In other words, having said all of that, do those officers in those Departments follow the same pattern as the UK, or a different one?

Hon. P J Balban: Mr Speaker, referring back to, obviously, what the hon. Gentleman was saying about the Technical Services Department Health and Safety officer, he is predominantly involved in the sewers section. There is enough work in the sewers section for him, so he would not be engaged in giving advice to the GHA, as a matter of course for that matter. So, that falls under the remit of the Health and Safety Inspectorate, who will conduct audits if need be.

As to whether the other people, who are not in my Department, follow the same guidelines as in the UK, I would presume so. As I said, they do not fall under my Ministry, so I can only advise the hon. Gentleman what Technical Services does in respect of Health and Safety.

Hon. J J Netto: I think, Mr Speaker, all I will do is, next month, I will ask another Question to all the respective Ministers, to see what they do.

Factories Inspectorate Improvement notices and prohibition notices issued

Clerk: Question 786, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health and Safety state the reasons for the factories inspectors issuing five improvement notices and one prohibition notice in the month of August 2012 and provide the names of the company or companies, if it is more than one, obviously?

Clerk: Answer, the Hon. Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, a total of 12 improvement notices and one prohibition notice were issued during the month of August 2012.

However, if the hon. Member is referring to the five improvement notices and one prohibition notice issued to the construction industry, I can then confirm that these were issued for breaches of the Factories (Work at Heights) Regulations.

Hon. J J Netto: Mr Speaker, can the Hon. Minister provide some more detail, not just as to the legislation, but on what actually triggered the factories inspectors to see that something was particularly wrong to issue at least one prohibition notice and five improvement notices?

Hon. P J Balban: As I mentioned previously, there were actually *twelve* prohibition notices, not five, so exactly which of the five are you referring to? I can only assume that what you meant was construction, but again, the question was not clear enough.

2325 If the five that I am assuming are the ones that were grouped together statistically, then all the notices were issued to scaffolding companies, and they were all to do with the Factories Act (Work at Heights) Regulations.

Hon. J J Netto: And the names of the companies, Mr Speaker?

2330 **Hon. P J Balban:** Mr Speaker, I do not think it is appropriate to actually give the names of the companies, but if the hon. Gentleman likes, I can give them to him in private – and confidentially, obviously.

2335 **Hon. J J Netto:** Mr Speaker, whatever way I get the information, it is of benefit to me, undoubtedly, but I do not see the logic of why it has to be confidential, because from the point of view I am looking at this, these are companies which, to some degree or other, from the point of view of the factories inspectors, have been determined that they were doing certain activities which were not right and, as a result of not being right, they issued a prohibition notice and five improvement notices. So I do not see why there is a reason why we should not know the company. Is there any particular reason?

2340 **Hon. P J Balban:** Mr Speaker, as the hon. Gentleman is aware, these are simply improvement notices and they could be to do with minor issues, minor things. Obviously, I do not think it is appropriate to name and shame companies who may have just done something very minor, and yet the overall impression could be that they did something which was serious.

2345 **Mr Speaker:** I think I should just remind Members, we all enjoy parliamentary privilege here and we should always be very careful in naming individuals or entities, because even though prohibition notices have been issued, they could be erroneously issued and the party concerned has the right of recourse in terms of challenging those notices. So we must be careful when we start bandying names of persons and entities in this House.

2350

Hon. J J Netto: Okay, fair enough, Mr Speaker.

Mr Speaker: No, just as a general principle.

2355 **Hon. J J Netto:** Alright, I accept that and I also accept what the Minister suggested, that he can give it to me confidentially.

2360

Health and Safety Industrial accidents

Clerk: Question 787, the Hon. J J Netto.

2365

Hon. J J Netto: Mr Speaker, can the Minister for Health and Safety state if there have been any reported accidents during the months of July and August 2012, showing the industry group and the name of the company, and state which ones were reportable, major and fatal, if any?

2370

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, I will answer this Question together with Questions 788 to 790.

2375

Factories inspectors Site meetings

2380

Clerk: Question 788.

Hon. J J Netto: Mr Speaker, can the Minister for Health and Safety state how many site meetings were attended and advice given by the factories inspectors during the months of July and August 2012, stating the names of the companies or public sector organisations?

2385

**Factories inspectors
Inspections**

Clerk: Question 789.

2390

Hon. J J Netto: Mr Speaker, can the Minister for Health and Safety state how many inspections during the months of July and August 2012 did the factories inspectors carry out, stating the names of the companies or public sector organisations inspected, whether any possible breach of the Factories Act or any subsidiary legislation has taken place, and whether legal advice is being sought?

2395

**Health and Safety Inspectorate
Inspections, site meetings and advice given**

2400

Clerk: Question 790.

Hon. J J Netto: Mr Speaker, can the Minister for Health and Safety now provide me with the breakdown of figures for the months of May and June 2012 in relation to inspections/site meetings/advice, which he so kindly promised me in reply to Question 555/2012 but has not yet done?

2405

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, in answer to Questions 787, 788 and 790, the information requested by the hon. Member is available online on the Government's website.

2410

In answer to Question 789, the information requested by the hon. Member is available on the Government website.

In relation to legal advice, no legal advice has been sought.

2415

Hon. J J Netto: Mr Speaker, but unfortunately it does not answer my Questions, because what the Government website provides for is to put together different categories of... *o sea*, put together my individual respective Questions into a big group, from which I cannot then identify which one falls within inspection, which is a specific Question, or how many fall within what is basically site meetings or advice. So the manner in which the Government is providing information on the website does not correspond to the nature of my Question, which is very specific in kind.

2420

What I am saying is that in the past, when I have brought these to matters to the Minister, he kindly said to me, 'Yes, you have got a point, it is valid, and I will provide information.' Now he seems to be saying to me, 'Forget what I said to you in the past, which is that I will provide the information in the manner that you have asked the Question, and you can go and look at the Government website, which still continues not to provide me with the answer in the manner in which I have asked for it.' So, which of the two is it, Mr Speaker?

2425

Hon. P J Balban: Mr Speaker, the statistical information, the actual information the hon. Member is requesting, as I said, has been provided monthly from the start, instead of statistically, and this information is actually on the Government website.

2430

If there is anything in particular that the hon. Member wants to elaborate upon, please ask by supplementary and I am happy to give you more information when available.

2435

Hon. J J Netto: It is not a question of asking supplementaries; it is a question that I have given notice of a specific Question and the Questions are not being answered.

He may choose to say, 'Look, regardless of what you ask, I am not going to give you the answer,' and that is fine if he does not want to give me the answer; but given that in the past, in answer to Question 555, he already said he recognised that he is not providing me with the answer and that he is going to provide me with it, he is now regurgitating the fact that he is not going to provide me with the answer, regardless of having told me he is going to give me the answer.

2440

Which one is it? Is he able to provide me with an answer from which I can draw a natural conclusion to my Question, which is: how many inspections in this month and how many site meetings in this month? But if you put together a graph which shows all the figures together and I cannot know which ones of those total figures are inspections or site meetings, then he is not providing the answer. He can continue to do that for as long as he wants to, but at least *tell* me that he is not going to provide me with the answer!

2445

Hon. P J Balban: Mr Speaker, I think I get exactly what you are leading to. (*Interjection*) If I can have his attention for a minute?

2450 What you are saying is that the way the statistics are actually laid out at the moment, in groups, three things together... And this is what we have spoken about before, in the past. Unfortunately, because we do not have the software available to be able to separate these things, it just will not be possible to do so.

2455 The software, as I have mentioned in past sessions of Parliament, is very close to being ready for use, and once that is available, we will be able to provide the hon. Gentleman, I hope, with the relevant information that he requires.

2460 **Hon. J J Netto:** Mr Speaker, the hon. Gentleman or his Department do not need any software at all to extract the information I am asking for. All he needs is someone to create a spreadsheet, so that when a factories inspector goes out and he records in his logbook saying, 'Today, Friday, at five o'clock in the afternoon, I went to inspect such and such a place,' that information will be put onto the spreadsheet, and given that the number of inspections we are talking about is either 50, 35, 40 – the highest is 46 – it takes five minutes within a spreadsheet to provide the information. He *does not need* a software programme!

2465 This is not about sending a rocket to Mars; this is about simple inspections! I am almost illiterate in IT – I confess that to be the case – but most people, fortunately, have a good understanding of what computers are and what a spreadsheet is, and I would have thought that it does not take a scientist to be able to get this information in the manner I am asking, which he recognised some months ago and now he is saying that he does not.

2470 **Hon. P J Balban:** Mr Speaker, I do recognise what the gentleman is saying. The gentleman is saying that inspection site meetings and advice are grouped together on a spreadsheet. (**Hon. J J Netto:** I am?) Yes, and unfortunately, this is what these guys have been doing for years. This is how they used to provide the statistics in the past. As I said, this will change.

Hon. J J Netto: No. No, Mr Speaker!

2475 **Mr Speaker:** Order! Order! Give way, the Minister is answering.

Hon. J J Netto: No, that is not true!

2480 **Mr Speaker:** Order! The Hon. Minister is answering.

Hon. P J Balban: That is about it. This is the way... I have not told them this is the way to do it. This is the way that they set up their spreadsheets and this is the way they keep the information statistically.

2485 When I have actually quizzed them and said, 'Why do we do it this way?', they say, 'Because it is not possible for us to do it any other way.' So I am obviously not going to tell them, 'This is the way it should be done because the hon. Member has requested it in that fashion,' but I am assured that once we have the computer software in place and installed, this will be possible to split up into the relevant categories that the hon. Gentleman is requesting.

2490 **Hon. J J Netto:** No, Mr Speaker, it is *not* true to say that this is the way that it has always been done. All he has to do is check the annual report that was done throughout the four years in which I was the Health and Safety Minister and he will see that inspection is in one column and it has nothing to do with site meetings or advice. So it is *not* true what he has just said.

2495 The second thing... regardless of the system that was there in place, right, all I am saying is you do not need a software programme. All you need is a spreadsheet. Pass the information from the logbook onto the spreadsheet, and given the small size of numbers or inspections, it does not take two minutes to get the answer out!

Mr Speaker, a student in Bayside learning to do IT would be able to do it!

2500 **Mr Speaker:** But there was not a question there, so we must move to the next Question.

Hon. J J Netto: Mr Speaker, please –

2505 **Mr Speaker:** No, there was no question there. With respect, I allowed the hon. Member to have his say, but there was no question there. We really must move on to the next Question.

2510

**Factories inspectors
Increase in numbers employed**

Clerk: Question 791, the Hon. J J Netto.

2515

Hon. J J Netto: Mr Speaker, is the Minister for Health and Safety now in a position to state how many more factory inspectors will be employed during this financial year, in order to carry out the Health and Safety audit that the Minister alluded to in answer to Question 440/2012?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

2520

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, as I already informed the hon. Member in answer to Question 440/2012, the Senior Factories Inspector has been tasked to look at proposals for review, which will then be put forward for ministerial consideration. This process has not yet been finalised, so I am still not in a position at this stage to state how many more factories inspectors will be employed, if any at all.

2525

Hon. J J Netto: Mr Speaker, this Question was prompted by the fact that the Minister, in the previous Question, was saying that they were conducting a review. I think he said at the time that the review had been initiated by the Senior Factories Inspector – I think those were his words – and that the review had started almost at the time when they got into Government, which is an obvious thing to say.

2530

So, given that they have been now almost nine months in Government, does he know at what stage the review is? In other words, whether the review is likely to finish shortly, in the next month or two?

2535

Hon. P J Balban: Mr Speaker, I am actually waiting for the Factories Inspector to produce and submit a report regarding the outcome of the review.

Hon. J J Netto: So do I take it then that they started to do the review in December 2011, we are in September 2012, and the review is still ongoing?

2540

Hon. P J Balban: Mr Speaker, I do not recall having said the review as such started in December. The Department was being reviewed generally, so this is why we decided to get help from the two supplementary officers of the Housing Works Agency. So the review, as such, has been ongoing – that is review of the Department – but the actual review that I am talking about was a review which the Senior Factories Inspector, the Principal Factories Inspector, has been tasked to do recently and – (**Hon. J J Netto: Recently?**) Yes, recently. Not weeks ago, but recently. It was not December.

2545

Hon. J J Netto: Mr Speaker, that does not tally with the information that he gave in the previous Question, in Question 440, which was in May, so it obviously cannot be recently, because he was alluding there to the fact that there was a review and the fact that one of the reasons for the review is that they will be able to do this audit. So is this wrong, *Hansard* is wrong, and what you are saying now is right?

2550

Hon. P J Balban: When I referred to 'recently', I meant more recently than December 2011.

2555

Hon. J J Netto: Right, okay, alright, so at least we know now that it started in May. At least we know that, which is in *Hansard*. Given it was in May, can the Hon. Minister at least provide me with an indication of when the review is likely to finish?

Hon. P J Balban: Not at this present time.

2560

**Prohibition and improvement notices
Number issued**

2565

Clerk: Question 792, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health and Safety state how many prohibition and improvement notices were issued in the months of July and August 2012, specifying the names of the companies involved, the site(s), the reason(s) for issuing the notice(s), and the period which may have

2570 brought operations to a halt until the inspector was satisfied that the correct standard had been duly complied with?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

2575 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, one prohibition notice was issued in July and one in August. On both occasions, these were issued to construction companies for breaches under the Factories (Work at Heights) Regulations. The work areas at the site in question had *not* been provided with a collective means of fall protection.

It took two working days to remedy the contraventions.

2580 Five improvement notices were issued in July 2012, and 12 in August 2012. All notices issued were for contraventions to the Factories Act (Lifting Operations and Lifting Equipment) Regulations and (Work at Heights) Regulations.

No further action was required in respect of any of these notices.

2585 **Hon. J J Netto:** Mr Speaker, just one supplementary. Do I take it then that the Hon. Minister will give me, on a confidential basis, the names of the companies, as he stated before?

Hon. P J Balban: Obviously, one of the other ones I included in the answer I already gave, but if the hon. Gentleman insists on having the names of the companies, as long as it is given to him on the understanding that this is obviously on a confidential basis, I am happy to provide these to the hon. Gentleman.

2595

**Health and Safety statistics
Government website/*Hansard* discrepancies**

Clerk: Question 793, the Hon. J J Netto.

2600 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety provide an explanation as to why the figures recorded in *Hansard* for the month of February 2012 in relation to the number of inspections/site meetings/advice vary with the figures on the Government website for the same month as updated on 1st September 2012, or indeed with other subsequent figures recorded in *Hansard*?

2605 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the Factories Inspectorate has been experiencing technical difficulties in transposing data with their present IT software, which seems to be the cause of the problem.

2610 The Department is in the process of acquiring a new computer software programme that will eventually solve the problem. Needless to say, any discrepancies will now be checked and corrected.

Hon. J J Netto: Mr Speaker, everything seems to fall on this wonderful software programme that is going to come from Houston, apparently.

2615 But look, Mr Speaker, in Question 308, when I asked how many inspections during February did the Factories Inspectorate conduct – and at that time he did provide the answer in the right form – he did say two. Then, in Question 311, when I asked about site meetings and advice, which he then used to provide the correct answer, he said, in the little chart which follows, six. Well, six and two is eight. If you look at the Government website, it is 35.

2620 Ministers are responsible for what they say in Parliament, and of course sometimes they may get the information wrong – it happens to everyone; it happened to me – but we have a duty to come to Parliament at the first possible opportunity and correct the figures.

2625 Given that this is the figure he gave in March for February for inspections on one side and for site meetings and advice on the other, and given that they have been producing an alternative figure on the Government website, surely the Minister should have known this and should have stood up in Parliament to correct the figure, for whatever administrative reason that perhaps the figure was wrong, as opposed to having to rely, from the Opposition bench, to look at the figures, find that the figures are incorrect and then ask for explanation and then have an answer which is all to do again with this wonderful software programme which is going to solve everything.

2630 Does he take responsibility for the figures he produces in Parliament?

Hon. P J Balban: Of course I take responsibility for the figures I produce in Parliament. It was not until the hon. Member raised it that I actually asked my officials and then they came up with the reply to the Question.

2635

Unfortunately, that magnificent piece of software was one that should have been in place when we came in in December. If that had been in place – or so I am told – then we would not have had to have these difficulties that we experience at the moment.

2640

We have tried with different software, and unfortunately they have not been able to get an adequate programme. I am told that we are almost there, so this is a question of just being a bit more patient and hopefully we will be able to get the figures as you so request, but the key issue is that unfortunately we are still working as we were in the past.

2645

Hon. J J Netto: This has got nothing whatsoever to do with the software programme. This is about a Minister who gets, month after month, Questions in the same format but asked in different months, and all he needs to have is a file in front of him, knowing what the figure was that he gave the month before to the Opposition Member and ensuring that he does his diligent work to ensure that the figures on the Government website are correct. Nothing to do with a Government software programme; it is all to do with being prepared for answering a Question and making sure that, as Minister for Health and Safety, the figures that go on the Government website and the statistics for Health and Safety match with the figures that he produces here in Parliament. *Nothing* to do with a software programme.

2650

So the question is does he take responsibility, and which figure is right – the figure he gave in Parliament, which is eight, or is it 35, because we need either to change *Hansard* or we need to change the Government website figure. So which one of the two is it?

2655

Hon. P J Balban: The answer to the first Question, I have already answered the hon. Gentleman. The source of these figures... they both come from the same source, so I would assume that, as the months go by, the figures – (*Interjection by Hon. J J Netto*) Pardon? (*Interjection by Hon. J J Netto*) Pardon?

2660

Mr Speaker: The Hon. Minister is advised not to engage in conversation, just proceed with his answer.

2665

Hon. P J Balban: I do not know what he was saying. I said the source of these figures is the same, so as months go by, presumably the webpage would be updated, so what is the hon. Gentleman asking me to do – every single month to get the figures from the Department and check on the website and check that they tally? I would assume this is what our Health and Safety officers are there to do, and when I request figures, I expect the figures that come are the correct ones, which then I come to Parliament and give to the hon. Gentleman.

2670

In reply to the answer, when I asked and quizzed my members of staff as to why these figures did not tally, the reply that I received was that they had been experiencing technical difficulties in transposing this data with their present IT software, which seems to be the cause of the problem, and then they go on to say that any discrepancies would now be checked and corrected. This is the reply from my officials.

So I would presume and I will make sure that these gentlemen down at Health and Safety check and correct these discrepancies, if so that they are.

2675

Hon. J J Netto: Just one final supplementary, Mr Speaker. I will not go much further than this.

At the end of the day, whether a satisfactory answer is given as to whether the original figure, the eight, is correct, or the 35 which is on the Government website, one is right and one is wrong – or is it a different figure altogether, not necessarily the eight or the 35?

2680

But the Minister would have a responsibility to correct whatever figure is wrong to ensure that, in the *Hansard* record, we have the right figure. So does he give that undertaking that when he gets a satisfactory answer from his staff, he will either correct *Hansard*, if *Hansard* is wrong, or he will correct the Government website?

2685

Hon. P J Balban: Mr Speaker, logically that is the intention. I will only want the correct figures to be there, both in *Hansard* and on the webpage, so that will be looked into.

One thing which I will ask the hon. Member to do, to avoid in the future comments about things I was meant to hand or I promised the gentleman... if in future everything the gentleman wants comes to me in writing, then at least I will not forget, because there could be a genuine case where you ask me for things in Parliament and I say yes, and then I could genuinely...

2690

So anything you request from me, please put it in writing and I will ensure that you get the reply you request.

2695

Gibdock
Health and safety inspections

Clerk: Question 794, the Hon. J J Netto.

2700

Hon. J J Netto: Mr Speaker, can the Minister for Health & Safety state on how many occasions have the factory inspectors inspected Gibdock facilities during 2012, broken down by months, and whether any contravention to the Factories Act or any of its subsidiary legislation has been identified?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

2705

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the Gibdock facilities were inspected on two occasions, once in May and once in June 2012. No contraventions to the Factories Act or any of its subsidiary legislation were identified.

2710

Hon. J J Netto: Mr Speaker, does the Minister for Health and Safety... perhaps he is aware whether Gibdock does have for itself a Health and Safety adviser officer. The reason why I am asking this is because in the past, when we have discussed the industry groups where it is likely to have a higher incidence of accidents, we have always said and acknowledged that it is the construction industry, but we have also said that, once you remove the construction industry, it is the ship-repairing facilities, not just in Gibraltar but perhaps indeed in Britain and throughout Europe. Given that the nature of the work tends to provide a higher incidence of accidents, obviously we need to ensure that at least the best practice is made available.

2715

Perhaps he may even need notice of the question, but is he aware perhaps whether the Gibdock facilities within his own management team have a Health and Safety adviser officer?

2720

Hon. P J Balban: Mr Speaker, there is an element of *déjà vu* with all these questions. We seem to be repeating ourselves with the same questions month in, month out.

As the hon. Member obviously is aware, I am not responsible for Gibdock. In fact, as you rightly say, Gibdock has its own Health and Safety advisers within Gibdock, who are responsible for what goes on within their four walls.

2725

The only reason why a Health and Safety inspector from my Department would go into Gibdock would be following a complaint or request from someone externally, and that is when they would go in.

2730

Ministry of Defence sites
Health and Safety inspections

Clerk: Question 795, the Hon. J J Netto.

2735

Mr Speaker: I have not got a 795 in my bundle. Is there a 795? Thank you.

Hon. J J Netto: Mr Speaker, can the Minister for Health and Safety state if any inspections have been carried-out by the factory inspectors to MOD sites during 2012, broken down by months; and, if so, have the factory inspectors detected any contravention of the Factories Act or any of its subsidiary legislation?

2740

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, no inspections have been carried out by the factory inspectors to MOD sites during 2012.

2745

Hon. J J Netto: Is there a reason for this, Mr Speaker?

Hon. P J Balban: MOD works notified to the Inspectorate are not that many. So, going back to the previous Question, nobody actually complains about what goes on within the MOD.

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With the previous complement of two inspectors, as was the case under the previous administration, the Inspectorate could only be reactive as to the demands of the day-to-day tasks, which were ample and varied. It is now the intention of the Inspectorate to schedule works to cater for a wider scope, as we may now respond more efficiently due to the temporary increased resources.

2755

So, as part of the general inspection process, we do intend, in future, to be able to go and check the MOD, but it has not been happening during 2012 so far.

Hon. J J Netto: Mr Speaker, does the Hon. Minister not recognise that the MOD is a substantial employer in Gibraltar, not only in terms of the amount of people it employs, but in terms also of the different functions and the different work environments that they have for different purposes? To have a situation, even with two factory inspectors, where for nine months of 2012, there appears not to have been at least one inspection perhaps is something that should have been looked into itself and perhaps should be given greater prominence, so to speak.

But I hear that the Hon. Minister is also saying that now they have the two extra seconded factory inspectors, this will be the case. Did he say that they intend to do so?

Hon. P J Balban: Mr Speaker, once we find out what is going to happen – whether we are going to stay with... I said the two members of staff who came from the Housing and Works Agency and the Enterprise Support... If, as a result of the review, it is decided that we will keep those two members of staff, then we will have extra resources to be able to carry out inspections to a wider range of areas within Gibraltar.

Coming back to the previous comment of the Member, it would be very interesting to actually know or find out – and I will try to find out – how many times our Health and Safety inspectors checked MOD with their limited resources... because now, remember, effectively we have four persons working within the Department. Prior to December 2012, we had two, so if they are complaining of lack of resources... Apparently, they say it has been historical. Obviously, I will now find out to see how many times the MOD as established was inspected in 2011, 2010, 2009 etc, because obviously now I am quite keen on learning whether this is so alien that we have not had any inspections to date.

Hon. J J Netto: Mr Speaker, I can help him in that exercise. What I can tell him is that, in the four years I was the Minister for Health and Safety, we did take it quite seriously that the MOD is an established employer in Gibraltar and the jurisdiction of the Factories Act allows for the factory inspectors to actually go and check it. In fact, in those particular four years, they did actually go and check the MOD, because I remember there were some issues of concern.

What happened subsequently, I do not know because I did not continue to be the Minister for Health and Safety, but the point I am making is, regardless of trying to find out what happened last year or the year before or the year before, does the Minister not recognise what I said before, which is that the MOD is a big employer, has a number of different functions, which one would assume that, at the very least, a number of inspections should take place during the course of a year, given the type of work that they undertake year in, year out? That is my question.

Hon. P J Balban: Obviously, we recognise that the MOD is a big employer, just as the Government of Gibraltar is, etc. Obviously, what I am keen to know is... I am not aware, when you were the Minister for Health and Safety, whether it was just prior to the election or... I presume it was a lot earlier than that. I do not know whether you had the privilege of having that computer software and whether that computer software was ended when you left.

Hon. J J Netto: It was bought in my time.

Hon. P J Balban: Exactly, and in fact, so I am told – and I will check for the hon. Member, if possible – apparently, these annual reports that you mention were prepared during your time, apparently these ceased after then and it was the result of the lack of computer software. So you must have had the magical years and things must have been very good for you then! (*Interjection by Hon. J J Netto*) But I can assure you that after that the Department took a dive and, unfortunately, this is where we stand today.

So it is now my responsibility to bring back this Department to more glorious magical years than the ones you experienced.

Health and Safety inspections Government Departments, authorities and agencies

Clerk: Question 796, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health and Safety state on how many occasions the factory inspectors have inspected any Government Departments, authorities or agencies during January 2012 to date, broken down by months, and whether any contravention of the Factories Act or any of its subsidiary legislation has occurred on any of the sites?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

2820 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, inspections have been carried out on four occasions since January 2012 to date as follows: in April 2012, the Electricity Authority and the Elderly Care Agency; in May 2012, the Sports Authority; and in June 2012, the Gibraltar Health Authority.

2825 Improvement notices were issued in all four cases for contraventions to the Factories Act (Lifting Equipment) Regulations and the Factories Act (Work at Heights) Regulations.

No further action was required.

2830 **Health and Safety seminar
Details**

Clerk: Question 797, the Hon. J J Netto.

2835 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety state if he has planned any Health and Safety seminar or conference for this year; and, if so, could he provide details of such and the location where it is to be held?

2840 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

2845 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, yes, Her Majesty's Government of Gibraltar, in association with IOSH Gibraltar Association Branch, will be holding a seminar on Occupational Safety and Health. This will be held at the John Mackintosh Hall on 23rd October 2012. A programme detailing the event will be made public shortly.

Hon. J J Netto: Mr Speaker, could perhaps the Hon. the Minister expand on the issues or the topics that will be developed in the course of the seminar?

2850 **Hon. P J Balban:** Mr Speaker, as I said in the last sentence, a detailed programme of events will be made public shortly, as soon as I am made aware of it.

Hon. J J Netto: Mr Speaker, I am not asking for the detailed programme; all I am asking for is a couple of the big issues that will be in the seminar.

2855 I am sure that if the hon. Member is going to go – which is the norm – and give a speech, he will know by now, at least before he writes his speech, what the issues are going to be. I am not asking for a detailed account now of everything that is going to transpire, but I am sure he must have some idea of those issues.

2860 **Hon. P J Balban:** Mr Speaker, I can assure the hon. Gentleman that I do not require four weeks to write a speech, but as far the gentleman needs to know, the key issues of the seminar will be Health and Safety.

2865 **Hon. J J Netto:** Mr Speaker, thank goodness it is going to be Health and Safety and not something else!

Chief Minister (Hon. F R Picardo): You asked for a couple of issues.

Hon. P J Balban: Those are the two issues, Health and Safety –

2870 **Hon. J J Netto:** That was a very enlightening answer!

Hon. P J Balban: – and I presume that I will be seeing you there as well.

2875 **Hon. J J Netto:** Mr Speaker, I am very grateful for that very enlightened answer.

Clerk: With that, we come to the end of Answers to Oral Questions.

2880

Questions for Written Answer

Clerk: Answers to Written Questions, the Hon. the Chief Minister.

2885

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions numbered W104/2012 and W142/2012.

2890

Procedural

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that this House do now adjourn until Friday, 28th September, at 2.30 p.m.

2895

Mr Speaker: I now propose the question, which is that this House do now adjourn to Friday, 28th September 2012 at 2.30 p.m.

I now put the question, which is that this House do now adjourn to Friday, 28th September 2012 at 2.30 p.m. Those in favour. (**Members:** Aye.) Those against. Passed.

2900

This House will now adjourn to Friday, 28th September 2012 at 2.30 p.m.

The House adjourned at 6.00 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 2.30 p.m. – 7.45 p.m.

Gibraltar, Friday, 28th September 2012

The Gibraltar Parliament

The Parliament met at 2.30 p.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

PRAYER
Mr Speaker

Order of the Day

Clerk: Sitting of Parliament, Friday, 28th September 2012.

5

Correction to Answer provided Statement by the Minister for Housing

10

Mr Speaker: The Hon. the Minister of Housing has asked leave to clarify an answer which he provided to the Hon. Damon Bossino at last week's Question and Answer session.
The Hon. Minister for Housing.

Minister for Housing and the Elderly (Hon. C A Bruzon): Thank you, Mr Speaker.
With reference to the Hon. Damon Bossino's supplementary question as to who changes the bulbs in the Mid-Harbour rental estate, I would like to inform him, contrary to what I said the other day, that this

15 is undertaken by A A Sheriff until the end of the defects liability period.

However, external lamp posts and the replacement of bulbs, this is managed by the Gibraltar Electrical Authority.

20 **BILLS**

FIRST AND SECOND READINGS

25 **The Broadcasting Bill 2012** **First Reading approved**

Clerk: Bills. First and Second Readings.

30 A Bill for an Act to make provision for the Gibraltar Broadcasting Corporation and to transpose into the law of Gibraltar Council Directive 2010/13/EU of 10th March 2010 of the European Parliament and of the Council on the co-ordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services supplementing Directive 2007/65/EC of the European Parliament and the Council of 11th December 2007 and for connected purposes.

35 The Hon. the Chief Minister.

40 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to make provision for the Gibraltar Broadcasting Corporation and to transpose into the law of Gibraltar Council Directive 2010/13/EU of 10th March 2010 of the European Parliament and of the Council on the co-ordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services supplementing Directive 2007/65/EC of the European Parliament and the Council of 11th December 2007, and for connected purposes, be read a first time.

45 **Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for the Gibraltar Broadcasting Corporation and to transpose into the law of Gibraltar Council Directive 2010/13/EU of 10th March 2010 of the European Parliament and of the Council on the co-ordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services supplementing Directive 2007/65/EC of the European Parliament and the Council of 11th December 2007, and for connected purposes, be read a first time. Those in favour. (**Members:** Aye.) Those against. Carried.

Clerk: The Broadcasting Act 2012.

55 **The Broadcasting Bill 2012** **Second Reading approved**

60 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill for the Broadcasting Act 2012 be now read a second time.

65 This Bill introduces a regulatory structure for all broadcasting in Gibraltar and transposes the audiovisual media services Directive, Council Directive 2010-13, of the EU as the long title suggests. It also replaces the existing Gibraltar Broadcasting Corporation Act and reproduces much of the existing legislation in that respect.

70 I will be introducing a number of amendments at Committee Stage and I will highlight the main ones during the course of this speech. The amendments serve five main purposes, other than correcting typos etc, as have been highlighted in the letter to Mr Speaker and which I believe were circulated to the hon. Members on Wednesday. Given the number of amendments, I will seek to summarise them now, with the caveat that they are principally technical in nature.

75 Firstly, Mr Speaker, the amendments provide for the revocation of the current AVMS Regulations – the Audio Visual Media Service Regulations and that, in the lexicon of what I am going to be saying for the next little while, is usefully summarised as AVMS – by importing necessary provisions from those Regulations into this Bill and also harmonising the language used in the Bill with the language that was used in those Regulations.

The decision to proceed in this way has been taken so as to ensure that there is no confusion as to

whether a particular broadcaster is caught by the Bill or the previous Regulations, or both and at the same time to maintain a sense of continuity regarding the style and use of language in the Bill and the Regulations, especially given that the language used in the Regulations has been effective to date. The majority of the amendments, which I will propose at committee stage, fall into this category, both in terms of numbers and volume.

Secondly, the amendments will remove references to the Transmission Standards Directive and to issues relating to conditional access. On further consideration, following the publication of the Bill, it is now the Government's view that, due to the particular technical nature of these areas, the regulation of the same would be best dealt with by means of secondary legislation.

Thirdly, the amendments will provide for even greater transparency and independence relating to the appointment of the GBC Board. An amendment to the Bill imposes a requirement on the Chief Minister to consult with the Leader of the Opposition before making any appointment. There is also a further amendment, which removes the Minister's power to choose the identity of the person who audits the GBC, thus removing an instance where bias might have been insinuated.

Fourthly, the amendments specifically provide for a digital terrestrial network and for outside operators to make use of it.

Fifthly, there are amendments which move powers invested in the Minister in the current Bill to the Authority – the Gibraltar Regulatory Authority – and also removing the requirement that the Authority obtain the consent of the Minister before acting in certain circumstances. This will allow the Authority to operate independently as a regulator under this Bill.

Mr Speaker, the Bill creates a licensing regime in relation to broadcasting beyond the public broadcasting provisions of the GBC Act for the first time in Gibraltar's history. Licences will be required by all radio and television broadcasters and this will include BFBS, who are presently exempt under the GBC Act. The licensing regime removes the exclusivity which GBC has had since the early 1960s. The monopoly in broadcasting is over.

All regulatory powers are transferred to the Authority which, on commencement of the Act, will be the Gibraltar Regulatory Authority, including the powers to ensure impartiality and fairness in GBC broadcasts. These are powers which have traditionally been exercised by the Board of GBC.

This Bill also provides that all broadcasters have to provide to all persons, whose legitimate interests – in particular reputation and good name – have been damaged by an assertion of incorrect facts in a programme, a right of reply, or a remedy judged by the Authority to be an equivalent remedy. Complaints are to be made to the broadcaster in the first instance and, if the broadcaster refuses to grant the right of reply, the matter is referred to the Authority for adjudication.

The Gibraltar Regulatory Authority currently already has a duty under the European Parliamentary Elections Act 2004 to establish procedures for the handling and resolution of complaints about the observance of standards in political broadcasting. Similar powers are given to the Authority for *all* elections and referenda in Gibraltar. Until now, hon. Members will be aware that such matters have been the subject of Governor's directions. As this House is aware, Gibraltar will have a digital broadcasting network at the end of this year, which will create opportunities to exploit it commercially. It will not only be GBC that will be able to broadcast on this network and the Government and the GRA have already been in contact with an organisation which will promote the use of the network by other international broadcasters. The existence of the digital broadcasting network is catered for, for the first time, specifically in this Bill and in some of the amendments, which I will be proposing at the committee stage.

Let me now move on, Mr Speaker, to particular clauses of the Bill.

Clause 2.(2) sets out what broadcasters are deemed for the purposes of the Act to be established in Gibraltar. In relation to this particular sub-clause and, as I mentioned above, I will be proposing an amendment at Committee Stage, which would include non-European broadcasters which are licensed in Gibraltar to broadcast on the digital television network within that scope.

Clause 2.(3) sets out which broadcasters outside of sub-clause (2) are under the jurisdiction of Gibraltar and includes those who use, for example, a satellite uplink situated in Gibraltar.

Part II of the Bill deals with the administration of the Act.

Clause 4 sets out the general functions of the Authority, which include regulating, supervising and enforcing compliance with conditions to which licences are issued. The Authority will further be tasked with investigations of any breach, regulating apparatus used and setting standards in technical specifications relating to broadcasting.

Clause 5 empowers them to publish relevant information and advice.

Clause 6 gives the Authority the power to require information relevant to their supervisory powers and duties under this Act. Failure to comply without reasonable cause is a summary offence. Giving false or misleading information is an either-way offence under clause 7. Information supplied to the Authority must be dealt with in compliance with clause 8, which creates restrictions on disclosure.

Clauses 12, 13 and 14 deal with the issue of directions and administrative notices by the Authority. References to the Minister in clauses 13 and 14 as being empowered to issue such notices are the subject

of an amendment I will be proposing at Committee Stage. The amendments will remove the need for the consent of the Minister, or for a consultation with the Minister to be necessary before the power is used.

Part III of the Bill creates the regime for the licensing of broadcasters.

Clause 15 sets out general licensing powers and I will be proposing an amendment, which makes it clear that this includes digital, terrestrial television. Fees for licences under this section will be set up by the Minister by regulation. It will be an offence to broadcast in Gibraltar without a licence.

Licences under this section do not affect requirements under Part VI of the Communications Act, which deals with radio communications. The requirements that the Authority needs to take into account are set out in Schedule 1 and Schedule 2, which set out who is restricted from holding a licence. Paragraph 6 of Schedule 2 gives the Authority discretion to refuse a licence to newspaper proprietors on public interest grounds only. There is no blanket prohibition for such proprietors from holding such a licence.

Let me say, Mr Speaker, that this position replicates what is the case already in the United Kingdom, although there are many entities with interests in newspapers that own and operate, either wholly or in partnership with others, media outlets that include digital or satellite television ventures. Our own view, as a Government, is that there would have to be a very good reason indeed why the regulator should consider that they need to exercise this discretion to prevent any entity with interests in newspapers from operating a digital broadcasting service in Gibraltar, but we have reserved the discretion in case there were to be a good reason in the future in the public interest of Gibraltar.

The final provisions of this part deal with enforcement etc of licences and include provision for financial penalties, enforcement notices and, as an ultimate sanction, the revocation of a licence.

Part IV deals with broadcasting standards and, to a great extent, simply replicates similar existing provisions contained in the AVMS Regulations. Examples of matters dealt with in this part include the issue of codes of practice, the recording of broadcasts, information in respect of providers of media services, prohibition of incitement to hatred, matters dealing with advertisements, teleshopping and sponsored programmes etc, the protection of minors and other such matters. Amendments to be proposed at Committee Stage also make similar provisions for accessibility, proportion of distribution and production of television programmes and a requirement to report to the European Commission. There are also amendments in this part which import the language used in the AVMS Regulations by substituting the equivalent clauses in the Bill with a new clause based on that language. The Bill goes further than the Regulations, in that it extends some of the above to audio transmissions, especially with regard to advertising.

Parts V and VI deal with exclusive rights and short news reports in television broadcasting and the right of reply. These are examples of where we have taken the current wording of the Regulations and imported that into the Bill.

Part VII provides for the regulation of community broadcasts, which, in effect, replicates provisions which are currently in parts 2 and 3 of the AVMS Regulations which are being repealed.

Part VIII deals with conditional access and there is an amendment which would delete this part as a whole for the reasons I have mentioned earlier.

Parts IX to XII replicate the equivalent parts of the GBC Act with some amendment.

Following an amendment I will be proposing, as mentioned earlier, the Chairman and board of GBC are now to be appointed by the Chief Minister, after consultation with the Leader of the Opposition, as opposed to the current position where the appointment is by the Governor, a power which I understand has long been exercised *in consultation with* the Chief Minister of the day, although the present Act does not require it. I believe that for the Chief Minister of the day – not the Minister for Broadcasting, but the Chief Minister, although at the moment I happen to be both – to have this power to exercise in consultation with the elected Leader of the Opposition, is the right way to progress this particular aspect of the governance of our community. There will not be a requirement to clear names with the Governor before publication in the *Gazette*.

The principal function of the board of GBC will now be to ensure the good governance of GBC. As I mentioned earlier, the independence aspects become the responsibility of the Authority. An amendment to clause 57 deals with the audit point I also mentioned earlier.

Part XIII extends the emergency powers the Governor had under the GBC Act to all broadcasters.

Part XIV deals with appeals against decisions made by the Authority and the appeals are to be to the Supreme Court.

Part XV includes miscellaneous provisions, including offences and repeals, where I intend to include the mentioned repeal of the AVMS Regulations at the committee stage.

Mr Speaker, to deliver arm's-length regulation of a new digital broadcasting network, to deliver independent regulation of public service broadcasting and to deliver the end of GBC's monopoly over broadcasting in Gibraltar, I commend the Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general

principles and merits of the Bill?

The Hon. the Leader of the Opposition.

Hon. P R Caruana: Yes, Mr Speaker, regardless of the fact that large parts of this Bill are done by compulsion of EU obligations, we think that the creation of a broadcasting regulatory framework is a good thing and welcome.

We shall not, however, be voting in favour of this Bill, which contains provisions which we think prevent us from supporting it, and even if the hon. Members are not taken by any of the views that I express on matters that may go more to policy choice, I hope they will be taken at least by the observations that I make about matters that are not really political in nature but more technical in nature and which we think are deficiently provided for in this Bill, some of them quite serious – indeed, one of them I think unconstitutionally so.

Mr Speaker, can I just address one of the last points that the Hon. the Chief Minister has made about the supposed alteration of who appoints and who consults and who consults and who appoints the board. Certainly, during all of the years that I was Chief Minister – and I suspect the same is probably true of the years of even my own predecessor as Chief Minister – the appointment of the board of GBC has not been by the Governor in mere consultation with the Chief Minister; it has been by the Governor, because that is what the Act says is the appointor, but acting on the advice of the Chief Minister. In other words, it has always been, certainly since the mid-90s, a decision of the Government/Chief Minister of the day pursuant to a letter – the existence of which I hope he is aware, and if not, he now is – of a letter which is now less important because, of course, we removed the Governor from all of our legislation, or from most of it – a process which, by the way, I do not think we quite finished; there were a handful of Acts which we left undone, which I will recommend the hon. Member to finish... But anyway, at the time that our legislation was littered with references to the Governor, in the time of the *previous* GSLP Government they secured out of the Foreign Office a helpful letter – I suspect that if Mr Bossano was in the Chamber he would be able to now smile and take credit for this and, indeed, it would be due to him – a letter in which the Foreign Office recognises that where an Act of Gibraltar's Parliament refers to 'Governor' and the exercise of powers by the Governor in the context of defined domestic matters, such as broadcasting, those powers were exercised by the Government. In other words, 'Governor' meant 'Government' in terms of making the underlying decision, and so it was in almost every Bill. The Public Health Act was riddled with references to 'Governor'. So this Act, in a sense, does little more than formalise in terms the arrangements as they have been, as I have always known them, and therefore it is difficult to present it as any great increase in transparency, except... I mean it would be a considerable increase in transparency if the appointments that the Minister makes were subject to the *consent* of the Opposition, but simply to submit to the process of consulting the Opposition and then perhaps ignoring their views and proceeding with whatever appointment is towards the box-ticking end of transparency, rather than towards the effective end of transparency.

But still, Mr Speaker, I do not criticise him for effectively choosing to continue with a regime, which is the one that we had and presided over in terms of *[inaudible]* appointment. It is an important responsibility in a small community like Gibraltar for the choice of the board of GBC, for reasons that he has known and may often have felt the victim of in the past when they were in Opposition. People attach a lot of importance to what GBC says and does and, for that reason, the selection of the board. At the end of the day, we were in that position for 15½ years and they are in that position now. We like to think we did not abuse that power and we would like to think that they will not do so, either. I notice by his smirks that he does not share my statement – presumably the first part of my statement, although I suspect they subscribe to the second part of it about my hope for the future.

Mr Speaker, I cannot agree that this Bill does not increase GoG's powers over broadcasting. I think it does that and in the context of the regulator... although I accept that some of the amendments that he has given notice of are helpful, particularly in one section that I will come to in a moment, without which amendments this Bill would have been pretty objectionable in terms of the seizure of political control over the actions of the Authority, in terms of... I will come to the section number in a moment. I cannot recall it and it is marked here for acknowledgement. Without the amendments that he is proposing to that section it would have effectively put the Authority under the tutelage of the Minister for the purposes of the criteria that the Authority has to bear in mind. We will come to that. But, anyway, it is an amendment of which we approve thoroughly.

I have to say, Mr Speaker, before getting into the main points arising from the Bill, that the idea that the Opposition is given little more than 24 hours to consider 33 pages'-worth of amendments makes something of a mockery of the parliamentary process. Having been on that side of the House for many years, I do understand the need for amendments. Some of them are pointed out to the Government late in the day; it used to happen to me. But we now have a constitutional legislative process, whereby Bills are published six weeks in advance. It ought to be possible, in the case of amendments of the scale and magnitude of this Bill, to produce them sooner than 26th September – which, if my calendar management

serves me correctly, is the day before yesterday – and in a letter, which runs into page 33, full of amendments. I have no reason to doubt what the hon. Member says, that they are mainly of a technical nature, but the hon. Member will understand and accept, I am sure, that it ought not to have to be taken on the word, that the Opposition should have a reasonable period of time to consider amendments which really go to a substantial part of the body of the legislation.

So, in respect of the amendments... and we have just had an opportunity to scan and really limited ourselves to picking out the ones that we think went to ministerial powers which is, of course, the area in this field which would most concern us, I do not know whether we would agree or would not, so we do not take *issue* with the amendments. Simply to say that in the time available it has not been *possible* for us to test what the effect is of the amendments, compared to the legislation from which they are said to be imported, and whether the importation is pure or impure, in the sense of the context in which they now find their place in this new piece. As I say, we have no reason to doubt what the hon. Member says *but*, in the time available, we have no means of assessing that for ourselves.

I just wonder if, when the hon. Member replies to me, he might just like to tell the House what, if any, effect this Bill has on what one might loosely call in Gibraltar the existence of satellite clubs and things of that sort and whether this Bill, in his view, impacts on that or does not impact on that.

Mr Speaker, delving then into the Bill itself, we find in the context of this area... I do not say that there are not areas of legislation where the concept may be less objectionable, but in the context of the regulation of broadcasting, we find that clause 3(2) is so all-embracing as to really render the rest of the Bill nugatory. After all, if the Minister and the Authority may do *anything* that appears to them to be incidental or conducive to the carrying out of their duties, what is the purpose of purporting to set out what it is they can do and not do? In effect, this is a blank cheque to do anything they like so long as they believe that it is incidental or conducive to the carrying out of their duties.

Mr Speaker, I have also not been able to alight on an interpretation of clause 8, read with clause 6, which is not entirely circular, to the point where it renders clause 8 and clause 6 in part, completely otiose. So clause 6.(1) says:

‘The Authority may, for the purpose of performing the functions assigned to or conferred respectively upon them by or under this Act, by notice—’

– and then it gives a list, and then there are sections which provide for the information that they can ask for and the purpose for which they can ask for.

Then clause 8.(1) says:

‘Subject to the following provisions of this section, no information with respect to a particular business which—’

– and then it says (a) and (b).

Then it says:

‘(2) Subsection (1) does not apply to any disclosure of information which is made for any one or more of the following reasons—

(a) for the purpose of facilitating the performance of any duties or functions assigned to or conferred on the Minister or the Authority by or under this Act;’

If the Authority can ask for information, under 6, only for the purposes of their duties under the Act, clause 8.(1) says that they cannot, in effect, publish it, and then clause 8.(2) says but the prohibition against publication does not apply for any reasons

‘...for the purpose of facilitating the performance of any duties’,

you are back to where you are. In other words, you can demand information for purpose (a), you cannot publish them, or you cannot use them for particular... or you cannot publish it *unless* sub-clause (2) applies and the first thing that sub-clause (2) applies is that you can publish it for the purposes that you asked for it, which is of the Board. So it seems to me that all information can always be published, because it can only be asked for for the purposes of the Authority’s duties, and *if* that is an exception to the non-publication rule, then in what circumstances can it not be published? Therefore, I cannot understand what the purpose of the restriction, or the purported restriction in publication is in 8.(1).

Mr Speaker, turning now to the regulation-making power in clause 9, I think that clause 9.(1)(b)... and on this side of the House we believe that clause 9.(1)(b) is objectionable. In other words, what clause 9.(1)(b) does is that, in respect of offences created by the Act, the Minister would later set penalties by regulations. I have come across, before, offences created by regulations and the Minister, in the same regulation as he created the offence, created the penalty. I have also come across regulations which

establish penalties for offences created by some European regulation of direct application to Gibraltar. I cannot remember *ever* having come across a Gibraltar Act of Parliament which creates offences, does not establish the penalties for them and postpones and defers the creation of penalties for offences created by primary legislation to a subsequent exercise of an unaccountable discretion by a Minister in subsidiary legislation.

Clause 9.(1)(b) says:

‘the procedure and principles for the imposition of financial penalties on a person who fails to comply with an obligation imposed on that person under, or pursuant to, this Act...’

– shall be done by regulations. We are talking about regulations that can create penalties of as much as two years’ imprisonment and fines of an apparently unlimited nature.

I applaud the hon. Member’s amendment to clause 13, without which this Bill would have been even more objectionable, and that is the section the number of which I could not remember before. Clause 13, basically where all the references to ‘Minister’ have been taken out and replaced by references to ‘the Authority’ only and it no longer renders the Authority subject to criteria and other things published by the Minister under administrative notices.

Mr Speaker, turning to clause 15, which is the general licensing power, and specifically to clause 15.(3), we could not support a Bill that allows the Minister to decide by himself. Wherever it says ‘consultation’... Consultation is not a check or a balance. Consultation is asking people what they think and not being bound by what they tell you, as opposed to acting on the advice of – (*Interjection*) Sorry? The idea that the Minister by himself should have the power to exempt a particular broadcasting service from the licensing requirement seems to me a huge power. There is no reason why such a power should be exercised.

If Parliament thinks that licensing should be broadcast and that the GBC monopoly is over and we are creating a licensing regime, I do not see what the need is for the Minister to reserve to himself a power to decide that a particular broadcaster, or a particular broadcasting service, should be allowed to broadcast outwith the regime created by this Act.

Mr Speaker, clause 20 deals with financial penalties and this is a section which I think may be unconstitutional.

Clause 20 allows the Authority to impose financial penalties, if I have correctly understood it, basically in shorthand, up to a certain percentage of the financial turnover of the organisation in question – and there is no right of appeal. The clause in the Bill that deals with the rights of appeal, which is clause 67, lists the decisions which are eligible to be appealed against. It does not include the imposition of financial penalties by the Authority and then says that no other decision of the Authority can be challenged in any court of law by any means or process.

I think it is *unconstitutional*. The imposition of a penalty without right of appeal, from my memory of the Constitution, although I reserve the right to be shown to be wrong, is unconstitutional. It violates a specific term of the Constitution, and even if it did not, it is wholly undesirable that any public organisation should have the power to impose financial penalty, or penalties of any kind on any citizen, without that citizen having the right and, indeed, being statutorily prohibited from, having that decision reviewed in court.

With slightly less vigour but not to be disregarded for that reason, I hope, I would make a comment in relation to clause 22, where the Authority is given power to make codes of practice, non-compliance with which threatens the licence, subjects to potential penalties, without those codes of practice having to be debated by Parliament, or tabled in Parliament and, again, no right of appeal, no right to challenge. I do not suppose it would be a right of appeal, it would be a right to legal challenge. So, if the Authority were... I do not want to use a ridiculous example, because then the hon. Members will put it in their press release after this, will use it against me, but if the Authority were to issue a code which was absolutely objectionable, it could not be challenged by any broadcasters in court because of the complete prohibition against challenging *any* action of the Authority in court, except by the exercise of the clause 67 right of appeal, and this is not listed in the things that you can appeal against.

I am all in favour of the exercise of regulatory function by independent regulatory bodies, but even they... the fact that they are independent of the Government does not mean that they should not also be accountable to the courts for their own independently exercised judgements. Indeed, I think that the codes of practice and the power of the Authority to issue codes of practice is so deep and wide and far-reaching in an area as important to modern society as broadcasting that I think those codes of practice should be tabled in Parliament and subject to parliamentary review, as is the other area of very important in society where codes of practice can be issued, in terms of the judicial... I cannot remember the name of the legislation now... the Judicial Commission Act, where hon. Members may remember... codes of practice to be issued etc.

It may be that I am misunderstanding clause 24.(1), Broadcasters’ duties, but is it really the

intention... I can understand that

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'Every broadcaster shall ensure that –
(a)'

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and (a) deals with news and that news shall be given objectively, impartially and without expression of the broadcaster's own view, but is it possible for the same to happen in (b)? Is it possible for a broadcaster to have a current affairs programme in which there is no expression of the broadcaster's views? Obviously, Mr Jeremy Paxman is not subject to the same rules in England. In other words –

Hon. Chief Minister: Yes, he is.

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Hon. P R Caruana: It may be that this is the case and that this is a perfectly workable system but, in current affairs programmes, it is *inevitable* that presenters and moderators and interviewers end up making comment which amount, directly or indirectly, to the communication of a view. But, as I say, this might be... The fact that it is lifted straight from UK legislation is, frankly, I discovered while I was there, not by itself a sufficient certificate of reliability.

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Mr Speaker, turning to clause 37:

'(2) The Minister may prescribe that events on the list shall be made available live, partially live or by way of whole or partial deferred coverage.'

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I do not know whether this is an *intended* provision or whether it is just the effect of casually chosen language. Sub-clause (1) does not give the Minister the right to decide that particular events need to be broadcast, but rather that, if they are, they cannot be broadcast on an exclusive basis. That is the effect of the clause, so the Minister for Broadcasts cannot say; you *shall* broadcast the GSD annual general meeting –

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A Member: [*Inaudible*] (*Laughter*)

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Hon. P R Caruana: It says – no doubt, under future leadership, it will have them regularly – that if the GSD annual general meeting is on the list under sub-clause 1 that the Minister has put together, that it cannot be broadcast exclusively. GBC cannot say only I can broadcast it. Now, read sub-clause (2) in relation to sub-clause (1), sub-clause (1) being the operative sub-clause.

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'The Minister may prescribe that events on the list shall be made available live, partially live or by way of a whole or partially deferred coverage.'

In other words, in determining the three manners of broadcasting, a power has been introduced which means that he *can* order particular events to be broadcast. Because read by itself, it has that effect.

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'The Minister *may* prescribe that events on the list shall be made available...'

– one, two or three but made available– so the Minister could put the GSD annual meeting on the list and then say you *must* broadcast it, 'either live, partially live, or deferred coverage', but broadcast it, you must.

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If that were the intention, it would be in sub-clause (1), not in sub-clause (2), which is *intended* to deal only with whether the non-exclusivity applies to live, recorded, etc.

It may not be the hon. Member's policy intention to empower the Minister to order any broadcaster that they *must* broadcast a particular event (*Interjection*) Well, it cannot be made available, if you do not broadcast it. (*Interjection*) Then you are ordering somebody to record it. You cannot broadcast it without recording it... without covering it.

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Mr Speaker, look, I have to make the point, so it is up to the hon. Members to decide (a) whether they have any merit and, even if they do have merit, whether they agree with that.

I understand the power of parliamentary majorities. I make these points and observations in good faith

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Hon. Chief Minister: [*Inaudible*] inform the debate.

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Hon. P R Caruana: Yes, well, Mr Speaker, the Bill, in our view – the hon. Member is honourable to interpret it differently, but in our view the Bill says that the Minister may prescribe that events on the list *shall* be made available. (*Interjections*) That is not what it means. (**A Member:** Yes.) *Shall* be made available live, is available to recipients of the broadcast, not to other broadcasters!

Hon. Chief Minister: The hon. Member has made a number of points which I will deal with in my reply, but if I can just contribute to this part of what he is saying.

As I understand that clause, Mr Speaker, comes from a European requirement that certain broadcasters who may be transmitting these events, which are on the list, are not entitled to keep that video of the event to themselves and they must make them available to other broadcasters who may wish to include excerpts of it in their news broadcasts, or may also wish to broadcast it live.

It is certainly not the intention – if the hon. Member says that it can be read that way, perhaps we need to look at the wording of it. It is certainly not the intention – I do not think it can be – that people *must* transmit something. It is that those who are recording it or showing it live, if they wish to, have to make it available to *other* broadcasters for those purposes. That is how we read it.

I invite the hon. Gentleman to see whether that reading fits within that clause.

Hon. P R Caruana: Mr Speaker, of course it fits and that objective is an entirely logical part of the architecture.

That interpretation would be an entirely logical part of the architecture of not allowing particular broadcasters to hog a particular event. The only way that you can not hog it, is by being ordered to make it available to others and that making of it available to others, can be live, partially live or whatever.

All I am saying is that language that makes that clear would render the clause unobjectionable but, *as drafted*, it is not limited to that interpretation, because the Minister may prescribe that events on the list *shall* be made available live. You are saying that it should be read like this: if a broadcaster broadcasts an event, which is on the sub-clause (1) list, *if* both those things have happened, then the Minister may prescribe that that event shall be made available to other broadcasters, either live, partially live... Read like that, which is how the hon. Member has described it, it is completely unobjectionable. The hon. Member's interpretation, which is innocuous, is not the only interpretation to which that subsection is capable.

Hon. Chief Minister: If the hon. Gentleman will give way. If the hon. Gentleman looks at sub-clause (4) he will see that there is an obligation to refer this list also to the European Commission, so it is a list for the purposes of competition of the events in a particular territory so, in other words it is not 'and you shall transmit the GSLP annual general meeting live into every home in Gibraltar, whether you like it or not'.

It is designed as a competition counterbalance measure, which is why the requirement is there for the Commission to be informed of the list. So that those who might wish other events to be on the list, which are not listed by particular countries' Ministers with such a power, can, through the Commission, say, 'Well, Minister, why are you not putting the Miss Gibraltar show, which is the one everybody wants to share, not the GSD annual general meeting, on the list?'

Hon. P R Caruana: I do not doubt that is the case, which is why I started my intervention on this point with the caveat that I did not think this was a policy choice, that this was just a juxtaposition of language. Anyway, enough said, Mr Speaker, it is up to the hon. Members to decide whether they think there is any merit in the point.

Mr Speaker, turning to clause 39 and it is no... where there is latitude in how you transpose directives, it is no... if the way that we choose to do it, is undesirable, it is no consolation to be told that this is a provision of the Directive. The whole regime of right of reply which, at first glance, looks real and useful and valuable, I think is rendered not so by the architecture of deadlines that have been put into it. The easiest way to illustrate the point is this – and I will just do it by reference to three milestones in the whole process, rather than go in detail through the whole regime. In a nutshell there is a right of reply, but sub-clause 5.(a):

'The broadcaster... may refuse to provide the right of reply...'

if *he* thinks that it 'is not justified'. What are the remedies, then? If somebody feels aggrieved, they ask for the right of reply, the broadcaster says I do not think it is justified. So what then is the remedy available? The remedy available is all the rest of it that follows. In a nutshell, that will take 42 days because, under clause 7, there is 20 there, the Authority has 28 days to adjudicate on it and even if they adjudicate in your favour, the broadcaster then does not have to publish anything for the next fourteen days.

I do not see why, in a small place like Gibraltar, it should take 42 days to decide whether somebody has been justified, feels justified... the hon. Member knows that there are very few grievances which are not made worse, rather than better, by being revisited 42 days later. So you get... somebody calls you all things under the sun, or treats you very unfairly politically, or whatever, and 42 days later, just as everybody is forgetting about it, the whole thing gets dragged up again. It just seems unnecessary,

frankly. I would much prefer to see there a simple provision that if the broadcaster wants to invoke 39.(4)(a), then the Authority can consider the matter in a handful of days and direct and should have the power to *direct* the broadcaster to broadcast.

The benefit of the doubt, the balance of doubt should be in favour of the victim, not of the perpetrator. It would not do a broadcaster a great deal of harm to give somebody a right of reply in circumstances where they might not deserve it. It is much more serious for the person *not* to get the right of reply in circumstances where they might.

Mr Speaker, I think the amendment that he proposes to clause 47.(2) of the Bill, that is to say, not allowing the Minister to make the decision of who should be on the Board of GBC, but repatriating it to himself, is correct. But it does not sit well with his usual boasts that he is just a normal Minister, that they are all equal in the GSLP Cabinet, and that he does not exercise more power than anybody else.

I support, given the importance of the matter, that it should be the Chief Minister, which is why I always exercised it in consultation, perhaps, with Ministers, but a chief ministerial power, rather than a ministerial power, but I see that the hon. Member's desire to bring this back to *him*, rather than allow somebody to give it to the Minister, did not appeal to him, despite being a genuine and literal case of *primus inter pares* – which is what he claims, but I do not think anybody else believes. I hope that, by now, he is learning that *primus inter pares* is a luxury which effective governance renders pretty unaffordable. (*Interjections*) Well, if he has not learnt it yet, he will before much longer! I can tell him.

Mr Speaker, turning now to clause 62, which is taking legal proceedings against GBC, I think that these provisions are indefensible, *even* if they are in the existing Act.

Hon. Chief Minister: Which clause?

Hon. P R Caruana: Well, I am going to talk generally about Part XII; it is on page 105 of the Bill.

If we are taking an opportunity, I do not know which of these provisions is in the GBC Act, or it is not. Frankly, it matters not. We should not in this day and age be legislating in these terms. If we think we are reforming, we think we are just transferring the old Act into the new Bill, regardless of the effect of it, I don't think, then that is another matter. That will be a policy decision for the hon. Members.

Clause 62 itself,

'The exercise of any discretionary power with respect to broadcasting content made by the GBC shall not be challenged except by way of a complaint to the Authority.'

Well, Mr Speaker, *he* who has been elected by the people of Gibraltar – *albeit by a small margin* – to be the Chief Minister, does not enjoy this privilege. Why are you giving it to anybody else? The idea that it should not be possible in the courts that we are excluding from the competence of the courts the ability to challenge, even by the Wednesbury principles, the editorial decisions of GBC's Board is antediluvian in the context of modern-day access to justice by citizens.

As I say, this is not a statutory cover against legal challenge that *he* enjoys or that any of his Ministers enjoy. Why are we bestowing it on others, who are not accountable to the people who cannot be elected and are not hireable and fireable by anybody, except by them, except by the Chief Minister?

Then clause 63 is, in a sense, even worse. clause 63 says:

'No civil suit shall be commenced against the GBC before the expiry of one month after written notice...'

How on earth do you get an injunction against GBC in respect of a programme that you think they are broadcasting tomorrow, if you have got to give them one month's notice of civil suit? I do not know whether this provision is in the existing Act or it is not, but if it is, it needs to be confined to the dustbins. I do not think it has been honoured in practice, because I am well aware that people have commenced legal proceedings against GBC and have obtained injunctions or gone to court seeking injunctions against GBC. How they did it in the light of this provision, if I take the hon. Member's word for it that it exists in the Act, I do not know.

I think it is wholly undesirable, particularly against a broadcaster who may be about... The BBC does not enjoy this in England. The idea that you know that GBC is going to publish a programme that a court of law would injunct but that you cannot get an injunction until 30 days' time, because you have got to give them a month's notice of the injunction, is obscene in its effect on the rights of the citizen and on the individual, and I think that this clause has got to go. It serves no useful purpose, it is oppressive of the rights of citizens and it is not protection to which a broadcaster should be entitled in the 21st century in our modern European community.

Mr Speaker, perhaps I might reserve some of my controversial but also advisory and informative remarks in relation to Part VIII, Emergency Powers. I recognise the hand of the Foreign Office legal department here. I say that I 'recognise' because I suggest the hon. Member has been subjected to the

575 same treatment as I was often subject to when junior lawyers in the Foreign Office got their hands on our legislation whilst it was still on the green paper.

Mr Speaker, there is an important underlying issue here which transcends the importance of the substance of this section, even though I think the substance also has importance, which I will come to in a second. There is a view in the Foreign Office, which I think is *wholly incorrect* – and this is not a point I am making against the hon. Members, because it used to be deployed against me as well – here is a view inside the Foreign Office legal department that the Governor’s constitutional responsibilities trump everybody else’s so that, if the Governor is responsible for internal security and the hon. Member is responsible for broadcasting, when it comes to the internal... If there is an internal security dimension to broadcasting, then his – the Chief Minister’s – competences are pushed aside in favour of the Governor and, in my view, that is a wholly indefensible legal interpretation.

Let me illustrate my point by this example. This is worth hearing and he ought to put his mobile phone down for a minute.

Hon. Chief Minister: No, I am looking for something which relates to exactly –

Hon. P R Caruana: Alright, well in a moment, Mr Speaker, because this is not a point in which I suspect that we need to argue across the floor. I hope we are on the same side on this.

Let me illustrate my point by reference to an example which I think proves it beyond peradventure. For that statement that I have made earlier to be true of the effect of the Governor’s internal security constitutional powers over the hon. Member’s, opposite, powers of broadcasting, the same would have to be true, because it is the same Constitution subject to the same constitutional interpretation mechanisms, of the judiciary. Would anybody argue that it is a tenable sustainable interpretation of the Constitution that, in times of emergency and if the internal security of Gibraltar required it, the Governor could usurp the independent judicial functions of Gibraltar’s judges? No. Well, then, exactly the same applies to anybody else who has constitutional powers. There is not one rule of constitutional interpretation when it comes to whether the Governor’s powers trumps the judiciary’s powers under the Constitution and a different one as to when the Governor’s constitutional powers trumps the judiciary’s constitutional powers.

If this insidious attempt by a small element, I suspect, in the Foreign Office, to claw back a role for the Governor in our legislation by the deployment of this outrageously irrational, practically infantile, argument of constitutional statutory interpretation is allowed to go unchecked, you will end up with this clause in every piece of legislation that you bring to this House because everything has a potential internal security dimension.

Next time we pass amendments to the Traffic Act, they will be telling you that because a terrorist can load a car with explosives and drive it into somebody and cause an explosion, that there is a potential internal security dimension – traffic. Where does it say that the Government’s constitutional powers are subservient to the Governor’s constitutional powers and that the Governor assumes responsibility for things that are normally the Government’s constitutional powers when internal security may be a peripheral affected issue? It does not. This is just the Foreign Office helping themselves to their unilateral... which is why we passed the Bill giving the Government power to *test* the constitutionality of a Bill before it comes to this House, which is why the Foreign Office did not like the idea that the Government passed that Bill, and there was a Bill – I cannot remember the exact name of it, the Bills Constitutionality Act or something – which was passed precisely in response to a dispute of this sort with the Foreign Office, so that the Government, when deciding whether to bring legislation affected by this question to this House, cannot be unsettled by the threat that it might not get Governor’s consent. That Bill gives the Government an alternative route. You *test* the constitutionality of the Bill before you bring it to this House and if the court says that it is constitutional, then they cannot withhold their consent, because that is the only ground they are entitled to withhold it for. That was the whole purpose of that Bill.

The same, frankly, applies to the proposed amendment in clause 41.(4)(c), although I do not know if that is already in some other piece of legislation. This is not a criticism of the fact that the hon. Members have submitted to it. We invested a hell of a lot of time on page 26 of his letter, where it says:

‘...where the reason for the intended adoption of a measure is the safeguarding of the internal security defence of Gibraltar and is of such a nature as to fall within the Governor’s constitutional responsibility and the Governor has informed the Minister that the measure needs to be taken and so directs the Authority.’

It is not the case, in our view, that the Governor, because he is responsible for internal security, is responsible constitutionally for the internal security dimensions of broadcasting and traffic and public health and firefighting and everything else, any more than we are as constitutionally responsible for the dimensions of *genuine* internal security, which are his, which may invoke other areas that we are

responsible for.

I can only suspect that the reference to 'Government' on the second line of clause 66.(1) is a Freudian slip:

'If at any time the Governor is satisfied that it is necessary for the preservation of internal security that the *Government* should have control over broadcasting in Gibraltar...'

(*Interjection*) Yes. No, Mr Speaker, but he will say that the Government includes *him* – I do not mean this particular Governor; I mean him, the office of Governor – and it cannot be that because it says:

'(2) If and whenever the Governor exercises the powers conferred upon him by subsection (1) the broadcaster shall be entitled to receive from the Government –'

Mr Speaker, if the hon. Member is going to tell me – which I would welcome – that, in effect, what the Governor is doing is invoking internal security powers for the *Government* – (*Interjection*) I beg your pardon?

Hon. Chief Minister: As prerogative..

Hon. P R Caruana: Well, Mr Speaker... but if that is the case, it is the Government's prerogative, not the Governor.

The idea that the Governor suspends the Constitution, suspends the Broadcasting Act, not in favour of himself, as the party responsible for internal security, but in favour of the Government, if he has achieved that, then he has achieved a little bit more in this area than I, although I was able to...

Hon. Chief Minister: Black and white. It is all [*inaudible*].

Hon. P R Caruana: Well, Mr Speaker, I doubt very much if that is intended, but if that is what is intended, then the more direct way of doing it would be for the Government to do this directly. The Government is perfectly capable of... I am not suggesting it should be so, but there are plenty of other pieces of legislation – the Civil Contingencies Act, for example – the Emergency Powers Act, for example, gives the Government and Ministers, direct powers in cases of genuine...

I am not so concerned about this *particular* provision, although it has its importance, but certainly the whole question of the need in the context of this and 47 whatever it is – 47.(1) or (2) as referred to – that we should just keep... There will be pieces of legislation – and I sometimes conceded this to the Convent – which do *genuinely* go to the Governor's constitution... This is not about us wanting to *usurp* the Governor's constitutional responsibilities or to somehow redraw the lines of the constitutional settlement of 2006. We, on this side of the House, are very content. It is about making sure that, through this mechanism, these lines are not blurred against us.

The Government will *always* enjoy the support of this side of the House and should not fear the parliamentary consequences of a dispute with the Foreign Office in relation to anything that genuinely goes to holding the constitutional line.

You will *not* enjoy our support if the legislation is trying to circumvent the proper constitutional, the proper delegation, the proper constitutional assignation of powers to somebody other than the Government and this Parliament, for example, the judiciary or the Governor, or whoever it might be.

The powers lie where they lie. They are there by agreement with Gibraltar, but they should then respect those and not, by this side door, try to enlarge the impact of that constitutional settlement in their favour.

Mr Speaker, turning now to clause 67, which is the appeals section, the hon. Members will see at 67.(1) that the right of appeal is limited to (a) to (f), to the six matters listed there at clause 67.(1).

Leaving to one side for a moment the fact that that is *all* that can be appealed against, and there are many important things that cannot be appealed against, even this right of appeal, limited to these six matters can only be exercised with the leave of the court. Mr Speaker, *why* should a citizen have to get the leave of the court to exercise his first right of appeal? I am familiar with the concept of the leave of an upper court for a subsequent appeal in other areas of our law – indeed, it is constitutionally permissible – but that the *very first* appeal by a citizen against the decision-making should be subject to appeal is just putting justice even more out of the axis of the ordinary citizen. He has got to spend the money litigating, obtaining the right – the leave to appeal – and then he has got to spend money again actually prosecuting the appeal. What is the need for it? The court is perfectly capable of throwing out frivolous, vexatious and unmeritorious appeals, without having to put the citizen... without having to load the dice this heavily in favour of the broadcaster.

Then, sub-clause (7) I think is unduly onerous in its effect.

'The bringing of an appeal under this section shall not operate to suspend the effect of the decision appealed against saving that the Court may award such interim relief as it sees fit.'

This is all very well and, of course, there is a similar provision in quite a lot of bits of legislation, but we are talking here about the revocation of somebody's licence – I mean, literally close down your broadcasting station at 6 o'clock tonight – because I passed a code, which is inappealable, a code of practice you disobeyed and I have directed you to close down. You have got to close down, you cannot appeal, the appeal does not *stay* the effect of the order. I think this is simply too draconian. In financial services, the regulator does not have any power of this kind. The Financial Services Commission does not have power to revoke and suspend people's licence without putting them on notice, giving them opportunities to comment, etc. A process. It has not arisen in that case. (*Laughter*)

I just do not see why we are making... we are not following the same, well-established template in relation to this new regulatory framework and challengeability of their decisions. We now have an established regulatory framework; we have it in quite a few areas; we have it in financial services, we have it in telecommunications. We do not need to reinvent the wheel every time we regulate an activity. We can just borrow the regime with which we are familiar.

Then, clause (8):

'Except as provided by this section the validity of a decision to which this section applies shall not be questioned in any legal proceedings whatsoever.'

So you get an appeal, but you are not entitled to judicial review – it is probably ineffective; you cannot exclude the court's jurisdiction in judicial reviews. It is completely ineffectual and ineffective. Why are we passing legislation that we know is a nonsense?

I think I heard the hon. Member clarify in his – well, state by way of clarification – I think I understood him to say in his own opening address that the effect of the new powers of the Authority are that *they* will be the ones to make what used to be called 'Governor's directions', in terms of impartiality in the electoral context (*Interjection*) Yes, but who makes them? I am not focused on the provision that specifically empowers them to make it, not just in respect of directions of that sort, but also where does it say that there will be party political broadcasts? At the moment those things are in Governor's directions, so is it now up to the Authority to decide whether or not there will be party political broadcasts in the future and the terms of it? This is a pretty... it would be a pretty – (*Interjection*) sorry?

Hon. Chief Minister: Only for Government.

Hon. P R Caruana: No, I am quite happy for the hon. Members to have party political broadcasts: the more the better, so long as I have my proportionate share of them, too! The point I am making is that obviously it is the intention that *somebody* will do this and it is not immediately clear who or where it is provided for and *if* it is the Authority, they should not have a discretion, they should be *required* to do it.

Trying to make it fit within a discretionary power grant is not good enough, Mr Speaker. He cannot have a discretion *not* to have party political broadcasts. There has to be some statutory provision *obliging* the Authority to require the dominant broadcaster, GBC at least, to have party political broadcasts and the rules that we have got, which used to be all in Governor's directions. Now we are repealing the Governor's directions. I am not saying anybody intends to do any of this, but we need to understand the architecture by which this will be done without anybody having the discretion not to do it.

I would welcome the hon. Member telling me, when he replies, whether the provisions of Schedule 2, in other words, the definition of the various disqualifications, the various disqualified persons and entities, whether the provisions of paragraph 2, 'Disqualification of religious bodies' and of paragraph – I cannot remember now. I have not made a note of it, the one about political bodies – whether that is a requirement of the Directive, or whether that is a policy choice that has been made by the Government – it is Schedule 2 on page 115 of the Bill. In other words, there appears to be a disqualification for religious bodies to own broadcasters. That may be a requirement of the Directive; I have to admit I have not checked this Bill *against* the Directive. It might be so, I do not know, but it seems odd and I frequently watch a broadcaster that is owned by a religious body. It is not everybody's taste, but it is some people's taste, so if it is a requirement of the Directive, so be it, if it is not a requirement of the Directive, but something that is just a matter of policy, then I would urge the hon. Member, perhaps, to reconsider that.

If I could just refer the hon. Member to paragraph 3 of Schedule 2, dealing with 'Disqualification of publicly-funded bodies', it says,

'The following persons are disqualified persons in relation to any licence granted by the Authority',

as amended,

'other than a licence to provide a restricted service—

(a) a body, other than the GBC, which has, in the last financial year, received more than half of its income from public funds.'

765 That is intended to capture GBC, which gets more than half of its income, but it also commits the Government to fund another broadcaster up to 49% with public funds *outside* of the statutory control that affects GBC, in terms of the GBC provisions of this Bill.

770 **Hon. Chief Minister:** Subject to licensing.

Hon. P R Caruana: Yes, but the GBC is subject to much more than licensing. There are a whole series of provisions here, which are GBC specific, in other words, all the Bill... all the sections...

775 I think it is wrong that the Government should be able to fund *up to* 49.99% of a second broadcaster with *none* of the constraints under which GBC is required to operate, because it gets 50.01% of its funding. The hon. Member will see that this provision is seriously open to abuse by any Government – and I do not suggest that theirs is such – but any Government that wanted to circumvent the GBC constraints could easily do it by funding somebody else up to just one decimal of one percentage point less than 50%.

780 Then, of course, having done that, having funded somebody to 49.99%, this fictitious Government – which, of course, does not yet exist, that might be tempted to do this – then has paragraph 4 to assist it:

'A person is a disqualified person in relation to a licence granted by the Authority if in its opinion –

(a) any relevant body is, by the giving of financial assistance or otherwise, exerting influence over the activities of that person...'

785 Mr Speaker, the reason why GBC is subject to the statutory control that it is, is precisely because the funder, the Government, would otherwise be able to exert influence, so you have an anti-influence provision in paragraph 4 followed immediately by something that allows the Government to put 49.99% finance and then argue that it is not influencing it. If it is not influencing it, then free GBC as well – which, of course, I am not recommending! I think that what needs changing is 3(a), because a body that requires slightly less than half of its funding from the Government is in the same *category* as GBC and should not be allowed to operate outside of the sort of statutory framework that GBC – for that very reason – is required to operate.

795 I do not know, Mr Speaker... I know that the rules in England about when a newspaper can own a broadcaster and when a broadcaster can own a newspaper are very complicated and are constantly changing and I do not profess to understand them or know what they are, but reading paragraph 6 of Schedule 2, it says

800 'A licence may not be granted to a body corporate which is, or is connected with, the proprietor of a newspaper published in Gibraltar if the Authority determines'

– delete 'in consultation with the Minister' –

805 'that in all the circumstances the holding of the licence by that body corporate could be expected to operate against the public interest.'

810 The question that this begs, apart from the substantive question of how and to what extent this is justified is... Having said that a broadcasting licence cannot be given to the proprietor of a newspaper, what restriction is there – 'No, don't tempt me. I had not thought of that, so don't put naughty ideas in my mind!' – what is to stop a broadcaster having a newspaper? If a broadcaster establishes a newspaper, do they forfeit their broadcasting licence, because they would not be able to get one if they had it... there is no provision here for that. So there seems to be a prohibition against somebody who owns a newspaper being granted a broadcasting licence, but no prohibition against somebody who already *has* a broadcasting licence acquiring or establishing a newspaper, which results in exactly the same thing – the same entity controlling both an audiovisual and a written medium.

815 It just does not seem logical. This whole area, I think, is too simplistically dealt with in five or six lines. I suspect that the UK provisions, which may not derive from the Directive – they may be policy of the UK Government, in terms of their broadcasting policy – I am sure are much more complicated than this. But anyway, I just make that point. I think, in this day and age of multimedia, in this day and age of... Look, if it is a Directive requirement, then there is nothing for us to debate in this House, but if it is not a Directive requirement, or there is more wiggle room in the Directive, in this age of multimedia, it just seems to keep these strict lines. It seems... I think you are about to be given the answer, which I will be interested to hear.

820 Mr Speaker, I think my final point relates to the 'Due impartiality and undue prominence' in Schedule

3. It says, in subsection 2.(1) – paragraph 2.(1):

‘The code of practice shall require that television and radio services shall exclude all expressions of the views or opinions of the person providing the services on any of the following matters–’

political, public policy etc. That is consistent with the one that we spoke about a few moments ago. But then sub-paragraph (3) says:

‘The requirements specified in sub-paragraph (1)’

– which is the one that I have just read,

‘may be satisfied by being satisfied in relation to a series of programmes taken as a whole.’

Now, that is nonsense. How does that read with (1)? If you cannot, in a programme, express... if the service provider cannot express his opinion, how can (3) then say that that requirement not to express an opinion is satisfied taking a series of programmes...? That is the language – taking a series of programmes as a whole – is about *balance* of coverage. It is not about *prohibitions* of even one example of an event. What is a broadcaster supposed to do to ensure that they do not express an opinion over a series of programmes? I suppose they would have to express *one* view in one programme and a *contrary* view, both of their own, mind you, and a contrary view in another programme. I think it just does not work.

If it is an absolute prohibition, it is an absolute prohibition and (3) must relate to something other than sub-paragraph (1) because sub-paragraph (1) does not lend itself to ‘over a certain number of programmes’ balance, it is an absolute prohibition to do it even once: it is not a question of balance.

Mr Speaker, I hope that the hon. Member will take as many as possible of my observations on board in the spirit in which they are intended, which is without partisan political hostility. It is an important piece of legislation and we need to get it right. If anything I have said, in his view, warrants more careful consideration then, after which, they may disagree with me, that is fine. That is their prerogative.

I would urge them not to rush the Committee Stage of this Bill – I do not know what sort of pressure they are under in terms of the infractions timetable. I remember there were issues about that that I recall in my day. I think you might have negotiated an extension which may be up, or coming up, I don’t know. I remember things of that sort. I do not know if this is the Bill in question. Maybe. But if the hon. Members can sustain a degree of delay in the completion of the legislative passage of this Bill through this House I think that they...

If I was making a whole series of partisan points of great political relevance, they may be tempted to resist them just for that reason. This is not such a case and, therefore, I hope that they will take advantage of the considerable effort that I have put into these assessments for the benefit of the quality of [Inaudible].

Mr Speaker: Does any other hon. Member wish to speak on the general principles and merits of the Bill?

Does the mover of the Bill wish to reply?

Hon. Chief Minister: Mr Speaker, can I thank the hon. Gentleman for the analysis that he has done of the draft of the Bill that is before the House and take him through what I think are the arguments that actually should persuade him that many of the issues that he has raised have been considered and can be dealt with in the general body of what is the Bill today and invite him, perhaps, in some instances where he is not satisfied, to move minor amendments of the nature which he might glean from my intervention during the course of the Committee stage today.

Mr Speaker, I am grateful to the hon. Gentleman for alerting me to the existence of this letter. Certainly, it was always in my contemplation that the appointment of the Board of GBC – certainly since I have been sentient politically – is a matter that has been in the hands of the Chief Minister of Gibraltar and that the Governor has acted in accordance with the advice from the Chief Minister. When I presented that to the House, I used the words ‘in consultation with’ but I accept that it is that sort of consultation that leads to the Governor doing exactly what is proposed to him. The formula of words is the advice formula of words and that is exactly how it has been handled and right that it should have been, when we had the concept of ‘defined domestic matters’ and broadcasting was a ‘defined domestic matter’, let alone now when that balance is now reversed.

But I must say to him, Mr Speaker, that he will recall that one of the points that we took in respect of the review of the GBC, which they commissioned of Mr King, who is presently the Chief Executive, and of which they published a summary and we were committed to publish the whole Report – which we did do within days of being elected by our *fine* majority, by our *fine* majority, with one highlight deletion in

order to avoid identifying a particular individual in respect of an illness.

The one point I did take at the time, Mr Speaker, was to say that I believe that any review of GBC should also review how the Board was appointed and I made the point, at the time of the review initially, at the time that I spoke in the Budget debate after that and I think he may recall, if he follows my interventions on Newswatch when I spoke on the publication of this Bill, that I was not actually happy that the position in respect of the appointment of members of the Board of GBC was *exclusively* in the control of the Government – because then it was the Governor on the advice of the Chief Minister, in effect.

What I have sought to do, Mr Speaker, in this Act is to create a regime not dissimilar to regimes like appointment of yourself, Mr Speaker. A more constitutionally important responsibility for a Chief Minister there probably isn't the appointment of Mr Speaker – and other office holders, like the Mayor – where the wording of 'consultation with the Leader of the Opposition' has traditionally been the language of involving Members of the Parliament in some way through their respective leaders in this place, in the manner of appointments.

He will know, Mr Speaker, that in the time that he was in my Chair, consultation meant what it meant to him, namely that he would advise (*Interjection by Hon. P R Caruana*) who he had considered was appropriate and, put it this way, I cannot think of one occasion where either it was put to him that he should have appointed somebody else or where, if it was put to him that he should have appointed someone else, that he was persuaded with the views of a Leader of the Opposition to not appoint his original proponee and appoint somebody else.

Mr Speaker, I actually think this is a *huge* step forward, consulting the Leader of the Opposition in respect of the appointment of the Board of GBC, when the Board of GBC would actually be much less important than it is today, is a huge step forward than simply the Chief Minister deciding *who* should be on the Board of GBC, when the Board of GBC has been responsible for editorial control in respect of content etc. I will give way to him when I finish the point...

Mr Speaker, I think that if we are going to follow the model – and he sees that this is actually what we are proposing – of public service broadcasting *à la* BBC, in some way, then it is important that we do not stay on the ground we were on before, which is that the Chief Minister makes up his mind and either signs the *Gazette* himself or asks the Governor to gazette those names. It would be a foolish Chief Minister who was simply to propose to the Leader of the Opposition, in consultation, names of his political devotees to take control of the public service broadcaster. I put it to him, Mr Speaker, that there have been instances in the past where we have not been convinced that that has not been the case. He recognised that in the course of his intervention, where he said that we might have felt, in some instances, two in particular that he will recall from controversy in his days – and, if wishes to be reminded, it is reporters attending the Committee of 24 when the Chief Minister of the day decided not to attend, although they had previously attended, and issues related to the referendum on the new Constitution, that the Board of the GBC then responsible for editorial control etc etc had not satisfied those who were concerned at their decisions... of their political impartiality.

So I want to take a step forward in this legislation and *include* the process of consultation with the Leader of the Opposition in respect of the appointment of a Board of GBC, which will now really just regulate the GBC, *inter se*, itself, but will have an *outside* regulator determining the issues as to right of reply, editorial content of news etc, etc – although I will come to the points that he makes about that later on in the Bill.

For that reason, Mr Speaker, I think this is a *huge* step forward that opens up the process of the appointment of the Board of GBC. Previously, the Leader of the Opposition would have found out, when he read the *Gazette* or saw it in a press release from the Government, that individuals had been appointed. Now the Leader of the Opposition will be consulted by the Chief Minister and, therefore, Mr Speaker, I can only say that, in the context of modernising the GBC, this is not what the Bill is about only. The Bill is about broadcasting generally but, in respect of the GBC, this is a huge step forward and I think it is ungenerous of the hon. Member to say that consultation is not really any step towards transparency. I think it must be seen by any *objective* observer to be real transparency.

Could there be more by seeking consent of the Leader of the Opposition? Well, of course, there could be more. One might, in another political system, even seek unanimity across the floor of a Parliament for appointment. That may be possible. In the Government's judgement, Mr Speaker, having lived through sixteen years of the hon. Gentleman's Government in respect of such appointments, where he has appointed, I would have thought, about four or five of the Boards of GBC, having found out who was on the Board of GBC periodically in *Gazettes* and in press releases, we think this is actually, for the reasons I have said, a huge step forward.

I give way to the hon. Gentleman on this point.

Hon. P R Caruana Obligated. Mr Speaker, I think the hon. Member... First of all, let me hasten to say that I think it would be a nonsense to require unanimity or *consent* from the Opposition because, then, the

950 Opposition could hold the Government to ransom and say ‘Unless you appoint the person I want I will *never* consent to anybody that you suggest’. Requiring the Opposition’s consent to something is equivalent to transferring the power of appointment to the Opposition. That would be absurd and no reasonable, responsible Opposition could have that aspiration.

955 By the same token, I think that the hon. Member is confusing consultation with transparency. If picking up the phone and saying ‘Peter, I am thinking of appointing Jo Bloggs to be the Chairman of GBC. What do you think?’ and keeping me on the phone for a minute, perhaps, listening to my views and then putting them down and my not knowing whether he was going to do anything with them or not, which is what ‘consultation’ means... There is no point in pretending that ‘consultation’ is capable of meaning anything more than it means in the English language and I would be careful about signalling to others that you think that ‘consultation’ is capable of meaning anything else because they will use it against you in those areas where they have the right to be consulted.

960 The hon. Member has presented this publicly not as a step forward but as transparency. Transparency means that you can *see* it; it means that a decision making process is *accountable*. That is transparency and that is not delivered by *consulting* the Leader of the Opposition in a non-binding way, for example not requiring the Opposition’s consent, obviously, but one form which *would* be a *big* step forward in transparency in the appointment of the GBC Board, if a big step in transparency is the policy objective that the hon. Members have set themselves, which would be laudable, but then they have got to deliver things that amount to that... Something that would amount to that would be, for example, that the nominees of the Chief Minister should have to be brought to this House and be subject to approval by a majority motion. You are not transferring to us any power of appointment, because you have got the majority; what you are doing is exposing yourselves to having to justify the balance of your appointment and that would be transparency.

970 If the hon. Members want transparency... *They* said it; I didn’t. We did not have transparency on the appointment... No, Mr Speaker, I am not saying that they are *required* to have transparency. I am saying that if they are telling the people of Gibraltar that this is in order to deliver *transparency* in the appointment, is what *they* have set themselves out as their goal, then they have got to deliver a mechanism which delivers visibility to the appointments. The way that visibility to appointment... is by having to come to this House, in the knowledge that they can appoint whoever they want, because they have got the majority in this House. So there is no transfer, there is no mortgaging yourself to the views of the Opposition but, of course, it is *visible* because, then, the Opposition can say what it feels about this appointment and you will counteract it: there is not the need for agreement but transparency. People can *see* what the Government is doing and know why the Government is doing it.

980 In my view, that would be a *genuine* act of injecting transparency into the view of GBC. I do not say to them, do it; I say to them, do it if it is your policy to have transparency on the appointment of the GBC Board, because what you are offering now in this Bill is *not* the transparency on the appointment of the GBC Board. Consulting the Leader of the Opposition in private is not a transparency; it is something else. I am not saying it is valueless, I am not saying it is nothing, I am not saying it is not a step forward in another direction, but it is *not any* degree of step forward in transparency, meaning visibility, to the community at large in what the Government is...
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990 That is my point, but if the hon. Members do not want transparency... Look, if I had thought that there *should* be more transparency, I had 15½ years to do it and I did not, so I can hardly now sit here demanding of the hon. Member to do things that I did not do in 15½ years of opportunity to do so. So he must not misunderstand where I am coming from on this.

995 **Hon. Chief Minister:** Mr Speaker, that is a very useful aid to what the hon. Gentleman considers the definition of ‘consultation’ to be, which perhaps we may have to remind his Opposition colleagues of on occasion.

1000 Mr Speaker, we actually disagree. We think that this *is* a much more transparent process because the definition of transparency that he now adopts we do not think is the only definition of transparency. One is transparent if one consults with the Leader of the Opposition and then announces to the community who the individuals to be appointed to the GBC are. Of course, they would always be announced to the community either by the Governor in the *Gazette* under the old model, or by the Chief Minister in the *Gazette* under this model.

1005 Mr Speaker, the hon. Gentleman seems to forget – a point, perhaps, to consider why it is that Question Times take so long – what are the privileges of Members of this House. The hon. Member can bring a motion at any time, after he has read in the *Gazette* the names of the people appointed by the Government, and say that he does not believe that those names reflect an independent Board for GBC, or whatever he likes, and we can have the debate in the House and we can then vote with such numbers as one may be able to muster in this House one way or the other. So that is in-built in the system, Mr Speaker. We believe that there is, therefore, now greater of what *we* call transparency than there was before, but I am grateful the hon. Gentleman recognises that he did not do this and that he cannot,
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therefore, be urging us to go forward, and that he must simply be analysing what it is that we are doing and trying to adopt his own definitions of what is transparency and consultation and apply them to our process. We do not accept those definitions. We believe that this is a more transparent process, for the reasons I have already indicated.

Mr Speaker, neither do I accept the proposition of the hon. Gentleman that this Bill does *anything* to bring the Authority – the Gibraltar Regulatory Authority, as defined under the Bill – under the tutelage of the Minister. I know the hon. Gentleman will know that I found a Bill, in not too dissimilar terms to the one which I am now moving, ready for publication when I was elected, and this was an issue that was already, as the hon. Gentleman has indicated, something put to him and that there are Directive timetables which are applicable and which had been extended. He will know, Mr Speaker, from having looked at *that* draft, which gave the Minister many more instances of power, that this Bill, as published, let alone as now to be amended, gives to the Authority almost all of the powers that there were under the Bill and retains to the Minister very, very few, and that has been the process that I have intended to deliver in the course of publishing this Bill.

Mr Speaker, it is true that the hon. Gentleman and Members and lady opposite have not had sufficient time, in my view, to consider the amendments to this Bill, but they will now have seen – and I think the hon. Gentleman's reading of it indicates – that they are principally technical because of legal advice resulting from the need to deal with what is known as the AVMS Directive in a particular way.

Hon. P R Caruana: Mr Speaker, if the Hon. Minister will allow me to say –

Hon. Chief Minister: If I may –

Hon. P R Caruana: We can skip this part. We have made a comment. He need not concern himself, except for me to just record...

I am not asking him to delay the Bill for this reason on this occasion, simply to bear it in mind for similar situations in the future, except to comment that the amendments are 'principally technical' suggests that this House does not have a legislative function in respect of merely technical provisions, (**Hon. Chief Minister:** Absolutely.) which is not the case, (**Hon. Chief Minister:** Absolutely.) even if they are only technical.

Hon. Chief Minister: Yes, indeed, and Mr Speaker, the hon. Gentleman will allow me to say that the technical aspects of the amendments are not to make a new law for Gibraltar – they take something that was in regulations and put it in the principal Act. (*Interjection by Hon. P R Caruana*) As long as he takes me on my word at that, then he will understand that the amendments are for a purpose.

Mr Speaker, I actually believe that hon. Members *should* have longer to consider amendments and it is only for technical reasons, if he will accept that, for legal advice reasons, that I have been put in a position where I have given them long amendments in this situation. He will know that he had done that before and that, in some instances, we accepted that and in some instances we were critical. (*Interjection by Hon. P R Caruana*) Well, it may be, Mr Speaker, but only in the attempt to make the letter as clear as possible and not simply... The hon. Gentleman will recognise that the letter does not simply refer to the changes to be made; it actually gives them the logic of the amendment to be made so that they could understand the amendment.

Hon. P R Caruana: For the future, if the hon. Member ever finds himself in this position again with a need to thrust upon us lengthy amendments at the last minute – and there may well be other examples when he is up against a deadline he has no choice – it is much more helpful to be sent a marked-up copy of the Bill than it is to... (**Hon. D A Feetham:** Tracked.) a tracked copy of the Bill, rather than to be sent the letter, which then requires you to do your own... Sorry?

Hon. Chief Minister: I thought he had been sent both.

Hon. P R Caruana: I have only seen... I do not know whether we have been sent it or not... I have only seen the letter.

No. We are not making an issue, except an observation we are making on this occasion. This is for the future.

Hon. Chief Minister: I am grateful, Mr Speaker.

If I could now move on to the substance, Mr Speaker, of what it is that the hon. Gentleman has said. We are advised that this Bill, as drafted, this Bill, as now marked up and amended, has no effect on what the hon. Gentleman called 'satellite clubs', and that some of what we are taking out to do by regulation might have in the future. Of course, Mr Speaker, that is an issue to look at very carefully.

Mr Speaker, clause 3.(2) of the –

1075 **A Member:** [*Inaudible*].

Hon. Chief Minister: Liverpool Football Club supporters don't tend to watch football much these days, Mr Speaker. It is a sad time for us!

1080 Mr Speaker, clause 3(2) we do not accept renders nugatory everything that is set out in the Act. I think he will find, Mr Speaker, for reasons I will come to now, that that is actually the sort of language that is in Acts and Bills *he* moved in this House and it is there for a purpose. It is for the purpose of giving business efficacy to what it is that Ministers do.

1085 I recall him saying to me, Mr Speaker, on many occasions, that one had to accept that Ministers would act in good faith and not seek to use powers like this for any purpose other than for the purpose given, which is what the preamble of the legislation provides. So, Mr Speaker, I used to reluctantly take him at his word, so I hope that he does take us at ours.

I do not think, Mr Speaker, that the interaction of clauses 6 and 7 actually render the whole thing tautologous or circular, in particular, Mr Speaker, because clause 8.(1) of the Bill talks about 'disclosure', not 'publication'. So it is the disclosure to the Minister, not the publication that is the issue.

1090 If he wants to just look at that, it is about 'disclosure', not 'publication'. So, Mr Speaker, we do not actually think that that deals with the –

1095 **Hon. P R Caruana:** No, Mr Speaker, if he will give way, it is true that one clause speaks of publication... collection of information, and the other one speaks of disclosure, but the clause that speaks of disclosure does not speak of disclosure to the Minister, it speaks of disclosure at large, and disclosure at large is publication.

1100 If the clause said 'to the Minister', then at least you would be limiting the circularity, but sub-clause 8.(1) is disclosure to the world, not disclosure to the Minister. It does not say the Minister. Where does it say the Minister?

Hon. Chief Minister: Mr Speaker, it says it in 8.(2)(a).

1105 **Hon. P R Caruana:** Yes, Mr Speaker, but that is only in respect of (a). Mr Speaker, I think he is misreading it.

1110 **Hon. Chief Minister:** If the hon. Member will allow me, there is absolutely no intention to take information from operators and create a regime which carves out a part of the Data Protection Act and allows somebody to publish information which might otherwise be sensitive. (*Interjection by Hon. P R Caruana*)

There is a list, Mr Speaker, in 8.(2) for purposes (a), (b), (c), (d) and (e), of which the disclosure can be used, and therefore we do not believe (**Hon. P R Caruana:** No.) that the point makes sense. If he is ever instructed to deal with this matter in court, he can put that side of the argument. We are just not persuaded that the point he makes bites.

1115 Now, Mr Speaker, if I can –

Hon. P R Caruana: Mr Speaker, [*inaudible*] to correct him if the hon. Member will give way.

Hon. Chief Minister: Does he want me to give way?

1120 **Hon. P R Caruana:** Mr Speaker, if it is his position that he does not *mind* the position that this creates, then of course I bow to his majority, but he started by saying that that was not his intention. It was not his intention to create a general power.

1125 If he will just give me one more hearing of 30 seconds on this, 8.(1) places no restriction on who you can disclose to. 8.(2) says... or, rather, it says that you cannot disclose, 8.(2) says sub-clause (1) –

Hon. Chief Minister: Does not apply.

1130 **Hon. P R Caruana:** – does not apply – to what? It does not apply to the list to which he has just referred. Amongst the things that it does not apply to, the first item of it, (a), so you can disclose to the world in the five instances in the list in (2), amongst them:

'(a) for the purpose of facilitating the performance of any duties or functions assigned to or conferred on the Minister or the Authority by or under this Act;'

1135 **Hon. Chief Minister:** Yes.

Hon. P R Caruana: As that is the sole purpose for which information can be obtained in the first place under clause 6, then you can always disclose *all* the information that can lawfully have been demanded under clause 6, because if under –

1140 **Hon. Chief Minister:** That is only – if you will allow me to complete his sentence –

Hon. P R Caruana: Of course, I –

1145 **Hon. Chief Minister:** – for the purpose of facilitating the performance of duties or functions –

Hon. P R Caruana: Which is always. That is always.

1150 **Hon. Chief Minister:** – which, Mr Speaker, will not *always* mean publication to the world, because – listen, Mr Speaker, and I will come to this point later on – there is, whether the hon. Gentleman likes it or not, a different sort of appeal possible and challenge possible in respect of actions done under this Act, or otherwise by a Minister, which is judicial review. Therefore, Mr Speaker, if a Minister were to publish something to the world, when all he needed to do was discuss it with the Authority, then it would be unreasonable to have done so and, in particular, if the person whose information is disclosed has suffered damage. So, Mr Speaker –

1155 **Hon. P R Caruana:** I am not concerned about the Minister; I am concerned about the Authority.

1160 **Hon. Chief Minister:** Fair enough. (*Laughter*) The Authority is subject to the same control.

Hon. P R Caruana: No, he is not.

1165 **Hon. Chief Minister:** Of course he is, Mr Speaker, because what the hon. Gentleman has to accept – and I will come to this later on – is that, although there are statutory rights of appeals only for the purposes set out in the Act – *statutory* rights of appeal with leave – there is always, and he will remember this from his time in practice, that he is now back at, always the right of judicial review, especially if somebody acts unreasonably.

1170 **Hon. P R Caruana:** But does he accept that that right – and I agree with what he has just said – that is *despite* the Bill, because the Bill tries to prevent it.

Hon. Chief Minister: No.

1175 **Hon. P R Caruana:** The Bill says, you will not challenge *any* exercise of authority by the Authority under this Act, *except* by an appeal under clause 67.

Hon. Chief Minister: No, Mr Speaker, for the reasons that I will come to, when I deal specifically with that, (*Interjection by Hon. P R Caruana*) but that is not the case.

1180 **Hon. P R Caruana:** I give way.

Hon. Chief Minister: I cannot give way; I gave way to you!

1185 **Hon. P R Caruana:** No, no, no – ‘we’.

Hon. Chief Minister: Anyway, Mr Speaker, we are not persuaded of that.

1190 Mr Speaker, the hon. Gentleman also referred us to clause 9 and I believe he said he was very concerned about this. Was it *this* clause that he said caused him to have constitutional concern? This clause gives the Minister power to make particular regulations and the way that it sets out the power to make particular regulations, I need to tell him, is very similar, if not identical, to section 69.(2) of the Transport Act, which gave the Minister for Transport general regulation-making powers, including the power to fix the penalties for the breaches of the regulations that he made. He will recall that members of a certain association with very loud whistles made their way around No. 6 Convent Place for some time complaining in part about that.

1195 That Act survived and that section survived and that regulation-making power survived, but, before I give way – and I will, Mr Speaker – let me tell the hon. Gentleman that this section is not just *similar* to

section 69.(2) of the Transport Act, not just similar to that, it is actually identical to section 9.(1) of the Communications Act 2006 that he brought to this House. It is identical, Mr Speaker.

When I talk about the other sections that he has referred to, where he has expressed some concern, in particular about the creation of a new regulatory framework, I am going to be telling him repeatedly that, actually, we accept that a regulatory-style framework has been established. There is no need, as he said, to reinvent the wheel and a lot of what we are doing here is to take, word for word, the sections that *he* brought to this House in the Communications Act 2006. So we do not think that there was unconstitutionality in *that* Act: we did not raise the point in 2006 at the time. Therefore, Mr Speaker, if there was no unconstitutionality in the Communications Act that the hon. Gentleman brought to this House in its section 9, there cannot be – because *I* move it – an unconstitutionality here, but I recognise the hon. Gentleman has asked me to give way.

Hon. P R Caruana: Of course not, Mr Speaker. Of course the hon. Member is right that what I do cannot be constitutional and if he does the same thing it is unconstitutional, I have not suggested that.

Mr Speaker, I am saying two things to him. Firstly, in respect of his point, I specifically said that I had seen many examples and there is nothing wrong, if you create an offence by regulations, then you have to create the penalty by regulations. That is not what I was complaining about. I made that perfectly clear, I made that distinction perfectly clear. What I am complaining about is that the offences and the rights of penalty establishment created not by the regulations, but by this Act *itself* is establishable later by regulations.

Sub-clause 9.(1)(b) reads:

‘The procedure and principles for the imposition of financial penalties on a person who fails to comply with an obligation imposed on that person under, or pursuant to, *this Act*...’

not regulations. Of course, any statutory regime created by regulations will contain the penalties of the regulations. The objection *here* is that where ‘offences’ – in inverted commas, because they are, if it is penalties – against the regulatory regime is created by *this Act*, the offences are not created by this Act, they are postponed – the penalties are postponed – to be created.

I believe that that is wrong. Now, Mr Speaker, is no answer, it is not even a matter of embarrassment to me, that I may have done the same thing 25 times. I regret that nobody pointed it out to me, because if the Opposition had pointed it out to me at the time – and this is not a criticism aimed at them – if the Opposition or anybody else had pointed it out to me, he could be very sure that I would *never* have agreed to legislate it. Of course, he knows how these things work. A lengthy piece of legislation gets brought to the hon. Members by others and if nobody raises an objection, you are too busy to stop them for yourself. Now he is having them pointed out to him. Well, I wish somebody... I wish he had pointed it out to me when I was legislating it. The fact that we – because it was not pointed out to us – did something that we could otherwise agree is not desirable, does not become okay simply by saying ‘but you did it as well!’ Otherwise what is the purpose of us being in this House? So everything that has gone on in the past, whether intentionally, unintentionally, whether by consciously or simply because no-one had addressed their minds to it – *anything* that we have done in the past is now legitimised for all time in the future.

Mr Speaker, I do not think that that is appropriate. If it would help the hon. Member give this point a little bit more seriousness, if I concede to him that I deeply regret having allowed such legislation to get onto the statute book in my time and if he will move amendments to it now, I will gladly vote in favour of those amendments in all the bits of legislation... if that sort of – I don’t know – will assist him in giving this matter objective consideration, not by reference to whether I have done it myself in the past, but whether it is right or wrong in principle, I would gladly do that.

Hon. Chief Minister: Mr Speaker, I might be prepared to accept that in respect of the Communications Act, where he rightly points out that I have accepted we did not raise the issue. I said, we did not raise this issue in the Communications Act.

He cannot say that in the context of section 69.(2) of the Transport Act because, as I told him, the GTA were happily deployed around his office, I attended a meeting there myself, there was much opposition to it, he was told that what he was doing was unconstitutional, and plough on he did regardless, Mr Speaker, and section 69.(2) of the Transport Act says:

‘Regulations made under this section may provide for such offences and for such penalties as may reasonably be appropriate in the circumstances’,

and that is what we were pointing out to him, whistles and all, (*Interjection by Hon. P R Caruana*) around No. 6 Convent Place in 1998.

Hon. P R Caruana: Will he give way?

Does he not understand that that is wholly different to what I am pointing out to him now? I cannot think of words in which to articulate my point more clearly, so clearly my powers of articulation are deficient –

Hon. Chief Minister: Rusty!

Hon. P R Caruana: Mr Speaker, I am not complaining.

There is nothing objectionable to the section 69 of the Transport Act, because that is regulations creating an offence and also creating the penalties attaching to breach of the regulations of the offences created in the regulations. That is *not* what I am talking about here. What I am talking about *here* is not regulations that create both the offence and the penalty, what I am talking about here is ‘offences’ – in inverted commas – created by the Act, where the Act does not also create the penalty, so you have an offence created by an Act and the penalty created by the subsidiary legislation *later*. This parliament is entitled to know before it passes an offence, what the nature of the penalty that is going to attach to that offence, because it is completely germane to the reasonableness of the offence.

He is not comparing the point that I am making with anything that may arise from the Transport Act. He is right to compare the point I am making with the Communications Act, if he says – and I am taking him at his words – that the Communications Act also creates offences in the Act, but not penalties. The penalties are left silent in the Act and the penalties only are created later after the Act. That is not my recollection of it, but my recollection of it is not strong enough to contradict him. That would be a comparison with the point I am making.

Just a point of repetition, Mr Speaker, he knows my views... I cannot do better –

Hon. Chief Minister: Mr Speaker, let it be clear in *Hansard* that none of us believe, or wish, to act in a manner that is unconstitutional and neither do we believe that the provisions in this Act, as they stand –

Hon. P R Caruana: Mr Speaker, I have not said that –

Hon. Chief Minister: It is 20, is it not? Later on...

This act is drafted something like... [*Inaudible*] Neither do we believe that there is anything in the way that this is drafted which creates any hostage to fortune in that way. The hon. Gentleman has said what he has said and that is our position in respect of that section.

Mr Speaker, clause 20, which the hon. Gentleman referred us to, deals with the financial penalties: the right to appeal in respect of those penalties. Our view, Mr Speaker, is that there is *always* a right to challenge a penalty, even if there is not a specific statutory right of appeal against that penalty. That is often the position in much of our laws. It is not unusual that, in some instances, there should not be a particular statutory right of appeal and that the right of appeal should be left to judicial review.

I have made the point already that I do not accept that judicial review is excluded by the way this Bill is drafted. Therefore, we do not share the concern that the hon. Gentleman seems to suggest there could be, but if it is helpful to the hon. Gentleman, I am quite happy to agree to an amendment, if he wishes to move it, to bring within the provisions of statutory appeal anything to do with the financial penalties imposed. I think nothing turns on it, I have not got the concerns that *he* has got about it, but I am prepared, if he wishes to move an amendment – which is a very simple one – to consider it with him in committee.

Hon. P R Caruana: I am grateful to the hon. Member for offering –

Mr Speaker: [*Inaudible*] it is...

Hon. P R Caruana: I beg your pardon, I thought he had sat down.

I am grateful to the hon. Member for his generosity of conceding an unnecessary amendment. I really do not know where the hon. Member, when he says, ‘We have considered’ presumably he means *he* has considered on the hoof, because I just made the point and I have not seen any evidence of consideration by anybody other than him.

But, Mr Speaker, that is not the point. The point is this: he has said there are other instances in our legislation where there is a public authority entitled to impose a financial penalty without a specific statutory right of appeal. I tell him that he is *absolutely wrong* and that there is not a single other instance in our statutes where there is a right to fine somebody without a specifically granted right of appeal. Simply to say – even though they have tried to avoid it – that you can have judicial review, he must know is not an alternative, because on judicial review you cannot challenge the *quantum* of a fine, you can challenge the reasonableness of the decision-making process that led to the fixing of a fine, but if you are

fined £100,000, you cannot judicially review it because you think the fine is excessive and it should only have been £20,000! There is a difference; surely he will understand that the principles and the procedures of judicial review exist for different purposes in courts and in the law, than the processes of appeal against the decision.

1325 Mr Speaker, I do not want to convert Parliament into a moot forum between lawyers, but he has made a statement, which is factually incorrect: there is not another statute on our statute book which creates a right to fine somebody a financial penalty. The Financial Services Commissioner does not enjoy a right of financial penalty *at all* in the area of financial services regulation. Where there is a right of penalty, there is necessarily a right of appeal.

1330 Again, Mr Speaker, his last intervention, I think, is some evidence of the fact that he feels the need to defend this draft, this Bill, despite the fact that I am not subjecting it to political attack. If he is going to concede the objection, the concession, what impedes him from simply saying, 'Yes, we agree that there should be that amendment. No, we think the hon. Member is wrong. We think there is absolutely no need for the amendment. We do not think it is necessary, but we are going to write a Bill, because he has asked us to, that gives a statutory right of appeal for the imposition of a penalty.'

1335 I am glad that he has done it, I am grateful to him for taking the point, but it is the way he has conceded the point does not signal to me – not that he is obliged to view my comments in this light... that these are not political attacks and he should not feel that he has to defend the drafting in terms of our debate across the floor.

1340 If I had had more time, I might have written to him privately about some of these points.

Hon. Chief Minister: Mr Speaker, he does not accept *my* view on what our *corpus juris* covers and I do not accept his, so one of us is going to have to spend a long time going through a few thousand Acts. (Interjection by Hon. P R Caruana) (Laughter) But look, Mr Speaker, we have considered it, even though he has not seen me confer with others, because obviously I, with others, have sat and looked at this Bill and ensured that we are satisfied with the provisions as they are. We have not considered it in the context of what he has said, but everything that I have considered with others before. Therefore, we... leads me to believe that I should not share the concerns that he now puts, but Mr Speaker, as I told him, it is something that can be cured if he wishes to move the amendment.

1350 Mr Speaker, the codes of practice that are dealt with in clause 22 we believe can be challenged, if they are in some way unreasonable in the hands of the Authority that will make them, by way of judicial review, and he is going to get that answer in many respects – and I am not going to give way, Mr Speaker, because at some stage we have to finish the debate.

1355 **Hon. P R Caruana:** [Inaudible] speak, because I have seen the mood he is in!

Hon. Chief Minister: Mr Speaker –

1360 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** He has given way a thousand times! (Interjections)

Mr Speaker: Order!

1365 **Hon. N F Costa:** [Inaudible] give way!

Mr Speaker: Order!

1370 **Hon. Chief Minister:** I am in no mood other than in the mood to get to the bottom of the points that the hon. Gentleman has made for the good of our legislation, but I actually do not believe, Mr Speaker, that the point made in respect of clause 22 is a valid one. It is actually an identical position to the position in the United Kingdom as to the way that codes are produced, and there is the ability to challenge the code in the hands of the Authority by way of judicial review if it is in any way unreasonable.

1375 Mr Speaker, similarly, the duties of broadcasters under clause 24. It was the hon. Gentleman who said 'This cannot apply to Mr Paxman', and yet it is verbatim what applies to Mr Paxman. So I am not uncomfortable with a piece of legislation that allows a broadcaster the leeway that Mr Paxman enjoys to scrutinise the current affairs of the United Kingdom. I am actually very welcoming of that sort of regulation now for those in our broadcasting, public or otherwise.

1380 Mr Speaker, on clause 37, which he referred us to in respect of the exclusivity of major events, I think we have already had the debate, because he gave way whilst he was speaking. We read the provision, Mr Speaker, as meaning that there will not be exclusivity for one individual broadcaster or licensee in respect of events, and that 'shall make available' shall not mean pushed down the throats of viewers. It means shall make available to other licensees so that they are able, Mr Speaker, to also relay a transmission of a

particular event. The word ‘must’, Mr Speaker, is not in those sections, as far as I can see.

The hon. Gentleman says, ‘Well, it means that they must.’ Well, shall means must, but the word ‘must’ is not here, but it is ‘shall make available’, not shall transmit, which is the damage that the hon. Gentleman was trying to cure. If this said ‘shall transmit’ and ‘must allow or make available to other broadcasters’, you might read what the hon. Gentleman wants to read in it, but if you actually bother to read the section as a whole, what it talks about is one licensee, one broadcaster who is actually there with his cameras, making available to others that audiovisual signal for them to put online or for them to put on in deferred transmission, in whole or in part. So I do not think there is any merit whatsoever to that particular point when you read the section as a whole, and, as I referred to the hon. Member, the reference there to the Commission illustrates the fact that this is a European requirement for there to be competition and for not one licensee or broadcaster to exclusively be able to monopolise one particular event. There is, therefore, no question, Mr Speaker, of forcible transmission of the GSD annual meeting, if there were one, or of the GSLP annual general meeting, of which there is one.

Mr Speaker, in respect of the deadlines provision which the hon. Gentleman identified in respect of clause 39, can I tell him actually that his reaction was my reaction but, having considered it carefully, actually it is very difficult to either put in a regime with shorter timetables, if you are going to allow people to make arguments properly, or to create narrow regime in legislation which is more advantageous than the reality of the libel regime.

Mr Speaker, the hon. Gentleman said one would not want to revive something 42 days after it had been said – you somehow sometimes make it worse. Absolutely right, and what timetables do, Mr Speaker, or *should* do, is set out a maximum period of time within which to do things. In the context of libel proceedings, 42 days is actually quite a short period of time (*Interjection by Hon. P R Caruana*) because libel proceedings could take years. In the context, therefore, of this Act, Mr Speaker, that the right of reply, which is not just in terms of politics – it can be in many other terms, in terms of reputation etc – to be corralled into a period of 42 days actually, on reflection, is not bad. So, for that reason, Mr Speaker, we do not think that, if the hon. Gentleman gives thought to his criticism of clause 39, there is actually anything in it.

But, Mr Speaker, if I can just refer him to clauses 37 and 39 in this way (*Interjection by Hon. P R Caruana*) before I allow him to get up, against my better judgement, clause 37 of *this* Act, of this Bill, Mr Speaker, and clause 39 of this Bill, are *identical* to regulation 17.(2) and regulation 30 of the Audiovisual Media Services Regulations, which he made. So these deadlines, these concerns, about ‘makes available’... Mr Speaker, I am taking the language that *his* Government made and passed in the AVMS Regulations.

I give way, Mr Speaker.

Hon. P R Caruana: Mr Speaker, if it is against his better judgement, I withdraw.

Hon. Chief Minister: Mr Speaker, in relation to clause 47, what I will tell him is that we are very happy with the way that the provision as to consultation on the appointment of the Board of GBC is now drafted. We think it is a step forward, as I said before, but I will come to this point, Mr Speaker, which is why it should be the Chief Minister and not the Minister for Justice.

Mr Speaker, it should be the Chief Minister, who does not consider himself to be anything other than one among equals, not even first, because issues of *public* broadcasting have an importance which the hon. Gentleman has recognised in his intervention and, therefore, I think in the same way that it is right to have a Chairman of Gibtelecom who is not the Minister for Telecommunications – something that occurred during their time in office as a result of an issue involving the European Commission – we are now taking the step that the Chief Minister should be the person to appoint the Board of GBC, whether or not he is the Minister for Broadcasting.

In the present instance, the hon. Gentleman will know, all hon. Members will know, that I am both the Minister for Broadcasting and Chief Minister, but that will not always be the case and the appointment of the Board should be something that, in my view and in my Government’s view, comes through the Chief Minister.

Hon. P R Caruana: Not at the time that the Bill was published.

Hon. Chief Minister: No, Mr Speaker, not at the time that the Bill was published, but as the hon. Gentleman will know, that is exactly what I said during the course of the interview in GBC – or should know, if he is going to make a criticism. I said specifically about that part that I was not happy with it, but that I was publishing the Bill already whilst I took further counsel as to how best to deal with that section, and I am going to assume, Mr Speaker, that he follows avidly everything that I tell ‘Newswatch’.

Mr Speaker, similarly, clause 62 he said gives power only to the Authority to receive complaints of anything broadcast by GBC. Well, Mr Speaker, in the new paradigm that we are setting up... I know he is

no longer interested because I am not taking his points and demonstrating that they are not valid, but he might at least do me the courtesy of listening; I listened to every word that he said.

Clause 62, Mr Speaker, of course makes the Authority the person, therefore, that receives those challenges, because it is the Authority that has the control of all the other licensees and it should also have that control in respect of the GBC, but that does not mean, Mr Speaker, that third parties cannot approach the Authority in respect of those issues for the Authority to take action and, where they do and the Authority does not, that they cannot judicially review the Authority for not having taken that action, if not to do so would be unreasonable.

Mr Speaker, clause 63, he is right, is an identical reproduction of the section that is there now, and it is there now, Mr Speaker, because GBC is a public broadcaster and will remain a public broadcaster, but the hon. Gentleman knows that there are ways round those time limits that might create a problem in certain instances, not least because *he* was the only party that would not agree to GBC including in a leaders' debate in 2007 the leader of the PDP, who enjoyed the support of my party and the Liberal Party, and of all of us contesting the election, except the hon. Gentleman, to appear in that leaders' debate. That matter was brought to the Supreme Court for a hearing very quickly under judicial review procedures. So, again, we are not concerned that in issues, in moments of urgency, there is not the business efficacy in the Act, as it was and as it is, for matters to be brought to the attention of the court timelessly. Unfortunately, Mr Speaker, in that instance the PDP did not succeed in appearing on the leaders' debate. The first time they did, he lost the election, so perhaps, if they had been there in 2007, a happier time would have been had.

Mr Speaker, clause 66.(1) is a serious issue and clause 41.(4)(c) is also a serious issue, so I ask the hon. Gentleman to listen carefully to this part of my reply and, as he did when I was looking for something on my phone, ask him to put down his phone, as he said to me, and listen, because this is about Gibraltar and *our* differences should not be relevant to it.

I heard everything that he said about clause 66 and everything, if not *almost* everything, is a matter of agreement across the floor of the House, not just between him and me but, I am sure, every Member, but the wording of 66.(1) is *precise* and there are no typographical errors in it, and it is there black upon white. He did an analysis, Mr Speaker, of the effect of one particular case on 'colonial legislatures', as some people like to call them, during the course of an intervention at the United Nations, I believe in 2007 or 2008, I forget whether it was at the Committee of 24 or in the Fourth Committee.

Hon. P R Caruana: It was in 2008 and in Fourth Committee.

Hon. Chief Minister: Yes, indeed.

Mr Speaker, the analysis he makes and the concerns that he airs would have been absolutely right, were it not for the fact that, in 66.(1), it is the Governor who acts in a moment of internal security but it is the Government that takes the power as a result of that action. That, Mr Speaker, is in keeping with the analysis that he did in the United Nations and that, to a very great extent, he and I, and all the other lawyers in this Chamber, likely believe is the reality of the constitutional position very much in respect of all the issues that he alighted on today.

He said that if I had achieved what 66.(1) says then I had achieved something more than he had been able to achieve and I am grateful for him recognising that because this is specific, clear and there are no errors in this section of the draft, believe me – as he will know – because it has been pored over by all the people who would pore over it and who would insist on rectifying that typographical error, if it *were* a typographical error. So, on that, Mr Speaker I know that we are *all* united.

But I refer him, Mr Speaker, to the amended 41.(4)(c) because that is equally important. If hon. Members want to look at that section and read it *in toto*, it says this:

'subject to subsection (5), the Authority shall take a measure pursuant to subsection (2) where the following conditions are satisfied –'

and the third one, Mr Speaker, which is the relevant one for national law, which is not Community law:

'where the reason for the intended adoption of a measure is the safeguarding of the internal security or defence of Gibraltar and is of such a nature as to fall within the Governor's constitutional responsibilities and the Governor has informed the Minister that the measure needs to be taken who so directs the Authority'.

Mr Speaker, that is exactly the issue that the hon. Gentleman was alluding to and it is in this context that the Minister, in those circumstances, alerts the Authority. The hon. Gentleman will know from his analysis, having hinted at it, the importance of the way that section is drafted because, in effect, Mr Speaker, 66.(1) and 41.(4)(c) *now demonstrate* that in a moment when internal security measures need to be taken, when the Governor triggers those parts of the Constitution, *of course* the Government is not out of the equation. The Government, as would be the Government in the United Kingdom, is the actor

through which actions continue to have to occur because, constitutionally, that could always only have been the way it was intended.

There is an element here, Mr Speaker, of the prerogative being engaged: a more interesting discussion might be who can trigger that in the Governor? I hope he is listening, Mr Speaker, because this *is* fundamentally important. Is this that internal security matters or that trigger for the Governor to press can only be pressed when individuals with political responsibility *outside of* Gibraltar seek that the Governor engages it, or is it that even Ministers of the Crown in Gibraltar can seek that it be engaged because of information that they have. Mr Speaker, I believe that it can be both under our constitutional set up because we have no responsibility for defence and there may be a defence reason why internal security measures need to be taken. There could even be Foreign Affairs reasons why an internal security measure might be taken, but there are very many other reasons – those that are now at large – which could result in an internal security measure to be taken.

This is where *his* analysis, which was the academic analysis being made already in respect of Quark at the United Nations, is relevant because, in *that* instance, I believe that the trigger that the Governor presses to engage 66.(1) or 41.(4)(c) can be engaged on the advice of Ministers – the Governor here is the Crown, the Queen – either the two whose portfolios are not in this House – Defence and Foreign Relations – or *any* of the ones who are in this House. That is a more interesting debate and I believe, Mr Speaker, that there cannot be *any other* analysis on that. I am sure that he shares my view and I am grateful that, in analysing 66.(1)(c) and 41.(4)(c), as he has, he has recognised the huge step forward we have been able to take in this short time.

Now, Mr Speaker, on clause 67 which follows immediately thereafter, I have to tell him – and this comes back to the other points he has made about the right of statutory appeal – that, actually, this is also identical to the Communications Act that he made in 2006, in section 91 of the Communications Act – that are in identical terms, – 91.(7) and 91.(8) in particular, dealing with 67.(7) and 67.(8) that he particularly singled out. I do not believe that the analysis done by the draftsmen in 2006 was wrong. I know that he has a higher regard for *his* legal analysis than he has for mine but I read the Communications Act when I was sitting where he is sitting and I did not think that these points were merited. When he was sitting where I am sitting he did not think these points were merited when he presented the Communications Act to the House, so I believe that he was right then and I believe that I am right now. I believe that we voted in favour of the Communications Act in 2006, so I do not believe that the mischief he says could be there actually arises under the section at all.

Mr Speaker, the hon. Gentleman said ‘What happens in respect of party political broadcasts and the Governor’s Directions? The Governor’s Directions are there now: how can we ensure that the new regulations are going to be there in the future?’ Well, actually, the position is much more advanced than it was. The Authority – the regulator here because it is the Gibraltar Regulatory Authority – is not just going to make these Governor’s Directions his own in his own way, he has actually got an *obligation* to do so and I think the hon. Gentleman has missed it. It is in clause 22 that the Codes of Practice have to be created and those are the Codes of Practice – they will no longer be known as Directions – that will govern all matters relating to party political broadcasts etc.

Mr Speaker, I assume that what should, additionally, happen, is that we will adopt Governor’s Directions as the Directions of the Authority so that there isn’t a moment in time where we are left with nothing. But I also would have thought that, as the process of modernisation proceeds, the Authority will seek to speak to all those who should be consulted, not least the Hon. the Leader of the Opposition, as much as the Chief Minister and other parties who he might consider it is appropriate to consult.

But may I refer the hon. Gentleman, Mr Speaker, in particular to clause 23, because clause 23 reads

‘Schedule 3 shall apply in respect of radio and television broadcasts and any codes of practice issued under that schedule shall be deemed to have been issued under section 22 of this Act.’

That is in respect of political broadcasting so I do not think that this is a ‘goodwill’ – that the code will be required – my reading of the Act, and I believe the Authority’s reading of the Act, is that there is a moment, when this Act becomes law, where the Governor’s Directions become, in effect, adopted as codes of practice of the Authority and then there is consultation afterwards, if necessary.

Hon. P R Caruana: Mr Speaker, just two small points.

On the codes of practice point again, he has missed the point – I was not saying that there isn’t *power* for the Authority to make a code of practice *requiring* party political broadcasts. Obviously, it is there: I pointed it out to him myself. The point is that he is not *obliged* to do so.

Nothing in this Bill *obliges* the Authority to have party political broadcasts, still less the terms on which to have them. Therefore, we shall have party political broadcasts *if* the Authority decides that we should have them and on the terms that the Authority decides that we should have them. My point is that that should not be so. We think party political broadcasts are such an important part of the landscape that

he should be *obliged* to issue guidelines and have party political broadcasts. To point to a section which gives him the power to do so, if he wants to, hardly addresses the point that I made.

On the slightly different point about the reasons why he might not have challenged and queried subsection (7) and (8) of 67 of the Communications Act: there may be many, amongst them may be the fact that, of course, that Act was drafted by the firm of which he was then a partner and he would have to criticise his own work.

Hon. Chief Minister: It is that sort of final snide remark that sometimes brings us to explosions of the sort that we then regret later during the course of the debate, so I shall do, Mr Speaker, what I should have done with the hon. Gentleman many years ago when he started making that sort of snide remark, ignore it and start dealing with the substance of what he says.

Hon. P R Caruana: He is right that he should do that, but he is wrong in the reasons why he has decided he should do that.

Mr Speaker, I have sat here, having given what I thought was a very helpful analysis. Indeed, he recognised that it was a very helpful analysis and I have sat doing exactly what he has now decided he is going to do himself, namely ignore the snide remarks. I have sat here, listening to him punctuate almost every answer that he has given with snide remarks about whether he ever had an AGM and about this and about that. I have not leapt to my feet on the first occasion in which I do what he has done on a dozen occasions today. He takes offence. Methinks the hon. Member takes offence just too easily!

Hon. Chief Minister: Mr Speaker look, it is just unnecessary to say your partner drafted this and therefore you would not have got up to challenge, which is to impute to me what I can only assume is an improper motive. Because if I had felt as strongly about sections of the Communications Act as the hon. Gentleman does, I would have been doing the people of Gibraltar a huge disservice if not of fraud, for not getting up and making those statements simply because Tony Provasoli might have happened to have drafted the Bill.

That would *never* have been the case, Mr Speaker, and that is why that sort of snide remark is outside what should be dealt with in this Parliament. If the hon. Gentleman wants to equate that with saying to him 'We have made exactly the same section that you made, so there can't be a concern of yours because you moved the Bill and did not have the concerns'.... or is it that the hon. Gentleman is saying that when he read the Bills before he moved them, he did not apply the level of scrutiny that he applies to them now? Mr Speaker, I am just going to pass from that sort of snide remark, which is totally unnecessary and really serves only to bring this place into disrepute.

Mr Speaker, I *also* questioned whether restricting religious entities from owning channels was necessary, if only because there seems to be a business in that and it may be wise to have that door open. The reason why we have not done so at the moment is because we are modelling ourselves on the United Kingdom precedent, not the European one. The European one does not require that that door be closed but let us, if the hon. Gentleman would excuse the expression, 'let's suck it and see' if anybody does come with such an application and then, if necessary, consider it. I do not actually think they would come because there are a *limited* number of transponders available, as he will know, and we already know the sorts of individuals and entities that are being attracted and are more likely to be of the rolling news character than they are of the ... but it is a potential *business*, actually, for Gibraltar.

If the United Kingdom does not want to have such channels, I have absolutely no objection to them if they are not problematic in their own way – but they would require regulation. (**Hon. P R Caruana:** Yes.) The hon. Gentleman will know that there are, for example, if I may call them 'televangelists' in the United States which we might *not* want transmitting from Gibraltar to the rest of Europe for reasons which are ventilated in the more salubrious parts of the press.

But there are perfectly proper channels which transmit the beliefs of people to those believers and there would be no reason for excluding them from Gibraltar, in our view, if those, potentially, came in the future but, at the moment, we have adopted the model of the UK.

I will allow him to say a few words...

Hon. P R Caruana Yes, Mr Speaker, I am not inviting him, I just wanted to know... The point is this, that I do not know how the UK is affected in this respect by the fact that they now have the Human Rights Act but, of course, we have always been in a slightly different position of having a constitutional right to certain freedoms which include religious worship and things and I think it is only a matter of time before somebody challenges this prohibition as being a violation of the constitutional right not to be discriminated and not to have the rights of worship and religious expression curtailed.

I am not suggesting to the hon. Member that he should now change it. *We* would not have written this provision into the Bill, had we been on the other side of the House. The fact that it is in the United Kingdom legislation would have been neither here nor there to us.

There are channels that people watch in Gibraltar on satellite in this respect. They are not all televangelists: some of them are just religious programming without being somebody on a stage, sort of preaching. There is one called EWTN, there is another one called The God Channel, there is a Muslim version... I don't know if there is a Hindu version – if there is, I have not seen it. These things now proliferate and the idea that it should not be possible in *Gibraltar* to obtain... that if there is such a channel... I do not think it is true that such a channel could not exist... it is that it could not be owned by... religious bodies would be disqualified from owning it. I suppose they would have to hide behind some believer, but not being the religious body itself. It just seems, in this day and age, an unnecessarily restrictive provision.

Hon. Chief Minister: Mr Speaker, on that we can both agree, to keep that under review.

But paragraph 3 of that schedule – Schedule 2 – I do not agree can create the sort of problem that the hon. Gentleman alludes to with us, or any Government, funding 49.9% of a broadcaster where, by not going over the 50% of funding, we would somehow be able to avoid the licensing regime in an unaccountable way.

It is true that you could avoid the licensing regime by funding 40% of a broadcaster and not more than 50%, but you could not do it in an unaccountable way because the accounts of Gibraltar Plc are such that it would not be possible to hide that contribution. Indeed, when that *happened* in respect of the media it was not possible to hide it. The hon. Gentleman and I have had this debate on a number of occasions. He funded the *Seven Days* newspaper to the tune of £150,000 and he was properly accountable in this House for spending the money on it and, therefore, also more publicly to the electorate because the Opposition scrutiny on that subject was put to the electorate. So if somebody were – and, of course, he was saying he recognises it was not the intention it should be – in the future, in Government, to want to contribute just shy of 50% of the funding of a channel in order to somehow get it to do its bidding, I assume, but avoid the licensing aspects which affect public sector broadcasters, where there is an express carve-out only for GBC, well, Mr Speaker, they would be otherwise accountable. That is not something that I think is ever likely to happen.

Mr Speaker, paragraph 6 is also much like the issues relating to religious broadcasters, something that we have considered in the context of it being an identical provision to the UK. It is, actually, not less sophisticated or more sophisticated than the United Kingdom and I take the hon. Gentleman's point that there is nothing to stop *broadcasters* from becoming newspaper publishers whilst there is something that creates a hurdle, not to stop, but to create a hurdle, for discretion to be exercised when newspaper publishers wish to become public broadcasters. I think that is simply an historical issue. I think the Newspapers Act sets out the regulation of newspapers in a way that is relevant to the time when it was done and this modern media legislation sets out the position in respect of modern media, modern broadcasting media, in this way. It does not cause us a concern and I have specifically, in my speech, alerted the hon. Members to the fact that we would not think it is contrary to the public interest in Gibraltar for a newspaper proprietor to become a licensed broadcaster unless there were *specific* public interest reasons to kick in.

Hon. P R Caruana: Mr Speaker, if the hon. Member could give way, hopefully, for the last time because we're coming to the end. I am grateful to him.

I don't know whether the hon. Member just misses my point or whether he is determined to push this Bill through the House without acknowledging the merits of any of my points. The point that I have made here could not be more simple, could not be more uncontroversial, could not be more helpful and could not be more obvious, which is that, we in this House are – and I am not questioning it – passing a piece of legislation that says if you own a newspaper you are going to have all these difficulties getting a licence for broadcasting, so all people have to do it is in a different order. I will get the broadcasting licence first, then I will go for the newspaper and then there is nothing in the Bill to prevent it.

Mr Speaker, if the hon. Member is not willing to acknowledge even that *obvious* point, then he must be in the mood of being determined to concede *nothing* because it is not as if I am criticising. I am trying to make his own statutory measure effective and, even though it is as *plain as daylight* that it cannot be the intention of this Bill to affect the result depending upon the order in which you do two steps... If you do it in order one, you can have both the newspaper and keep your broadcasting licence but, if you buy your newspaper first, then you have much greater difficulty getting a broadcasting licence. If you do it the other way round, there is no power to revoke your licence, your broadcasting – it cannot be the intention of this Bill to bring that situation about.

I point that out to the hon. Member and, instead of just taking the point on board, he finds a couple of passing remarks to say that he does not agree. This is not something to agree on or not agree on, it is *plain fact*. It is not a judgement that I am making. I am not expressing an opinion upon which he might legitimately have a different one. It is incontrovertibly so. All I am saying is, does he want to take the opportunity to close the plainly unintended – I can only assume plainly unintended – sort of gap,

loophole, to avoid the consequence – which is purely what the Act wants to avoid – of, I suppose, dominant media and dominant press all coming together to create whatever they call it, multi media monopoly, or whatever the phrase is? Even on this, the hon. Member says that he does not think the consequence that I have said could arise. Well, how could it not arise? It will necessarily arise.

Mr Speaker, it will necessarily arise. If GBC tomorrow acquires a newspaper, there is no power in this Act for the Authority to revoke the licence that it would not have given to GBC had it had the newspaper when it applied for a licence. If the hon. Members are content for that to be the law of Gibraltar, given that they have a parliamentary majority, then that will be the law of Gibraltar but I can't imagine that it is what they really intend.

Hon. Chief Minister: Mr Speaker, I don't know whether the hon. Gentleman goes back to read *Hansard* but, if he does, he should look at what I said in my original speech and the first reply that I have given to the point he made before, because I have not said that what he suggested cannot happen. I have accepted that it can and I have explained to him why I think that is the case, in respect of the regulation of newspapers having happened, historically, first, and the regulation on broadcasting having happened, historically, second.

I have also told him that I do not share his concern because all that is happening here, Mr Speaker, is that, whilst a broadcaster can tomorrow acquire a newspaper, or commence publication of a newspaper, by simply paying £5, signing an affidavit and sending it to No. 6 Convent Place under the Newspapers Act, a newspaper proprietor has to go through a hurdle. As I have said during the course of my initial speech, and I have replied, that hurdle should only be there where there are specific instances of the public interest, engaging for a particular purpose. Therefore, we think this is not an issue where we need to depart from what has been a tested transposition of those directed requirements in the United Kingdom. We are therefore going to go with this draft, but I have not ignored anything the hon. Gentleman has said, for the reasons he suggests or otherwise. I have dealt with them.

I will assume he is just not happy with the way I have dealt with them and that is why he has had to say that I have either misunderstood, because I couldn't understand or because I wanted to misunderstand. So Mr Speaker look that is the position, we on this side of the House are perfectly happy with the way this is drafted, we are not being "bloody minded" in inverted commas in not accepting an amendment, it is that *we* – namely not us who have been sitting here through the debate, but me and the draftsman and the Cabinet when we considered it as it was, considered that it was appropriate to proceed in this way. (*Laughter and interjection by Hon. P R Caruana*) I know that the concept of Cabinet responsibilities is so alien that it even brings smiles to the hon. Gentleman's face, but anyway...

Finally, Mr Speaker, in respect of paragraph 2.(1) and (3) of the third schedule, I understand what he is getting at in respect of balance there but, again, already issues of balance are taken as a whole. He will know that, in the law of libel, an article has to be read as a whole not seen just in respect of a headline and, in the law of broadcasting, Mr Speaker, one cannot look at one part of a broadcast, or a broadcast on its own, one has to look at a whole series of broadcasts.

If I can just give him an example so that he might understand that I *have* understood his position, even if I don't share it, despite the continual disparaging remarks that he is making to those that lap them up to his right. The fact is, Mr Speaker, that during the course of an election campaign, for example, there are not just debate programmes, there are not just party political broadcasts, there are also, for example, phone-ins. He will recall that, during the last general election campaign, there were phone-ins and, in the phone-in, there are only members of one political party present, with a presenter from the relevant broadcaster. During the course of a – let us avoid GSD or GSLP Liberals – PDP phone-in, for example, a broadcaster may present a question, or may present the programme, in a way that might by the other parties be considered to be partial to the people who are in the studio: 'Here I am joined by the members of the PDP, who are asking members of the public to entrust them with their vote for this their manifesto, containing a new park etc etc.' On its own, that would be political bias during the course of a general election campaign but, with three political parties, or three political forces, contesting a general election and three similar programmes with three presenters, either the same one or a different one, presenting such a programme, making similar remarks at the beginning of the programme for each of the political parties contesting the election then, on balance, during the course of the campaign there would be no issue of bias. That, Mr Speaker, is one of the sorts of things that would be covered by this Directive, by these paragraphs.

Again, these paragraphs are –

Hon. P R Caruana: Is he speaking to Schedule 3?

Hon. Chief Minister: Yes.

These paragraphs are taken from the Broadcasting Act in the United Kingdom so, Mr Speaker, we are confident that there are, there *should be*, no concerns in respect of the operation of those paragraphs and

1755 that there will always be free and fair elections in Gibraltar, with broadcasters respecting the rules of ballots.

Hon. P R Caruana: Mr Speaker, I am grateful for him giving way.

1760 **Mr Speaker:** Order – is the Chief Minister giving way?

Hon. P R Caruana: Yes, it is clear that he is giving way, he is sitting down.
I do not want to further controversialise [*inaudible*]

1765 **Mr Speaker:** No, I thought he had finished.

Hon. P R Caruana: He is not sitting down to rest.

1770 Mr Speaker, here is an example of what I mean by his failure to deal with my comments adequately. Everything that he has just said is prefixed by the fact that ‘I don’t share his opinion’. I have not expressed an opinion and this is not about ‘balance’ and ‘elections’, it is about a *flagrant contradiction* in the language of two different bits of law within two inches of each other and within three lines of each other. It is not about *opinion*, it is about wanting to know which of the two is the law.

Paragraph 2.(1) says:

1775 ‘The code of practice shall require that television and radio services shall exclude *all* expressions of the views or opinions of the person providing the services...’

In other words, on no occasion may any service provider on any programme express his own opinion.

1780 Paragraph 2(3) a couple of inches further away says the requirement of everything that I have just read

‘...may be satisfied by being satisfied in relation to a series of programmes taken as a whole.’

1785 A series of programmes taken as a whole. If that means, as it can only mean, that there *can* be an expression of opinion by the service provided in some programmes, so long as he balances it with a contrary expression of opinion in another programme, it is a breach of (1) that says that it cannot happen on *any* occasion. All I am asking is, which of the two is it? It is not a matter of opinion to be agreed with or disagreed with.

1790 **Hon. Chief Minister:** It is an opinion with which we disagree, Mr Speaker.

For the reasons I have already explained and I think are clear from the text and the purpose of the text.

1795 So, in the context of broadcasting in Gibraltar, we are convinced that this Bill, despite the issues raised by the hon. Gentleman and with the explanations that I have provided, will improve and modernise the provision of broadcasting from Gibraltar to a *very* considerable extent, bringing broadcasting and the regulation of it into the 21st century, and finally delivering a digital transmission network properly regulated and exploited for the benefit of our people: something, Mr Speaker, which I will now have no hesitation in saying, given the tenor of the hon. Gentleman’s interventions, as I said during the course of the Budget debate, had been much talked about by hon. Members when they were on this side of the House and yet they have done *absolutely nothing* and made not a *penny* of investment, when we were first elected last year. Something, nonetheless that our investment in broadcasting will deliver in time for the analogue shut off on 31st December this year, when we turn on on 1st January to digital broadcasting *inter alia*, hopefully, including the Gibraltar Broadcasting Corporation.

1800 For all of those reasons, Mr Speaker, for the reasons I gave in my opening address in the Bill, for all the reasons I have dealt with in respect of the interventions made by the hon. Gentleman, I continue to commend the Bill to the House. (*Applause*)

1810 **Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for the Gibraltar Broadcasting Corporation and to transpose into the law of Gibraltar Council Directive 2010/13/EU of 10th March 2010 of the European Parliament and of the Council on the co-ordination of certain provisions laid down by law, regulation or administrative action in member states, concerning the provision of audiovisual media services supplementing Directive 2007/65/EC of the European Parliament and the Council of 11th December 2007, and for connected purposes, be read a second time.

Those in favour. (**Government Members:** Aye.) Those against. (**Opposition Members:** No.)
Carried.

1815 **Hon. P R Caruana:** By Government majority.

Hon. Chief Minister: Mr Speaker, if it is convenient for the hon. Gentleman to make a point, I am quite happy to call for a division, if he likes.

1820 **Mr Speaker:** Is a poll sought?

Hon. P R Caruana: [*Inaudible*].

1825 **Mr Speaker:** Yes. The Clerk will call out the names of hon. Members in alphabetical order and Members are invited to respond 'aye' or 'nay'.

FOR

Hon. P J Balban
Hon. C A Bruzon
Hon. N F Costa
Hon. J J Garcia
Hon. G H Licudi
Hon. S E Linares
Hon. F R Picardo
Hon. Miss S J Sacramento

AGAINST

Hon. D J Bossino
Hon. P R Caruana
Hon. Mrs I M Ellul-Hammond
Hon. D A Feetham
Hon. S M Figueras
Hon. E J Reyes

1830
1835

Mr Speaker: The question that the Bill be read a second time is carried by 8 votes to 6.

1840 **Clerk:** The Broadcasting Act 2012.

The Broadcasting Bill 2012
Committee Stage and Third Reading to be taken at this sitting

1845 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

1850 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

Mr Speaker: The Committee Stage and Third Reading of the Bill will be taken today.

1855 **Clerk:** A Bill for an Act to amend the Births and Deaths Registration Act and related legislation. The hon. –

1860 **Hon. P R Caruana:** The Hon. Mr Speaker has taken our silence as consent, has he? We do consent, but not that anybody did express it on this side. Our silence... This is not a majority vote. [*inaudible*] unanimous, as an affirmation [*inaudible*].

Mr Speaker: The Question that I put was, 'Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?'

1865 **Hon. P R Caruana:** And *all* hon. Members agreed?

Mr Speaker: Yes, and all I heard was 'yes'. I did not hear a single 'no'.

Hon. D A Feetham: You did not hear any 'yesses' from this side.

1870 **Mr Speaker:** I heard only 'yesses' and I did not hear a 'no', therefore I took it that all Members *do* agree. There is no other interpretation for that, really.

1875 **Hon. Chief Minister:** Mr Speaker, you are quite right to say that, because this has been the position in the House for some time, both with them there and us there, or some people answer a 'yea' or do not utter a 'yea' at this time, and if there is not a 'no' heard, the matter goes ahead.

Mr Speaker: I can only go by what I hear. If I hear a 'yes' and I do not hear a 'no', I cannot possibly pluck a 'no' out of the air.

1880 **Hon. P R Caruana:** The hon. Member [*inaudible*] slightest provocation [*inaudible*] (*Interjections*)

Mr Speaker: Order, order. (*Interjections*) I think we have got enough sound effects outside these Chambers. (*Laughter*)

1885

The Births and Deaths Registration (Amendment) Bill 2012
First Reading approved

1890 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Births and Deaths Registration Act and related legislation be read a first time.

Mr Speaker: I now put the Question, which is that a Bill for an Act to amend the Births and Deaths Registration Act and related legislation be read a first time.

1895 Those in favour. (**Members:** Aye.) Those against. Carried.

Clerk: The Births and Deaths Registration (Amendment) Act 2012.

1900

The Births and Deaths Registration (Amendment) Bill 2012
Second Reading approved

1905 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

The purpose of the amendments contained in this Bill are to harmonise the position between the present legislation that governs the registration of stillbirths, as found under the Births and Deaths Registration Act, and the legislation defining a stillbirth for the purpose of employment rights under the Employment, Maternity and Parental Leave and Health and Safety Regulations 1996.

1910 The current position is that there is a discrepancy in the legal definition of stillbirths under the aforementioned legislation. Under the Births and Deaths Registration Act, a stillbirth can only be registered if it occurred after 28 weeks of pregnancy whereas, under the Employment, Maternity and Parental Leave and Health and Safety Regulations, a woman is deemed to have given birth if she is delivered of a still-born child after 24 weeks of pregnancy.

1915 This creates a conflicting situation and can cause distress. A woman may be deemed to have given birth under one piece of legislation, but is then prevented from registering the stillbirth under the other. This Bill remedies this by harmonising the definition of stillbirth to refer to 24 weeks of pregnancy throughout the different laws.

1920 This Bill also amends supplemental provisions as to maternity grants contained in the Social Security (Insurance) Act at clause 3 by substituting 28 weeks of pregnancy to 24, thus bringing it on par with the Employment, Maternity and Parental Leave and Health and Safety Regulations and the proposed amended Births and Deaths Registration Act.

1925 This Bill also contains certain transitional provisions, as set out in clause 4.(1), to allow for the voluntary registration of stillbirths which occurred during the time when the discrepancy was in effect and which fell within that window, i.e. stillbirths which occurred between the 24 and 28 weeks of pregnancy and between 1st January 1996 and the coming into force of the provisions of this Bill. The reason for making this legislation apply retrospectively in this way to 1996 is because this is when the age of viability in Gibraltar was initially changed from 28 to 24 weeks.

1930 It is important to stress that registration of stillbirths that fall within this retrospective window is voluntary and that this Bill imposes no obligation whatsoever to register, in order to avoid further upset to those for whom, 16 years down the line, the process of registering the birth of their still-born child and the emotions that go hand in hand with that, may be more harmful than helpful.

1935 This is of utmost importance and is made clear in clauses 4.(2) and 4.(6). If a person being the person who would otherwise have been required otherwise by the Births and Deaths Registration Act to give information concerning the birth wishes to register the birth of a still-born child in the supplementary register, he or she may apply to the Registrar, providing such information as set out in clauses 4.(4)(a) and (b), provided he does so within 12 months after the coming into force of this Bill, failing which written authority of the Minister responsible for personal status will be required. The remainder of the Bill deals with the form of the register etc.

1940 Mr Speaker, hon. Members will note that the lead in respect of this matter has been taken by the Hon. Dr John Cortes. It was he, as Minister for Health, who received representations from representatives of

those affected. Constitutional responsibility, nonetheless, rests with me, as Minister with responsibility for personal status, and I therefore move the Reading of the Bill today.

I commend the Bill to the House.

1945

Mr Speaker: Before I put the Question, does any hon. Member wish to speak on the general principles and merits of the Bill?

I now put the Question, which is that a Bill for an Act to amend the Births and Deaths Registration Act, and related legislation, be read a second time.

1950

Those in favour. (**Members:** Aye.) Those against. Carried.

Clerk: The Births and Deaths Registration (Amendment) Act 2012.

1955

**The Births and Deaths Registration (Amendment) Bill 2012
Committee Stage and Third Reading to be taken at this sitting**

1960

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to give notice that the Committee Stage and the Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and the Third Reading of the Bill be taken today? (**Members:** Aye.)

1965

Mr Speaker: The Committee Stage and Third Reading of the Bill will be taken today.

1970

**The Criminal Justice (Amendment) Bill 2012
First Reading approved**

Clerk: A Bill for an Act to amend the Criminal Procedure and Evidence Act 2011 and the Crimes Act 2011.

1975

The Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): I have the honour to move that a Bill for an Act to amend the Criminal Procedure and Evidence Act 2011 and the Crimes Act 2011 be read a first time.

1980

Mr Speaker: I now put the Question, which is that a Bill for an Act to amend the Criminal Procedure and Evidence Act 2011 and the Crimes Act 2011 be read a first time.

Those in favour. (**Members:** Aye.) Those against. Carried.

1985

Clerk: The Criminal Justice (Amendment) Act 2012.

1990

**The Criminal Justice (Amendment) Bill 2012
Second Reading approved**

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): I have the honour to move that the Bill be now read a second time.

1995

Mr Speaker, this Bill introduces several amendments to the Criminal Procedure and Evidence Act 2011 by clause 2 of the Bill and to the Crimes Act by clause 3 of the Bill.

As all hon. Members know, these two Acts were debated in Parliament at the end of July 2011. They were published, after receiving Assent, in the *Gazette* of 18th August 2011, but have not yet been brought into effect, except for a number of provisions which I will refer to in a moment.

2000

During the course of the Second Reading of these two Acts, I indicated, on behalf of the Opposition at the time, that we welcomed the provisions to a very large extent. However, we were not able to fully support the Bills as a result of the provisions in the Criminal Procedure and Evidence Act in particular. I am talking of the Criminal Procedure and Evidence Act at the moment. We were not able to fully support that and vote in favour because of the sections which related to inferences from silence – essentially, what we regarded as the removal of the right to silence, the removal, or the abolishing, of a fundamental right.

In the circumstances, we abstained from the Second Reading in relation to the Bill.

We have done much work since we came into office, liaising with the relevant authorities and making sure that everybody was ready. It would have been our desire to have this not just on the statute books as it is, but commenced earlier, and we have had several discussions across the floor of this House since January of this year. It is now the position that we are ready to commence the two Acts in particular, and it is our intention – again, a slight qualification which I will mention later on – to have the two Acts, subject to the amendments – assuming that these are passed today – commence on 4th October 2012, which is next Thursday, on the publication of a notice in the *Gazette*. That, again, depends on the passing of the legislation today and the Assent being received and the necessary formalities being done during the early part of next week.

There are some provisions, Mr Speaker, in relation to the Criminal Procedure and Evidence Act, which have already commenced. By notice of commencement, which was published on 16th February 2012, we commenced, in particular, as from 8th March 2012, part 25 of the Criminal Procedure and Evidence Act, which deals with rehabilitation of offenders. We also had to commence, in order to make that possible – the effective commencement of part 25 – we commenced section 2.(1) of this Act which relates to definitions, section 698 and schedules 11 and 12. So all of those came into operation on 8th March 2012. It now remains for the rest of the Act to come into play.

It is not my intention, in moving the Second Reading of this particular Bill, to repeat all the arguments on our side that we put forward at the time of the Second Reading of the Bill in July of last year. Hon. Members will recall that the debates largely centred on what I have mentioned already relating to the right to silence and the inferences which could be drawn under *these* provisions from silence. Members will recall that, during the course of my intervention, I described this right as a fundamental right. I pointed out, in particular, that there was a Royal Commission in the United Kingdom in 1991, which reported to Parliament in 1993, which recommended *against* any changes which meant the removal of the right to silence or drawing inferences from silence. Notwithstanding those recommendations of the Commission, Parliament in England decided in 1994 to introduce amendments.

It is also useful to recall why those provisions in England were introduced, whereby inferences could be drawn from silence. They originated in Northern Ireland, where it was enacted in the first instance, and that arose simply in the fight against terrorism, where it was felt that inferences from silence should be drawn, specifically because of the need to combat terrorism and deal with terrorists. In England and Wales, again, part of the justification when this was introduced in the 1990s was to deal with terrorists and hardened criminals, criminals who used the system repeatedly and who were able to abuse the right to silence in order to obtain some advantage.

The history of the right to silence goes back a number of centuries, Mr Speaker. It can originally be traced back to the 17th century with the Star Chamber, when suspects were obliged to answer questions and they were locked up until they decided that they wanted to answer those questions. That then moved totally the other way in the history of the 19th century, when defendants were actually *forbidden* from giving evidence in their own defence. There was a famous pronouncement by a famous US jurist, John Henry Wigmore, when this principle emerged that ‘no man is bound to incriminate himself on any charge, no matter how properly installed in any court, and that led eventually to what came to be known as the right to silence and it was enshrined in the judges’ rules in 1912, exactly 100 years ago.

As far as the Government is concerned, and in line with the position that we took on the debate in the Second Reading of the Bill, as it was then, which is now the Criminal Procedure and Evidence Act, this is a fundamental right which ought to be preserved for Gibraltar. That is precisely what clause 2.(8) of the Bill does, and that is the fundamental provision, as far as this is concerned. Clause 2.(8) deletes sections 359 to 364. These are the sections which relate to inferences from silence, and therefore, by deleting these sections, it is clear that the right to silence is preserved and no inferences can be drawn from silence.

But that is not the end of the matter, Mr Speaker, because consequential on the deletion of the possibility of drawing inferences from silence, it necessarily follows that if someone has a right to be silent on arrest, at the police station, at trial, and no inferences can be drawn, and then has a right not to incriminate himself in any way and has a right not to give evidence and to put the prosecution to proof of its case – in other words, not to say anything at all throughout the whole trial process – in order for that right to be preserved, we also have to make a number of *further* amendments to the Act, and in particular those provisions of the Act which relate to disclosure of material. There are provisions introduced in part 12 of the Act which relate to disclosure of material both by a defendant and the prosecuting authority and, in particular, there is a provision which would require the *compulsory* disclosure by the defendant by producing a defence statement, and a defence statement would be required to set out a number of matters which are set out in the Act, including setting out the defence and setting out the defendant’s... or the facts and points of law which the defendant takes issue with. We consider that leaving those provisions – a compulsory provision for the disclosure of the defence case – to be incompatible with the removal of the inferences from silence. So, if someone is entitled to be silent, then that person should not be obliged, or cannot be obliged, to make disclosure of a defence statement.

We are preserving, nevertheless, in the Act, the provisions which relate to voluntary disclosure or defence statement, because we consider that that is right. At the moment, anybody has a right... It is not a statutory right, but there is nothing that prevents a defendant from showing his cards either at interview or during the course of proceedings in court, or simply by writing to the court and the prosecutor in advance of a trial and saying, 'This is my defence, please take it into account.' Sometimes that is done in an attempt to convince the prosecutor that the case does not stand up to scrutiny and should be withdrawn, but there is nothing preventing, at the moment, a defendant from sending a letter and setting out his defence in advance, if that defendant chooses to do so. What the statutory scheme does is create a mechanism whereby voluntary disclosure can be made of a defence statement which sets out certain matters, and if a defendant wants to avail himself of those provisions and make that voluntary disclosure, then there is no reason why that person should not be entitled to do so.

One of the consequences of removing the compulsory right and leaving the voluntary disclosure is that the defendant may *not* make voluntary disclosure – in other words, there may be no disclosure at all – and one of the items which is set out in the contents of this defence statement of the Act is the requirement to give particulars in relation to alibis which may be relied on. That is currently part of the common law. At the moment, there is a requirement for a defendant who wishes to rely on an alibi to give an alibi notice setting out certain matters that he intends to rely on, and because there is a possibility, without the compulsory disclosure and without the voluntary disclosure, that there will be *no* disclosure under the statutory scheme in relation to alibi, then what we do under the Bill which is before the... Act today, by clause 2.(7) is reintroduce the requirements of a notice of alibi *if* the defendant is going to rely on an alibi. Therefore we felt that that was consequential to the amendments and it was a necessary provision that we should have.

That, in a nutshell, Mr Speaker, is what clauses 2.(6), (7) and (8) of the Bill before Parliament today do.

There are a number of other minor amendments of an insignificant nature in relation to typographical errors, and a number of changes of numbering which we have realised.

We have also added, through clause 2.(2), a number of new definitions. These are simply additional definitions that are included for clarity and for certainty.

The other amendment we are proposing to make in relation to the Criminal Procedure and Evidence Act, Mr Speaker, is in clause 2.(10) and 2.(11) of the Bill. These matters relate to child witnesses, where those child witnesses are, as set out in the Act, the current provisions, in need of special protection. We found that there was no mention in the Act as to *when* the circumstances arise as to when a child is in need of special protection, and all we have done is clarify the circumstances as to when that child should be considered in need of special protection. That would arise in proceedings which relate to a sexual offence or an offence of violence, and what we have done by adopting that wording is simply reflect the provisions that currently exist under the Crimes (Vulnerable Witnesses) Act 2009, so I would hope that those are not controversial.

Mr Speaker, if I could turn to clause 3, which relates to amendments to the Crimes Act, part 7 of the Crimes Act, Mr Speaker, deals with hate crimes. In particular, it relates to religious and racial hatred. We have a manifesto commitment to legislate in respect of all areas of hate crimes, and therefore we will expand – not in this Bill, but in due course – on the provisions of part 7 so as to include hate crimes in respect of other matters, such as homophobia and disability. We are currently working on amendments to the Crimes Act, but what I wanted to do today, given that we are introducing a Bill to amend the Crimes Act, is simply put the House on notice that we are working on further amendments to part 7 and we will introduce those amendments, hopefully, very soon.

For the purposes of today, and in relation to part 12, which are the current provisions in relation to the Crimes Act, we are proposing an amendment to section 113 of the Crimes Act, and that is by clause 3.(2).

Section 113 of the Crimes Act, Mr Speaker, deals with racially aggravated offences and there is a reference... It creates an offence in its own right, a racially aggravated offence, but in respect of other offences, and the other offences, by 113.(1)(a) relates to an offence under section 166, which is wounding with intent to cause grievous bodily harm, or 167, which is malicious wounding. There is a separate offence... Where somebody commits the offence of wounding with intent to commit grievous bodily harm they commit an offence under section 166. There is a separate offence under section 113 where, in addition to the ingredients of that offence, there is racial aggravation, a separate offence. So it is not just that the aggravation is taken into account for the purposes of sentencing; it is a new, probably considered more serious, offence, because it has an aggravating feature.

What we discovered is, quite simply, an anomaly, which we are seeking to correct in this Act because, under section 166, which is wounding with intent to cause grievous bodily harm, the maximum penalty is life imprisonment whereas, under section 113, which is the racially aggravated wounding with intent to cause grievous bodily harm, the maximum penalty is seven years, and we therefore felt that it was anomalous, and probably simply an error, that an aggravated offence should have a much lesser sentence than the original offence of wounding with intent to cause grievous bodily harm. Therefore, we are

simply seeking to correct that by increasing the maximum penalty for the aggravated offence to the same level as it is for the original offence, which is life imprisonment.

We are also seeking to correct what we consider, again, an error by clause 3.(4) of the Bill where, in section 176.(a) of the Crimes Act we are substituting a sentence of 12 months for what is now considered to be a sentence of six months. Section 176, Mr Speaker, relates to assault occasioning actual bodily harm. We have a further section in the Crimes Act, section 175, which is common assault, and common assault, on summary conviction, has a sentence of nine months, whereas assault occasioning actual bodily harm, which is a more serious offence, we currently have, on summary conviction, a maximum penalty of six months. We consider that section 176 creates a more serious offence than section 175 and if, in 175, for common assault we have a maximum sentence of nine months on summary conviction, then the appropriate level of sentencing for assault occasioning actual bodily harm should be 12 months rather than six months. Again, we regarded this as simply an error which we are correcting.

Mr Speaker, clause 3.(5) of the Bill is an important amendment. It is a substantive amendment. Sections 306 to 316 of the Crimes Act introduce provisions for the first time in Gibraltar requiring notifications for the purposes of being entered into a sex offenders' registry. By section 308.(1), the provisions relating to notification and the requirement to be entered into the sexual offenders' registry have retrospective effect. We had some concerns as to the practical effect of the operation of this and we have consulted, particularly with the Royal Gibraltar Police, on this matter, and the concerns are that there may be persons in Gibraltar who committed an offence, maybe years ago, who are not required, because there was no legislation at the time, to go on a sex offenders' registry. Those persons may well have rebuilt their lives. Those persons may well have children or young families, and for now – next Thursday or next Friday – to have a police officer knock on their door, remind them of that and cause them to enter, go on the sex offenders' registry we felt could have a devastating effect, not so much for the person who committed the offence but for the family and perhaps young children and other children who, for all we know, may even be unaware of what had happened. We consider that the sex offenders' registry is a good thing – not just a good thing, it is a necessary provision that we need to have in Gibraltar – but it is also necessary, in our view, to draw a line and choose a date from which notification for the purposes of entry into the registry should apply, and we considered that that date should be the date of commencement of the Act.

There is an exception which we are introducing to that because there may be persons who are currently serving a sentence of imprisonment in respect of a relevant offence, for the purpose of notification and entry into the sex offenders' registry, and that conviction would have happened already before the commencement of the Act. Therefore, we are introducing amendments to make it clear that the notification requirements arise from the matters listed in the Act – and they have caution or conviction etc, but also on the date of release from prison on the service of a prison sentence. There are, as hon. Members will see, also in relation to the Crimes Act, a couple of other draftings for tidying-up provisions which are actually included.

Mr Speaker, by letter to you of 21st September, which I asked should be circulated to all the Members of the House, I gave notice that I will be moving a number of amendments to the Crimes Act at Committee Stage, and it is probably right at this stage, in looking at the general principles of the Bill, that I explain why it is that we are introducing these amendments.

These amendments create new offences. They are offences relating to pornographic performances involving children. The amendments arise as a result of the Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse, which we are currently considering and are in discussions for the purpose of having this extended to Gibraltar. All of the provisions of the Convention are already covered in our Crimes Act, except one specific provision in article 21. Article 21 of the Convention deals with offences concerning the participation of a child in pornographic performances and requires legislative measures to be taken for conduct to be criminalised which relates to recruiting a child into participation in pornographic performances or causing a child to participate in such performances, coercing a child into such performance or profiting or otherwise exploiting a child, and also knowingly attending a pornographic performance involving the participation of children.

Mr Speaker, we considered whether the existing provisions in our legislation and in the Crimes Act would be sufficient to encapsulate and cover the crimes which are envisaged and the offences which are envisaged by article 21 of the Convention. In particular, we considered three offences which might actually cover those provisions, and those offences would be causing a person to engage in sexual activity without consent, causing or inciting a child to engage in sexual activity – there is a provision about the ages and, thirdly, pay for sexual services of a child. So it is possible that what we are trying to introduce by these offences is already covered through other offences, but they do not relate specifically to engaging in pornographic performance, and we felt that a crime such as this, an offence such as this, would be so heinous as to justify a requirement to have self-standing offences which we believe strengthen the statutory and criminal provisions in the criminal... the Crimes Act in particular.

2190 Therefore, we are introducing a number of offences which involve intentionally causing, encouraging
or assisting a child to participate in a pornographic performance, using threats or coercion and doing that
for payment or the expectation of payment, which takes care of the profiting side, which is mentioned in
the Convention, and also knowingly attending a pornographic performance. Again, we consider that these
2195 offences are so heinous that they justify a very serious punishment, and a maximum offence which we are
setting out in the amendment that I am proposing is of 14 years. Mr Speaker, as I mentioned earlier, it is
our intention, subject to everything being in place, to commence this by notice, these provisions, again
subject to the amendments... to commence these by notice, which we intend to publish on 4th October.

But I should mention one other provision in relation to the Criminal Procedure and Evidence Act, Mr
2200 Speaker, and that is section 85.

Section 85, Mr Speaker, deals with the right for a person arrested and held in custody in a police
station, if he so requests, to consult a legal representative privately at any time; in other words, a statutory
right to consult a lawyer. That provision was absolutely necessary and essential in the context of
inferences from silences being drawn. It was absolutely necessary, because otherwise the statutory
2205 scheme simply would not work. There is case law and there had been provisions that would suggest that
you cannot draw inferences from silence unless somebody has a right to consult a lawyer. So that is the
rationale for including that in the first place in the Act.

We are removing the provisions relating to inferences from silence, so there is no absolute necessity,
for the statutory scheme to work, for this provision to be there, but we actually believe that it is a good
thing. It is good for a statutory right to be given for persons held in custody to have access to legal advice,
2210 to have the right to have access. It is not very different to what happens at the moment, where persons
who are detained are informed that they are entitled to call a lawyer if they so choose, but this introduces
a statutory right and a statutory right, once introduced, requires the provision of resources in order to
make that right effective because, if what you would be saying to persons arrested is 'You have a right, *if*
you can afford it', then it undermines the right or if you have a right, unless you make provision available
2215 for that right to be effective in practice then section 85 *could* turn out to be ineffective.

Therefore, what this requires is the putting in place of a duty solicitor scheme. We wanted to put in a
duty solicitor scheme in any event, regardless of the provision although requirement to do so as a result of
the right to the inferences which would be drawn from silence. We have consulted the Bar Council, I have
consulted the Chairman and I have had a meeting with other representatives of the Bar Council.
2220 Following my initial consultation with the Chairman of the Bar Council, the Chief Executive of the
Gibraltar Court Service sent out a circular to all chambers, inviting practitioners to put their names down
for the scheme and setting out the payments which would be required. It is true that, following the issue
of the circular, there has been some concern expressed by some practitioners as to the operation of this
and, in particular, in relation to the level of fees. I should say that the fees which are set out in the circular
2225 and which are intended to be introduced as from next Thursday are, for all intents and purposes, almost
identical and taken from what actually applies in the United Kingdom.

There is a police station advice and assistance fixed fee scheme which was introduced with effect – or
rather, this version and these rates – were introduced with effect from 14th July 2008 and, subject to some
tweaking because, although in the United Kingdom, they have a fee and five pence, 'We have rounded up
2230 the figures to produce the figures which are actually set out in the circular.

I acknowledge that there has been some concern and I can confirm today the commitment that I have
given to the Bar Council which is to review these rates in conjunction with a review that we are currently
undertaking in relation to the Legal Aid and reform of Legal Aid. It is important to state, Mr Speaker, that
2235 this scheme has nothing to do with Legal Aid it is something separate. It is a fixed fee scheme which
people would be automatically entitled to, if they so request, without the requirement to be means tested
or any other qualification – so it is separate from the provisions of the Legal Aid Scheme – it is an
absolute entitlement.

But of course the success of the Scheme depends on the availability of practitioners on the list.
Therefore, the qualification that I mentioned earlier is that if, come next Thursday, we find that we do not
2240 have lists, or insufficient numbers to make a scheme workable, then we will commence the rest but not
section 85. We do not believe that it would be right, simply because this scheme is either not fully
implemented, or not fully implementable, that we should leave everything else in abeyance and, therefore,
what we would simply do is postpone the commencement of section 85. That would not mean that
persons who are arrested are not entitled to their lawyer. In the same way as happens today persons who
2245 are arrested would be entitled to call a lawyer of their choosing and to engage a lawyer, either for the
purposes of a telephone consultation or attendance at the police station. That is what happens now, that is
what will continue to happen whether or not section 85 is commenced because someone who is arrested
can say, 'Well, I don't want to avail myself of the Scheme. I don't want the next person on the rota
system' – because the way this would work is that the Court Service would compile a list of practitioners,
2250 that list would be passed on to the Royal Gibraltar Police and the Royal Gibraltar Police would administer
the list by simply calling the next person, if someone wants to avail themselves of this statutory right.

So it is not the case that someone would say ‘Well, I want my own lawyer but I want him under the Scheme.’ If someone wants a lawyer under the Scheme, then the next, the duty solicitor who happens to be on duty on that particular day by being the next person on the list, that person would be called. If there is a call, either the same night or another night, then the next person on the list would be called... so it does not change what currently happens and the entitlement to legal advice at the police station but we simply wouldn’t be able to put in the statutory right accompanied by the duty solicitor scheme.

We are committed to making this Scheme work but it clearly requires, and we trust will have, sufficient support from practitioners. I have consulted with the Chairman, I had a meeting with other members of the Bar Council yesterday, I gave them the commitment which I told them that I would be making also public today, so that it is crystal clear that these are rates that we will give you when we review the Legal Aid provisions.

Mr Speaker, on that basis, I commend the Bill to the House.

Mr Speaker: Before I put the Question, does any hon. Member wish to speak on the general principles and merits of the amendment to the Bill.

The Hon. Daniel Feetham.

Hon. D A Feetham: Mr Speaker, yes.

This Bill amends two seminal pieces of legislation, the Crimes Bill and the Criminal Procedure and Evidence Bill – or Acts, because they were passed last year. At the time I described them as the most significant reforms of our criminal justice system in over a hundred years and I stand by that comment.

Mr Speaker, that does not mean that, seminal as they are, pieces of legislation cannot be improved upon and, indeed, my comments on this Bill that the Hon. the Minister for Justice presents to this House today. It could be that my comments – or the general categories in which I place them – could be transposed to other Bills, as follows.

There is a category of case, for example – or category of amendments, for example – where, clearly, amendments improve upon the legislation that we have already brought to this House and passed by this House, albeit with our majority, the amendments in relation to, for example, Child in Need of Protection. I accept that those are improvements that the Hon. the Minister for Justice is making in relation to the Bill – the Act – that I presented to the House last year. Indeed, there may be European obligations and, although the Hon. the Minister for Justice has very fairly outlined the fact that the offences in relation to the amendments that he wishes to bring to the Bill, that he presented before this House, on child pornography, may well be covered already by the Crimes Bill, I accept that it is preferable to actually bring amendments to make it absolutely clear and make the point beyond doubt on something as important as that than not bring the amendments at all.

There are other classes of Bill: there is a second class of case and the second class of case may well be cases where *we* had made a particular policy decision in relation to a particular area. Often, policy decisions are taken, some of them are often very finely balanced, arguments are very finely balanced: we take a particular view of a particular policy, *they* are obviously entitled to take a different view. That does not mean that their view is not as valid as ours. The point I am making is that these are very often fine decisions that one makes and I can assure the Hon. the Minister for Justice that if, in future, he brings to this House a Bill or a particular amendment to our legislation that falls on the other side of the policy decision that we have taken, simply because we took a different decision does not mean that we will necessarily oppose the Bill. When one recognises that there are very fine arguments in reaching that policy decision, for the sake of being constructive and for the sake of moving things forward, we would certainly, in appropriate cases, support the Government even though we reached a different decision when we were in Government.

We certainly are not beyond being persuaded by the Hon. Minister or by the Government that the decision that we took, perhaps in the light of subsequent events, should no longer stand. I had hoped, in fact, that the amendments that the Hon. the Minister for Justice is moving in this Bill in relation to the Sexual Offenders Register might actually be one of those. I had hoped to, actually, be able to stand in this House today and say, having listened to the hon. the Minister for Justice, I am now persuaded that, in fact, the Register ought *not* to be made applicable retrospectively, but ought to be applicable prospectively. I have to say that, having listened to the Hon. the Minister for Justice, unfortunately I cannot agree with the arguments that he has advanced, for this reason: that you may have a very blatant – that probably is the wrong word... if you have been convicted of a sexual offence it is blatant – but you may have a serial sexual offender who has been convicted of a number of particularly heinous offences against children. Are we saying that simply because the conviction occurred ten years ago and the sentence has already been served, that he ought not to go on the Register simply because of the effect that it may have on his family. I do not think that that is a valid reason at all. Here our principal duty as legislators ought to be to protect society, to protect the community and, indeed, to protect also the victims of crime. In that kind of situation, I believe that the case would be compelling for inclusion on the Register, despite the fact that

the conviction occurred ten years ago and that the sentence had already been served.

There is a third class of case where the differences in policy, the differences in philosophy, the differences in approach between this side of the House and that side of the House are so marked, are so disparate and different that it is not possible, with all the will in the world, with all the desire on this side to obviously be constructive and conduct politics constructively, to support the Government. I am afraid that that applies in relation to the right to silence, although that is a misnomer because the Crimes Act or the Criminal Procedure and Evidence Act *did not* abolish the right to silence. It gave judges, in appropriate circumstances, the right to draw adverse inferences in the summing up to the jury. It did not abolish the right to silence.

But it is also equally applicable to the requirements that we introduced in the Criminal Procedure and Evidence Act in relation to defence disclosure and I do not agree and I refer the hon. Gentlemen to the Criminal Procedure – well to section 241 and also 243 of the Criminal Procedure and Evidence Act – in a moment. I will take him to that in a moment, and I do not agree that it necessarily follows that because the hon. Gentleman opposite – the Government – take a different view on the right to silence that they necessarily have to take a different view to us in relation to advanced disclosure. I will explain my views in a moment.

But, Mr Speaker, the Criminal Procedure and Evidence Act was a very carefully – in our respectful view – balanced piece of legislation that sought to balance the rights of the accused and the need to ensure that, as between the defence and prosecution, both parties enjoy, as much as possible, equality of arms in the trial process and also in the pre-trial process. It is also right that it sought to balance the rights of the accused with also the rights of the victims of crime and the rights of society to be protected against potential criminals. But this involved, Mr Speaker, a re-balancing of the trial system away from the accused in certain instances. Yes, it did and we, as a party, and the Opposition of the day, are unapologetic about it. Is it right that a judge, in appropriate circumstances, should be able to refer to the fact that the accused is relying on – I use it as an example, but it applies to other cases – an alibi defence at trial, when he failed to mention to the police in an interview ‘It could not have been me, because I was not there. I was with Mr x, or Mrs x, or somebody else.’ He could have mentioned that at a police interview. Is it right that a judge ought to be able to refer to the fact that he could have mentioned it at a police interview, did not do so, but relied on an alibi defence at trial? In our view, yes, it is. Is it right that the defence should have to provide advance disclosure to the prosecution in the same circumstances, that the prosecution has a duty to the defence? Yes, it is. Is it objectionable that the defence should be required to notify the prosecution of the names of defence witnesses, or the names of defence experts at trial, but before trial? No, it is not objectionable.

Mr Speaker, leaving aside the question of the right to silence, which was very fully ventilated in this House on the merits of the Second Reading of the Criminal Procedure and Evidence Bill last year, there is absolutely no conceivable reason, in our view, why the defence should not be subject to the same advance disclosure requirements as the prosecution. It is about time the trial process was, in our view, conducted with cards facing upwards on the table.

Mr Speaker, it is often said, in support of the position taken by the Government today on the obligations imposed on the defence for advanced disclosure that our system is adversarial, not inquisitorial; that we require the prosecution to prove its case and they should not be helped by disclosure made by the defence; that the defence *ought* to be able to ambush the prosecution at trial, at the eleventh hour with last minute defences.

Mr Speaker, I have always felt – I can see that Mr Costa is nodding, as a defence lawyer, saying, ‘Yes, absolutely right’ – that this argument relegates the desirability of achieving the right outcome based on all the evidence, on an equality of arms basis, to secondary importance. That cannot, in our respectful view, be right.

But can I take the hon. Gentleman to the Criminal Procedure and Evidence Act and, in particular, to section 241 and also 243. What section 241 does, which is the section on compulsory disclosure by the defendant, I just want to place the debate in context in relation to what the section means and also when it bites. Section 241.(1) actually says this.

‘Subject to subsection (2) to (4), this section applies if –
(a) this Part applies by virtue of section 238...’

and that lists the categories of cases, summary, cases of indictment, in some cases, and

(b)

– this is important –

‘the prosecutor complies with section 239 or purports to comply with it.’

In other words, it only bites if the prosecutor has complied with 239.

Now, 239 then says:

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‘The prosecutor must –

(a) disclose to the defendant any prosecution material which has not previously been disclosed to the defendant and which might reasonably be considered capable of undermining the case for the prosecution against the defendant or of assisting the case for the defendant; or

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(b) give to the defendant a written statement that there is no material of any description mentioned in paragraph (a).’

It applies in circumstances where the prosecution has been provided with that advanced disclosure. It is not an obligation that applies across the board, but we also need to look at the scope and the extent of the obligation, because the Hon. the Minister for Justice said it necessarily follows, from the position that we have taken with relation to the right to silence, that these provisions ought also to go. I do not agree with that and, in fact, when one looks at the scope of the obligation on defence counsel for disclosure, one sees that they are eminently reasonable obligations on the defence.

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They only bite when the prosecution has provided, itself, disclosure. For the scope –

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Hon. G H Licudi: Could the hon. Member just give way on that point?

Hon. D A Feetham: Yes, of course.

Hon. G H Licudi: The hon. Member says this only bites when the prosecution *itself* makes the disclosure, but the first words of section 239(1) are

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‘The prosecutor *must*’.

In other words, it must be assumed that a statutory obligation on a prosecutor *will be complied with* and disclosure will be given by the prosecution. Therefore, section 241 would *always* bite.

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Are there any circumstances in which the hon. Member can think of where the prosecutor is going to ignore a statutory obligation to provide disclosure? Does the hon. Member not agree, in any event, that the prosecutor *currently* has an obligation to provide that disclosure? What we are having now is a statutory obligation, which we are retaining; we are not intending to... but the suggestion that section 241 and the obligation to provide compulsory disclosure by the defendant is somehow *conditional* on something... It is not conditional on anything, because there is a statutory right, which the prosecutor *must* comply with.

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Hon. D A Feetham: Mr Speaker, my understanding of the position is that it is not across the board that the prosecutor... but it makes absolutely no difference to the point I am making.

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Section 241 applies where the prosecutor complies with section 239 or purports to comply with it (*Interjection by Hon. G H Licudi*) Right. It is a provision where there is reciprocity on the part of the defence to something that the prosecution has already done. In other words, there is an obligation on the prosecution to provide disclosure. The prosecution provides that disclosure, there is then an obligation on the defence, for the defence to provide disclosure, but we have also got to analyse... so it is not a situation, we are not talking about a situation here where defendants are required to do something effectively unilaterally in circumstances where the other side to that particular case has provided no disclosure itself. It is predicated on that basis, but we also need to analyse what is the disclosure? Is it *reasonable* disclosure? How onerous is the disclosure on the defence? I think, if one looks at section 243(1) contents of the defence, and in fact, the disclosure is the defence statement. That is the disclosure the defence provides.

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The defence statement is then 243:

‘For the purpose of this Part a defence statement is a written statement –

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(a) setting out the nature of the defendant’s defence, including any particular defences on which he intends to rely;’

That does not necessarily have an impact on the – it does not at all in our view – have an impact on a defendant’s right not to take the witness stand, for example. Because if directed to a situation – just to give you an example – the defence may be, ‘Well, it is not murder, but it is manslaughter by reason of the fact that diminished responsibility applies’. That does not affect the defendant’s rights in terms of his ability not to go in the witness box, for example. We do not see anything wrong with the fact that a defendant is obliged to disclose to the prosecution the fact that the defendant is relying on a defence of diminished responsibility.

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‘(b) indicating the matters of fact on which he takes issue with the prosecution;’

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But what are the facts on which he takes issue with the prosecution? Version of events, setting out the case of each matter, why he takes issue with the prosecution, setting out particulars of matters of fact on which he intends to rely for the purposes of his defence... Again, it does not impact on his ability not to give evidence at trial, he may not give evidence at trial but he may have somebody else giving evidence and he is relying on the facts of another witness. What is wrong with a defendant’s providing advanced disclosure of that?

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‘(e) indicating any point of law (including any point as to the admissibility of evidence or an abuse of process) which he wishes to take...’

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In other words, these are arguments of law that a defence counsel may ambush a prosecution at the eleventh hour and it is dealing with advanced disclosure of that. Then, in relation to 245, all that 245 – which is another section that is being repealed as a consequence of this Bill – all 245 actually does is deal with the notification of the intention to call defence witnesses, and 246 – which is another section that is being repealed – deals with notification of the names of experts instructed by the defendant. I cannot see why advanced notification of witnesses the defence wants to call or the name of an expert that the defence wishes to rely upon, why that has an impact on the right to silence. I do not. I just do not agree that it has an impact on the right to silence. In fact, that argument is even clearer than the arguments that I have postulated in relation to section 243.

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Mr Speaker, I do not agree that one necessarily follows from the other and I do think that these are obligations that do balance the process up in terms of the defence and also the prosecution in circumstances where the prosecution has an obligation to provide the defence with disclosure. It is often said that the reason why... it is often said against this question of advanced disclosure and also, indeed, in relation to the adverse inferences that can be drawn – provisions allowing adverse inferences to be drawn from the exercise of the right to silence – that is necessary because the police somehow have *huge* resources at their disposal, whereas defendants do not. Now, Mr Speaker, in this jurisdiction – it is an argument which has been deployed in the United Kingdom – in this jurisdiction I am not sure that that is an apposite example and it is certainly *not true* across the board.

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Mr Speaker, we have a very small police force; we have a small prosecuting team, as part of Her Majesty’s Attorney General’s Chambers. A team, both in terms of the police and also the prosecution, that does not have the resources, does not have the expertise that is available to counterparts in the United Kingdom. The hon. Gentleman changed, for example, the Legal Aid rules recently in order to allow complex fraud cases, effectively commercial funding of those cases in terms of lawyers here and also lawyers in the UK. There is a judgment from the Chief Justice dating some two years back, which *already* allowed the commercial... the outside counsel to charge commercial rates in criminal cases – (*Interjection by Hon. G H Licudi*) ...but we do have a situation – (*Interjection by Hon. G H Licudi*)

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Yes, but the hon. Gentleman is making – just for the benefit of the public – the point that it is not right to have outside counsel being able to charge commercial rates in criminal cases, but not Gibraltar counsel and Gibraltar lawyers. I accept that entirely, but of course, that is not the effect. The amendments that the hon. Gentleman made to the Legal Aid rules did not cure that particular loophole, because all it did was – in complex criminal cases it did, but not in relation to all the other cases. That is certainly wrong.

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What we have is a situation... what we have in very complex fraud cases, for example, you have defendants now being able to charge hundreds of thousands of pounds – or lawyers being able to charge hundreds of thousands of pounds, both local lawyers and, indeed, accused having the benefit of some of the best QCs in the United Kingdom, coming to defend them at taxpayers’ expense on their cases. Indeed, in relation to the effect of the judgment by the Chief Justice a couple of years ago, in non-fraud cases, again that is also possible. We do have a situation where, habitually, you have outside counsel coming into Gibraltar, very experienced counsel, specialist counsel, top counsel, coming to Gibraltar and being used in order to defend the accused in criminal cases.

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The point I am making, Mr Speaker, is that that is all fine but I do not accept the argument that the system is weighted in favour of the police or the prosecution in Gibraltar across the board. That is not the case and that is often an argument that is deployed in favour of not having advance disclosure by the defence in criminal cases.

Mr Speaker, our Bill –

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Hon. G H Licudi: Would the hon. Member give way on that point.

I acknowledge that the hon. Member simply says that is ‘*an* argument’ that *can* be deployed. The hon. Member will not have heard me deploying that argument during the course of this debate for the purpose of presentation of this particular Bill.

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It is *not* our position that, because of that argument, these provisions ought to go. Our position, as I

have explained, is that we consider that they are inconsistent with the other amendment we are doing, removing the inference from silence. We may take a different view but we consider these to be consequential provisions on that. We have no point of principle in relation to this matter, no point of policy, but we consider that the scheme, as it stands, without the inference from silence, with the right to silence, would simply be unwelcome. This is the position.

Hon. D A Feetham: Well, I am very grateful.

The arguments that I have outlined and that I have come prepared to meet in the context of the merits of this particular Bill bearing in mind that, in fact, the provisions about advanced disclosure did not form part of the substantive debate on the second reading of the Criminal Procedure and Evidence Act –

Hon. G H Licudi: Why is it a consequence of that?

Hon. D A Feetham: – because, as I recall, the Opposition then did not actually take a position in relation to advanced disclosure. Their position was... but I came here, obviously, to also meet the arguments that have been advanced in the United Kingdom by defence counsel in relation to this and also by academics like Professor Zander, who argued against advanced disclosure on precisely that basis but I am very grateful to the Hon. the Minister for Justice for clarifying that point.

Mr Speaker, in summary, our Bill, which was passed in Parliament last year and became the Criminal Procedure and Evidence Act – and I concentrate on that because, really, most of the controversy is in relation to that – very carefully balanced the rights of the accused and the need to ensure that the accused did not hide behind a system heavily stacked in their favour and away from protection of society and also from protecting victims of crime.

I think that this is a retrograde step and, therefore, we will certainly be voting against the Bill.

Mr Speaker: Does any other hon. Member wish to speak on the general principles and merits of the Bill?

Does the mover of the Bill wish to reply?

Hon. G H Licudi: Yes, Mr Speaker.

The hon. Member starts his contribution – I am grateful for his contribution, which is positive and constructive, where it has been possible for him to be positive and constructive, but clearly highlighting the fundamental difference that there is in terms of policy as between that side of the House and this side of the House... He starts by saying that these two Bills, taken together, represent, as he stated when he originally introduced the Bills last year, the most significant reforms of the criminal justice system.

We recognise that is certainly the case and we acknowledge all the work that was done in putting this in place before December 2011. It was not possible, for reasons that the hon. Member clearly knows, to have introduced this before December 2011. Therefore, it fell to us to do so subsequently.

But these are really monumental changes to the way the criminal justice system has worked in Gibraltar for many, many years. Because they are monumental changes, it has taken, unfortunately, this long to get it right and be in a position to actually commence this. It is not just a question of time, it has taken a lot of effort by a lot of people to get systems in place, in particular Royal Gibraltar Police, Customs and other authorities, who have all been consulted and been part of the process in order to get training up to speed, the processes up to speed, to make sure that the drafting of the codes of practice was in place and could be published. So it has been – because it is such a significant reform – a monumental effort and I want to acknowledge that effort, firstly by that side in bringing this to the House in the first place and, subsequently, since December when all the agencies and professionals that we have dealt with in getting this to the stage where we are today.

Hon. D A Feetham: Mr Speaker, I want to associate myself entirely with the Hon. the Minister for Justice's words on that point because it really is a monumental effort by everybody concerned and I acknowledge entirely the work did not finish when we presented the Bills to the House last year.

Hon. G H Licudi: I am grateful for that.

Mr Speaker, there are really two fundamental points – perhaps three – that the hon. Member makes.

The first one is in relation to the sex offenders' registry, in relation to the possibility of retrospective effect. I mentioned that we have carried out consultation; this is a matter that we have deeply considered. It is not something that one does lightly without consideration and giving the matter deep thought. We are clearly on the same side when it comes to protection of victims, when it comes to protection of children, when it comes to protection of vulnerable persons in our society and we need to make sure that everything possible and everything necessary is done. But at the same time, the hon. Member has spoken of balance: we also have to balance rights of other people and that is precisely what we have done.

As the hon. Member well knows, the general principle in relation to the criminal law generally is that it should not have retrospective effect and that is generally applied specifically in relation to offences. You should not introduce an offence *now* in relation to acts that were done two years ago or three weeks ago, where the person perpetrating those acts did not know that he may have been committing an offence, at the time that whatever person has committed a crime – which is now a relevant offence – these provisions in relation to the registry would not have been there. We are not just thinking – and in particular to emphasise – we are not just thinking of the right of those particular persons but the rights of other people around that person who would be affected and after – I can honestly say to the hon. Member – very, very deep and careful consideration, we felt that the *right* thing in relation to the Register was to do it prospective rather than retrospective, but with the exception that we did not want to, let me put it colloquially, ‘let off the hook’ people who have been convicted recently and who are currently serving a prison sentence. That is the reason why we have done that.

In relation to the right to silence, we clearly disagreed at the time of the Second Reading of the Bill in July 2011, we disagree now, fundamentally on whether these provisions abolish the right to silence or not. We believe that they clearly do when you have inferences which can be drawn from silence, then that person no longer has the absolute right *without consequences* to remain silent. A right is a right without detriment. Where detriment is included, then that no longer becomes a right and that right goes out and is abolished.

I acknowledge that that is a matter that we disagree on but we were particularly conscious of, as I mentioned earlier, the provisions of the report which was made by the Royal Commission in the United Kingdom in 1993, which was made to Parliament, and we consider that they put together some very, very powerful arguments in their recommendation *against* making the changes which this Bill actually introduced causing those inferences and it may well be worth recalling because it is important to understand why we have this right and why we feel it is important to retain these rights. The arguments in favour of retaining the right to silence which was put by the Royal Commission in the report were:

(1) That circumstances of police interrogation are such that there can be no justification for requiring a suspect to answer questions when he or she may be unclear about both the nature of the offence which he or she is alleged to have committed and about the legal definitions of intent, dishonesty etc, upon which an indictment may turn.

(2) Innocent suspects’ reasons for remaining silent may include, for example, protection of family or friends, a sense of bewilderment, embarrassment or outrage, or a reasoned decision to wait until the allegation against them has been set out in detail and they have the benefit of considered legal advice.

(3) Members of ethnic or other minority groups may have particular reasons of their own for fearing that any answers they give will be unfairly used against them.

(4) There is a risk that if the police were allowed to warn suspects to decline to answer their questions that they face the prospect of adverse comment at trial, such a power would sometimes be abused.

(5) It is now well established that certain people, including some who are not mentally ill or handicapped, will confess to offences they did not commit.

(6) The threat of adverse comment at trial may increase the risk of confused or vulnerable suspects making false confessions.

We felt at the time, and we continue to feel, that those are powerful arguments. Not that we endorse or condone or suggest that, in relation to one of the points that was made about the abuse by the police, that we fear that that is actually happening in Gibraltar –

Hon. D A Feetham: For the avoidance of doubt.

Hon. G H Licudi: – for the avoidance of doubt that that maybe happening in Gibraltar. I was simply reading what the arguments put forward by the Royal Commission, but that is not a concern that we have but we believe, on balance, there is a powerful argument.

So those are the reasons why we are removing those provisions which relate to the right to silence and inferences from silence. So our position at the second Bill, and subsequently in Government at the Second Reading of the Bill, subsequently in Government when we were considering the amendments that needed to be made to this Act in order to put our policy in place, was that we should simply remove those five or six sections that relate to inferences from silence.

We felt, well, that is what we fundamentally disagree with, then we remove those provisions. It was then, during the course of the process of the amendments, it was brought to our attention that there are these other provisions relating to the disclosure obligations. What do we do with them? Do we leave them; do we require the defence and provide that balance that the hon. Member has alluded to? We did not consider, as I said in my intervention earlier, that there were *independent* arguments why that balance does not need to be addressed, there is no objection in principle to the defence putting forward a defence statement... But we felt these provisions would simply be unworkable.

I explained earlier the provisions, they arise in relation to a response by the prosecution, which is a

2625 statutory requirement and duty by the prosecution, because it says that ‘the prosecution *must*’. Therefore, we must work on the assumption and the basis that the prosecution *will* in Gibraltar comply with all statutory duties and therefore this will also arise. What we felt was that it was simply unworkable where there is a right to silence and no inference can be drawn from that fact.

2630 It is unworkable because, if the person has that particular right, the right not to say anything at all and no inferences can be drawn from that exercise, how can he then be obliged to set out his defence in advance? He has a right to silence, he has a right to be silent throughout the whole trial process and, in relation to the defence, he even has a right to say, ‘Well, I don’t say anything at all, I simply put the prosecution to proof’. They have the burden of proof: the standard, as we know, is beyond reasonable doubt, and it is – not often the case but it is certainly not unusual – that the defendant simply gets up at
2635 some stage during the trial process, sometimes in the middle of the case or when the prosecution has finished his case, and says ‘The prosecutor’s case simply doesn’t stand up to scrutiny: it doesn’t add up to prove beyond reasonable doubt. I didn’t have to say anything, I don’t say anything and I just leave it in the hands, first, of the court in a submission at half way, or leave it in the hands of the jury.’

2640 We consider that the changes we are making in relation to disclosure are merely consequential but necessary because of the removal of the inferences from silence.

We do not consider that, in Gibraltar, we have a system which is so unbalanced as to be an unfair system, a system which creates an unfair advantage to those who are charged with criminal offences. We *all* want to see the guilty convicted, but it is a *very, very* serious matter for innocent people to be found
2645 guilty as a result of something which they may have said, or an inference that can be drawn or an act which they may have taken, and we believe it is absolutely necessary and fundamental that we protect those rights of the innocent who may be falsely charged, who may have said something perhaps out of order, perhaps because of the circumstances. It is fundamental that those rights also be preserved and, for all those reasons, Mr Speaker, we will stick with the amendments that we have proposed.

2650 **Mr Speaker:** I now put the Question, which is that a Bill for an Act to amend the Criminal Procedure and Evidence Act 2011 and the Crimes Act 2011 be read a second time.

Those in favour. (**Government Members:** Aye.) Those against. (**Opposition Members:** No.) Carried by Government majority.

2655 **Clerk:** The Criminal Justice (Amendment) Act 2012.

2660 **Criminal Justice (Amendment) Bill 2012**
Committee Stage and Third Reading to be taken at this sitting

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be
2665 taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

2670 **Mr Speaker:** The Committee Stage and Third Reading will be taken today.

Chief Minister (Hon. F R Picardo): Mr Speaker, I am conscious of the fact that Members are able to come in and out of the Chamber, but that you and the Clerk are not. Is that a convenient moment to recess for a few minutes.

2675 **Mr Speaker:** That is very convenient and very considerate of the Hon. the Chief Minister. The House will recess for 10 minutes. Thank you.

The House adjourned at 7.10 p.m. and resumed its sitting at 7.25 p.m.

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COMMITTEE STAGE

2685 **Broadcasting Bill 2012**
Births and Deaths Registration (Amendment) Bill 2012
Criminal Justice (Amendment) Act Bill 2012

Clerk: Committee Stage and Third Reading, the Hon. the Chief Minister.

2690 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills, clause by clause: the Broadcasting Bill 2012; the Births and Deaths Registration (Amendment) Bill 2012; the Criminal Justice (Amendment) Act Bill 2012.

2695 *In Committee of the whole Parliament.*

Broadcasting Bill 2012
Clauses considered and approved

2700 **Clerk:** A Bill for an Act to make provision for the Gibraltar Broadcasting Corporation and to transpose into the law of Gibraltar Council Directive 2010/13/EU of 10th March 2010 of the European Parliament and of the Council on the co-ordination of certain provisions laid down by law, regulation and administrative action in member states concerning the protection of audiovisual media services, Supplementary Directive 2007/65/EC of the European Parliament and of the Council of 11th December 2007, and for connected purposes.
2705 Clause 1.

2710 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I would move to place before the House and hon. Members in Committee the amendments set out in my letter of 26th September 2012. I think all of them have been ventilated in debate and I would move to move the Bill with all of those amendments.

Mr Chairman: Is the Opposition content with that procedure to avoid having to read each one?

2715 **Hon. D A Feetham:** Yes, Mr Speaker.
The Clerk has already spoken to me about this and we are content for the proposed amendments to be read as if they are part of the Bill, not only in relation to this one but also in relation to the Hon. the Minister for Justice's Bill later on.

2720 **Mr Chairman:** Thank you.
In that case, all the proposed amendments contained in the Hon. the Chief Minister's letter to me dated 26th September will be deemed to have been formally tabled at the Committee Stage and *Hansard* will record the letter as part of the record of *Hansard*. Correct?

2725 **Hon. Chief Minister:** I am obliged to the Members opposite.

Mr Chairman: Great.



THE CHIEF MINISTER

6 CONVENT PLACE

GIBRALTAR

26th September 2012

The Hon H K Budhrani Q.C.
Speaker
Gibraltar Parliament
156 Main Street
Gibraltar

Dear Mr Speaker

AMENDMENTS TO BROADCASTING ACT 2012 [B. 11/12]

I beg to give notice that I shall be moving the following amendments to the Bill for a Broadcasting Act 2012 during Committee Stage, the amendments serve six main purposes.

In order to assist members, I am setting out the reasons for the most important amendments in this letter in anticipation of the debate on the Bill on Friday afternoon. Although there are quite a number of amendments they are mostly technical in nature and driven by advice of draftsman for the reasons more specifically set out below.

First, they provide for the revocation of the current AVMS regulations by importing provisions contained in those regulations into this Act and harmonising the language used in this Act with the drafting style of those Regulations. It has been decided to do this in order to ensure that there is no confusion as to whether in a particular circumstance a person is covered by the Act or the regulations and at the same time to maintain a sense of continuity regarding the use of language which has been proven to work. The majority of the amendments fall into this category both in terms of numbers and volume.

Second, the amendments remove references to the Transmission Standards Directive and to issues relating to conditional access. On further consideration it is the Government's view that these areas would, due to their technical nature, be best dealt with by subsidiary legislation.

Third, the amendments provide for a greater transparency and independence in the appointment of the GBC Board. There is a proposed amendment which requires that the Chief Minister consult with the leader of the opposition before making any such appointment and there is a further amendment which removes from the Minister the power to appoint a particular auditor himself.

Fourth, further to there being a distinct possibility that operators outside Gibraltar may wish to use Gibraltar as a base for their

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broadcasting amendments are included making it clear that use of the Digital Terrestrial Network falls within the scope of the Bill.

Fifth, there are amendments included which either move powers and functions currently drafted as being in the hands of the Minister or the Minister and the Authority to being directly under the sole control of the Authority. This includes removing the need for the Authority to require the consent of the Minister before it acts in certain circumstances. It is intended that this will allow for greater independence in the regulation of the Act.

Sixthly, and finally, there are amendments which correct certain typographical, formatting and grammatical issues which have been noted since the Bill was first published. It is not intended that any of the amendments which fall within this category substantially change the content of the Bill, rather that they make it clearer.

The amendments are-

- (1) in the long title after "11 December 2007" insert "amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities";

[This amendment corrects the reference to the Directive in the Long Title to include its full name.]

- (2) in clause 2(1) insert the following definitions in the appropriate place in alphabetical order-

""DTT" means the national Digital Terrestrial Television network;"

""Non-European works" means works other than works within the definition of "European works";

"TFEU" means the Treaty on the functioning of the European Union";

[These amendments insert definitions which are used elsewhere in the Bill.]

- (3) in clause 2(1) in the definition of "audio media service" for paragraph (b) substitute-

"(b) audio commercial communication;"

[This amendment and amendment (4) correct a formatting error where two definitions were merged into one.]

- (4) in clause 2(1) for the paragraph which appears after paragraph (b) of the definition of "audio media service" substitute the following definition (which should appear in alphabetical order before the definition of "audio media service")-

"audio commercial communication" means sounds which are designed to promote, directly or indirectly, the goods or services or image of a natural or legal entity pursuing an economic activity and includes radio advertising and sponsorship;"

- (5) in clause 2(1) delete the definition of "audiovisual commercial communication" and insert after the definition of "audio commercial communication" the following definition-

"audiovisual commercial communication" means images with or without sound which are designed to promote, directly or indirectly, the goods, services or image of a natural or legal entity pursuing an economic activity where such images accompany or are included in a programme in return for payment or for similar consideration or for self-promotional purposes and includes television advertising, sponsorship, teleshopping and product placement;"

[This amendment imports a definition from the AVMS Regulations.]

- (6) in clause 2(1) in the definition of "AVMS Directive"-

- (a) for "Directive 2010/13/EU of The European Parliament and of The Council of 10 March

2010" substitute "Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010";

- (b) after "audiovisual media services" insert ", as amended from time to time";

[Amendment (a) corrects typographical errors relating to the use of capital letters. Amendment (b) makes clear that the use of the term AVMS directive includes any future amendments that may be made to it.]

- (7) in clause 2(1) in the definition of "Commission" for "Commission of the European Communities" substitute "European Commission";

[This amendment and amendments (8) and (9) correct typographical errors.]

- (8) in clause 2(1) in the definition of "editorial responsibility" for "election" substitute "selection";

- (9) in clause 2(1) in the definition of "European works" in paragraph (b) for "sub-regulation" substitute "subsection";

- (10) in clause 2(1) in the definition of "media service provider" after "audiovisual media service" insert "(including but not limited to DTT services)";

[This amendment makes clear that provision of DTT services falls into the definition of "media service provider".]

- (11) in clause 2(1) delete the definition "Transmission Standards Directive";

[This amendment relates to the matter I mentioned above regarding the preference to deal with matters under that directive by means of secondary legislation.]

- (12) after clause 2(1) insert the following-

"(1A) For the purposes of the definition of the term "European works" in subsection (1), the following provisions shall apply–

- (a) the application of the provisions in paragraphs (b) and (c) of the definition shall be conditional on works originating in the European Union not being subject to discriminatory measures in the third country concerned;
- (b) the works referred to in paragraphs (a) and (b) of the definition are works mainly made with authors and workers residing in one or more of the places referred to in those paragraphs provided that they comply with one of the following three conditions–
 - (i) they are made by one or more producers established in one or more of those places;
 - (ii) the production of the works is supervised and actually controlled by one or more producers established in one or more of those places;
 - (iii) the contribution of co-producers from those places to the total co-production costs is preponderant and the coproduction is not controlled by one or more producers established outside those places;
- (c) works that are not European works but that are produced within the framework of bilateral co-production agreements concluded between Gibraltar or Member States and third countries shall be deemed to be European works provided that–

(i) the co-producers from the European Union supply a majority share of the total cost of production; and

(ii) the production is not controlled by one or more producers established outside the European Union.

(1B) All media service providers under Gibraltar jurisdiction shall comply with this Act and with all other laws in force in Gibraltar applicable to media services intended for the public.

(1C) For the purposes of this Act, the media service providers under Gibraltar jurisdiction are any of the following—

(a) those established in Gibraltar in accordance with subsection (2);

(b) those to whom subsections (3) or (4) apply.”;

[This amendment imports provisions from the AVMS regulations as to the definition of “European works” and makes it clear which media service providers fall within the Act and within Gibraltar jurisdiction.]

(13) in clause 2(2) for paragraphs (c) and (d) substitute—

“(c) if a media service provider has its head office in Gibraltar but decisions on the audiovisual media service are taken in a third country, or vice-versa, it shall be deemed to be established in Gibraltar, provided that a significant part of the workforce involved in the pursuit of the audiovisual media service activity operates in Gibraltar; or

(d) if the media service provider is established in a third country and is licensed under the provisions of this Act (including where it has been licensed to provide a broadcasting service on DTT (which may include Non-European works)).”;

[This amendment corrects a typographical error in (c) and clarifies that (d) includes providers of DTT services licensed in a third country.]

(14) in clause 2(4) for "EC Treaty" substitute "TFEU";

(15) after clause 2(5) insert the following-

"(6) This Act does not apply to audiovisual media services which—

- (a) are intended exclusively for reception in third countries; and
- (b) are not received with standard consumer equipment directly or indirectly by the public in Gibraltar or in one or more Member States.

(7) For the avoidance of doubt the GBC is a media service provider under Gibraltar jurisdiction within the meaning of this Act and as such is subject to the provisions of this Act subject to any exemptions included within this Act.";

[This amendment clarifies the scope of the Act to (a) exclude certain broadcasts intended for third countries only and not receivable in Gibraltar or a Member State and (b) include the GBC.]

(16) in clause 6(1) for "respectively upon them" substitute "upon it";

[This amendment and amendments 17, 18, 19 and 20 correct typographical errors etc.]

(17) in clause 6(1)(a) for "either of them" substitute "it";

(18) the formatting of clause 8(1) shall be as follows-

"8.(1) Subject to the following provisions of this section, no information with respect to a particular business which—

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(a) has been obtained under or by virtue of this Act; and

(b) relates to the private affairs of any individual or to any particular business,

shall during the lifetime of that individual or so long as that business continues to be carried on, be disclosed without the consent of that individual or the person for the time being carrying on that business.”;

(19) in clause 8(2)(e) for “Community” substitute “Union”;

(20) delete clause 12(2) and remove the label “(1)” from the remaining subsection;

(21) in clause 13(1)-

(i) in subsection (1) for “, the Minister may, after consultation with the Authority,” substitute “the Authority may”;

(ii) in subsection (1) delete “the Minister or”;

(iii) in subsection (1) delete “or both, as the case may be,”;

(iv) in subsection (1) for “their respective” substitute “its”;

(v) in subsection (2) for “the Minister may, after consultation with the Authority” substitute “the Authority may”;

[These amendments remove powers and functions from the Minister and allow them to remain solely in the hands of the Authority.]

(22) in clause 13(2) for “Community” substitute “Union”;

(23) in clause 14-

(a) delete “, with the consent of the Minister,”;

- (b) for "Community" substitute "Union";

[This is an example of an amendment where a requirement for Ministerial consent in the operation of a power by the Authority is removed.]

- (24) in clause 15(1) for the words upto and including "Gibraltar" substitute "A media service provider under Gibraltar jurisdiction";

[This amendment is to bring the Bill closer to the language used in the AVMS regulations.]

- (25) in clause 15(2) for "the Act" substitute "this Act";

[This amendment and amendments 26-33 correct various typographical, grammatical and formatting issues.]

- (26) in clause 15(5) for "Licence" substitute "licence";

- (27) in clause 16(2) for "The provisions of" substitute "For the avoidance of doubt,";

- (28) in clause 18(1) for "do all that it can to secure" substitute "ensure";

- (29) in clause 18(2)(a)(i) delete "(a)";

- (30) in clauses 18(2)(c) and (d) for "them" on the three occasions it appears substitute "it";

- (31) in clause 18(2)(c) for "(a)(iii)" substitute "(a)(ii)";

- (32) in clause 18(2)(d) the words which appear after sub-paragraph (ii) should be reformatted to be text following from sub-paragraph (d);

- (33) the formatting of clause 18(3) shall be as follows-

"(3) Where the Authority-

- (a) revokes the award of any licence in pursuance of subsection (2)(b), or

- (b) determines that any condition imposed by him in relation to any licence in pursuance of subsection (2)(c) has not been satisfied,

any provisions of this Part relating to the awarding of licences of the kind in question shall (subject to subsection (4)) have effect as if the person to whom the licence was awarded or granted had not made an application for it.”;

- (34) in clause 18(7) for-

- (a) "the Minister" substitute "the Authority";
- (b) "they" substitute "it";

[This is an example of a power invested in the Minister being transfessed to the Authority.]

- (35) in clause 19(4) for "This section" substitute "For the avoidance of doubt, this section";

[This amendment and amendments 36-38 correct various typographical and grammatical issues (including bringing the provisions closer to the language used in the AVMS regulations.)]

- (36) in clause 20(6) for "Subsections" substitute "For the avoidance of doubt, subsections";

- (37) in clause 21(6) for "licence holder" substitute "licensee";

- (38) in clause 22-

- (a) in subclause (1) for "licensed or authorised under this Act, including the GBC," substitute "under Gibraltar jurisdiction";
- (b) in subclause (2) after "shall apply" insert "as if the failure to comply with the code of practice were a failure to comply with a licence condition";

- (39) in clause 23 for "codes of practice issued under that Schedule shall be incorporated into any issued under section 22 of this Act" substitute "code of practice issued under that Schedule shall be deemed to have been issued under section 22 of this Act";

[This amendment clarifies the effect of a code issued under a Schedule rather than under section 22. It was thought that the previous language was confusing.]

- (40) in clause 27 for "licensed or authorised under this Act, including the GBC," substitute "under Gibraltar jurisdiction";

- (41) after clause 28 insert the following clause-

"Accessibility.

28A. The Authority shall encourage media service providers under Gibraltar jurisdiction to ensure that their services are progressively made accessible to people with disabilities affecting their sight or hearing or both."

[This is a requirement under the AVMS directive.]

- (42) for clause 29 substitute-

"Audiovisual commercial communications.

29.(1) The following are prohibited in Gibraltar-

- (a) surreptitious audiovisual commercial communication;
- (b) all forms of audiovisual commercial communications for cigarettes and other tobacco products;
- (c) all forms of audiovisual commercial communications for medicinal products and medical treatment available only on prescription.

(2) Media service providers under Gibraltar jurisdiction shall ensure that the audiovisual commercial communications they provide-

- (a) are readily recognisable as such;
- (b) do not use subliminal techniques;
- (c) do not—
 - (i) prejudice respect for human dignity;
 - (ii) include or promote any discrimination on grounds of sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation;
 - (iii) encourage behaviour prejudicial to health or to safety;
 - (iv) encourage behaviour prejudicial to the protection of the environment.

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(3) Audiovisual commercial communications for alcoholic beverages shall comply, in addition to subsection (2), with the following criteria, that is to say, they shall not—

- (a) be aimed specifically at minors ;
- (b) encourage immoderate consumption of alcoholic beverages.

(4) Audiovisual commercial communications shall not cause moral or physical detriment to minors, and shall therefore comply with the following criteria for their protection, that is to say, they shall not—

- (a) directly exhort minors to buy or hire a product or a service by exploiting their inexperience or credulity;
- (b) directly encourage minors to persuade their parents or others to purchase the goods or services being advertised;
- (c) exploit the special trust minors place in parents, teachers or other persons;

- (d) unreasonably show minors in dangerous situations.

(5) The Authority shall encourage media service providers under Gibraltar jurisdiction to develop codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in children's programmes, of foods and beverages containing nutrients and substances with a nutritional or physiological effect excessive intakes of which in the overall diet are not recommended, and such nutrients and substances shall include, in particular, fat, trans-fatty acids, salt/sodium and sugars.

Basic requirements on television advertising and teleshopping.

29A.(1) Television advertising and teleshopping shall—

- (a) be readily recognisable and distinguishable from editorial content; and
- (b) without prejudice to the use of new advertising techniques, be kept quite distinct from other parts of the programme by optical, acoustic or spatial means or any combination of those means.

(2) Isolated advertising and teleshopping spots, other than in transmissions of sports events, shall remain the exception.

Insertion during programmes.

29B.(1) Television advertising and teleshopping may be inserted during a programme provided that they are inserted in such a way that—

- (a) the integrity of the programme, taking into account natural breaks in and the duration and nature of the programme ; and

- (b) the rights of the rights holders,

are not prejudiced.

(2) The transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by television advertising or teleshopping once for each scheduled period of at least thirty minutes.

(3) The transmission of children's programmes may be interrupted by television advertising or teleshopping once for each scheduled period of at least thirty minutes, provided that the scheduled duration of the programme is greater than thirty minutes.

(4) No television advertising or teleshopping shall be inserted during religious services.

Teleshopping for medicinal products or treatment.

29C. Teleshopping for medicinal products which are subject to a market authorisation within the meaning of Directive 2001/83/EC of 6 November 2001 on the Community Code relating to medicinal products for human use, as the same may be amended from time to time, as well as teleshopping for medicinal treatment, shall be prohibited.

Television advertising and teleshopping for alcoholic beverages.

29D. Television advertising and teleshopping for alcoholic beverages shall comply with the following criteria, that is to say, they shall not—

- (a) be aimed specifically at minors or, in particular, depict minors consuming these beverages;
- (b) link the consumption of alcohol to enhanced physical performance or to driving;

- (c) create the impression that the consumption of alcohol contributes towards social or sexual success;
- (d) claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts;
- (e) encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light; and
- (f) place emphasis on high alcoholic content as being a positive quality of the beverages.”;

[This amendment imports provisions from the AVMS regulations.]

(43) for subclauses (3) to (5) of clause substitute-

“Teleshopping windows.

30A. Teleshopping windows shall be clearly identified as such by optical and acoustic means and shall be of a minimum uninterrupted duration of 15 minutes.

Television broadcasts intended only for Gibraltar.

“30B. Without prejudice to section 72B, and with due regard for European Union law, the Authority may lay down conditions other than those laid down in section 29B(2) to (4) and section 30 in respect of television broadcasts intended exclusively for reception in Gibraltar and which are not capable of being received, directly or indirectly, in one or more Member States.”;

[This amendment imports provisions from the AVMS regulations.]

(44) in clause 31

(a) after subclause (1)(a) insert the following paragraph-

“(aa) viewers shall be clearly informed of the existence of a sponsorship agreement.”;

- (b) in subclause (1) for “it” the first time it appears in paragraphs (b) and (c) substitute “they”;

[This amendment imports an AVMS provision and corrects a grammatical error.]

- (45) in clause 33-

- (a) the words up to and including paragraph (b) shall be renumbered as subclause (1) of that clause with its corresponding paragraphs (a) and (b);

- (b) for paragraph (c) substitute the following subclause-

“(2) Sections 29B(2), (3) and (4), section 30 and section 30A shall not apply to these channels.”;

[This amendment corrects a formatting error.]

- (46) in the newly numbered clause 33(1)(a) for “teleshopping, and advertising ;” substitute “teleshopping and advertising;”;

[This amendment corrects a formatting error.]

- (47) in the newly numbered clause 33(1)(b) for the semi-colon substitute a full-stop;

[This amendment corrects a typographical error.]

- (48) in clause 35

- (a) in subclauses (1) and (2) delete the words “under this Act, including the GBC,”;

- (b) in subclauses (1) and (2) for “licensed or authorised” substitute “under Gibraltar jurisdiction”;

[This amendment changes the language used to that in the AVMS regulations.]

- (49) in clause 36(1)(b) for “jurisdiction” substitute “Member State”;

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[This amendment corrects an error in terminology.]

- (50) in clauses 36(1)(b), 36(1)(c), and 44 and in the explanatory memorandum for "Broadcasting Directive" substitute "AVMS Directive";

[This amendment corrects an error in terminology.]

- (51) after clause 36 insert the following two clauses (as part of Part IV)-

"Proportion of distribution and production of television programmes.

36A.(1) Broadcasters under Gibraltar jurisdiction shall ensure, where practicable and by appropriate means, that they reserve for European works a majority proportion of their transmission time, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping.

(2) Having regard to any responsibilities of broadcasters under Gibraltar jurisdiction to its viewing public in respect of information, education, culture and entertainment, the proportion referred to in subsection (1) shall be achieved progressively, on the basis of criteria judged suitable for this purpose.

(3) Where the proportion referred to in subsection (1) cannot be attained, the proportion of transmission time, as defined in subsection (1), reserved for European works shall not be lower than the average for 1988.

(4) Broadcasters under Gibraltar jurisdiction shall ensure, where practicable and by appropriate means, that they reserve at least 10% of their transmission time, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping, or alternatively, at the discretion of the Authority, at least 10% of their programmes budget, for European works created by producers who are independent of broadcasters.

(5) Having regard to any responsibilities of broadcasters under Gibraltar jurisdiction to its viewing public in respect of information, education, culture and entertainment, the proportion referred to in subsection (4) shall be achieved—

- (a) progressively, on the basis of criteria judged suitable for this purpose by the Authority;
- (b) by earmarking an adequate proportion for recent works, that is to say works transmitted within five years of their production.

Reporting to the Commission.

36B.(1) Notwithstanding the repeal of section 10B(6) of the Gibraltar Broadcasting Corporation Act, the Authority shall continue to ensure that the Commission is provided every two years with a report on the application of section 36A.

(2) The report required by subsection (1) shall include, in particular, a statistical statement on the achievement of the proportions referred to in sections 36A(1) and (4) for each of the television programmes provided by broadcasters under Gibraltar jurisdiction, the reasons, in each case, for the failure to attain that proportion and the measures adopted or envisaged in order to achieve it.”;

[This amendment imports provisions from the AVMS regulations.]

(52) for clause 37 substitute—

“Exclusive rights to major events.

37.(1) The Minister may draw up a designated list of events (“the list”) which he considers to be of major importance for Gibraltar and which shall not be broadcast on an exclusive basis in such a way as to deprive the public in Gibraltar of the possibility of following such events by live coverage or deferred coverage on free television.

(2) The Minister may prescribe that events on the list shall be made available by whole or partial live coverage or, where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage.

(3) The list shall be drawn up in a clear, transparent and timely manner.

(4) The Minister shall ensure that the Commission is immediately notified of the list and of any additions or amendments thereto, and, subject to any legal challenge, shall revoke such elements in the list, including listed events and any additions or amendments to the list, as the Commission rules to be incompatible with European Union law.”;

[This amendment and amendments (53) and (54) import provisions from the AVMS regulations which were transposed differently in the Bill.]

(53) in clause 38 for subsections (2) to (5) substitute-

“ (2) The requesting broadcaster shall have access on a fair, reasonable and non-discriminatory basis, to the events referred to in subsection (1).

(3) The requesting broadcaster may freely select short extracts from the transmitting broadcaster’s signal with, unless impossible for practical reasons, at least the identification of the source, and use such extracts in short news reports.

(4) The requesting broadcaster-

(a) shall use the short extracts solely for general news programmes;

(b) may use the short extracts in on-demand audiovisual services but only if it offers the same programme on a deferred basis.

(5) The transmitting broadcaster shall be entitled to compensation from the requesting broadcaster in the

amount of the additional costs directly incurred in providing access.

(6) Where a broadcaster under Gibraltar jurisdiction makes a similar request from a transmitting broadcaster in a Member State, the Authority shall, if requested, ensure that the equivalent rights of the transmitting broadcaster under Article 15 of the Audiovisual Media Services Directive are upheld.

(7) The Authority may issue guidelines regulating access conditions for the purposes of this section and such guidelines shall cover the following matters-

- (a) the establishment of a procedure, other than the one set out in this section, which achieves access on a fair, reasonable and non-discriminatory basis ;
- (b) the modalities and conditions for the provision of short extracts, including--
 - (i) compensation arrangements;
 - (ii) the maximum length of short extracts;
 - (iii) time limits regarding the transmission of short extracts.”;

(54) for clause 39 substitute--

Right of reply.

39.(1) All broadcasters under Gibraltar jurisdiction shall provide to any natural or legal person, regardless of nationality, whose legitimate interests, in particular reputation and good name, have been damaged by an assertion of incorrect facts in a television programme, a right of reply or a remedy judged by the Authority to be an equivalent remedy to a right of reply.

(2) Where a person (in this section referred to as “the complainant”) is of the view that he is entitled, by virtue of subsection (1), to a right of reply or equivalent remedy, the complainant may require the broadcaster to

make the arrangements necessary for that right to be exercised.

(3) The arrangements referred to in subsection (2)–

- (a) shall be at no cost to the complainant; and
- (b) shall not be of such a nature as to hinder the actual exercise of the right of reply, or equivalent remedy, notably, by the imposition of unreasonable terms or conditions.

(4) Where the request for a right of reply or equivalent remedy is justified, the broadcaster concerned shall transmit the reply within a reasonable time after the request was substantiated and at a time and in a manner appropriate to the broadcast to which the request relates.

(5) The broadcaster may refuse to provide a right of reply or an equivalent remedy if such a reply–

- (a) is not justified by reference to the provisions of subsection (1);
- (b) would render the broadcaster liable to prosecution;
- (c) would render the broadcaster liable to civil proceedings; or
- (d) would transgress standards of public decency.

(6) Where–

- (a) the broadcaster refuses to give a right of reply; or
- (b) the complainant is dissatisfied with the arrangements in respect of the exercise of his right of reply,

the complainant may, within 28 days of the broadcast or the failure of arrangements, as the case may be, about which he is complaining refer the matter in writing to the Authority who shall itself or, in the event that it is unable to meet in the required time, by three persons appointed by the Authority for this purpose, consider any written representations made by the complainant and by the broadcaster.

(7) The complainant, at the time that he makes a complaint to the Authority, shall pass a copy of the complaint and any materials attached thereto to the broadcaster and the broadcaster shall provide any written representations it wishes to make to the Authority within 14 days of having received the complaint.

(8) The decision of the Authority shall be given and conveyed in writing to the complainant and to the broadcaster within 14 days of the receipt by the Authority of the written representation from the broadcaster or within 28 days of the receipt by the Authority of the complaint, whichever is the sooner.

(9) The broadcaster shall comply with the decision of the Authority within 14 days of the receipt of that decision.

(10) The provisions as to time set out in subsections (5) to (9) may be varied by the Authority where it is satisfied that it is appropriate to do so in order to give an effective right of reply to persons resident or established in a Member State.

(11) The Authority may require the broadcaster to provide a right of reply or a remedy equivalent thereto in respect of material broadcast by a programme contractor where in the opinion of the Authority such action is the only effective way to provide a right of reply and in such case the provisions of this section shall apply by substituting the broadcaster for the programme maker.”;

(55) for the heading for Part VII substitute-

**"REGULATION OF EUROPEAN UNION
BROADCASTS";**

[This amendment and amendments (56) – (59) import provisions from the AVMS regulations and amend clauses of the Bill in order to ensure consistency.]

(56) for the section heading to clause 40 substitute-

"European Union Broadcasts.";

(57) in clause 40(1) for "other Member States" substitute "a Member State";

(58) in clause 40 for subclauses (2) to (7) substitute-

"(2) The Authority shall have the power to take measures provisionally derogating from subsection (1) in respect of television broadcasts from Member States if the following conditions are fulfilled-

(a) in the judgment of the Authority the broadcast includes-

(i) any programmes which might seriously impair the physical, mental or moral development of minors, in particular programmes that involve pornography or gratuitous violence;

(ii) any programmes which in the opinion of the Authority are likely to impair the physical, mental or moral development of minors, except where the Authority is satisfied that by means of the time of the programme concerned or by any technical measure, including any acoustic warning or visual identification, minors will not normally hear or see such programmes;

(iii) no incitement to hatred at all whether on grounds of race, sex, age, sexual orientation, religion, nationality or otherwise;

- (b) during the previous 12 months, the broadcaster has infringed paragraph (a) on at least two prior occasions;
- (c) the Authority has notified the broadcaster and the Commission in writing of the alleged infringement and of its intention to restrict retransmission should any such infringement occur again; and
- (d) consultations with the transmitting Member State and the Commission have not produced an amicable settlement within 15 days of the notification provided for in paragraph (c), and the alleged infringement persists.

(3) The measures that the Authority may adopt pursuant to subsection (2) shall include the provisional suspension of retransmissions of television broadcasts or any restrictions on such retransmissions.

(4) The Authority shall, as a matter of urgency, put an end to any measure it adopts pursuant to subsection (2) if the Commission informs it, in accordance with Article 3 (2) of the AVMS Directive, that the measure is contrary to European Union law.

(5) Any person who continues to retransmit broadcasts contrary to a measure adopted by the Authority pursuant to subsection (2) commits an offence.

(6) A person who commits an offence under this section is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or to both; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine or both.”;

(59) for clause 41 substitute-

"Special provisions in respect of on-demand audiovisual media services."

41.(1) Subject to the provisions of this section, no person shall interfere with the freedom of reception in Gibraltar of on-demand audiovisual media services from Member States for reasons which fall within the fields co-ordinated by the AVMS Directive.

(2) The Authority shall have the power to take measures provisionally derogating from subsection (1) in respect of a given on-demand audiovisual media service if the following conditions are fulfilled—

(a) the measure is necessary for one of the following reasons—

(i) public policy, in particular the prevention, investigation, detection and prosecution of criminal offences, including the protection of minors and the fight against any incitement to hatred on grounds of race, sex, age, religion, nationality and violations of human dignity concerning individual persons;

(ii) the protection of public health;

(iii) public security, including the safeguarding of the security and defence of Gibraltar;

(iv) the protection of consumers, including investors;

(b) taken against an on-demand audiovisual media service which prejudices the objectives referred to in paragraph (a) or which presents a serious and grave risk of prejudice to those objective; and

(c) is proportionate to those objectives.

(3) The measures that the Authority may adopt pursuant to subsection (2) shall include the immediate cessation of the service or its cessation within a stated time frame.

(4) Subject to subsection (5), the Authority shall take a measure pursuant to subsection (2) where the following conditions are satisfied—

- (a) the Member State under whose jurisdiction the provider falls has been asked to take measures and that Member State has not taken such measures, or, if it has, they were inadequate;
- (b) the Commission and the Member State under whose jurisdiction the provider falls have been informed of the Authority's intention to take such measures;
- (c) where the reason for the intended adoption of a measure is the safeguarding of the internal security or defence of Gibraltar and is of such a nature as to fall within the Governor's constitutional responsibilities and the Governor has informed the Minister that the measure needs to be taken who so directs the Authority.

(5) The Authority may take a measure pursuant to subsection (2) without complying with the requirements of subsection (4) (a) and (b) where it deems the matter to be of urgency, but shall, in such cases, ensure that the Commission and the relevant Member State, are notified as soon as practicable of the measure taken, and indicate the reasons for the urgency.

(6) The Authority shall—

- (a) put an end, as a matter of urgency, to any measure it adopts pursuant to subsection (2);
- (b) refrain from adopting a proposed measure pursuant to subsection (2),

where the Commission informs it, in accordance with Article 3(6) of the AVMS Directive, that the measure, or proposed measure, is contrary to European Union law.

(7) Where an on-demand audiovisual media service provider under Gibraltar jurisdiction is in breach of a legislative or administrative provision in a Member State which is equivalent to subsection (2) above, that on-demand audiovisual media service provider commits an offence under this Act.

(8) Any person who continues to provide an on-demand audiovisual media service contrary to a measure adopted by the Authority pursuant to subsection (2) commits an offence.

(9) A person who commits an offence under subsections (7) or (8) is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or to both; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine or both.

European works (on-demand audiovisual services).

41A.(1) On-demand audiovisual media services provided by media service providers under Gibraltar jurisdiction shall promote, where practicable and by appropriate means, the production of and access to European works.

(2) The promotion referred to in subsection (1) may relate, in particular, to the financial contribution made by such services to the production and rights acquisition of European works or to the share or prominence of European works in the catalogue of programmes offered by the on-demand audiovisual media service.

(3) The Authority shall ensure that reports are sent to the Commission in accordance with the AVMS Directive on the implementation of this section.”;

- (60) in clause 42(1)(a) for “Government of Gibraltar” substitute “Government”;

[This amendment and amendment 61 correct typographical errors. In respect of Section 41(4)(c) wording is inserted to clarify how the Authority will act when the Governor considers a measure should be taken for internal security purposes; which will require the Minister to communicate that requirement to the Authority]

- (61) in clause 42(4)-

(a) in paragraph (b) for “applied” substitute “be applied”;

(b) in paragraph (d) for “Community” substitute “European”;

- (62) delete clause 43;

[This amendment and amendment (63) are made as it is thought that such matters if legislated for would be best suited to secondary legislation.]

- (63) delete Part VIII (Conditional access consisting of clauses 45 and 46);

- (64) in clause 47(2) for “the Minister” substitute “the Chief Minister, after consultation with the Leader of the Opposition,”;

[This amendment is to impose a requirement on the Chief Minister to consult with the Leader of the Opposition before making any appointment to the GBC board.]

- (65) in clause 53(2) for “corporation” substitute “GBC”;

[This amendment and amendments (66) and (67) correct errors in terminology.]

(66) in clause 54(1) for "corporation" substitute "GBC";

(67) in clause 54(4) for "GBC" substitute "the GBC";

(68) for clause 57(2) substitute-

"(2) The accounts of the GBC shall be audited by an auditor who shall be a person or firm registered in Part I, or II in the case of firms, of the Register maintained under the provisions of the Auditors Approval and Registration Act 1988.";

[This amendment provides for greater independence of the GBC in that the Minister will no longer be able to impose his choice of auditor upon them.]

(69) in clause 61 for "of the Authority under this Act or any Regulations made under it" substitute "of this Act";

[This amendment is to clarify the language used in the original Bill.]

(70) in clause 67-

- (i) in subsection (4)(b) delete "the Minister or";
- (ii) in subsection (6) for "the Minister" substitute "the Authority";
- (iii) in subsection (9) for "the Minister or the Authority, as the case may be," substitute "the Authority";

[These amendments are examples of the transfer of powers from the Minister to the Authority.]

(71) for clause 69 substitute-

"Offences.

69.(1) It is an offence for any person to be responsible for any act or omission contrary to the provisions of this Act or required to be done by the Authority pursuant to the provisions of this Act.

(2) Any person found guilty of an offence contrary to subsection (1) is punishable on summary conviction to a fine not exceeding twice level 5 on the standard scale.”.

[This amendment and amendments (72) to (74) import provisions from the AVMS regulations.]

(72) after clause 70 insert-

“Continuation of the offence.

70A. Without prejudice to the right to bring separate proceedings for contraventions of this Act taking place on separate occasions, a person who is convicted of an offence under this Act shall, where the offence continues after the conviction—

- (a) be deemed to commit a separate offence in respect of every day on which the offence so continues; and
- (b) be liable on summary conviction or on conviction on indictment as the case may be, together with such liability as may be stipulated in this Act, to a fine not exceeding level 5 on the standard scale for each such day.”;

(73) after clause 71 insert-

“Civil proceedings.

71A. Subject to Part XII, nothing in this Act shall limit any right of any person to bring civil proceedings in respect of any act or omission rendered unlawful by any provision of this Act, and, without prejudice to the generality of the preceding words, compliance

with the provisions of this Act, contraventions of which are declared to be offences under this Act, shall be enforceable by civil proceedings by the Authority for an injunction or for any other appropriate relief.”;

(74) after clause 72 insert-

“Regulatory Co-operation.

72A.(1) The Authority shall cooperate with the regulatory bodies in the Member States which are responsible for ensuring compliance with the AVMS Directive in their Member States, particularly when necessary—

- (a) to carry out its duties under this Act;
- (b) to assist the regulatory bodies in the Member States in the exercise of their duties pursuant to the AVMS Directive;
- (c) to provide each other with the information necessary for the application of the AVMS Directive and in particular Articles 2, 3 and 4 thereof.

(2) The Authority shall notify the Commission of any information it provides pursuant to paragraph (c) of subsection (1).

Co-operation with Member States.

72B.(1) Where the Authority—

- (a) receives, under Article 4 of the Audiovisual Media Services Directive, a request from a Member State relating to a relevant broadcaster, and
- (b) considers that the request is substantiated,

it must ask the broadcaster to comply with the rule identified in that request.

(2) The Authority shall enforce the rule referred in subsection (1) as if it were a rule provided for under this Act.

(3) In this section "relevant broadcaster" means a broadcaster who is under Gibraltar jurisdiction.";

(75) after clause 73(2) insert-

" (3) The Audiovisual Media Services Regulations 2011 are revoked.";

[This amendment revokes the AVMS regulations, the necessary parts of which have been moved into the Bill itself.]

(76) in Schedule 1 for "Section 16" substitute "Section 17";

[This amendment corrects a cross referencing error.]

(77) in Schedule 1 delete paragraph 1 and renumber the following paragraphs as paragraphs 1 to 9;

[This amendment is consequential on the removal of references to the Transmission Standards Directive.]

(78) in Schedule 2 for "Section 17" substitute "Section 18";

[This amendment corrects a cross referencing error.]

(79) in Schedule 2 in paragraph 3 for "the Minister" substitute "the Authority";

[This amendment and amendment (80) are consequential to the passing of powers etc from the Minister to the Authority etc.]

(80) in Schedule 2 paragraph 6 delete ", in consultation with the Minister,";

(81) in Schedule 3 for "section 22" substitute "Section 23";

[This amendment corrects a cross referencing error.]

(82) in the explanatory memorandum delete the second sentence.

[This amendment removes references to certain directives no longer relevant to the Bill from the explanatory memorandum.]

I shall look forward to the debate on Friday.

With best wishes, as ever,

A handwritten signature in black ink, consisting of a large, stylized 'F' followed by a horizontal line that curves upwards at the end.

Fabian Picardo
Chief Minister

2775 **Clerk:** Shall I read out clause 1 to clause 75?

Mr Chairman: Sorry, did you say to 75 or 25?

2780 **Clerk:** Clauses 1 to 75.

Mr Chairman: Does any hon. Member on either side of the House wish to raise any particular clause – in that entire Bill, virtually?

2785 In that case, clauses 1 to 75, as amended in terms proposed by the Hon. the Chief Minister in his letter to me of yesterday's date, stand part of the Bill.

Clerk: Schedules 1 to 3.

2790 **Mr Chairman:** Schedules 1 to 3, again as amended, if indeed there are any amendments there – yes, there are. Schedules 1 to 3, as amended, stand part of the Bill.

Clerk: The long title.

Mr Chairman: The long title, as amended, stands part of the Bill.

2795

Births and Deaths Registration (Amendment) Bill 2012
Clauses considered and approved

2800 **Clerk:** A Bill for an Act to amend the Birth and Deaths Registration Act and related legislation. Clauses 1 to 4.

Mr Chairman: Clauses 1 to 4 stand part of the Bill.

2805 **Clerk:** The long title.

Mr Chairman: The long title stands part of the Bill.

2810

Criminal Justice (Amendment) Bill 2012
Clauses considered and approved

2815 **Clerk:** A Bill for an Act to amend the Criminal Procedure and Evidence Act 2011 and the Crimes Act 2011. Clauses 1 to 3.

2820 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Chairman, in clause 3 –

Chief Minister (Hon. F R Picardo): The whole thing stands.

Hon. G H Licudi: So I do not have to move the –

2825 **Mr Chairman:** No, unless there are any –

Hon. G H Licudi: Yes, I am just moving the amendment –

2830 **Mr Chairman:** Formally.

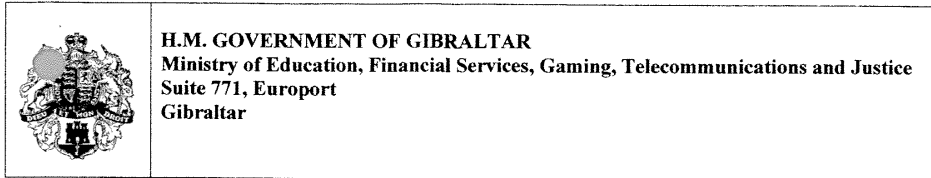
Hon. G H Licudi: – formally for the record.

Hon. Chief Minister: For all of them.

2835 **Hon. G H Licudi:** I am certainly not going to read them all out, but after clause 3.(4) we insert the provision which is set out attached to my letter to you, Mr Chairman, of 21st September 2012.

Mr Chairman: In that case, we will treat the amendments proposed in the Hon. the Minister for Justice's letter to me of 21st September as having been formally tabled and, again, *Hansard* will record the letter as part of its record.

2840



21 September 2012

Your Ref:
Our Ref: GOG 3

The Hon H K Budhrani QC
Speaker
Gibraltar Parliament
156 Main Street
Gibraltar

Dear Mr Speaker

RE: AMENDMENT TO CRIMINAL JUSTICE (AMENDMENT) ACT 2012 [B. 13/12]

I beg to give notice that I shall be moving the amendments attached at Appendix 1 to the Bill for a Criminal Justice (Amendment) Act 2012 during Committee Stage.

Yours sincerely



Gilbert Licudi QC MP
Minister for Education, Financial Services, Gaming, Telecommunications and Justice

Enc.

Appendix 1

- (1) After Clause 3(4) insert the following subclause-

After section 266 insert the following-

"Pornographic performances involving children

Pornographic performances involving children.

266A.(1) A person (A) commits an offence if-

- (a) he intentionally causes, encourages or assists another person (B) to participate in a pornographic performance, in any part of the world; and
- (b) either-
 - (i) B is under 18, and A does not reasonably believe that B is 18 or over; or
 - (ii) B is under 13.

(2) A person (A) commits an offence if-

- (a) he intentionally uses force, threats (whether or not relating to violence) or any other form of coercion to force another person (B) to participate in a pornographic performance, in any part of the world; or
- (b) he intentionally causes, encourages, assists or coerces another person (B) to participate in a pornographic performance, in any part of the world and he does so for or in the expectation of payment for himself or another person;

and

- (c) either-
 - (i) B is under 18, and A does not reasonably believe that B is 18 or over; or
 - (ii) B is under 13.

(3) A person (A) commits an offence if-

- (a) he knowingly attends a pornographic performance in any part of the world involving the participation of another person (B); and
- (b) either-
 - (i) B is under 18, and A does not reasonably believe that B is 18 or over; or
 - (ii) B is under 13.

(4) A person who commits an offence under this subsection (1), (2) or (3) is liable-

- (a) on summary conviction, to imprisonment for 12 months or the statutory maximum fine or both;
- (b) on conviction on indictment, to imprisonment for 14 years.

(5) In this section-

"payment" has the same meaning as in section 262(2);

"pornographic performance" means a live exhibition aimed at an audience, including by means of information and communication technology, of:

- (i) a child engaged in real or simulated sexually explicit conduct; or

Appendix 1

(ii) a child and is indecent."."

(2) After Clause 3(9) insert the following subclauses-

"(10) In Schedule 2, Part A, in paragraph 1(c) after the entry for sections 262 to 265 of the Act insert the following entry-

"- section 266A (Pornographic performances involving children)".

(11) In Schedule 3 after paragraph 30 insert the following paragraph-

"30A. An offence under section 266A (Pornographic performances involving children) if the offender-

(a) was 18 or over; or

(b) is or has been sentenced in respect of the offence to imprisonment for not less than 12 months."."

2845

Mr Chairman: Clauses 1 to 4 stand part of the Bill. Sorry, was that 44?

2850

Clerk: Clauses 1 to 3.

Mr Chairman: Sorry, clauses 1 to 3 stand part of the Bill.

Clerk: The long title.

2855

Mr Chairman: The long title stands part of the Bill.

2860

BILLS FOR THIRD READING

Broadcasting Bill 2012

Births and Deaths Registration (Amendment) Bill 2012

Criminal Justice (Amendment) Bill 2012

Third Reading approved; Bills passed

2865

Clerk: The Hon. the Chief Minister.

2870

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Broadcasting Bill 2012; the Births and Deaths Registration (Amendment) Bill 2012; and the Criminal Justice (Amendment) Bill 2012 have been considered in Committee and agreed to, with amendments, and I now move that they be read a third time and passed.

2875

Mr Speaker: I now put the question, which is that the Broadcasting Bill 2012; the Births and Deaths Registration (Amendment) Bill 2012; and the Criminal Justice (Amendment) Bill 2012 be read a third time and passed.

Those in favour of the Broadcasting Bill 2012. (**Government Members:** Aye.) Those against. (**Opposition Members:** No.) Carried by Government majority.

2880

Those in favour of the Births and Deaths Registration (Amendment) Bill 2012; (**Members:** Aye.) Those against. Carried.

Those in favour of the Criminal Justice (Amendment) Bill 2012. (**Government Members:** Aye.) Those against. (**Opposition Members:** No.) Carried by Government majority.

2885

Tribute to the Speaker

Clerk: The Hon. the Chief Minister.

2890 **Chief Minister (Hon. F R Picardo):** Mr Speaker, before I move the amendment this afternoon – this evening (**Several Members:** Adjournment.). Sorry, before I move the adjournment this evening – (*Interjection*) No more amendments! I think it is apposite to say a few words about the service you have given this Chamber.

2895 Today will be your last day in the Chair as a matter of your own choice, expressed to us after the election, that your wish was to have done eight years in that Chair. Perhaps that is a salutary message for those who occupy the Chair I now occupy.

Mr Speaker, I can say no more about the way that you have discharged your functions to *all* of the Members of this place and to this place and our community, other than to record the history of your appointments. From this side of the House, when we were opposite, when you were first proposed as Speaker, we abstained on your appointment for the reasons that are set out in the *Hansard*. When you were next proposed as Speaker, we were very happy to explain why we would support you. And on the third appointment, I was actually *honoured* to recommend you.

2900 Mr Speaker, if we had any concerns at the time that you were first appointed, you quickly allayed them, treating every Member of this House fairly and bringing your honesty and integrity to the discharge of your functions for Gibraltar, not just in this place but everywhere that you represented this Parliament and the people of Gibraltar abroad. Your conduct as Speaker has been, I am sure, despite the many disagreements you may have had with Members of both sides of the House, everything that the House expected from you and that any House in the Commonwealth can expect from a Speaker appointed for the purpose that holding that Chair requires.

2910 The reasons that you leave Parliament are totally unconnected in *our* minds to the matters which were ventilated in the press, in our view, so unfairly, earlier this year, and those do not in any way mar the service that you have given this community and this Chamber. You leave, Mr Speaker, of your own volition, I trust with the support, I am sure, of all Members of this House and with recognition of what it is that you have managed to do, and if I may say so, important in that context that you are the first Hindu person in our community to be appointed to the chair and I trust that you will not be the last.

2915 Mr Speaker, for those who are listening I think it is important to explain that, with the guidance of yourself and the Clerk, we have agreed that you will remain Speaker of this Parliament until after the deadline for submitting Questions for the next session so that there is a Speaker in place who can rule on the admissibility of Questions; that you will vacate the chair on the eve of the next meeting; and that Mr Adolfo Canepa, whose name I have already consulted the Leader of the Opposition on, will assume the chair, subject to the vote of this House, on the next sitting of this House in October.

2920 All I can say, Mr Speaker, on behalf of the Government and of the people of Gibraltar, and I trust on behalf of all Members in the Chamber, is thank you, not just for what you have done but also for how you have done it. (*Applause*)

2925 **Mr Speaker:** The Hon. the Deputy Leader of the Opposition.

Hon. D A Feetham: Mr Speaker, thank you very much.

2930 Mr Speaker, it is not often – and I wish that it *were* different – that myself and the Hon. the Chief Minister are *ad idem* and are in agreement in relation to something, and this is certainly one of those issues.

2935 We have had our disagreements, Mr Speaker. I have taken one or two raps on the knuckles myself – perhaps some less gracious than others. Some I have felt that perhaps they were not merited but I am absolutely certain that every comment that you have made has always been made in good faith and that you have discharged your duties in good faith to the best of your abilities and in a way that you have believed to be impartial and fair, and on the whole, certainly, the Opposition agrees with that.

2940 It only leaves me to associate myself entirely with the words of the Chief Minister and certainly, on this occasion, he not only speaks on behalf of the Government but he speaks on behalf of the entire House. (*Applause*)

Mr Speaker: If I may, I gratefully acknowledge the very kind and generous sentiments expressed both by the Hon. the Chief Minister and by the Hon. the Deputy Leader of the Opposition.

2945 If I may be permitted a few words for the last time in this Chair before I formally accede to the motion for the adjournment... if I may say a few words.

Rarely, if ever in life, does the unsolicited opportunity present itself quite out of the blue to serve one's country at its highest level, but that is precisely what happened to me when the then Chief Minister, the Hon. Peter Caruana, telephoned me on 3rd August 2004 to ask whether I would be willing to accept

appointment as Speaker of the House of Assembly, as this august body was then known. Needless to say, without a moment's hesitation, I gratefully accepted the huge honour that had unexpectedly been bestowed upon me and I set off with relish to face what I perceived would be the greatest challenge of my life.

Although the Opposition, at the time led by the Hon. Joe Bossano, had its reservations as to the suitability of my appointment and voted accordingly, in keeping with the best traditions of our parliamentary democracy, the office to which I had been appointed was at all times treated with the utmost respect and deference by all the elected Members, and it goes without saying every kindness and courtesy was extended to me at a personal level.

I was particularly gratified when the Opposition, having kept an open mind during the three years that followed, were able to support my reappointment in 2007, and I was humbled when the Hon. Fabian Picardo, as Chief Minister, proposed my further reappointment last December.

While I had some theoretical general knowledge of the workings of parliaments based on the Westminster model, I will always be indebted to the late Dennis Reyes, who, as Clerk, guided me in my early days through the practices and procedures of our own legislature, and to Melvyn Farrell, who has since continued in that office to provide invaluable support and assistance to me in the performance of my duties. *(Applause)* I am also grateful to Kevin Balban, Frances Garro, and before her Audrey Gomez – I think she is now Lopez – and to Stephen Bonich, who make up the rest of our parliamentary complement, for the courtesies extended to me as they have cheerfully and efficiently gone about their work largely behind the scenes.

Apart from my duties here, I have had the honour to represent Gibraltar at no less than 10 Commonwealth Parliamentary conferences – plenary, regional and of Speakers – around the globe, when I have had the privilege to meet hundreds of parliamentarians from 55 countries and the heads of state of Kenya, Malta, Nigeria, India, Trinidad and Tobago and Sri Lanka, and of course our own sovereign, Her Majesty the Queen. My attendances at these conferences have enabled me to learn something about how other parliaments conduct their business, but what has given me the greatest pleasure and sense of purpose was the opportunity to tell those out there about Gibraltar, its institutions and the mature and stable parliamentary democracy that we enjoy.

To summarise, in the words of a well-known song, 'I've had the time of my life', but as with everything else in life, there must come a time to call it a day. Although our Constitution confers upon a Chief Minister the choice, subject to consultation with the Leader of the Opposition and approval by the Elected Members, of Speaker following the election of a new Parliament, we follow the convention that has long prevailed at Westminster that, in order to avoid politicising the office, the incumbent is usually reappointed as often as he is willing and able to carry on in the Chair. The onus, therefore, is upon the Speaker to ensure that he does not overstay his welcome. In that context, I have long held the view that the Speaker should serve about two parliamentary terms, and certainly no more than 10 years, if the incumbent is not to become too closely identified with the office. That is the view I expressed to the Chief Minister last December and I believe the time has now come for me to relinquish this distinguished office, which I do on the eve of the next sitting of Parliament.

I conclude by invoking, as it has been my honour and privilege to do in the prayer recited by me at the commencement of each sitting of this House these last eight years, divine guidance on all your deliberations for the good of our City. *(Applause and banging on desks)*

Hon. Chief Minister: If I may be allowed to add, Mr Speaker, I am sure that your service to Gibraltar has not ended today.

Adjournment

Chief Minister (Hon. F R Picardo): I have the honour to move, Mr Speaker, that this House do now adjourn *sine die*.

Mr Speaker: I now propose the question, which is that this House do now adjourn *sine die*.

I now put the question, which is that this House do now adjourn *sine die*. Those in favour. **(Members: Aye.)** Those against. Passed.

This House will now adjourn *sine die*.

The House adjourned at 7.45 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.30 a.m. – 12.20 p.m.

Gibraltar, Thursday, 18th October 2012

The Gibraltar Parliament

The Parliament met at 9.30 a.m.

[MR SPEAKER: Hon. A J Canepa GMH, OBE *in the Chair*]

[THE PRESIDING MEMBER: Hon. Dr. J J Garcia *in the Chair, presiding over the resolution*]

[CHIEF JUSTICE: Hon. Mr Justice A E Dudley *in attendance*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

PRAYERS

The Presiding Member

SUSPENSION OF STANDING ORDERS

**Standing Order 7(1) suspended
to proceed with Government motion**

Clerk: Suspension of Standing Orders, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with a Government motion.

Mr Presiding Member: Those in favour. (**Members:** Aye.) Those against. Carried.

MOTION FOR THE APPOINTMENT OF THE SPEAKER

**Mr Adolfo John Canepa, GMH, OBE
appointed Speaker of the Gibraltar Parliament**

Clerk: Government motion: motion for the appointment of the Speaker of the Gibraltar Parliament, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Presiding Member, I have the honour to move the motion standing in my name which reads as follows:

‘That Adolfo John Canepa, GMH, OBE be appointed Speaker of the Gibraltar Parliament.’

Mr Presiding Member, let me start by saying that I have appointed you in keeping with the provisions of section 26(2) of the Constitution to preside over the motion of the appointment of the new Speaker in this Parliament, because your appointment today as Presiding Member follows the absence of the Hon. Mr Joe Bossano, the Father of this House, who is travelling in pursuit of his ministerial responsibilities for inward investment.

In deciding who should be appointed today as Presiding Member, in the absence of the Hon. Mr Bossano, I have had regard to the practice previously established in this House. Before the new Constitution, it was common for one of the two *ex officio* Members to be appointed to the Chair in the absence of Mr Speaker. After the new Constitution, when the *ex officio* Members were removed from this place, there have only in my recollection been two instances when we have required a Presiding Member. The second was the instance of Mr Bossano presiding over the appointment of Mr Budhrani as Speaker, just after the recent General Election. The first was the appointment of Mr Budhrani as Speaker after the 2007 General Election. In that case, on 8th November 2007, the Hon. Mr Joe Holliday, then the Deputy Chief Minister, as you are today, was appointed as Presiding Member.

Enough though, about the mechanics of appointing a Presiding Member.

The motion standing in my name reads, as I have just said:

‘That the House do appoint Mr Adolfo Canepa, GMH, OBE as Speaker of this Parliament.’

What can I say of Mr Canepa’s trajectory of public service that this place is not already alive to, given that he spent most of his time in public service here?

From 1972 – the same year and in the same election as the Hon. Mr Joe Bossano – Mr Canepa served in this House as a Member for the Association for the Advancement of Civil Rights (AACR), a historic party in the politics of our formation, if ever there was one. For 16 years, Mr Canepa was both a Minister and, from 1987 to 1988, Chief Minister. From 1988 to 1992, Mr Canepa was Leader of the Opposition. I am delighted to propose that he now return to this place, no longer a House of Assembly but a Parliament, as its own Speaker.

The community as a whole knew Adolfo Canepa as one of the teachers who turned to politics when his country needed him, a grammarian who took great pride in doing everything just right. In a career that led him to the very top of politics, no-one has ever suggested that Adolfo – as he is affectionately known to his many friends – has been anything other than a gentleman at every turn.

Indeed, in whatever role he has fulfilled to date in this House, Adolfo Canepa has never been found wanting. I am sure that he will be more than up to the role of Speaker of this Parliament now, and I know that the whole House will want to support him in the important function he will discharge in the Chair.

Indeed, I think that for ex-politicians in particular, taking the Speaker’s Chair must in some ways constitute exquisite torture of a sort, given that the role involves much listening and very little intervening, however strongly one may feel on a subject. However hard a role that may be, there is no doubt in my mind that Adolfo Canepa has all the attributes necessary to discharge the functions of Speaker of this House.

Mr Presiding Member, the politics of 1972 to 1992 was very different to the politics of today in many ways. In some ways, the politics of those years appears in hindsight better than today’s, in the respect there was among Members and the decorum of the House, something which may appear to have been lost, perhaps through no fault of the previous incumbent of the post of Speaker, who did a sterling job himself in that seat.

If the appointment of Mr Canepa serves to re-establish some of that respect and decorum, by a sharing of his experience of the better politics of the 1970s and 1980s, then that alone will be a good thing. In that respect, Mr Canepa will be assured of the respect of this side of the House for his Rulings, *even* and perhaps most importantly, when we might vehemently disagree with a determination of his, unusual though I expect that to be.

Moreover, I am sure I speak for the whole House when I say that his political trajectory and his personal integrity is such that Mr Canepa will no doubt command the respect of the whole community in the discharge of his functions as Speaker. I am equally sure that he will be able to represent Gibraltar internationally at Commonwealth Parliamentary Association Conferences and other events perfectly, with the benefit of that experience which I have alluded to earlier.

Finally, Mr Presiding Member, in terms of sweet ironies, you will recall that the launch of our own political party in the early 1990s coincided not providentially with the announcement of the 1992 General Election by the Hon. Mr Joe Bossano, who triggered, as a result, the retirement from active politics of Mr

Canepa. What a pleasure it is for us on this side of the House, therefore, to now move the motion for Mr Canepa's return to Parliament. (*Applause*)

Mr Presiding Member: I now propose the question in the terms of the motion moved by the Hon. Chief Minister.

Hon. P R Caruana: It is a great privilege for me on behalf of the Opposition Members of the House to indicate our intention, as we have done publicly before today, to support this motion. Indeed, I am able to endorse everything that the Hon. the Chief Minister has said about the candidate, Adolfo Canepa, even though we have a disagreement with him about what he said about the mechanics for the appointment of the Presiding Officer, which we will not air on this occasion, so as not to tarnish or spoil, not just for Adolfo, but indeed for his family here present and indeed for this House, for which it is also a special occasion, the happy occasion that is his elevation to the Bench. Whatever we have to say on that mechanical matter can wait for another day.

As I say, I endorse what the Chief Minister has said about the attributes that so eminently qualify Adolfo Canepa to preside over this Chamber. It is not just because he has been a past Chief Minister and as such a leader of the Gibraltar Government and has held ministerial office, therefore not just because he has been an important part of the Executive of Gibraltar and has all the experience and all the understanding of Government and how Government works and will therefore be able to bring that to bear in the rulings and in the assessments that he makes, when this House tries to hold the Government to account as is its function; but also because, whilst a Member of this House, as a Member of Parliament, as opposed to a Member of the Government, he has sat on both its sides, both on the Government side and on the Opposition side. He therefore intrinsically understands both the needs that the Government side has for its work to be successfully done in this House, but he also I suspect has an intrinsic understanding of the needs that the Opposition side of the House has, in its no less important task of holding the Government to account. I have no doubt that Adolfo Canepa, when those political qualifications are added to his personal qualities, will be more than able to ensure that the way that he presides over this House will reflect that Parliament is not the Government; that Parliament is a different and separate institution from the Government; and that within this Parliament, the Government is not entitled to particular special treatment, even though, of course, the Speaker has to ensure the Government can do its business effectively, in steering its legislative programme through this House, but that the Parliament is a different and separate institution, in which both sides are entitled to the same equality and even-handedness of treatment, because what this House is is a Chamber of Members of Parliament. It is not a House of the Government and the Opposition; it is a Chamber of Members of Parliament, some of whom sit on the Government benches and others of whom sit on the Opposition benches.

In a more enlarged, indeed more developed Parliament, there would be a back bench on the Government side and they would be ordinary Members of Parliament, thereby emphasising the difference, which is sometimes lost in the context of our very small Parliament, where all the Members on the Government side are in the executive – that is to say, in the Government and all the Members on the Opposition side are on the Opposition front bench and there is no back bench on either side. That leads to a subconscious blurring of the essence that Parliament is a Chamber of Members of Parliament, each of whom is equal and each of whom is equal in the eyes of the duties of the Speaker to each other, because nobody is here other than in the capacity as a Member, some with executive responsibilities and others with the responsibilities to hold the executive to account.

Of course, it is inevitable that, whenever two parliamentarians have a disagreement, both feel that they are correct with equal measure of passion and certainty, and that it falls upon the Speaker to adjudicate between them, and that the person on the receiving end of an unfavourable Ruling is almost certainly left feeling a sense of grievance and a sense of wrong. That is fine. That is fine, so long as there is a balance in which the same party does not always end up on the losing side and the same party does not always end up on the winning side. I have not the remotest doubt in my mind that Adolfo Canepa is a man that is not only capable of presiding over this House in a way of which we will all approve, but that indeed will do so, as a matter of personal conviction and as a matter of personal desire.

I should just add, in conclusion, that we ourselves, I myself, tried to nominate Adolfo for the post of Speaker during a past term. It coincided with a less felicitous part of his life, in terms of things going on within his family, and he felt unable at that time to accept the invitation, but nevertheless, it is therefore a double delight for me to be able to support his appointment, at a time that is more convenient to him and his family circumstances.

I support the motion. (*Applause*)

Mr Presiding Member: If no other hon. Member wishes to speak, I will call on the mover to reply.

Hon. Chief Minister: Mr Presiding Member, a lot has been said by the hon. Gentleman with which I agree. I think the most important aspect of what he has said with which I agree, having sat on the Opposition Benches for eight years, is that all of us in this House are equal. All of us are Members of Parliament and nothing else, and I am delighted that that realisation has now alighted upon him and that we have no doubt also, on this side of the House, that because he has been on both sides of the House, but perhaps most importantly, because of his personal integrity, Adolfo Canepa will know how to rule on each occasion on which he is called upon to rule, in a manner that is in keeping with the Rules of this House, whoever and wherever the person that may be the subject of his Ruling may sit.

Mr Presiding Member, I think that the best way to approach the appointment of Adolfo Canepa is to thank the Hon. the Leader of the Opposition for confirming that this motion will pass with unanimity, because I think in that way we show in this Parliament that Adolfo Canepa enjoys the respect of the whole of the community for the job he is going to discharge from that Chair.

I would ask all Members of the House to note that, when we get a little bit hot under the collar and Mr Speaker, has to intervene, we should perhaps have less regard to how he rules, but rather to the fact that we have made him rule and perhaps we should have more pause for thought on those occasions ourselves.

Mr Presiding Member: I now put the question in the terms of the motion proposed by the Hon. Chief Minister. Those in favour. (**Members:** Aye.) Those against. Carried.

The Presiding Member took his place on the Government benches.

Clerk: Mr Speaker.

There was applause as Mr Speaker, took the Chair.

ADMINISTRATION OF OATH OF ALLEGIANCE TO THE SPEAKER

Clerk: Oath of Allegiance of the Speaker, to the Hon. Adolfo John Canepa.

The Chief Justice administered the Oath of Allegiance to Hon. A J Canepa as follows:

Mr Speaker: I, Adolfo John Canepa do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law, so help me God.

ADDRESS BY THE SPEAKER

Mr Speaker: I wish to thank all hon. Members for, as it were, elevating me today to this high office, to a position that I had thought some years ago would never come my way. It is really a case of 'third time lucky', and I am overwhelmed by the realisation that I am here today amongst you, after an absence of nearly 21 years.

May I also thank very specially, the Chief Minister and the Leader of the Opposition for their kind words when speaking on the motion.

All Members of Parliament are servants of the people and, to some extent, the Speaker is the servant of the servants of the people. I will therefore do everything that I can to help hon. Members in the conduct of their business in this House, whenever they seek my help and advice.

But I also have an almost sacred duty to the august institution that is Parliament. In this regard, I will strive to protect and defend the powers and privileges of Parliament and its Members, whenever that might become necessary. Above all, I pledge myself to uphold the dignity of this House and not to allow it to be brought into disrepute.

An important factor in this connection is, of course, the requirement to enforce the observance of all Rules and Standing Orders for ensuring and preserving the orderly conduct of its proceedings. I am confident that, in this respect, I will be able to count on the support and help of all hon. Members.

In conclusion, may I say that I count it a privilege to have been born in a democracy; a greater one to have already served in this place for 20 years; but the greatest privilege and honour is to be given the opportunity by hon. Members to preside over the business and deliberations of our Gibraltar Parliament.

Thank you. (*Applause*)

Order of the Day

205

CONFIRMATION OF MINUTES; DOCUMENTS LAID

Clerk: Confirmation of Minutes: the Minutes of the last meeting of Parliament which commenced on 19th September 2012 and ended on 28th September 2012.

210

Mr Speaker: May I sign the Minutes as correct?

Members voted Aye.

215

Mr Speaker, signed the Minutes.

Clerk: (iii) Communications from the Chair; (iv) Petitions; (v) Announcements; (vi) Papers to be laid. The Hon. the Minister for Justice.

220

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I have the honour to lay on the table the Codes of Practice under section 690(2) of the Criminal Procedure and Evidence Act 2011.

Mr Speaker: Ordered to lie.

225

Clerk: (vii) Reports of Committees; (viii) Answers to Oral Questions.

Questions for Oral Answer

230

SPORTS, CULTURE, HERITAGE AND YOUTH

235

City Fire Brigade GHA Medical Priority Dispatch System

Clerk: Question 835/2012, the Hon. Mrs I M Ellul-Hammond.

240

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister with the responsibility for the City Fire Brigade commit himself to state when the Medical Priority Dispatch System of the GHA, linked in with the City Fire Brigade, will go live?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

245

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, discussions are currently in place between the Ministers of Health Service, Justice and Fire Brigade to discuss the best way forward to set up the Medical Priority Dispatch System.

250

Hon. Mrs I M Ellul-Hammond: Mr Speaker, was not the aim to implement the system and go live in October of this year? Could he explain, what has been the delay?

Hon. S E Linares: Mr Speaker, I am not aware that it was supposed to have been in October that it should have gone live.

255

Hon. Mrs I M Ellul Hammond: Mr Speaker, could the Hon. Minister explain what the delay is in the system going live?

Hon. S E Linares: Mr Speaker, as far as I am concerned, there is no delay at all.

260 **Mr Speaker:** Does the hon. Lady have any other supplementary?
Next question.

265 **International Symposium on the ‘History of the Spanish Masonry’
Government sponsorship**

Clerk: Question 836, the Hon. E J Reyes.

270 **Hon. E J Reyes:** Mr Speaker, can the Minister for Culture and Heritage provide details of his Ministry’s sponsorship of the International Symposium on the ‘History of the Spanish Masonry’ held in Gibraltar during the month of October 2012?

275 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the Ministry’s sponsorship for the International Symposium on the ‘History of the Spanish Masonry’ is £28,000. Government will be in a position to provide a breakdown and further information in due course.

280 **Hon. E J Reyes:** Mr Speaker, may I ask the Minister, when he says this will be provided in due course, is it something he hopes or intends to publish on the web-site, or is it something that I should seek as a question in a future meeting?

285 **Hon. S E Linares:** Both, Mr Speaker, if he wants to. It will be on the website and I can even, if he asks the question in the next Parliament, I will answer it.

290 **Parson’s Lodge
Works carried out**

Clerk: Question 837, the Hon. E J Reyes.

295 **Hon. E J Reyes:** Can the Minister for Heritage provide details of all works carried out at Parson’s Lodge since January 2012, indicating the type of work, by whom undertaken and breakdown of costs?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

300 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I now hand over to the hon. Member opposite a detailed schedule of works carried out in Parson’s Lodge since the start in January 2012.

ANSWER TO QUESTION 837

Works carried out at Parson’s Lodge since the start of January 2012.

CONTRACTOR	INV.DATE	AMOUNT	DESCRIPTION OF WORKS
J BALBAN ELECTRICAL	03/04/2012	£30.00	CHECK HEATER SUPPLY
K DESOIZA (PLUMBER)	16/04/2012	£1,270.00	REPLACE WATER HEATER & INSTALLATION OF INDIVIDUAL SHOWERS
GJBS LTD	20/07/2012	£140.00	REPAIRS TO WATER LEAK
J BALBAN ELECTRICAL	25/07/2012	£217.00	CHECK PORTABLE GENERATOR & AUXILIARIES, CHECK INSTALLATION & REPAIRS
GREENARC	30/07/2012	£350.00	SUPPLY POTS , DISHES, COMPOST & PLANTED FERNS ETC.
CIAP	13/08/2012	£125.00	SUPPLY & REPLACE DOOR LOCK - ENTRANCE
ABC CLEANING COMPANY	15/08/2012	£536.76	DEEP CLEANING PREMISES
ETB 1	15/08/2012	£550.00	REMOVE FLAKING PAINT & REPAINT EXTERIOR WALLS
	29/06/2012	£4,550.00	PAINT TERRACES, RAILING, WALL & REMOVE GRASS & BRANCHES - PHASE 1
	26/07/2012	£4,550.00	PAINT TERRACES, RAILING, WALL & REMOVE GRASS & BRANCHES - PHASE 2
	29/06/2012	£4,850.00	REPAIR RAILINGS & LOCKS,MANUFACTURE NEW STAIRS, PAINT ROOMS, DOORS, RAILING & REPLACE LOOSE TILES ON TERRACE
TOTAL		£17,168.76	

305 **Hon. E J Reyes:** Mr Speaker, can I ask the hon. Member as well, I notice one of the items being the removal of flaking paint and repainting exterior walls and so on: have these works been carried out under a licence issued, as required by legislation, by the Minister for Heritage?

310 **Hon. S E Linares:** No, Mr Speaker, because the actual scraping and re-painting is not on heritage walls. They are the actual place where all the people stay below, so it is not the actual Parson's Lodge, the one that needs painting, so there is no need for that.

Hon. E J Reyes: So, for clarification, those repair works entail parts of the site which are not necessarily the heritage building, strictly speaking?

315 **Hon. S E Linares:** Absolutely.

Gibraltar Music Festival Payments to Axel Media and Word of Mouth

Clerk: Question 838, the Hon. E J Reyes.

325 **Hon. E J Reyes:** Further to Question 708/2012, can the Minister for Culture now provide details of payments made, or committed to make, in favour of Axel Media and Word of Mouth in respect of the production and organisation of the Gibraltar Music Festival?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

330 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, full details of payments have not been finalised.

Government will be in a position to do so before the next Parliament session, if not before.

Cultural Grants Details for financial year

Clerk: Question 839, the Hon. E J Reyes.

Hon. E J Reyes: Further to Question 709/2012, can the Minister for Culture now provide details of Cultural Grants made, or committed to make, this financial year?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, I now hand over to the hon. Member a schedule of the detailed information.

ANSWER TO QUESTION 839

Cultural Grants made for this financial year.

Bayside & Westside Drama Group	1,000.00
Wildlife Ltd - accommodation and flights for Breed 77 concert held at Alameda Gardens	1,450.00
Mrs Gina Picardo – (Jordan Picardo's Cultural Grant)	6,000.00
Allegro Music Productions	2,000.00
Gibraltar Horticultural Society	500.00
Santos Productions	10,000.00
Gibraltar Re-Enactment Society	3,000.00
Kings Chapel Singers	1,675.00
Gibraltar Arts & Crafts Assoc.	1,500.00
Janice Felices	5,000.00
Simon Bolland	6,000.00
Rock on the Rock Club	2,000.00
Gibraltar Philharmonic Society	10,000.00
Danza Academy	12,000.00
Gibraltar Photographic Society	1,200.00
Guy Valarino	2,500.00
Gibraltar Sea Scouts Pipe Band	1,750.00
S J Byrne - M O Productions	21,550.00
	<u>£89,125.00</u>

Victoria Stadium
Football pitch resurfacing works

355 **Clerk:** Question 840, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sports and Leisure provide details of the football pitch resurfacing works which are currently taking place at Victoria Stadium, inclusive of costs and completion dates?

360 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the works to resurface the synthetic turf pitch at the Victoria Stadium with a FIFA 2 Star system have already commenced. Expected duration of the works, weather permitting, is between four to six weeks.

365 The total cost of these works is estimated at approximately £300,000. Exact costs are not possible until the extent of the repairs, etc of the current turf is assessed.

The turf going to be installed is Limonta, the same supplier as the existing one.

370 **Hon. E J Reyes:** I am grateful for that, Mr Speaker.

When the Minister says that the completion date is estimated to be between four to six weeks, four to six weeks I take it probably from the commencement date and I would like a bit of greater detail on when it actually commenced.

I have seen for myself that the works have commenced, but I do not know *when* they actually commenced.

375

Hon. S E Linares: Mr Speaker, the contractor has assured us that it would be four to six weeks from the commencement, so therefore we are now two weeks, the second week into the works. So I am hoping that it will then take two to four weeks as from now.

380 **Hon. E J Reyes:** May I add and ask the Hon. Minister, as an inevitable consequence of this, there has been obviously a delay in the commencement, for example, of the football league and so on. Would the Sports Authority be willing to contemplate greater use during weekends, for example Sundays, when traditionally there has not been as much use of the pitch, so that sporting associations do not lose out in the amount of time available by the end of the season?

385 In other words, if the football league has not been able to commence, in order to be able to squeeze in extra matches in the remaining weeks, would there be an extension of time available when the pitch may be booked?

390 **Hon. S E Linares:** Mr Speaker, I hope that does not happen and the pitch is done on time. But should it happen, I am sure that if the associations make representation to the Sports and Leisure Authority, the Sports and Leisure Authority will be willing to accommodate whatever these sporting associations' needs are.

395

Europa Sports Ground
Development exclusively for football

400 **Clerk:** Question 841, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sports and Leisure confirm to this House that it is Government's intention to develop the Europa Sports Ground exclusively for the sport of football?

405 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the Government is currently considering with stakeholders the different uses to which the Europa grounds may be put.

410 **Hon. E J Reyes:** Mr Speaker, I have read in public statements from the Football Association, whereby they claim that the Europa Sports Ground will be exclusively developed for them. Is the Minister in a position to give or to confirm the veracity of that statement or otherwise?

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman, having been Minister for Sport for some time, will understand the sensitivities of some of these issues. They are UEFA issues there, in relation to whether there will be an exclusive football facility at Europa.

I am quite happy to give him the information I have about that, behind the Speaker's Chair, at any time this morning, if he wishes.

Hon. E J Reyes: I will take up the Chief Minister's offer and will discuss later.

**Gibraltar Sports and Leisure Authority
Centre Manager vacancy**

Clerk: Question 842, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sports and Leisure say as from when the post of Centre Manager within the Gibraltar Sports and Leisure Authority has been vacant and by when it is expected that this position will be filled?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the Gibraltar Sports and Leisure Authority will soon be publishing an advert for a vacancy for the post of Centre Manager. It is expected to be able to fill this post by no later than the end of January 2013.

Hon. E J Reyes: Mr Speaker, the first part of my question was 'as from when the post of Centre Manager of the Sports Authority has been vacant'. Perhaps the Minister has omitted that part in his reply?

Hon. S E Linares: Mr Speaker, the post of Centre Manager has been vacant... I think it was around June, when we took over the GASA swimming pool. Therefore, the Centre Manager at the time was moved to the pool and he became the Pool Manager. Therefore the vacancy started from when he moved to the pool and I think it was in June.

I can give him the exact date later on, but it was around June, when we took over the pool.

Hon. E J Reyes: Is the Minister in a position to confirm that there has been at least another GSLA employee acting for the post of Centre Manager, since this vacancy arose in June?

Hon. S E Linares: As I understand it, yes.

**Cricket and rugby
Discussion with associations re renewed facilities**

Clerk: Question 843, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sports and Leisure state if he has, further to his answer given in Question 712/2012, held discussions with the Gibraltar Cricket Association and/or the Gibraltar Rugby Football Union in respect of the provision of renewed facilities for the playing, teaching and development of their respective sports and provide details of agreements reached?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, no further discussions have been held since my answer to Question 712/2012.

**Sports Grants
Details of payments made**

Clerk: Question 844 the Hon. E J Reyes.

475 **Hon. E J Reyes:** Can the Minister for Sports and Leisure provide details of payments made since his answer to Question 713/2012 in respect of 'Sports Grants' for the following: (a) Grants to Sporting Societies; (b) International Competitions; (c) Sports Development Projects; (d) Hosting of Special Sports and Leisure Events?

480 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

485 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I now hand over to the hon. Member opposite the details requested in relation to payments made since my answer to Question 713/2012 in respect of 'Sports Grants'.

ANSWER TO QUESTION 844

(22) Grants to Sporting Societies

Taekwondo – Competition and scoring systems	£6927.64
Hockey – Seniors Competition Portugal	£5000.00
Shooting Fed – Competition Jersey	£7000.00
Athletics – Competition in Helsinki	£1712.00
Triathlon – Competition Germany	£1000.00

(23) International Competitions

Nil.

(24) Sports Development Projects

Chess – Chess Champs UK	£1300.00
Yachting – Competition, Austria	£ 750.00
Ice Skating – Blackpool Open	£ 1096.50
Shooting Fed – Competition- Cardiff	£ 477.30
Ice Skating Schools Development	£ 550.00
Kendo Association - Junior Development resources	£ 337.69
Taekwondo Competition -	£ 6927.24

(25) Hosting of Special Sports and Leisure Events

Virtual promotions	£1950.00
RGYC Regatta	£6000.00
Strong Man League Competitors - accommodation	£3825.00

490 **Hon. E J Reyes:** Mr Speaker, in this schedule under sub-head (25), Hosting of Special Sports and Leisure Events, the £1,950 payment made to 'Virtual promotions': can I have a bit further clarification in respect of what sporting or leisure event that could pertain?

Hon. S E Linares: At this moment in time, no, Mr Speaker, but I will find out for him.

495 **Hon. E J Reyes:** I can accept the Minister does not have it there... Can I take that as a commitment that the Hon. Minister will write to me or perhaps table at some stage in this Parliament, when he does have the information available?

Hon. S E Linares: I will do it this morning.

500

**Gibraltar Sports and Leisure Authority
Bookings for facilities**

505 **Clerk:** Question 845, the Hon. E J Reyes.

510 **Hon. E J Reyes:** Further to his answer to Question 715/2012, is the Minister for Sport now in a position to provide this House with details of fixed bookings and/or allocations made to sporting bodies in respect of all facilities managed or administered by the Gibraltar Sports and Leisure Authority for the 2012-13 season which has already commenced?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

515

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Yes, Mr Speaker, we are now in a position, and I now hand over to the hon. Member opposite a detailed schedule of the information requested. I hope he enjoys reading it.

ANSWER TO QUESTION 845

Fixed bookings and/or allocations made to sporting bodies in respect of all facilities managed or administered by the Gibraltar Sports and Leisure Authority season 2012/2013.

(1) ARCHERY

Day	Time	Association /School
Monday	9.00 – 3.30pm	School Use
	4.00 – 6.00pm	Gib Rugby Union
	6.00 - Daylight	Special Olympics
Tuesday	9.00 – 3.30	School Use
	4.00 – 6.00	Gib Rugby Union
Wednesday	9.00 – 3.30	School Use
	3.30 - Daylight	Free for allocation
Thursday	9.00 – 3.30	School Use
	4.00 – 6.00	Gib Rugby Union
Friday	9.00 – 3.30	Free for allocation
	3.30 - Daylight	Free for allocation

(2) BAYSIDE SCHOOL HALL

DAY	TIME	ASSOCIATION/SCHOOL
MON	6.00 – 7.30pm	Gibfit
	7.30 – 9.00pm	
	9.15 – 11pm	Gibyellows Stars Basketball
TUES	6.00– 7.30pm	Gibfit
	7.30 – 9.00pm	Valmar Redwood
	9.15 – 11.00pm	
WED	6.00– 8.00pm	Special Olympics - Boccia
	9.15 – 11.00pm	
THURS	6.00– 7.30pm	Gibfit
	7.30 – 9.00pm	Helene's Fitness Group
	9.15 – 11.00pm	Valmar Redwood
FRI	6.00– 7.30pm	
	7.30 – 9.00pm	Fitness Training
SAT		FREE FOR ALLOCATION
SUN		FREE FOR ALLOCATION

(3) BAYSIDE SCHOOL OUTDOOR

Day	Time	Game	Team
MON	6.00 - 7.15 pm	Football	Maccabi Juniors
	7.15 - 8.30pm	Football	Glacis Utd
	8.30 - 9.45pm	Football	Lincoln FC
TUES	6.00 - 7.15pm	Football	Lions FC
	7.15 - 8.30pm	Football	Manchester Utd
	8.30 - 9.45pm	Football	St Josephs
WED	6.00 - 7.15pm	Football	Lincoln FC
	7.15 - 8.30pm	Football	Lions FC
	8.30 - 9.45pm	Football	College Cosmos
THURS	6.00 - 7.15pm	Football	Manchester Utd
	7.15 - 8.30pm	Football	St Josephs
	8.30 - 9.45pm	Football	Glacis Utd
FRI	6.00 - 7.15pm	Football	Glacis Utd
	7.15 - 8.30pm	Football	Lions FC
	8.30 - 9.45pm	Football	FREE FOR ALLOCATION

(4) BISHOP FITZGERALD SCHOOL

DAY	TIME	SPORT	ORGANISATION
MON	6pm - 8pm	Calanetic	Calanetic Club
	8pm - 10pm	Taekwondo	Gib Taekwondo Assoc
TUES	6pm - 8pm	Calanetic	Calanetic Club
	8pm - 10pm	Taekwondo	Gib Taekwondo Assoc
WED	6pm - 10pm	Taekwondo	Gib Taekwondo Assoc
THURS	6pm - 8pm	Calanetic	Calanetic Club
	8pm - 10pm	Taekwondo	Gib Taekwondo Assoc
FRI	6pm - 10pm	Taekwondo	Gib Taekwondo Assoc

(5) GIBRALTAR COLLEGE – JOHN MACKINTOSH HALL GYM

Day	Time	Game	Team
Mon	6 – 8pm	Fitness	Fitness Training
	8 – 10pm		FREE ALLOCATION
Tues	6 – 8pm	Dance	GNDO
	8 – 10pm		FREE ALLOCATION
Wed	6 – 8pm	Fitness	Fitness Training
	8 – 10pm		FREE ALLOCATION
Thurs	6 – 8pm		FREE ALLOCATION
	8 – 10pm		FREE ALLOCATION
Fri	6 – 8pm	Dance	GNDO
	8 – 10pm		FREE ALLOCATION
Sat			FREE ALLOCATION
Sun			FREE ALLOCATION

(6) GOVERNOR'S MEADOW SCHOOL

DAY	TIME	GAME	ORGANISATION
MON	6pm – 9pm	Fitness Class	N. Martinez Fitness
TUES	6pm – 9pm	Fitness Class	N. Martinez Fitness
WED	6pm – 9pm	Fitness Class	Helene's Fitness
THURS	6pm – 9pm	Fitness Class	N. Martinez Fitness
FRI	6pm – 9pm		FREE ALLOCATION

(7) HARGRAVES

Day	Time	Game	Team
Mon	4.00 to 5pm	Football	Gibraltar Secondary Boys School
	5pm to daylight	Football	Lincoln
Tues	4.00 to 5pm	Football	Gibraltar Secondary Boys School
	5pm to daylight	Football	Man United
Wed	5pm to daylight	Football	St Josephs
Thur	5pm to daylight	Football	College
Fri	5pm to daylight	Football	Lions
Sat			FREE ALLOCATION
Sun			FREE ALLOCATION

(8) HOCKEY TRAINING JUNIOR PITCH

DAY	TIME	ASSOCIATION / SCHOOL
MON	9.00 – 3.30pm	School Use
	3.30 – DAYLIGHT	Gibraltar Hockey Association
TUES	9.00 – 12.30	School Use
	3.30 - DAYLIGHT	Gibraltar Hockey Association
WED	9.00 – 10.00	School Use
	10.00 – 12.30	School Use
	3.30 – DAYLIGHT	Gibraltar Hockey Association
THURS	9.00 – 10.00	School Use
	10.00 – 11.00	
	11.00 – 3.30	
	3.30 –DAYLIGHT	Gibraltar Hockey Association
FRI	9.00 – 3.30	School Use
	3.30 – DAYLIGHT	Gibraltar Hockey Association
SAT	9.00 – DAYLIGHT	Gibraltar Hockey Association
SUN	9.00 – DAYLIGHT	Gibraltar Hockey Association

(9) MAIN HOCKEY PITCH

DAY	TIME	ASSOCIATION / SCHOOL
MON	9.00 – 10.00	School Use
	10.00 – 12.30	School Use
	12.30 – 3.30	School Use
	3.30 – 5.00	Gibraltar Hockey Association
	5.00 – DAYLIGHT	
TUES	9.00 – 12.30	School Use
	1.30 – 3.30	School Use
	3.30 - DAYLIGHT	Gibraltar Hockey Association
WED	9.00 – 10.00	School Use
	10.00 – 3.30	School Use
	3.30 – DAYLIGHT	Gibraltar Hockey Association
THURS	9.00 – 3.30	School Use
	3.30 –DAYLIGHT	Gibraltar Hockey Association
FRI	9.00 – 1.30	School Use
	1.30 – 3.30	School Use
	3.30 – DAYLIGHT	Gibraltar Hockey Association
SAT	9.00 – DAYLIGHT	Gibraltar Hockey Association
SUN	9.00 – DAYLIGHT	Gibraltar Hockey Association

(10) VICTORIA STADIUM MAIN PITCH

DAY	TIME	ASSOCIATION / SCHOOL	REMARKS
MON	9.00 – 10.00	Maintenance	
	10.00 – 3.30	School Use	
	3.30 – 5.00	Bayside School	Inter House
	6.00 – 7.30	GAAA Athletics Track	
	5.00 – 6.00	Junior Pitches	(Behind Main Pitch goals)
	5.00 – 9.45	GFA Football Matches	
TUES	9.00 – 12.30	School Use	
	12.30 – 2.30	Maintenance	
	2.30 – 3.30	School Use	
	3.30 – 5.00	Bayside School	Inter House
	6.00 – 7.30	GAAA Athletics	
	5.00 – 6.00	Junior Pitches free for Allocations	(Behind Main Pitch goals)
WED	9.00 – 10.00	School Use	
	10.00 – 1.30	Maintenance	
	1.30 – 3.30	School Use	
	3.30 – 5.00	Bayside School	Inter House
	5.00 – 6.00	Junior Pitch free for Allocation	(Behind Main Pitch goals)
	5.00 – 9.45	GFA Football Matches	
THURS	9.00 – 12.30	School Use	
	12.30 – 1.30	Maintenance	
	1.30 – 2.35	School Use	
	2.35 – 4.00	Maintenance	
	4.00 – 5.00	Bayside School	
	5.00 – 6.00	Junior Pitches free for allocation	(Behind Main Pitch goals)
FRI	6.00 – 7.30	GAAA Athletics Track	
	5.00 – 9.45	GFA Football Matches	
SAT	9.00 – 12.30	School Use	
	12.30 – 1.30	Maintenance	
	1.30 – 3.30	School Use	
	3.30 – 5.00	GFA Football Junior Development	
	6.00 – 7.30	GAAA Athletics Track	
	5.00 – 9.45	GFA Football Matches	
SUN	9.00 – 1.00	GFA JNR Football	
	1.30 – 9.45	GFA Football Matches	
	9.00 – 11.00	GAAA Athletics Track	
	9.00 – 2.00	GFA Matches	
	2.00 – 4.00	Maintenance	
	4.00 – 8.30	GFA Matches	

(11) VICTORIA STADIUM SPORTS HALL

DAY	TIME	ASSTN/SCHOOL
MON	10.00 – 1.00	School Use
	12.30 – 1.30	School Use
	1.30 – 3.30	SDU
	3.30 – 8.00	Rhythmic Gymnastics
	8.30 – 11.00	GTTA ½ Hall / Badminton Bookings ½ hall
TUES	9.00 – 12.30	SCHOOL USE
	12.30 – 1.30	BAYSIDE SCHOOL 5 –A – SIDE
	1.30 – 3.30	SCHOOL USE
	3.30 – 8.00	Rhythmic Gymnastics
	6.00 – 8.00	GTTA ½ Hall
	8.30 – 11.00	Netball Association
WED	9.00 – 12.30	SCHOOL USE
	12.30 – 1.30	BAYSIDE SCHOOL 5 –A – SIDE
	1.30 – 3.30	SCHOOL USE
	3.30 – 11.00	GIBRALTAR NETBALL ASSOCIATION
THURS	9.00 – 11.30	SPORTS DEVELOPMENT UNIT (Aerobics)
	11.30 – 1.30	SCHOOL USE
	1.30 – 3.30	SCHOOL USE
	3.30 – 6.00	GIBRALTAR BOYS SECONDARY SCHOOL
	6.15 – 8.15	GIBRALTAR BADMINTON ASSTN
	8.30 – 11.00	GIBRALTAR BADMINTON ASSTN
FRI	9.00 – 12.30	SCHOOL USE
	12.30 – 1.30	BAYSIDE SCHOOL
	1.30 – 3.30	SCHOOL USE
	3.30 – 8.00	RHYTHMIC GYMNASTICS
	8.30 – 9.30	BADMINTON BOOKINGS
	9.40 – 11.00	PUBLIC BOOKINGS
SAT	9.00 -1.00	Rhythmic Gymnastics
	1.30-2.30	Badminton Bookings
	3.00 – 5.00	Special Olympics
	5.30 – 11.00pm	PUBLIC BOOKINGS
SUN	9.00 – 10.50pm	PUBLIC BOOKINGS

(12) PITCH No. 2

DAY	TIME	ASSOCIATION / SCHOOL
MON	9.00 – 3.30	School Use
	3.30 – 9.30	GFA
TUES	9.00 – 12.30	School Use
	12.30 – 2.30	School Use
	2.30 – 3.30	School Use
	3.30 – 9.30	GFA
WED	9.00 – 3.30	School Use
	3.30 – 5.00	GFRU
	5.00 – 9.30	GFA
THURS	9.00 – 12.30	School Use
	12.30 – 1.30	School Use
	1.30 – 3.30	School Use
	3.30 – 9.30	GFA
FRI	9.00 – 3.30	School Use
	3.30 – 9.30	GFA
SAT	9.00 – 9.30	GFA
SUN	10.00 – 1.00	GFRU
	1.00 – 5.00	FREE ALLOCATION

(13) QUEENSWAY TENNIS COURTS

DAY	TIME	GAME	TEAM
MON	4pm – 9pm	TENNIS	Gibraltar Tennis Association
TUES	4pm – 9pm	TENNIS	Gibraltar Tennis Association
WED	4pm – 9pm	TENNIS	Gibraltar Tennis Association
THURS	4pm – 9pm	TENNIS	Gibraltar Tennis Association
FRI	4pm – 9pm	TENNIS	Gibraltar Tennis Association
SAT	10 – 1pm 2pm – Daylight	TENNIS	Gibraltar Tennis Association FREE FOR BOOKINGS
SUN	10.00 – Daylight		FREE FOR BOOKINGS

(14) ST. ANNE'S SCHOOL SPORTS HALL

Day	Time	Game	Team
Mon	6 – 11PM	Netball	GNA
Tues	6 – 11pm	Basketball	GABBA
Wed	6 – 11pm	Badminton	GBA (Leagues & Dev 4 Crts)
Thurs	6 – 11pm	Basketball	GABBA
Fri	6 – 11pm	Basketball	GABBA

(15) ST. JOSEPH'S MIDDLE SCHOOL

Day	Time	Game	Team
Mon	6 – 9pm	Badminton	GBA
	9 – 11pm	GKKA	Gibraltar Kendo Kenjutsu Association (Martial Arts)
Tues	6 – 11pm	Netball	GNA
Wed	6 – 7.15pm	Netball	888.com
	7.15 – 8.30pm	Netball	Natwest Bells
	8.30 – 9.45pm	Netball	Stan James
	9.45 – 11pm	Netball	MSE Consulting
Thurs	6 – 11pm	Netball	GNA
Fri	6 – 7pm	Badminton	Badminton Association
	7 – 8 pm	Badminton	
	8 – 9 pm	Badminton	Badminton Association
	9 – 10 pm		
	10 – 11pm		

(16) ST. JOSEPH'S FIRST SCHOOL – SPORTS HALL

Day	Time	Game	Team
MON	6 – 9pm	Badminton	GBA
TUES	6 – 9pm	GKKKA	Gibraltar Kendo Kenjutsu Association (Martial Art)
WED	6 – 9pm	Rhythmic Gymnastics	GRGA
THURS	6 – 9pm	Rhythmic Gymnastics	GRGA
FRI	6 – 10pm	Cheerleading	Cheerleading Association

(17) TERCENTENARY SPORTS HALL

DAY	TIME	ASSOCIATION/SCHOOL	COURT 1	COURT 2
MON	10.00 – 12.30	School Use		
	1.30 – 3.30	School Use		
	3.30 – 5.00pm	Bayside & Bishop Fitz Schools		
	5.00 – 6.30pm	GABBA Jnrs.		
	7.00 – 11.00	GABBA / Gib Volleyball Assoc.	GABBA	GVA
TUE	9.00 – 12.30	School Use		
	12.30 – 1.30	School Use		
	2.30 – 3.30	School Use		
	3.30 – 5.00	Bayside / Sacred Heart Schools		
	5.00 – 6.30	GABBA Jnrs.		
	7.00 – 11.00	GABBA / Gib Volleyball Assoc.	GABBA	GVA
WED	9.00 – 10.00	School Use		
	10.00 – 1.30	School Use		
	1.30 – 3.30	School Use		
	3.30 – 9.00	GABBA		
	9.00 – 11.00	GABBA / Gib Volleyball Assoc.	GABBA	GVA
THU	9.00 – 12.30	School Use		
	1.30 – 3.30	School Use		
	3.30 – 5.00	Bayside Badminton Club		
	5.30 – 11.00	GNA		
FRI	9.00 – 12.30	Bayside School		
	1.30 – 3.30	Bayside School		
	3.30 – 5.00	GABBA/ Badminton club		
	5.15 – 7.00	Netball Jnrs / Squads		
	7.15 – 11.00	GABBA / Gib Volleyball Assoc.	GABBA	GVA
SAT	9.00 – 12.00	Mini Basket Ball		
	1.00 – 5.00	GABBA		
	9.30 – 11.00			
SUN	9.00 – 2.00	GABBA		
	2.00 – 3.00	FREE FOR ALLOCATION		
	3.00 – 4.00	FREE FOR ALLOCATION		
	4.00 – 5.00	FREE FOR ALLOCATION		
	5.00 – 6.00	FREE FOR ALLOCATION		
	6 – 11PM	GBA		

(18) TERCENTENARY SPORTS CENTRE – STUDIO

Day	Time	Association / School
Mon	4.00 – 6.00PM	FREE FOR ALLOCATION
	6.00 – 8.00PM	Boxercise
	8.00 – 10.00PM	FREE FOR ALLOCATION
Tues	4.00 – 6.00PM	
	6.00 – 8.00PM	Cowgirls & Kisses
	8.00 – 10.00PM	
Wed	4.00 – 6.00PM	Gibraltar Cheerleading Association
	6.00 – 8.00PM	Rock Kickers
	8.00 – 10.00PM	Rock Kickers
Thurs	4.00 – 6.00PM	Gibraltar Cheerleading Association
	6.00 – 8.00PM	Gibraltar Cheerleading Association
	8.00 – 10.00PM	Boxercise
Fri	4.00 – 6.00PM	FREE FOR ALLOCATION
	6.00 – 8.00PM	FREE FOR ALLOCATION
	8.00 – 10.30PM	Sequence Dance
Sat	09.00 – 12.00PM	Cheerleading Association

(19) WESTSIDE SCHOOL SPORTS HALL

Day	Time	Game	Team
Mon	6 – 8pm	Netball	Gibraltar Netball Association
	8 – 11pm	Volleyball	Gibraltar Volleyball Association
Tues	6 – 11pm	Badminton	Gibraltar Badminton Association
Wed	6 – 8pm	Table Tennis	Gibraltar Table Tennis Association
	8 – 9pm	Cricket	Gibraltar Cricket Association
	9 – 10pm	Cricket	Gibraltar Cricket Association
	10 – 11pm	Cricket	Gibraltar Cricket Association
Thurs	6 – 11pm	Volleyball	Gibraltar Volleyball Association
Fri	6 – 11pm	Cricket	Gibraltar Cricket Association

(20) WESTSIDE SCHOOL OUTDOOR PITCH

Day	Time	Game	Team
Mon	6 – 8pm	Football	St Josephs
	8 – 9pm	Football	Lincoln
	9 – 10pm (1)	Football	Leo Parilla
	9 – 10pm (2)	Football	Customs FC
	10 – 11pm (1)	Football	Quick Fit
	10 – 11pm (2)	Football	Boca Juniors
Tues	6 – 8pm	Football	Lincoln
	8 – 9pm	Football	Man United
	9 – 10pm (1)	Football	St Josephs
	9 – 10pm (2)	Football	Glacis Utd
	10 – 11pm (1)	Football	Lions FC
	10 – 11pm (2)	Football	Fc Britannia
Wed	6 – 8pm	Football	Man United
	8 – 9pm	Football	Glacis Utd
	9 – 10pm (1)	Football	Cannons Fc
	9 – 10pm (2)	Football	Sporting Saints
	10 – 11pm (1)	Football	Lions FC
	10 – 11pm (2)	Football	Chelsea
Thurs	6 – 8pm	Football	Lions FC
	8 – 9pm	Football	St Josephs
	9 – 10pm (1)	Football	College Cosmos
	9 – 10pm (2)	Football	Britannia
	10 – 11pm	Football	Glacis United
Fri	6 – 8pm	Football	College Cosmos
	8 – 9pm	Football	Special Olympics
	8 – 9pm (1)	Football	FC Hound Dogs
	8 – 9pm (2)	Football	HMP
	9 – 10pm (1)	Football	RGP
	9 – 10pm (2)	Football	GHA
	10 – 11pm (1)	Football	
	10 – 11pm (2)	Football	Ambulance

(21) 25 METRE GASA SWIMMING POOL

TIME	MON	TUES	WED	THURS	FRI	SAT	SUN
7.30 – 10am	PUBLIC USE	PUBLIC USE	PUBLIC USE	PUBLIC USE	PUBLIC USE	9am – 3pm	CLOSED
10.00 – 12.30	----- SCHOOL USE ----- -----					GASA + Waterpolo	
12.30 – 5pm	PUBLIC USE	PUBLIC USE	PUBLIC USE	PUBLIC USE	PUBLIC USE	3pm – 5pm Public Use	
	4pm – 5pm Special Olympics	4pm – 5pm 1 Lane DSSGG	4pm – 5pm 1 Lane DSSGG	4pm – 5pm Special Olympics	4pm – 5pm 1 Lane DSSGG	1 Lane DSSGG	
5.00 – 10.15pm	GASA	GASA	GASA	GASA	GASA	GASA	

(22) POOL FOR THE ELDERLY, DISABLED AND TEACHING

TIME	MON	TUES	WED	THURS	FRI	SAT	SUN
9 – 10am	School Use	PAAMOA	Pool Maintenance	School Use	School use	GHA Parent & baby	CLOSED
10am – 12	St Martins	Elderly exclusively					
12 – 1pm	GHA Parent & baby	GHA Parent & baby	GHA Parent & baby	GHA Parent & baby	Sports Dev	Elderly Exclusively	
1 – 2pm	St Martins	School Use		PAAMOA	PAAMOA		
2 – 3pm				School Use 1.30 – 2.15			
		PAAMOA					
3 – 4pm	GASA Mother & Toddler	GASA Mother & Toddler	GASA Mother & Toddler	Disabled Exclusively	GHA Parent & baby	Disabled Exclusively	
4 – 5pm	GASA Mother & Toddler	Disabled Exclusively			GASA Mother & Toddler		
5 – 7.30pm	GASA	GASA	GASA	GASA	GASA	CLOSED	

(23) THE MOUNT TENNIS COURT

DAY	TIME	GAME	TEAM
MON	9.00 am to Daylight	Tennis	Gibraltar Tennis Association
TUES	9.00 am to Daylight	Tennis	Gibraltar Tennis Association
WED	9.00 am to Daylight	Tennis	Gibraltar Tennis Association
THURS	9.00 am to Daylight	Tennis	Gibraltar Tennis Association
FRI	9.00 am to Daylight	Tennis	Gibraltar Tennis Association
SAT	10.00AM - daylight	FREE FOR BOOKINGS	
SUN	10.00AM - daylight	FREE FOR BOOKINGS	

(24) WESTSIDE SCHOOL VOLLEYBALL COURT

Day	<u>Time</u>	Game	Team
Mon	4pm onwards	Volleyball	Gibraltar Volleyball Association
Tue	4pm onwards	Volleyball	Gibraltar Volleyball Association
Wed	4pm onwards	Volleyball	Gibraltar Volleyball Association
Thurs	4pm onwards	Volleyball	Gibraltar Volleyball Association
Fri	4pm onwards	Volleyball	Gibraltar Volleyball Association

(25) KING'S BASTION LEISURE CENTRE ICE RINK

Day	Time	Organisation
Mon	9.00am-6.00pm	Public Skating
	6.00 – 9.00pm	Gibraltar Rock Stars Figure Skating Club
	9.00pm-11.00pm	Public Skating
Tues	9.00am- 4.30pm	Public Skating
	4.30-7pm	Gibraltar Ice Skating Association Learn to Skate Programme
	7.00pm-11.00pm	Public Skating
Wed	9.00am-6.00pm	Public Skating
	6.00-9.00pm	Rock Ice Skating Academy
	9.00pm-11.00pm	Public Skating
Thurs	9.00am-4.30pm	Public Skating
	4.30pm-7.00pm	Gibraltar Ice Skating Association Learn to Skate Programme
	7.00pm-11.00pm	Public Skating
Fri	9.00am-11.00pm	Public Skating
Sat	9.15am-12.15pm	Gibraltar Rock Stars Figure Skating Club
	12.15pm-11.00pm	Public Skating
Sun	9.15am-12.15pm	Rock Ice Skating Academy
	12.15pm-11.00pm	Public Skating

(26) KING'S BASTION LEISURE CENTRE RECREATIONAL SUITES

DAY	Suite No	Time	Organisation
Mon	1	10.00 – 12.30	Yoga Group Session
		3.30 – 5.30	Sing & Sign Baby Classes
		6.30 – 8.30	Tai Chi Class
		8.30 – 10.00	Salsa Class
	2	10.00 – 12.30	Yoga Group Session
		5.00 – 7.00	Tango Classes
	4	10.00 – 4.00	Connect Counselling Services Agency
		6.00 – 8.00	Connect Counselling Services Agency
		8.30 – 11.00	Rock Fusion Dance Group
	5	4.00 – 7.00	Gib's Got Talent (upto 22/10/12)
		8.30 – 11.00	Rock Fusion Dance Group
Tues	1	6.00 – 7.00	Connect Counselling Services Agency
	2	6.30 – 8.30	Tai Chi Class
	4	2.00 – 4.00	Connect Counselling Services Agency
		6.00 – 8.00	Connect Counselling Services Agency
	5	4.00 – 7.00	Gib's Got Talent (upto 23/10/12)
		3.00 – 5.00	Pop up Theatre (from 6/11/12 to 4/12/12) Re-start in January 2013
Wed	1	4.00 – 7.00	Gib's Got Talent (upto 24/10/12)
		8.30 – 10.00	Salsa Class
	2	10.00 – 11.00	Yoga Class
		5.00 – 7.00	Tango Class
		7.30 – 9.30	Salsa and Latin Dance Class
	4	2.00 – 3.00	Connect Counselling Services Agency
		6.00 – 8.00	Connect Counselling Services Agency
		8.00 – 11.00	Table Soccer
	5	10.00 – 6.30	Weight Loss Challenge
		7.00 – 9.30	Group Meditations (Shri Ram Chandra Mission)
Thurs	1	10.00 – 12.30	Yoga Group Session
		3.30 – 5.30	Sing & Sign Baby Classes
		6.30 – 8.30	Tai Chi Class
		8.30 – 10.00	Salsa Class
	2	10.00 – 12.30	Yoga Group Session (re-start on 11/10/12)
		3.00 – 5.00	Pop Up Theatre (from 8/11/12 to 6/12/12 – restart in January 2013)
		6.00 – 8.00	Connect Counselling Services Agency
		8.00 – 10.00	Gibraltar Slimming Club
	4	4.00 – 10.00	Calpe Chess Club (Junior Elite Section)
		10.00 – 4.00	Connect Counselling Services Agency
	5	4.00 – 8.00	Calpe Chess Club (Junior Elite Section)
		8.00 – 11.00	Rock Fusion Dance Group

(27) CONTD. KING'S BASTION LEISURE CENTRE RECREATIONAL SUITES

Fri	1	10.00 – 11.30	Yoga Class
	2	10.00 – 3.00	Connect Counselling Services Agency
		6.00 – 8.00	Connect Counselling Services Agency
	5	4.00 – 7.00	Gib's Got Talent (upto 26/10/12)
Sat	2	4.00 – 7.00	Gib's Got Talent (upto 27/10/12)
	4	10.00 – 1.00	Creative Works
		4.00 – 9.00	Warhammer Club
	5	10.00 – 1.00	Creative Works
		4.00 – 9.00	Warhammer Club

Hon. E J Reyes: I am very grateful for this schedule, which obviously requires some time to look further, but it has come to my notice in a quick perusal, Mr Speaker, in the Estimate Book, there is a responsibility assigned to the Sports and Leisure Authority for the Old Garrison Gymnasium and yet there is no schedule here that comes under the heading of the Garrison Gymnasium, therefore I have no first sight of indication of any allocation made in respect of that particular asset.

Hon. S E Linares: Well, Mr Speaker, the fact is, as he well knows – he was the Minister for Sport – that the Garrison Gymnasium is under the auspices of GABA and therefore all the allocations that are appertaining to the Garrison Gymnasium are to do with GABA.

He has asked for the allocations; he has not asked for specific amounts as to how much the expenditure is. This is a completely different question. Had he asked what the expenditure was and where that money goes – and I am sure he already knows where it does go – I would have supplied it to him.

530 But the fact is that the Garrison Gymnasium is under the auspice of GABA and all the allocations, which is the question that he has asked, are GABA's.

535 **Hon. E J Reyes:** Mr Speaker, my question was, I wanted details of fixed bookings and allocations. What I now interpret from the supplementary answer offered by the Minister is that the Garrison Gymnasium, lock, stock and barrel, is assigned to GABA who then in turn may sub-allocate out or whatever. At least, I think I now have that confirmation that the Garrison Gymnasium is a fixed allocation given to GABA – is that not the case?

540 **Hon. S E Linares:** Yes, Mr Speaker, it continues to be, from many years ago, actually – I think it was transferred by the previous administration, way back in 1998 or 2000. So yes, it does continue to be.

Mr Speaker: I take it that 'GABA' means the Gibraltar Amateur Basketball Association.

Hon. S E Linares: Gibraltar Amateur Basketball Association.

545 **Hon. E J Reyes:** Mr Speaker, I am not trying to [*inaudible*] I think I now have the reply. It continues to be, therefore I can confirm or I take the Minister is confirming that for the 2012-13 season, as in previous years, it is allocated to GABA. (**Hon. S E Linares:** Yes, Sir) That suffices, Mr Speaker.

550

EQUALITY AND SOCIAL SERVICES

Care Agency

555 **New Chief Executive Officer**

Clerk: Question 879, the Hon. J J Netto.

560 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services confirm that Mr Albert Bruzon is the new Chief Executive Officer of the Care Agency and if so, whether this is on a permanent basis or for a specified period in time?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

565 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, Mr Bruzon has been seconded to the Care Agency to carry out the functions of the CEO for a period of 12 to 18 months.

570 **Hon. J J Netto:** Is it the view, perhaps, of the Minister that, following the secondment between 12 to 18 months, Mr Bruzon will then perhaps become the permanent Chief Executive Officer; or perhaps the Minister is thinking that the position itself will be trawled either internally within the Care Agency or perhaps even externally as well?

575 **Hon. Miss S J Sacramento:** Mr Speaker, any post for any permanent appointment position, Mr Speaker, would be advertised. It would not be assumed that anyone would fill any permanent post.

Hon. J J Netto: Can I just clarify when the hon. Lady says 'advertise', it means advertise within the Care Agency or advertise in Gibraltar PLC?

580 **Hon. Miss S J Sacramento:** Mr Speaker, at this stage, it is too early to say.

Hon. J J Netto: Can I just ask a further supplementary question, Mr Speaker?

Mr Speaker: Yes.

585 **Hon. J J Netto:** Given that we have a situation where there was somebody acting on that particular post, I think almost round about the time of the last Election, so obviously that particular person... Sorry, it seems that my voice needs to get a bit...

I am just thinking that given the fact that there was somebody already acting on the job, presumably that person has now reverted back to their substantive position and Mr Bruzon is now acting on a seconded purpose.

Is there any particular reason or review that Mr Bruzon will be conducting over this particular period for which he has been seconded, that perhaps the other person who had been acting for round about 12 months could not have done?

Hon. Miss S J Sacramento: Mr Speaker, the person who was acting in post when we came into Government has been acting for a period of approximately 10 months. I understand, when that person was appointed to be acting was asked to act for a couple of months. There was then a transition in Government and I asked that person to stay on a little bit longer for purposes of continuity.

That person approached me and said that she wanted to stand down from the post and, on that basis, Mr Bruzon was seconded to cover.

HOUSING AND THE ELDERLY

Empty flats

Breakdown of repairs awaited

Clerk: Question 880, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Housing state how many flats are currently empty and awaiting repairs, giving a breakdown in respect of: (a) pre-war and post-war homes; (b) flat size composition; (c) dates from when these homes have been empty; and (d) nature of repairs required to be undertaken?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Yes, Mr Speaker, the information requested is available in Tables H30 and H31 on the Government's website as part of the On-Line Monthly Statistics.

Hon. E J Reyes: Mr Speaker, I may require a bit of guidance from you in this respect. When the deadline arose to give notice of Questions for this session of Parliament, that table was not actually available then. So therefore, Mr Speaker, I had of necessity to pose this Question, in order to obtain the answer.

The publication has appeared since I gave notice of the Question, so is it not the case that, although they are available on line, the Hon. Minister is obliged to provide that information now in this House?

Chief Minister (Hon. F R Picardo): Mr Speaker, if I may be of assistance. The Government would accept that the moment when information is deemed to be public for the purposes of whether or not an Opposition Member can ask a question about publicly available information in this House is the moment when the deadline for putting Questions expires and that if a table has not been published on-line by then, then the hon. Member is entitled to ask the question and he is entitled to have that information given to him in the House.

So if that makes your role easier in respect of this Ruling, the Government would accept that. It is only matters which are public at the time that the deadline for posing Questions expires, that you cannot ask questions about and you do not get the information on, so if that particular table was not uploaded in the lexicon at the time that the deadline for Questions passed, then the hon. Gentleman should have it in this House. If it is not available here today – which it appears it is – he would have it brought to him.

Hon. C A Bruzon: Mr Speaker, as it happens, I have the information which we drew out of the website. I am happy to pass it over to the hon. Gentleman.

Hon. E J Reyes: Yes, Mr Speaker, I am grateful for that – the problem being that unless the Minister tables it now and I have a look at it, had there been a need to make a supplementary, then I cannot legitimately introduce some sort of questioning that has had no due notice given.

So I will have a quick look at the tables and confirm to you in a second, Mr Speaker, whether there is a need or not for a supplementary.

650 **Mr Speaker:** The only problem is of course that information will not be recorded in *Hansard*. The information which has just been handed over by the Hon. the Minister may not be recorded in *Hansard* because it has not been as scheduled to the answer.

655 **Hon. Chief Minister:** Mr Speaker, if I may be of assistance, when this has happened in the past – and I think it is before our time – when the hon. Members used to pass tables, much more frequently than we do now because now the information is published, there were occasions when the tables were passed not in answer to a Question, but in answer to a supplementary. I believe the practice of the House then was to have a copy made available to it of the table and to record it as part of the *Hansard* when published with the supplementary, unless the Leader of the Opposition has any views to the contrary, I am happy for that process to continue.

660 **Mr Speaker:** If that continues to be, I am sure there will be no problem in trying to arrange for that to continue to be the case. It makes sense.

Hon. E J Reyes: Thank you, Mr Speaker. The information provided suffices for now.

Table H.30

Number of pre-war and post-war empty flats for cleaning/refurbishment by room composition

Composition	Refurbishment Technical Decision		Cleaning		Total
	Pre-War	Post-War	Pre-War	Post-War	
6RKB	3	-	-	-	3
5RKB	3	-	-	-	3
4RKB	14	7	1	-	22
3RKB	27	26	3	1	57
2RKB	16	7	-	1	24
1RKB	4	9	1	-	14
Total	67	49	5	2	123

Updated 15 October 2012

Source: Ministry for Housing and the Elderly

Number of pre-war and post-war empty flats for cleaning/refurbishment by room composition

Composition	Refurbishment Technical Decision		Cleaning		Total
	Pre-War	Post-War	Pre-War	Post-War	
6RKB	3	-	-	-	3
5RKB	3	-	-	-	3
4RKB	15	6	-	-	21
3RKB	25	8	2	3	38
2RKB	17	9	-	3	29
1RKB	4	6	1	1	12
Total	67	29	3	7	106

Updated 3 September 2012

Source: Ministry for Housing and the Elderly

Number of pre-war and post-war empty flats for cleaning/refurbishment by room composition

Composition	Refurbishment Technical Decision		Cleaning		Total
	Pre-War	Post-War	Pre-War	Post-War	
6RKB	3	-	-	-	3
5RKB	3	0	-	-	3
4RKB	16	5	1	-	22
3RKB	25	25	4	-	54
2RKB	15	12	1	-	28
1RKB	4	7	-	-	11
Total	66	49	6	-	121

Updated 26 July 2012

Source: Ministry for Housing and the Elderly

Table H.31

Number of empty flats awaiting refurbishment/cleaning per year and room composition

Composition	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	Total
6RKB	2	-	-	-	-	-	1	-	-	-	-	3
5RKB	-	1	1	-	-	-	-	-	-	-	1	3
4RKB	2	11	3	4	1	1	-	-	-	-	-	22
3RKB	16	30	6	1	-	2	2	-	-	-	-	57
2RKB	6	10	4	2	-	-	-	-	2	-	-	24
1RKB	4	5	2	1	-	-	-	-	-	1	1	14
Total	30	57	16	8	1	3	3	0	2	1	2	123

Updated 15 October 2012

Source: Ministry for Housing and the Elderly

665

Housing Waiting Lists Allocations since Q773/2012

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Clerk: Question 882, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing state how many applicants on the Government's Housing Waiting Lists have, since his answer to Question 773/2012, been allocated a flat, giving a breakdown of the size of home as well as indicating if they pertained to either the Social or Medical Waiting Lists category?

675

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

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Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, since the answer given to Question 773/2012, 31 applicants have been allocated a flat, of which two pertained to the Medical List and eight to the Social List.

I will now hand over to the hon. Member the details on the printed sheets that I am offering him.

ANSWER TO QUESTION 882

Since the answer given to Question No. 773 of 2012, 31 applicants have been allocated a flat of which, two pertained to the Medical List and eight to the Social List.

The breakdown of the 31 applicants who have been allocated a flat is as follows:-

1RKB	2
2RKB	6
3RKB	12
4RKB	11
5RKB	-
6RKB	-
TOTAL	31

The breakdown with regards to the Medical and Social Lists is as follows:-

	Medical A+	Medical B	Social A	Social C
1RKB	-	-	2	-
2RKB	-	1	-	-
3RKB	-	-	1	-
4RKB	1	-	4	1
5RKB	-	-	-	-
6RKB	-	-	-	-

Housing Waiting Lists
Applicants buying own homes since Q774/2012

Clerk: Question 883, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing state how many applicants on the Government's Housing Waiting Lists, since his answer to Question 774/2012, – been removed from the Waiting Lists due to purchasing their own homes and if any, indicating if they pertained to either the Social or Medical Waiting Lists categories?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, since the answer given to Question 774/2012, two applicants have been removed from the Waiting Lists due to purchasing their own homes. Neither pertained to the Social or Medical Lists.

Government rental housing units
Plans for construction

Clerk: Question 884 the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing update this House by signifying the number and size of rental housing units Government intends to construct, indicating the location(s), estimated commencement of construction and completion dates, as well as estimated costs?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, the Government intends to construct a sufficient number of housing units to be able to fulfil its manifesto commitments on housing. The details will be announced when we are ready to do so.

Hon. E J Reyes: Mr Speaker, when the Hon. Minister says that they intend to build 'sufficient', is that all in respect of rental?

Hon. C A Bruzon: It is in respect of our manifesto commitment which says that everyone on the Housing Waiting List as on 11th December 2011 will be housed within our first term in office.

Hon. E J Reyes: Yes, Mr Speaker, but I am homing in now on the number of houses that will be made available for the rental system. Despite their commitment that everyone will be housed, from a previous announcement made, I believe the Government intends to offer options of purchasing and rental. Does the Government have any commitment of how many rental homes it is envisaged will be constructed in their term in office?

Hon. C A Bruzon: Mr Speaker, there will be a blend of rental accommodation and also 50/50 purchase. Those who buy 50/50 will obviously make available homes for rental for people on the waiting lists. So there will be a mix of both rental accommodation and affordable housing made available.

Hon. E J Reyes: Yes, Mr Speaker, but although some may wish to buy on the 50/50, not all those who are buying the 50/50 are going to release Government rental accommodation. Despite that, can I have some sort of indication towards figures of how many rental homes are projected to become available?

Hon. C A Bruzon: Mr Speaker, that information will be made available when we are ready.

Bath-to-shower conversions
In-house technical estimates

Clerk: Question 885, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, could the Minister for Housing provide me with the information to my supplementary question in Question 776/2012, which relates to the total sums of money reflected in the in-house technical estimates carried out by the Ministry's own civil servants with regard to the 44 bath-to-shower conversions mentioned by my hon. Colleague, Mr Reyes in the original Question?

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Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Yes, Mr Speaker, I understand that I wrote to the Minister and I trust he has received my letter, but I am happy to give him a copy of the letter now, if he wishes.

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HM GOVERNMENT OF GIBRALTAR
OFFICE OF THE MINISTER FOR HOUSING AND THE ELDERLY
The City Hall
Gibraltar

10th October 2012

The Hon J J Netto MP
Parliament House
156 Main Street
Gibraltar

In response to your letter requesting information concerning Question No.776/2012, I am now able to provide you with the following additional data which has been forwarded to me by the Technical Department for your attention.

Forty-four requests was the historical list but some tenants have either passed away or others require OT specifications. Only 35 conversions have been carried out at a total cost of £114,183, so the average cost is approx £3,262 each. Therefore the sum of £185,817 will be used for OT requirements.

Please note that the total amount will be in the region of £300,000 but we will not know for sure until GJBS invoices us.

Yours sincerely

Charles Bruzon
Minister for Housing and the Elderly

Telephone No.: (350) 20075039, Centrex 3794; Fax No.: (350) 20043887, Centrex 2454

Hon. J J Netto: Mr Speaker, yes I do have the copy of the letter which he stated, which I received on Thursday, 11th October, round about one o'clock, which was obviously outside or beyond the cut-off time for me to submit Questions.

760

But in any event, Mr Speaker, with respect to the Minister, I do not think that the letter answered my questions. I think for the sake of clarity, I should say what I have been asking for and why I think that the letter does not answer what I have been requesting.

What I have been requesting, Mr Speaker, was not the breakdown as he seems to have given me from the 44 bath-to-shower conversions, which we now know, 35 of which have been done by the Housing Works Agency and nine will be done externally by the specifications of the OT Department in the Health Authority. What I was asking for is not what the Government has invoiced or is going to pay for... Sorry not Housing Works Agency; by GJBS. GJBS was the one that did the 35, not the Housing Works Agency.

765

I was not asking, because we know that figure and we know that figure was what the Government seems to have been paying for the 35 of the 44 to GJBS, but what I was asking was, what was the civil

servants' in-house estimate in relation to those particular works? Unfortunately, the answer is not reflected in the letter.

I think I make my point quite clear, both in my supplementary question and in my letter to him and this is what I am asking.

Hon. C A Bruzon: Mr Speaker, the reality is that it is GJBS who actually does this work and that is why there is no specific estimate given per case, because obviously, it is a Government owned company and they know what they are doing. We trust them and they do not over-charge us, so that is my understanding, Mr Speaker.

Hon. J J Netto: Mr Speaker, I cannot accept that answer. I cannot accept that answer because estimators and it does not have to be the estimators with a TG1; you can be an estimator and be a PTO1 or a PTO or a HPTO and it is routine work for them, whether they are building surveyors... They normally, or habitually, do estimates which are then carried out. They are carried out either in-house by their own staff or somebody else out there in the private sector providing those services, so it is something that certainly happened when I was there and I was the one... At that time, we employed so many building surveyors, structural engineers, quantity surveyors and all the rest of it, so I know how the system operates.

In fact, we even went to the extent that in order to corroborate that we had value for money – which is at the end of the day what we tend to scrutinise in Parliament, which is accountability of public funds – we even went to the extent of having a recognised schedule of rates which was the UK Carillion schedule of rates to ensure that the works that get done in terms... and what we have to pay matches, more or less, what our estimate is. So I cannot accept the answer that the hon. Gentleman is providing.

In fact, the Hon. Minister seems to be saying to Parliament that we trust GJBS because it is a private company. Well, I do not think, Mr Speaker, that the Housing Ministry as such should have a policy where you say, 'We trust whatever amount of money GJBS, or any other contractor for that matter, may wish to invoice the Government.' I think the Government has to have, like in any other place in the world but particularly in developed countries, a system which gives us value for money and is accountable against an in-house estimate. It seems to me, Mr Speaker, that perhaps... I do not know whether I have been saying this previously and perhaps the Hon. Minister has not understood what I am saying, but I do know, Mr Speaker, that, as a matter of course, it happens.

Now, I am willing to sit down and perhaps even discuss it further with him outside the realm of this question-and-answer session, so at least there is clarity between me and him as to what I am talking about, and I am *sure*, that the people that work for him would have done the estimates.

Chief Minister (Hon. F R Picardo): Mr Speaker, if I may say, I think that helps to clarify what it is that the hon. Gentleman is getting at. I think that what we are saying is, because this work is done by GJBS and not done by the Housing Works Agency, there is not a Housing Works Agency estimate. There is a GJBS estimate and the hon. Gentleman will know, from his time as a Minister, that when something is being dealt with by GJBS, the estimators that we will rely on, much as they would have relied on them also, are the estimators in GJBS who we would trust – not as if they were a Government Department because they are not a Government Department; they are a wholly owned company of the Government – but he will know, I am sure, from his time in Government, that you would not have a Government estimator checking a GJBS estimate.

So if what he wants is what is the estimate that was given and relied upon at the time by the Ministry, the answer I think he has been given is it was the GJBS estimate and if that is the information that he wants, that is not the information that is available here today, and perhaps we can obtain that for him.

Hon. J J Netto: Mr Speaker, again with respect to the Chief Minister, I do not think it is right and proper to go and say... or have a system in place where we say –

Mr Speaker: If I may, the hon. Member has asked that he should have a meeting with the Hon. the Minister. Surely that should be the end of the matter. You have an opportunity to have a meeting with him and thrash the matter out.

I have been liberal with the hon. Member, but really, he is supposed to be asking supplementary questions and not making a speech or a statement. I do not wish to curtail him, particularly in my first morning, but I would commend to him the practice of asking short and sharp questions.

I really think that he has received as much of an answer as he is going to get in the House today and he has been given an opportunity to pursue the matter further outside the House. I would commend him to that course of action.

Next question.

**Housing Works Agency and Ministry for Housing
Comprehensive review**

835 **Clerk:** Question 886, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide this House with details of the comprehensive review currently being undertaken of the Housing Works Agency and the Ministry for Housing, inclusive of specific matters being reviewed and by whom, as well as the dates by when he expects this exercise to be completed?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

845 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, not yet.

Hon. E J Reyes: Mr Speaker, not yet in respect of, for example, by whom the review is being undertaken and so on? Is that what the Minister is referring to?

850 **Hon. C A Bruzon:** Mr Speaker, an announcement will be made when we are ready.

Hon. E J Reyes: So, Mr Speaker, is the Minister not in a position to disclose by whom the review is being undertaken?

855 **Hon. C A Bruzon:** I think that subject was covered some months ago, Mr Speaker. There was a review being undertaken by people within my staff who were asked to report back to the Minister and to the Cabinet, and when we are ready to announce the final conclusions, we will do so.

860 **Hon. E J Reyes:** So Mr Speaker, am I correct in assuming that the review is being undertaken in-house, internally, by a member of staff without any external consultations and so on?

Hon. C A Bruzon: Mr Speaker, I have already answered the question, in the Parliament before, when we have spoken about this and I have been asked about it.

865 **Hon. E J Reyes:** And what I am asking now, Mr Speaker, is confirmation that the review is just being undertaken internally by those working within the Housing Works Agency, Ministry for Housing and that there are no external consultants being brought in for that purpose?

870 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the hon. Member has asked a question which was answered. Then he said 'Can I assume that the answer you have given is correct?' So the answer is, 'Well, the answer has been given.' Now he asks for confirmation again of the answer he has been given twice. That is not a new question.

875 **Hon. E J Reyes:** I am sorry, Mr Speaker, I may have said it, I do not quite recall having said, I assume it is correct. What I am asking, Mr Speaker, perhaps I can put it quite clear. If in a previous answer I have been told that an exercise is being carried out by those within the Housing Works Agency and the Ministry for Housing, that has been said before. What I am asking now is, can the Hon. Minister confirm that there are no external consultants or advisors also being involved in the exercise?

880 **Hon. C A Bruzon:** Yes, I can confirm that, Mr Speaker.

HEALTH AND ENVIRONMENT

885 **Urban green areas around Gibraltar
Government maintenance contracts**

Clerk: Question 855, the Hon. S M Figueras.

890 **Hon. S M Figueras:** Yes, Mr Speaker, would the Minister for the Environment please provide details of all Government contracts currently in place for the maintenance of urban green areas around Gibraltar,

but excluding the Upper Rock Nature Reserve broken down by area, contractor cost, term of contract and the nature of work contemplated by said contracts?

895 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

900 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, Government does not currently have any contracts for the maintenance of what we term 'urban green areas'. The Department of the Environment has a number of agreements for planted areas in Gibraltar. Other green areas have until now not had any form of management, resulting in issues related for example to safety arising from trees. Government has recently passed responsibility for these areas to the Department of the Environment from Land Property Services, which have no budget for it, and the Department will now be monitoring these areas and assessing whether any works are necessary.

905 **Hon. S M Figueras:** Mr Speaker, would the Minister be able perhaps... and there is a Question further along the Order Paper in relation to trees that I have asked. I recall that in May this year, in a similar Question, the Minister answered that there had been something in the order of a hundred trees planted since they had taken office, or rather since January of this year. Could the Minister confirm whether or not there are management plans or agreements or contracts in place for the maintenance of at least those trees?

Hon. Dr. J E Cortes: Mr Speaker, those are the areas which we refer to as planted areas. Urban green areas we tend to refer to as those areas which have not up to now had any formal maintenance. Those are planted areas.

915 The situation there is as it was in December last year at the time of the Election, in which there are a number of agreements but the contracts that had existed had all expired some time ago and therefore they are now on a month-to-month basis for the most part. In fact, my information tells me that all three contractors involved are on month-to-month agreements. This is not satisfactory for the contractors and it is not satisfactory for the Government, and we are looking at reviewing the way that planted areas are managed, with a view to entering more formal contracts with the contractors. But the situation at the moment is as we inherited with no formal contract any longer in place, because they expired some time ago and they were not renewed by the last Administration, which dealt with it on a month-to-month basis.

925 **Hon. S M Figueras:** Mr Speaker, the purpose of the Question is to elicit information in the context of concerns that have been articulated to me by concerned individuals, in relation to the maintenance of all these planted areas – planted and urban areas. Obviously, there seems to be a difference in our definition of those areas and perhaps we can agree one, moving forward, in order to make things easier.

930 Is the Minister able to provide the House with any kind of timeframe in relation to when... because obviously, this is a matter which is rather urgent, because obviously, as the concerns raised are that there are certain planted areas which are not taken care of. This is something that, obviously, the longer it goes on, the worse it gets and I acknowledge that the Minister has said it is unsatisfactory.

Is he able to provide this House with any kind of timescale to which we might be able to hold him?

935 **Hon. Dr. J E Cortes:** Mr Speaker, those problems that the hon. Member is referring to are exactly the problems that have been in existence for quite a number of years now and it is certainly not of this Government's making. I am aware that there are certain concerns by certain people who work in this area as to the way that the planted areas are divided up.

I share those concerns and therefore, the Department of the Environment is engaged in re-assessing them all.

940 I hesitate to give a date, because this is a process that will involve different contractors looking at all the planted areas in Gibraltar and setting up a process for them to be managed. I would have hoped that the logical date would be the beginning of the coming financial year. That would be the aim, but I cannot hold myself to that. If it is able to do it before then, then well and good, if it slips slightly, but I think that the logical time to introduce a new system would be the beginning of the next financial year.

945 **Hon. S M Figueras:** I am grateful for the answer from the Minister and obviously, subject of course to the fact that he has had the opportunity of course for the last 10 months of revisiting the situation, it is a situation that has been his responsibility for the last 10 months. Will he confirm that he will deal with this as a matter of some priority in his portfolio for the Environment?

950 **Hon. Dr. J E Cortes:** Mr Speaker, I have a huge number of priorities that I have to deal with as a result of matters that have come to my attention over the last 10 months, and this is one of them.

955 **Clerk:** Question 856 –

Hon. S E Linares: Mr Speaker, with your indulgence, may I just intervene at this moment in order to answer fully the Question 844, of which the hon. Member asked me for some information, and I said that I would provide it to him this morning. I just... but I would like this to be noted in *Hansard*, if anything. (Interjection) Or should I wait until he comes into the Chamber? It is up to you, sir.

960 **Mr Speaker:** I have no problem really in allowing it. It is going to look odd in *Hansard*, but then hon. Members should know the reason why. So I will allow him to provide the information.

965 **Chief Minister (Hon. F R Picardo):** Mr Speaker, could I just invite that we wait for Mr Reyes to return to the Chamber, in the event that he might want to say something?

Mr Speaker: Okay.

970

**Trees planted in Gibraltar
Details since May**

975 **Clerk:** Question 856, the Hon. S M Figueras.

Hon. S M Figueras: Further to the previous Question, which I foreshadowed, can the Minister for the Environment provide details of trees planted in Gibraltar since he last answered a similar question in May this year, with a breakdown of cost, suppliers and tender processors relevant to them?

980 **Clerk:** Answer, the Hon. Minister for Health and the Environment.

985 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, the only trees that have been planted since May 2012, as part of this programme – I hope that other people, Mr Speaker, are planting trees otherwise! – are those that had been replacements for a few trees that may have been vandalised or perished, the replacement trees have been planted at a cost to the contractor and not to the Government.

990

**Coastline survey
Details**

Clerk: Question 857, the Hon. S M Figueras.

995 **Hon. S M Figueras:** Mr Speaker, can the Minister for the Environment say whether the Government is conducting a coastline survey and provide this House with details?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

1000 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, no, sir. At present, Government is not conducting a coastline survey.

1005

**Commonwealth Park proposals
Government's intentions**

Clerk: Question 858, the Hon. S M Figueras.

1010 **Hon. S M Figueras:** Mr Speaker, in light of the breaking of ground at the site of the proposed Commonwealth Park, can the Minister for the Environment confirm that it is his Government's policy to deliver said park in accordance with the Budget established as part of the costing of the GSLP/Liberal Alliance manifesto for the 2011 Election campaign? If so, will the Minister for the Environment now provide this House with such figures, in the context of the commencement of works?

1015

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, the concept of the Commonwealth Park as proposed in the manifesto will be delivered and is being realised.

Some elements of the original design have changed since then as we are not afraid to improve the features, provided it enhances the experience it will provide for the public.

Regarding the costs, the situation remains as stated in my reply to Question 740/2012.

May I remind the hon. Gentleman that we are not answerable in this House for a budget that we may have assigned to something during the Election campaign.

Hon. S M Figueras: Mr Speaker, two issues arise out of that answer, which I would like to deal with in turn.

Firstly, he refers to the previous Question which he answered. This Question was phrased precisely as it was because at the time when I last asked the Question, works had not commenced and no contractors were in place and therefore the Government was nervous about disclosing any figures, according to the answer given back then, because he did not want potential contractors to get greedy in the tender process and I understood that and I left the issue there as it was.

I phrased the Question purposefully this time round, because there has been breaking of ground at the proposed site and C K Transport were at the site, conducting some kind of works in relation to what will eventually be the Commonwealth Park. It is therefore for that reason that I am now asking whether the... and I think I will deal with the second point before he rises, simply because I think it all comes together. So in relation to that issue, works have begun and I think it becomes relevant.

In relation to the second issue and whether they are bound by the costing of the manifesto, I would ask the Minister is the Government willing to adopt the figures that they say they have, in relation to the costing of the whole of the manifesto, as the Budget or as certainly an indicative figure for the budget for the creation of the Commonwealth Park?

Hon. Dr. J E Cortes: Mr Speaker, I think I will start with the second part first, if I may.

The budget for the Commonwealth Park or the *estimate* for the Commonwealth Park is being assessed now and in Government, one has knowledge of more of the detail – for example, enabling works that may require the diversion of a pipe and so on. Therefore the budget has to be reassessed in that knowledge.

To the first part, absolutely, I understand and accept the difference. Works have in fact started, but let me just explain that the works that have been started are enabling works, of which I will give details. The full costing of the construction – if you can construct a park – is the figure that I am still not able to provide, but certainly the enabling works which are the breaking of the ground and the removal of the tarmac and digging down to a level, the complete works and start, have been carried out over approximately 50% of the existing area. The cost of this, which was carried out by GJBS, was £87,952.11.

But that is not, Mr Speaker, part of the final contract; it was a separate enabling work contract.

Hon. S M Figueras: Mr Speaker, I really would rather avoid this exchange becoming any more technical than it has to, because the point I am trying to make really is very simple. The Government has contended on many occasions in this House before, in respect of many other projects, that their manifesto was fully costed. The issue that I am raising and have raised publicly, and raise again in this House, is that the Government seems unwilling – to be generous – to provide that figure in any kind of way that the public may be able to consume, in order that they are not held to it.

Now, whilst I understand the point that the Minister has made, that upon entering Government they have had a number of realisations – one of which is that perhaps what they had considered would be an appropriate figure for the Park may no longer be the case – in the context of the Chief Minister's mention of the fact that the project was proceeding ahead of schedule and under budget – also bearing in mind the contributions from the Kusuma Trust which the Hon. Minister referred to in the previous answer – does the Minister not concede that it is entirely reasonable for the public to think, 'I would like to know what the budget is before we conclude the contract, so that I can then make an assessment of whether or not we were genuinely under the budget'?

Does the Minister not concede that point?

Chief Minister (Hon. F R Picardo): Mr Speaker, neither the Government nor the Minister concedes that point, because what the hon. Gentleman wants to do is ask questions about what the GSLP/Liberal's views when they were preparing their manifesto was. We are here as a Government to answer questions as a Government.

The hon. Gentleman is perfectly entitled to ask questions about whether we are within the budget that we assigned to this in the Budget Book. There has been a Budget, an Appropriation Bill and a debate on

the Appropriation Bill since the last Election. That Appropriation Bill and the Budget Book, as it is called, have been published and debated in this House and he can ask us about that.

At no Question Time, when I have been a Member of this House, have we asked the hon. Members when they were in Government, 'How much did you think it was going to cost when you were preparing your manifesto?' That is not a question that we are going to answer in Parliament.

Mr Speaker, it may be that the hon. Gentleman wants to insist on this. There have been a number of public exchanges on the subject. We are going to tell the public, because we are accountable to them, in press releases or in answers from the hon. Members opposite in this House, exactly what everything costs, because that money that we are spending which is not ours to spend other than as representatives of the Taxpayer.

When it comes to budget, the questions on budget that we are going to answer in this House are the ones which relates to the Estimates Book published by the Government. That is a fairly straight forward way of proceeding in my view; it is the honest and appropriate way of proceeding and is the way that they proceeded in Government.

I do not believe that we are under any obligation whatsoever to share with the hon. Members our working out to be able to put before the people of Gibraltar the magnificent manifesto which we put before them, to deliver the equally magnificent projects that we will deliver before the next General Election to them. Therefore, if he carries on asking this question, he is going to get the same answer.

He is of course going to be told what everything costs. He will of course also be told how that compares to the budget assigned to cost at the beginning of each financial year. He is not going to get the information that he seems to hanker over so much, which is 'What did you think in GSLP Headquarters it was going to cost before the Election?'

Hon. S M Figueras: Mr Speaker, with all due respect to the Hon. the Chief Minister, it has been, there have been, a number of occasions in this House where the Government has adopted for its own policy, matters that were alluded to in their manifesto. They have done that specifically in relation to specific initiatives.

Is the Government adopting their costing, which is surely part of the manifesto which they have spoken of so much in this House; is the Government happy to adopt the cost as they estimated, as the GSLP/Liberal Alliance in Opposition before the 9th December 2011, as the original budget for the construction of the Commonwealth Park, in office?

Hon. Chief Minister: Mr Speaker, the hon. Member has been in Parliament now almost for a year. He has lived through at least one Budget debate. The Budget that we have adopted in respect of Commonwealth Park is the one that we have brought to this House and voted on, on the Appropriation Bill. Is that the same Budget that we had assigned to it when we were sitting in our political offices, not as Members of this House but as candidates in the campaign? Well, Mr Speaker, that is for me to know and for him to guess.

Hon. D A Feetham: Mr Speaker, I think the analysis of the Chief Minister is in respect of him, fundamentally flawed for this reason. It is not in relation to every single project, every aspect of Government spending that is budgeted to the last penny in the Estimate Book; it does not work that way and I will just give him one example. In relation to the cladding on the so-called forgotten estates, the Government's estimate in the budget was £1 million. I told him across the floor at Committee Stage that I thought it would be closer to £50 million. Sometimes there are token figures, so it does not necessarily... you cannot just simply say, 'Look at the Budget Book.' In this particular instance, my understanding is the Budget Book does not actually give us the answer, otherwise the hon. Member would not be asking the questions that he is asking.

But of course there is another point and it is this: that it is Members on that side of the House – the Government – that keep on saying the public finances in Gibraltar are a disaster and that we left a disaster. Well, look, if you are making a point that the public finances of Gibraltar are a disaster – and I am coming to my question in a moment – then of course we are entitled to ask, 'Well, hang on a minute!' and we are entitled to put to people, 'Well, they can't be a disaster if they are spending all these millions of pounds on these projects.'

But can he answer this: is this a project that is going to be undertaken by GJBS or is it a project that is going to go out to tender?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman has not pursued further what the Hon. Mr Figueras was asking about, and I think I will take it from that that he understood my answer.

Of course, in some instances in the Budget Book, there will be a token put in because a project is not going to be completed in a particular year. In fact, we are now very close to the end of the financial year, April is just around the corner and at Commonwealth Park, what has happened has been the breaking of

1140 ground, which has cost £87,000, as the hon. Gentleman, the Minister for the Environment has told the House, and not the development of the whole project, Mr Speaker.

1145 This is not a question of trying to avoid the scrutiny of the Opposition or the public, because we are giving *exactly* the information, down to the penny, of the cost. I know that is what they want to pretend it is for their own political purposes and each one is entitled to pursue their politics as they wish; but we are giving pounds, shilling and pence of every penny that every project is going to cost.

Whether or not this project is going to be dealt with by tender or otherwise – and the hon. Member has just asked, ‘Will it be done by GJBS or by tender?’ – they will be alerted to that as soon as decisions are made about it.

1150 **Hon. D A Feetham:** So is the answer, then, that no decision has been made as to whether this project will be dealt with by GJBS or going out for tender? Is that the answer?

1155 **Hon. Dr. J E Cortes:** Yes, Mr Speaker, we are currently looking at the options. There is a lot of specialised work which has not been carried out before in Gibraltar, so we have to be absolutely sure that we know how these works will be allocated and both – and possibly more than those – are possibilities for the actual laying out of the Park.

1160 **Street cleaning**
Details of contracts

Clerk: Question 859, the Hon. S M Figueras.

1165 **Hon. S M Figueras:** Mr Speaker, can the Government provide details of contracts currently in place for street cleaning in Gibraltar for the last 18 months, identifying the contractor, the length of the term, the cost and date of renewal?

1170 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, Master Service (Gibraltar) Ltd has the street cleaning contract for a period of 10 years. The cost of the contract for street cleaning is £5 million for this financial year, and the date of renewal is 1st April 2017.

1175 Mr Speaker, although I am providing the information, of course, this is a contract entered into by his Party a few months before the 2007 Election, so if he has any concerns about the terms of the contract, he may wish to raise them elsewhere.

1180 **MINISTRY FOR THE ENVIRONMENT**
Trainees on placements

Clerk: Question 860, the Hon. S M Figueras.

1185 **Hon. S M Figueras:** Mr Speaker, can the Minister for the Environment provide details providing a breakdown by age, gender and nationality of all trainees on placements within the Ministry for which he has responsibility, indicating the Department, Agency or Authority where they are placed, as well as showing the type of work that they are engaged in?

1190 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, for the avoidance of doubt I have a similar question in relation to the GHA, which I will answer later, so this answer does not include the GHA.

1195 So, Mr Speaker, there are presently no trainees on placement within the Environment Ministry or its Departments, Agencies and Authorities.

1200

**Barbary Macaque Management Plan
Details and costs**

1205 **Clerk:** Question 861, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for the Environment confirm that the Barbary Macaque Management Plan is now in place and provide details of the cost to the taxpayer for the application of this new plan?

1210

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): No, sir, it is not yet in place.

1215

Hon. S M Figueras: Mr Speaker, can the Minister now confirm – in the context of, of course – the statement issued by his office last week, not more than a few hours after I had filed the Question in Parliament, announcing that an announcement was imminent to the public about the Barbary Macaque Management Plan? Could he now confirm to this House when that plan is expected to be put into operation once and for all?

1220

Hon. Dr. J E Cortes: No, sir, I am not able to say that at this point in time.

Hon. S M Figueras: Well, Mr Speaker, I would ask the Minister what the point of the press release then was, because it seems really rather suspect that I file a Question at 9.30 last week on Thursday, and not a few hours later, there is a statement out in the public domain which is, literally, that an announcement is imminent.

1225

Why is it the case then, Mr Speaker, that the Minister has issued the press release – (*Interjections*) I do not need to read anything about the last 16 years; we are talking about today and moving forward, thank you very much. (*Interjections*)

1230

Mr Speaker, the question I am asking – (*Interjections*)

Mr Speaker: Order!

Hon. S M Figueras: Mr Speaker, the question I am asking is what was the point of that announcement, when he cannot in fact, in this House – this House to which he is answerable – tell us when the plan is due to be put into operation?

1235

Hon. Dr. J E Cortes: Mr Speaker, I am not absolutely sure that I am familiar or aware of the specific press release that he is referring to.

1240

Hon. S M Figueras: Mr Speaker, whether it was a press release or an announcement, it is not something I have imagined. There was an announcement that an announcement is imminent for the Barbary Macaque Management Plan, on the Thursday. (*Interjections*) There was an announcement by the – (*Interjections*) I will be happy to look for it and come back. Obviously, I do not have it with me right now – (*Interjections*)

1245

Mr Speaker: Since the hon. Member is going to check on the source of that and he is responsible for the statements that he makes, I think that this is a convenient moment for us to have a short recess, for 10 minutes.

1250

The House adjourned at 11.05 a.m. and resumed its sitting at 11.20 a.m.

1255 **Mr Speaker:** The Hon. Mr Selwyn Figueras.

Hon. S M Figueras: Thank you, Mr Speaker.

The Hon. Minister and myself have already had an exchange across the floor, whilst we were in recess which was of mutual benefit to both of us.

1260

The announcement was published in GBC, but the point really of the question, Mr Speaker, is to understand why there is no end in sight, or rather no specific date by which the Management Plan will be published and put into operation. That is what I would like the Minister to provide some more information about.

1265 **Hon. Dr. J E Cortes:** Mr Speaker, I confirm that we had a chat about it during recess. I do not recall... Certainly, I think the hon. Member concedes that there was not a press release. I do not recall talking to GBC about the macaques in recent weeks, so I do not know where this report came from, whether it was radio or television or whatever. I honestly do not know and I do not recall. Maybe they thought they were referring to the Barbary Macaque Management Plan going to be *eminent* and not *imminent*. (*Laughter*) Be that as it may, I do not recall that.

1270 However, let me say that the completion of the report is likely to be very, very soon. However between completion of the report and then it being implemented, or rather the Plan and it then being implemented, could take time because obviously the Plan has to be translated into action. That is the reason why I do not want to commit myself to an implementation date.

1275 **Hon. S M Figueras:** Mr Speaker, could the Minister confirm to this House whether, at the time when the Plan is complete, it will be made public?

1280 **Hon. Dr. J E Cortes:** Mr Speaker, I think that the concepts of the Plan and the main tenets of the plan can be made public without doubt. Perhaps its translation into being carried out would be a more detailed consideration of how this is being done, but in principle, I think that with the main Plan, actually, it would be beneficial to the public to be aware of the plans in place.

1285 **Hon. S M Figueras:** Mr Speaker, I do not want to be drawn – and thankfully the Hon. the Chief Minister is not in the Chamber at the moment – into a further discussion about the Budget Book, because I do recall that there was some reference to costs in relation to Barbary... the management of the population.

Is the Minister in a position today to provide any detail whatsoever in relation to the additional cost which this Plan might represent?

1290 **Hon. Dr. J E Cortes:** No, Mr Speaker, as I explained, the Plan will deal with concepts and the way things have to be done. That – and there is a parallel process – has to be translated into exactly what costs would be applied as for personnel, equipment and so on, and that process is not complete.

1295 **Hon. S M Figueras:** Mr Speaker, I speak on behalf of the many concerned individuals who continually make reports to me, and I have seen some horrifying pictures of apes in rather vicious circumstances.

1300 I just want to ask the Minister whether he is not concerned about the frequency of the unwanted interactions with the apes and the impact that has on people's everyday lives, and also in relation to the impact it might have on tourism in Gibraltar, simply because they are very fun to look at, but not as fun when they are trying to latch onto a plastic bag, when you are walking in and out of the Caleta Hotel.

I would ask the Minister to comment on that, but also specifically on whether he is able to tell us if the Barbary Macaque Management Plan contemplates the local experts participating in its application?

1305 **Hon. Dr. J E Cortes:** Mr Speaker, I share those concerns, some of them have come to my attention. Certainly, I did answer this question some time ago. Local experts have been and will be involved and what I can say is that we are not working in a vacuum. I have had discussions with the Gibraltar Veterinary Clinic over recent weeks, with a view to in advance of the Plan enhancing the amount of contraception provided for female macaques and slight enhancement of monitoring, so we are working.

1310 The reason why we are enhancing contraception at this point of time in advance of the Plan is because this is the mating season and if we miss this mating season and we do not implant any contraceptives, then obviously there is going to be a large birth rate again next year. So with my encouragement, the Veterinary Clinic is actually enhancing the amount of contraception to females, in advance of the plan.

1315 **Hon. S M Figueras:** One final question Mr Speaker, is the Minister still satisfied that his Party's policy of not resorting to culling as a measure of last resort is the responsible one? Will he be open to reconsidering it, if the measures that he and his Government apply, in the attempt at resolving the issue, do not yield the solution acceptable to the community?

1320 **Hon. Dr. J E Cortes:** Mr Speaker, the Government's policy remains one of not culling. I have, however, said in the past that, on occasion, particular individuals, for a number of management reasons, have to be put down; but the policy remains that there shall be no culling on a large scale.

1325

SPORTS, CULTURE, HERITAGE AND YOUTH

Question 844

Supplementary information

1330

Mr Speaker: I call upon the Hon. Minister, Mr Steven Linares.

1335

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, it is in relation to Question 844, which the hon. Member asked me specifically if I could give him more details in 25, Hosting of Special Sports and Leisure Events, Virtual Promotions.

I can confirm to the hon. Member that this relates to catering services for the event of the Strong Man League. It relates to catering at the Retreat Centre for the competitors and judges and there were 15. I can assure the hon. Member that they are people who eat a lot and therefore the amounts there might seem a lot, but they are strong men and the amount they eat is exorbitant.

1340

But that is what the breakdown is of that.

Hon. E J Reyes: I am most grateful for that.

Mr Speaker, can I, just for the sake of clarity, this £1,950 is in addition to the figure he provided last time, which I think was £20,000 for sponsorship contributions.

1345

Hon. S E Linares: Yes Mr Speaker, in fact there are two figures there. There is the Virtual Promotion, which is for the catering service and also, the Strong Man accommodation, which we hoped we did not have to pay for, but unfortunately, the men were so big that they did not fit in the bed and could not get in the shower in the Retreat Centre, so we had to put them up specifically, all of them. They were not happy; they could not sleep, so we had to get them double beds.

1350

These are things I hope that we learn for the next year, so it does not happen. But yes, they are two costs, over and above the £20,000.

1355

HEALTH AND ENVIRONMENT

Environmental Feedback Unit

Details of reports made

1360

Clerk: Question 862, the Hon. S M Figueras.

1365

Hon. S M Figueras: Mr Speaker can the Minister for the Environment provide details of the number of reports made to the Environmental Feedback Unit since its creation, with details of the nature of the reports made, response time and action taken?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

1370

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, there have been 91 reports logged up to 9th October, ranging from nesting of birds, noise pollution, dog howling, roaming cats, dead or injured seagulls and pigeons, street cleaning, smells, graffiti, accumulation of bulky items, loose paving stones, water and sewage leaks, refuse collection, street lamp hazards, public toilets, rat infestation, roads and fencing, abandoned vehicles, mosquitoes, palm weevil and tobacco-related litter.

1375

Response time has been within 24 hours in all instances reported during the working week and the action taken has varied depending on the matter and the related service provider. Details are provided in the schedule which I now hand over to the hon. Member.

May I add, while the schedule goes across, that the action taken is not included in that schedule because of the large number of different agencies involved who are tasked with them, with carrying out the responses and not all of them have reported back on them and therefore that is information that will have to follow.

1380

Answer to Question 862 of 2012

no.	Report Date	Nature of Complaint	Service Provider
1	25/06/2012	Noise Pollution	Environmental Agency
2	25/06/2012	Nesting	GONHS
3	25/06/2012	Dog Fouling	Housing
4	25/06/2012	Cat's	GONHS
5	25/06/2012	Pollution	Environmental Agency
6	25/06/2012	Public toilets	Master Service/Dept. of Env.
7	26/06/2012	Seagulls	GONHS
8	27/06/2012	Flushing	Master Service
9	27/06/2012	Cleaning	Silvia Land Properties
10	27/06/2012	Foul Smell	Environmental Agency
11	28/06/2012	Foul Smell/Graffiti	Environmental Agency
12	28/06/2012	Dead Seagulls	Gibraltar Veterinary Clinic
13	28/06/2012	Information Purposes Only	Env. Feedback Section
14	28/06/2012	Beach Cleaning	Tourism/Master Service
15	28/06/2012	Dead Seagulls	Gibraltar Veterinary Clinic
16	28/06/2012	Flushing	Master Service
17	29/06/2012	Foul Smells	Environmental Agency
18	29/06/2012	Dead Seagull	Gibraltar Veterinary Clinic
19	29/06/2012	Dead Seagull	Gibraltar Veterinary Clinic
20	29/06/2012	Accumulation	Housing
21	29/06/2012	Injured Seagull	GONHS
22	29/06/2012	Dead Seagull	Gibraltar Veterinary Clinic
23	29/06/2012	Cleanings	Master Service
24	02/07/2012	Dead Seagull	Gibraltar Veterinary Clinic
25	02/07/2012	Loose paving stones	Technical Services
26	04/07/2012	Accumulation	Master Service
27	04/07/2012	Foul Smell	Environmental Agency
28	05/07/2012	Injured Seagulls	Michael Informed
29	05/07/2012	Exposed Metal Bolard	Technical Services
30	05/07/2012	Salt Water Leak	Aquagib

Answer to Question 862 of 2012

31	06/07/2012	Fly tipping	Master Service
32	09/07/2012	Sewage Leak	Environmental Agency
33	09/07/2012	Foul Smell	Environmental Agency
34	09/07/2012	Rubbish Accumulation	Environmental Agency
35	09/07/2012	Litter Bins	Environmental Agency
36	09/07/2012	Asbestos	Environmental Agency
37	09/07/2012	Refuse Collection	Master Service
38	09/07/2012	Dead Seagull	Gibraltar Veterinary Clinic
39	09/07/2012	Dog Lice	Housing
40	09/07/2012	Cats Roaming	Environmental Agency
41	10/07/2012	Rubbish Accumulation	Master Service
42	10/07/2012	Rubbish Accumulation	Master Service
43	11/07/2012	Exposed Street Lamp	GEA
44	11/07/2012	Accumulation (Sundays)	Master Service
45	11/07/2012	Sewer leakage	Technical Services
46	11/07/2012	John Mackintosh Toilets	RGP
47	11/07/2012	Broken Water Meter Cover	Aquagib
48	11/07/2012	Broken Water Meter Cover	Aquagib
49	12/07/2012	Graffiti	Master Service
50	12/07/2012	Accumulation	Master Service
51	12/07/2012	Rats	Environmental Agency
52	12/07/2012	Broken Fencing/Rubbish	Unclear Responsibility
53	12/07/2012	Dead pigeon	General Veterinary Clinic
54	13/07/2012	Line Wall Road Toilets	Dept. of Env.
55	16/07/2012	Salt Water	M.O.D
56	16/07/2012	Accumulation	Master Services
57	16/07/2012	Noise Pollution	Environmental Agency/RGP
58	16/07/2012	Dead Seagull	Gibraltar Veterinary Clinic
59	16/07/2012	Building Colours	Town Planning
60	17/07/2012	LPS	Unclear Responsibility

Answer to Question 862 of 2012

61	19/07/2012	Abandoned Vehicles	RGP
62	19/07/2012	Blocked Sewer	Environmental Agency
63	20/07/2012	Noise Pollution	Environmental Agency
64	20/07/2012	Overgrown Tree & Mosquito Infestation	EA/Housing
65	24/07/2012	soiled pavement	Master Service
66	03/08/2012	Graffiti	Unclear Responsibility
67	06/08/2012	Refuse	Dept. of Env.
68	06/08/2012	Dumping of WEEE	Environmental Agency
69	13/08/2012	Stained/smelly litter bin surrounds	Master Service
70	16/08/2012	Dead Cat/Seagull	Gibraltar Veterinary Clinic
71	17/08/2012	Foul Smells	Environmental Agency
72	20/08/2012	Stained Pavement	Morrison's
73	20/08/2012	Public Toilets	Dept. of Env.
74	21/08/2012	Obnoxious Smells	Environmental Agency
75	24/08/2012	Cleaning	Environmental Agency
76	27/08/2012	Refuse	Dept. of Env.
77	27/08/2012	Dismantling of Scaffolding	JBS
78	31/08/2012	Cleaning of Beaches	Master Service
79	03/09/2012	Tree affected by Palm Weevil	Dept. of Env. - Planted Areas
80	11/09/2012	Tobacco-related Littering	RGP/Environmental Agency
81	11/09/2012	Accumulation	Dept. of Env.
82	12/09/2012	Refuse Cubicle	Dept. of Env.
83	20/09/2012	Park Toilets	Sports & Leisure Authority
84	24/09/2012	Access Obstruction & Lack of Lighting	Dept. of Env.
85	26/09/2012	Seal at Coaling Island	Dept. of Env.
86	28/09/2012	Obnoxious Smells	Environmental Agency
87	02/10/2012	Rubbish Accumulation	Housing
88	03/10/2012	Litter	Master Service/Greenarc
89	04/10/2012	Dead plants	Dept. of Env.
90	08/10/2012	Accumulation	Master Service
91	09/10/2012	Skip	Environmental Agency

Hon. S M Figueras: Mr Speaker, it would be very helpful if the Minister... Oh, you have provided the schedule – sorry, I did not know you were providing one, I apologise.
I am grateful for the answer, thank you.

1385

**Queensway car parks
Solar powered lighting**

1390

Clerk: Question 863, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for the Environment confirm whether any issues have arisen out of the installation and operation of the solar powered lighting at the new car parks in Queensway?

1395

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, two of the lights were not functioning earlier this week. However, as they are within the warranty period, they will be replaced or repaired at no cost to the Government.

1400

Hon. S M Figueras: I am grateful, Mr Speaker. The reason for the question was I had received representations that there had been, at least on the one occasion, an issue in relation to the power being stored by the unit not being enough for the lights to be on throughout the duration of the night. Is the Minister aware of any of that?

Hon. Dr. J E Cortes: Mr Speaker, it appears that on one particular day after a succession of cloudy days, there seems to have been an issue, but because it is within the warranty period, the Electricity Authority is looking at the batteries. It may be that the batteries have to be slightly different, so that they retain more power. That issue is being addressed.

**Climate Change Forum
Meetings 2012**

Clerk: Question 864, the Hon. S M Figueras.

Hon. S M Figueras: Can the Minister for the Environment provide details of meetings of the Climate Change Forum during 2012 and information about its work so far.

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, the Climate Change Forum, which had not met since 2008, has met on three occasions this year, with the next meeting already scheduled for early January. It has been expanded to include the Technical Services Department and a representative of the Health Authority, two organisations with a crucial role to play in this team.

The forum is concentrating on a revision of the 2008 Climate Change Programme to reflect the new initiatives that this Government is spearheading, in terms of climate change mitigation, as well as to include a section on adaptation to climate change.

The forum is also working on the calculation of a carbon footprint for Gibraltar and is in contact with a number of universities and research bodies to develop this idea.

Clerk: Question 865, the Hon. –

Hon. J J Netto: Mr Speaker, if I may, (**Mr Speaker:** Yes.) just a quick supplementary on this particular question.

I do not know whether the Hon. the Minister for the Environment can tell us, as a result of the meetings he has held during the course of this year, what are the climate change challenges that he foresees – the major ones not the smaller ones – which need to be addressed?

Hon. Dr. J E Cortes: Presumably, Mr Speaker, the hon. Member is referring to in Gibraltar?

Hon. J J Netto: Yes, of course.

Hon. Dr. J E Cortes: Yes, this is something that obviously is not prepared in response to the Question, but I can answer that some of the challenges include the possibility of sea level rise, which is probably the biggest immediate threat and how that would affect our coastal areas; and also how a possible, if not expected, increase in weather issues such as heavy rains might increase in frequency and how that would affect things like drainage and possible flooding.

Those are the two main areas that affect us directly in Gibraltar.

Hon. J J Netto: Could I ask a further supplementary question, in relation to the first example that the Minister cited, which is a possible rise to sea water level on the coastline. Is there any particular area within the coastline in particular which is vulnerable to any possible expectation of sea water level rises?

Hon. Dr. J E Cortes: Mr Speaker, this is one of the matters that is being addressed by the Forum. I would not like to speculate now on what the response would be. I may have my own personal views, but I think I would rather wait until the Forum responds in the programme it is developing.

**Thinking Green Conference
Costs**

1465 **Clerk:** Question 865, the Hon. S M Figueras.

1470 **Hon. S M Figueras:** Mr Speaker, in light of the publication of the identity of the sponsors and ticketing arrangements for the forthcoming Thinking Green Conference, can the Minister for the Environment now provide full details to this House of the anticipated cost of the conference, broken down by gross costs including, but not limited to, the fee payable by the Government for the guest speakers, costs associated with travel and security detail for said speakers and anticipated revenues from ticket sales and sponsorship, broken down into ticket revenue and sponsor revenue, identifying the extent of the participation of each sponsor, and the total anticipated amount of contribution by the Government to this initiative?

1475 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

1480 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, I will answer this Question together with Questions 866 and 867.

**Thinking Green Conference
Sponsorship**

1485 **Clerk:** Question 866.

1490 **Hon. S M Figueras:** Can the Minister for the Environment confirm the process by which sponsors for the Thinking Green Conference were identified and approached, the amount of their contribution and details of the contractual arrangements entered into in respect of that sponsorship, including, but not limited to, information about terms relating to access during and after the event, to the guest speakers and in particular, former Vice President Al Gore and Juan Verde?

1495 **Thinking Green Conference
Visit of former Vice-President Al Gore**

1500 **Clerk:** Question 867.

1505 **Hon. S M Figueras:** Can the Minister for the Environment tell this House how long former Vice-President Al Gore is expected to remain in Gibraltar during his visit for the Thinking Green conference this month and whether he will be hosting a press conference in Gibraltar for local and international press during said visit? If not, why not?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

1510 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, the financial information requested is not yet available, as the event has not taken place and final arrangements are still to be confirmed. This information will of course be available sometime after the event.

In relation to the sponsors, it was they who made contact with the organisers. There have been no final contractual arrangements for the sponsors, who have, however, been given complimentary tickets to the seminar and dinner.

1515 The visit by Vice-President Gore, a former US Vice-President and former presidential candidate, clearly has security implications so that details of his travel, length of stay and other such information cannot be divulged in public in advance of the visit.

He will not be specifically hosting a press conference during his visit, as has already been stated. This is his usual practice. He will, however, be answering questions as part of the seminar itself.

1520 **Hon. S M Figueras:** It strikes me as peculiar that, even at this late stage – and the conference is on Sunday and I am hoping to get my tickets from the hon. Member in the House this morning – but, it strikes me as peculiar that, even this close to the event, there are no final contractual arrangements in place with the sponsors, that we might reasonably be expected to receive the information that I am asking

1525 for in relation to the contribution from the sponsors. Does the Minister not concede that it is peculiar that, at this late stage, there is no such arrangement in place?

Hon. Dr. J E Cortes: Mr Speaker, the sponsors are sponsoring the event and the only thing they are getting is access to the tickets to the seminar and the dinner. There is no complicated contract, therefore.

1530 As to the closeness to the event, because of the security level of a former Vice-President and a current campaigner in the US presidential campaign, which is only several weeks away, the travel arrangements are liable to change up to the last minute and that will have a bearing on costs.

Similarly, some of the sponsors are sponsoring in kind, providing services which they are not charging for and until those services have been provided, we are not sure what the value of those will be.

1535 Those are some of the reasons in which giving any figure now would be inaccurate and therefore I think would be irresponsible of me.

Hon. S M Figueras: In relation again to the sponsors, in light of the comments made by the ESG publicly in relation to specifically the Nature Group's participation in the event, does the Minister have any concerns that their participation might have any kind of reputational impact on the event?

1540

Hon. Dr. J E Cortes: No, Mr Speaker.

Hon. S M Figueras: Further in relation to the sponsors, Mr Speaker, the Minister has told us that the sponsors involved in the event approached the Government to offer their sponsorship of it. Would the Minister agree with me that it might not have been a bad idea, in terms of generating even more sponsorship and reducing even further the contribution the Government would have to make to this initiative, to have approached the wider business community in Gibraltar?

1545

Hon. Dr. J E Cortes: Mr Speaker, some other possible sponsors were approached, but did not express an interest in time for them to be included in the advertisement and so on, so there were other approaches; but the successful sponsors were all ones who approached the Government.

1550

Hon. S M Figueras: Would the Minister – not publicly certainly, because I can understand that there might be an issue relating to the sensitivity of the information – be happy to confidentially share the information of who the sponsors they approached were?

1555

Hon. Dr. J E Cortes: I am not sure that it would be appropriate, because I do not know if I am at liberty to give information of sponsors and of conversations with entities without their permission, so I would seek their permission before I would share that information. If they grant me that permission, then I have no problem.

1560

Hon. S M Figueras: Mr Speaker, I would be grateful for that, simply because there have been concerns raised to me, in relation to the fact that a fair crack of the whip was not had by the wider business community, and it is an issue that I think is worth pursuing.

1565

Hon. Dr. J E Cortes: Yes, certainly. The business community has been very supportive in participation in the Trade Fair, so I suspect that those that may have expressed concern are those who are not participating in the Trade Fair. But they, I think, would have known that if they had an interest in sponsoring the event, they could have approached the Government and, obviously, they would have been considered.

1570

Hon. S M Figueras: Mr Speaker, I disagree with the Minister in relation to the point that he makes about willing sponsors could have approached the Government to offer their sponsorship of the event, if they were not aware that it was happening or no public announcement was made. We will agree to disagree and I will look forward to receiving the information, or rather confirmation of whether he is able to disclose that information confidentially.

1575

However, moving on to the issue of the press conference, or rather the non-event of the press conference here in Gibraltar by Vice-President Al Gore, does the Minister not consider it peculiar that such a high profile figure as is former Vice-President Al Gore and indeed a presidential candidate, who has spent the best part of a decade travelling the world, spreading the climate change message, that he should not host a press conference on the occasion of his visit to Gibraltar?

1580

Hon. Dr. J E Cortes: Mr Speaker, I do not find it peculiar, but perhaps the hon. Member will put it to him himself at the dinner, where I am sure he will have the opportunity to speak to him.

In any case, the speaker will be answering questions at the end of his lecture for anything between 30 and maybe 45 minutes, I cannot remember exactly what the programme has allowed, and therefore, that in itself can take the place of a press conference, in the sense that not only members of the press who may be sitting there in the audience, but also members of the public will have the opportunity to put questions to him.

So I think that is not as big an issue as the hon. Member seems to suggest it is.

Hon. S M Figueras: But, Mr Speaker, yes, I will look forward to having the opportunity to speak to Vice-President Al Gore. I would be a fool if I did not concede that it is of course a very good opportunity to speak to a personality such as Vice-President Al Gore.

Whilst I will be happy to ask him that question on a one-to-one basis, I asked that question in this House merely to give voice to concerns that have been raised to me as part of my responsibility in this House.

However, in relation to the point that the Minister has made that at the end of the speech there will be a question-and-answer session which is scheduled, is it not the case that the press is required to leave the premises after the first five minutes of the speech?

Hon. Dr. J E Cortes: No, Mr Speaker, it is cameras that have to leave the premises after five minutes. Reporters can remain sitting in the auditorium, making notes and participating like any other member of the public. It is cameras that are asked to leave.

I suspect one of the reasons is that these are lectures which could then find themselves on U-tube or one of these things. I think it is standard procedure that in events of this nature, people are asked not to take cameras into the auditorium. On this occasion, we felt and Vice-President Gore's team responded that there was enough media interest to warrant some filming of the initial bits of the talk, very much as cameras are here in this House at the beginning of sessions, but do not necessarily have to stay, but nevertheless reporters can sit in through the whole of the proceedings. There is no difference.

Hon. S M Figueras: Mr Speaker, I suspect at expensive events of this nature, that would of course be the case and I am grateful for the clarification, as I was not aware of it.

One final supplementary, Mr Speaker, does the Minister consider that this represents – whatever the cost may be and I am not meaning to press him any further, because I am obviously not going to get the answer, I am not one to embark on a fool's errand – does he consider that whatever the cost of this event – which we will eventually know about after it – represents a value-for-money initiative of the kind that is necessary, appropriate and called for in the current climate – if you will pardon the pun – and in particular in the context of the ruinous state of public finances that the Government appeared – so they say – to have inherited on 9th December 2011?

Hon. Dr. J E Cortes: Mr Speaker, we cannot understate the significance of a personality of the stature of Vice-President Gore. Whether you agree with him or not, whether you agree with what he says or not, whether you agree with his lifestyle or not, we cannot understate the significance of former Vice-President Al Gore coming to Gibraltar and speaking to us. That in itself has a value. Sometimes, unfortunately, the way that the economy of the world is calculated, monetary value is not placed to matters of such value. That I think is sad, but nevertheless, that is the way the world is.

However, the generation of interest that this has already delivered in companies wanting to take part in the Trade Fair, in companies who may not be taking part in the Trade Fair but who have contacted the Department with an interest in bringing new initiatives to Gibraltar in relation to sustainability and renewable energy as examples, the interest that that has led in myself personally having been asked to a number of meetings and had a number of meetings requested by people in International business and by people in International politics, because they are quite impressed about the way that Gibraltar is moving forward with a green agenda will most likely bring large economic benefits to Gibraltar in the future.

Therefore, I think, Mr Speaker, that answers the hon. Member's question.

Anti-smoking legislation Cigarette-end bins outside buildings

Clerk: Question 868, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for the Environment state whether the Government will be placing more cigarette-end bins in town as a result of the increase in smoking that is taking place outside buildings after the implementation of the 1st October legislation?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

1650 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, Government has commenced a pilot programme in this respect and a small number of cigarette-bins in the town area will be installed and monitored over the course of the next few weeks.

1655 **Primary Care Centre one-month advance appointments
Improvements to system**

Clerk: Question 869, the Hon. Mrs I M Ellul-Hammond.

1660 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain how the new one month advance appointment system will be improved in order to avoid the scenes witnessed on 1st October at the Primary Care Centre?

1665 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, the new advanced appointment system was – as was clearly stated in public – a pilot system, subject to improvement. Following the implementation, a number of multi-disciplinary meetings have been held, involving GPs, nursing and administration staff and a number of further measures are being planned.

1670 It should be noted that this system – while inconvenient to some of those who attended – has seen many positives. For example, as from the afternoon of 1st October, appointments have been available with most of the doctors and no ‘did not attends’ have been reported. This was one of the main aims of the pilot, as it in effect releases more slots.

1675 The need now is to ensure that so many people do not feel they need to queue up or call first thing in the morning on the first of the month. We will now attempt to reassure the public to this effect.

In addition, patients requiring repeat prescriptions and patients asked by the GP to return on a given date will not be restricted to the month of open appointments. They will be able to either present their last complete prescription or a note that the doctor will provide and the appropriate appointment will be given. This means that these patients will not have to present or call on the first of the month.

1680 This, Mr Speaker, is a developing process. Inconvenience to our patients is deeply regretted. but it is the first time that a concentrated multi-disciplinary effort is being made to solve this long-standing problem once and for all, and I would like to pay tribute to the hard working staff at the Primary Care Centre for all their efforts and hard work.

1685

**Additional GP support for winter
Arrangements**

1690 **Clerk:** Question 870, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, will the Minister for Health be arranging for additional GP support for the winter months to come?

1695 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, at present the GP workload is being regularly monitored.

1700 An additional locum GP has been employed already to assist with the increase in attendance to the emergency clinics and will probably continue over the winter period.

Unlike previous winters, we now have two fully prescribing nurse practitioners and hope to recruit a third one, which is in complement. These competent practitioners will assist with emergency clinics and provide additional appointment availability.

1705

1710 **Primary care clinic for children
Establishment**

Clerk: Question 871, the Hon. Mrs I M Ellul-Hammond.

1715 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health advise when the primary care clinic for children will be established in the Rainbow Ward at St Bernard's Hospital, as per the Government's manifesto?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

1720 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, the passage of children through the health system is a subject of discussion with the professionals concerned, as I stated in my Budget speech. Recommendations will be considered at the end of the process.

1725 **A&E Department
Changes and improvements**

1730 **Clerk:** Question 872, the Hon. I M Ellul-Hammond.

1735 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health outline the changes and improvements to the A&E Department he said in his Budget speech would be 'seen very soon' and to which, according to the Gibraltar Senior Citizens' Association he said 'that the system needs reviewing but is already looking into ways of improving the service'?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

1740 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, as announced during my Budget speech, the GHA has already commenced a series of works to the Accident and Emergency Department, in order to improve the services offered to our patients. Works have been planned fully involving Nurse Management and other clinicians.

1745 The works entail the following aspects: (1) improved triage facility for patients presenting through the main reception waiting area; (2) a new triage area for patients brought in by the Ambulance Service; (3) new Charge Nurse/Sisters' office within the Majors zone; (4) new reception counter to improve the privacy afforded to patients whilst presenting at A&E – this will also enhance the communication and co-ordination between the reception and A&E staff base; and (5) enhanced clinical storage facilities, which releases more space.

1750 The above measures have also been considered from the perspective of enhancing staff security. It is expected that these works will be concluded before the end of November.

An additional non-consultant hospital doctor was engaged on 6th June 2012; and the manning of the reception is being reviewed.

1755 **Stroke unit within St Bernard's Hospital
Establishment**

Clerk: Question 873, the Hon. Mrs I M Ellul-Hammond.

1760 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health advise when the establishment of a stroke unit within St Bernard's Hospital will take place, as per the Government's manifesto?

1765 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, the matter is currently being considered by the professionals concerned and we are awaiting recommendations.

1770

**GHA's Zero Tolerance Policy
Effectiveness**

1775 **Clerk:** Question 874, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, what will the Minister for Health be doing in order to make the GHA's Zero Tolerance Policy more effective, given public concerns raised by GHA medical staff that it is ineffective in protecting employers against harassment and intimidation?

1780 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, a policy, however well drawn up, will never be able to stop the public harassing or intimidating staff.

1785 The principles set out in the Zero Tolerance Policy are ones which I support.

Management has my full backing in the implementation of this Policy. I am not aware that the policy has lost its effectiveness, since it was first introduced.

1790 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, has the Hon. Minister not looked into the allegations and concerns raised by the GHA's medical staff in the media?

Hon. Dr. J E Cortes: My point is that the existence of the Policy will not stop people harassing. That, sadly, is in the condition of the harasser. The Policy will deal with harassment, but will not necessarily stop it. The fact that there may or may not be one, two, three or four, on any particular period of time, instances of harassment, does not reflect on the Zero Tolerance Policy.

1795 The Zero Tolerance Policy is *zero tolerance*. We cannot have a 'minus five' tolerance policy or something like that. There is no tolerance of these sorts of events and any events that concern harassment or intimidation are regretted, but it is not the Policy that is at fault.

1800 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, so is the Hon. Minister not concerned that some GHA medical staff feel the GHA Zero Tolerance Policy is ineffective? Will he not be taking their recommendations on board and speaking with them?

1805 **Hon. Dr. J E Cortes:** Mr Speaker, the GHA staff know very well how concerned I am about their work conditions, their safety and so on. Of course, if any member of staff raises any issue at all with me, including particularly when they may be concerned about harassment and intimidation, they will be listened to very seriously and whatever action can be taken will be taken. That is absolutely the case.

1810 There have been several instances in the last 10 months, and I can assure the hon. Member that they have all been dealt with very, very seriously. However, I repeat, any member of staff who wishes to raise any matter is more than welcome and will be listened to.

**GHA waiting lists
Table 24 on Government website**

1815 **Clerk:** Question 875, the Hon. Mrs I M Ellul-Hammond.

1820 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain the GHA Table 24, as updated on 2nd August 2012, obtainable on-line from the statistics section of the Government website, namely 'Number of people on the GHA waiting lists for operations at St Bernard's Hospital with a breakdown by the type of surgical discipline', and whether the numbers are cumulative over the months; and where is it indicated how many cases are awaiting surgery by type and for the one month only?

1825 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, the numbers are not cumulative.

The total waiting list is based on the last month in the tables shown, those are the active figures.

1830 The totals given are – *were* – a mathematical calculation – maybe I can call it an artefact of tabulation – which is not significant in real terms and no longer appears on the table.

The columns, Mr Speaker, had been added up, but it made no sense because it was not cumulative. Every table represents that month's waiting list.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, if I may refer to... I do not know if the Hon. Minister has the –

Hon. Dr. J E Cortes: I may have it.

Hon. Mrs I M Ellul-Hammond: I have a copy if the Hon. Minister would like... (*Interjection by Hon. Dr. J E Cortes*) Mr Speaker, if I may go to the table that the Hon. Minister now has a copy of, for example in July 2012, is the Hon. Minister saying that 316 people were still on the waiting list for general surgery?

Perhaps, could the Hon. Minister explain, what is that figure of 23 in brackets next to the 316?

Hon. Dr. J E Cortes: Mr Speaker, yes, it is correct. That means it is 316.

What was an artefact of tabulation – if I may use that term again, because I think it sounds absolutely marvellous! – is the total at the bottom... Clearly, you cannot add the months together to give you the figure at the bottom of that. It in fact no longer appears on the website.

I believe Mr Speaker, that the 23, the number in brackets – but subject to confirmation, as I do not seem to have those notes with me – are new cases in that particular month. But I will have to confirm that and I will be happy to give that information to the hon. Lady within the next day.

Hon. Mrs I M Ellul-Hammond: I am grateful for that, Mr Speaker.

So Mr Speaker, can the Hon. Minister, then... is it true to say that, in July, there were 316 waiting for general surgery; in June there had been 321 people waiting for general surgery? Does this mean that only five general surgeries took place in that month?

Hon. Dr. J E Cortes: No, because if you add the 23 – if that is new cases – those then will be added to the figure and then are cancelled out, because they have been done. I think that is what it means – but as I say, I will confirm that later.

Hon. Mrs I M Ellul-Hammond: One last supplementary, Mr Speaker.

Can the Hon. Minister confirm then that in total for the month of July, there were 934 people waiting for surgery?

Hon. Dr. J E Cortes: Mr Speaker, that is what the table says. I think this is a totally unsatisfactory level of people waiting. It is an issue and it is very similar to what was inherited, when I took responsibility for the Health Authority. It is something that I am actively working on with management and with the professionals to try and cut this waiting list drastically and I hope we will be able to succeed.

Staff Nurse vacancies GHA actions to fill posts

Clerk: Question 876, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, in response to Written Question 109/2012, 27.5 Staff Nurse positions are identified as vacant. Can the Minister for Health explain how those vacancies are being filled at present and what the GHA is doing to fill those positions on a permanent basis?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, some of the staff nurse positions above are being filled by officers in the nursing bank; others are covered by officers carrying out overtime, whilst some posts remain vacant.

The GHA wishes to fill these posts and has recently undertaken interviews for all of these positions. Successful applicants have, in the main, been informed. It is a process ongoing, and it is envisaged that the positions will be covered within the next three months.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, the vacant positions that the Hon. Minister has identified, are those or can those be filled by agency nurses?

Hon. Dr. J E Cortes: Mr Speaker, agency nurses are extremely expensive, particularly as they would have to be recruited most likely in the United Kingdom and there are horrendous charges for them.

1895 Therefore, we... I seem to recall one exception in that it was a particular specialty, it may have been children but I do not recall, when I authorised agency cover because of the critical responsibilities of that post.

1900 We feel that we can at the moment cover, on the understanding that the bank and the overtime will be short lived, in the sense that we hope that the nurses interviewed will be able to take up their posts shortly. But, agency nurses we do resist because they are extremely expensive, although when they are necessary for the safety and care of our patients, we will obviously engage them.

1905 **Hon. Mrs I M Ellul-Hammond:** Finally, Mr Speaker, I know I have not given notice of this question, but does the Hon. Minister know how many positions remain vacant, after bank nurses and overtime?

Hon. Dr. J E Cortes: No, Mr Speaker, I am afraid I do not have that information with me.

1910

**Dr. McCutcheon, previous Chief Executive Officer of the GHA
Compensation awarded**

1915 **Clerk:** Question 877, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health inform this House how much Dr. McCutcheon, previous Chief Executive Officer of the GHA, was awarded as compensation for having cut his employment contract short by three years?

1920 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, Dr. McCutcheon resigned as CEO.

1925 As the GHA has already announced, Dr McCutcheon resigned on 11th September. He himself announced his resignation and explained that he had resigned for personal reasons.

The Question seems to imply that the GHA cut short his employment contract. This is not the case.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, does that mean that there is no compensation?

1930 **Hon. Dr. J E Cortes:** Mr Speaker, that means that the appointment was not cut short. The terms of the, shall I say, termination of contract have to remain – (*Interjection*) yes, yes, let me finish – have at this moment to remain confidential.

However, I would be happy to discuss with the hon. Member outside the House.

1935 **Hon. Mrs I M Ellul-Hammond:** Yes, but why is it to remain confidential at this stage?

Hon. Dr. J E Cortes: Dr. McCutcheon's lawyer requested confidentiality and this was agreed.

1940 **Hon. P R Caruana:** Mr Speaker, that may be the case, but the Government is accountable to this House for its use of public funds and how much it has paid a public servant for the termination of that service is not a matter that can be kept from this Parliament on the basis that one of the parties to it prefers that it be kept confidential. On that basis, this Parliament's ability to scrutinise the Government depends on other people's desire not to prevent it from doing so.

1945 **Chief Minister (Hon. F R Picardo):** Mr Speaker, in this context, we are talking about a specific individual and a remuneration package related to that individual which has led, on his resignation, to a payment to him, based on the contract entered into with the hon. Members when they were in administration.

1950 Let me say that I will look at the confidentiality clause, because it seems to me that the confidentiality clause cannot exclude our obligation to be answerable in respect of public funds, and come back to the House on that basis.

I think it is correct to say that there is a confidentiality clause there. I have not seen it, and we may have to take advice on how we can answer such questions in the House.

1955 At the end of the day, a payment will have to be accounted for and it is possible that we may just have to direct hon. Members to where that payment is going to be accounted for and they can then see the

amount as a result of that, in whatever part of Estimates or whatever it is that we put out, so that they can see the exact figure in a public way.

1960 **Hon. Dr. J E Cortes:** Mr Speaker, I would confirm that the reasons I have not divulged them are purely because of my concerns as to confidentiality and that clearly, if that is cleared by the Chief Minister, I would have no problem at all.

1965 **Hon. P R Caruana:** Yes Mr Speaker, I have to say I am much more interested in the generality than in the specific case, but it also has to be said that the Hon. Dr. Cortes carefully worded his answer which would lead a less inquisitive listener to conclude that there was no compensation payment, which is a wholly different position to the one that we are in, in which there has been one, but he feels bound by confidentiality.

1970 Can I just say in answer to...if I can just ask the Hon. the Chief Minister – and I am grateful to him for what he has said on the question of confidentiality and all of that, and I await to see what conclusion he comes to – but when we were in Government, would he bear in mind that we were frequently invited by counterparties, whether it was in commercial agreements or in other situations, to submit to confidentiality clauses, which we often did agree to, but worded in terms that excluded from the confidentiality clause the Government's obligation to account to Parliament and any other... So some wording of confidentiality clauses is okay, but not an absolute...

1975 Anyway, I am happy to wait until his review of the matter.

1980 **Hon. Chief Minister:** I am grateful, Mr Speaker, and I am sure that no confidentiality clause can exclude such disclosure as may be required by operation of law or other requirement. Of course we have a requirement to account to this House for the spending of public money, therefore it must be that we are able to give that information. That is why I am going to look at it.

1985 The question that the Hon. Minister was answering was also very carefully worded and a less inquisitive person might not turn their attention to the detail of how it was phrased, suggesting that somebody had had their employment cut short. I think that is why he was very careful to answer correctly exactly the question that had been posed, as is our obligation when answering questions.

1990 **Hon. P R Caruana:** Mr Speaker, I think the hon. Member is right. The Hon. Minister for Health *correctly* corrected the false premise of the question, which was the assumption that the contract had been cut short and he *correctly* pointed out that it was not; but then he stopped short there, therefore giving the impression that because he had terminated it himself and it had not been terminated on him, ergo it must necessarily follow that there was no compensation. It is true that those words were not added, but it is implicit.

1995 If I ask if the contract was terminated, how much compensation was paid and the answer is the contract was not terminated, he resigned of his own accord, the implication is 'and therefore no compensation was payable or paid'. I am not saying that is what the hon. Member intended to convey, that false and misleading impression, but that is what it did.

2000 **Hon. Chief Minister:** Mr Speaker, can I just say that I am conscious that we have had a very good morning and it is often when we think that we are collaborating in exchanges like this and the words 'false' and 'misleading' creep in, that we then have an explosion. So can we just leave it there and I will come back with the information when I have it.

Mr Speaker: I would very –

2005 **Hon. P R Caruana:** The words 'false' and 'misleading' are perfectly okay when they are preceded with the words 'I am not suggesting that the hon. Member intended it'. It is only when they are not proceeded by those words that they might be aggressive!

2010 **Mr Speaker:** May I invite the Government to ensure that a statement is made here in Parliament, because it is a matter of public importance. I think the whole question of Dr. McCutcheon is one of great public importance and for the record, having regard to the question that has been made, I think for the record, some answer should also go into the record of our proceedings.

2015 **Hon. Chief Minister:** I am grateful, Mr Speaker, for that invitation.
I think in the process of finding the information that the Hon. the Leader of the Opposition has asked for and looking at how we deal with this confidentiality aspect, I am quite happy to bring such information or give such explanation as to the operation of the confidentiality clause, by way of a statement, with your leave.

**KGV Mental Hospital
Persons admitted below the age of 18**

2020

Clerk: Question 878, the Hon. J J Netto.

2025

Hon. J J Netto: Mr Speaker, could the Minister say if any person or persons below the age of 18 has been admitted to the KGV Mental Hospital and if so provide details of reason or reasons for the admission, the age, sex, duration and whether the decision for admission has been by sectioning, voluntary, or on any other account?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

2030

Minister for Health and the Environment (Hon. J E Cortes): Mr Speaker, the request for information regarding patients aged under 18 years admitted to the acute ward did not specify the period required. I have gone back as far as 1st October 2007, five years, in the admissions Book. Information is provided in the schedule I now hand over.

2035

Answer to Question No. 878 of 2012

SCHEDULE

Sex	Age of Admission	Date of Admission	Date of Discharge	Status	Reason for Admission
M	14	10/10/08	13/10/08	Inf	Assessment
F	17	24/08/09	28/08/09	Sec 5	Anxiety Low Mood
M	17	14/05/10	28/05/10	Inf	Assessment
M	17	15/05/12	08/06/12	Sec 5	Assessment
F	17	21/09/12	01/10/12	Sec 5	Suicidal ideation

2040

Clerk: The Hon. the Chief Minister.

Mr Speaker: Yes? Does the hon. Member wish to ask a supplementary?

2045

Hon. J J Netto Yes, please. If I can...

Mr Speaker: Yes, please do.

2050

Hon. J J Netto: Mr Speaker, in relation to the figures being provided, in particular to the two last ones – and I would not necessarily want to, across the floor of the House, give particulars of the particular individual – could I ask, have they been admitted by sectioning or was it a voluntary decision between all the professionals and the families?

If the hon. Gentleman wishes, I might even withdraw the supplementary question and perhaps have it confidentially, I do not mind.

2055

Hon. Dr. J E Cortes: Mr Speaker, it is in the table under 'Status'. The second last column provides the information.

2060

Hon. J J Netto Could I also ask, Mr Speaker, in relation to those two cases at the bottom of the chart, whether given their ages, are they being segregated from adults or not?

2065

Hon. Dr. J E Cortes: Yes, absolutely, as the hon. Member will know, the facilities in KGV are not ideal for this, but they are completely separated and supervised very closely at all times. The new mental facilities will provide much more satisfactory conditions for dealing with young people with this type of problem.

Hon. J J Netto: Could I also ask, Mr Speaker, presumably clinical diagnosis would have been made either by local professionals or perhaps given the circumstances of the cases, even by professionals from abroad. Is that the case Mr Speaker, in terms of diagnosing the condition of those particular individuals?

2070 **Hon. Dr. J E Cortes:** Mr Speaker, I would assume so. That specific information was not requested and therefore it is not included in the table, but I would assume so.

2075 **Hon. J J Netto:** Could I also ask in relation to those two whether... are these two in the care of the Care Agency or are they in the community prior to admission?

Hon. Dr. J E Cortes: Mr Speaker, I am afraid I do not have that information.

2080 **Hon. J J Netto:** And does the Minister know, given their ages, has their education been hampered in any particular way and whether there has been any multi-agency meeting to discuss amongst professionals if this is so and whether it is possible to try and put it back on track?

Hon. Dr. J E Cortes: Mr Speaker, they may not even be in school at that age, because it is past the compulsory school leaving age.

2085 Mr Speaker, I will have to have notice of that question. I have answered the specific points listed in the question. Any further information, I am afraid I do not have and that could follow, if the hon. Member wishes to write to me.

2090 **Hon. J J Netto:** Yes, probably, and perhaps my last supplementary question, although I take on board what he has just said, that he might not be in a position to provide me with information, but in relation to the last one, the one at the bottom there, it seems to me that there may be some underlying psychological issues there. If this is so, will the hon. Gentleman know whether there is a continual assessment, as a result of that, and any particular treatment as a result of that?

2095 **Hon. Dr. J E Cortes:** Mr Speaker, again, I do not have any information, but in view of the professional abilities of the staff, I am sure that whatever has to be done will have been and will be done. There is no holding back in helping young people with this sort of problem.

2100 As to specifics that were not in the question, it is not part of my day-to-day duties and therefore I do not have it. It is not the same as asking me about climate change, which I tend to know about, so I cannot answer that question.

Hon. J J Netto: I will take the offer from the hon. Gentleman and write to him to see.

Hon. Dr. J E Cortes: I will be delighted to respond.

Recess

2110 **Mr Speaker:** I understand the Chief Minister would like the House to recess now until three this afternoon.

Chief Minister (Hon. F R Picardo): Recess or adjourn, Mr Speaker, whichever you prefer. The practice until now has been that I move an adjournment until three.

2115 **Mr Speaker:** I honestly do not think that it is necessary. The word 'adjournment' refers to another day. You adjourn to another day. To this afternoon at three, there is no need for an adjournment. What the House should have is a recess until three o'clock this afternoon.

2120 **Hon. Chief Minister:** Mr Speaker, in Court –

Mr Speaker: It may be a practice which has been adopted in the last 20 years –

Hon. Chief Minister: Indeed, Mr Speaker –

2125 **Mr Speaker:** – but it was not in the previous 20.

Hon. Chief Minister: Mr Speaker, I think perhaps the influx of lawyers has brought in this new terminology of adjournment and what more salutary way to start your first day than to take a recess

2130 **Mr Speaker:** The word 'adjournment' is self-explanatory.

Hon. Chief Minister: So Mr Speaker, I am delighted that we should recess in fact until 3.00 p.m.

2135

**Invitation by Mr Speaker
Members may approach the Speaker's Chair**

2140 **Mr Speaker:** Before I do that, there is another matter I wish to mention.

When I was a Member of this House 20 years ago, the Hon. Sir Alfred Vasquez invited Members who might wish to have a word with the Speaker to approach the Speaker's Chair – obviously provided it is not a controversial matter – but there may be instances when a Member needs to come and have a word with the Speaker and not wait for the House to recess. So I would invite hon. Members to do that. I am available, it is a practice that I always found very useful myself, as I said, when Sir Alfred Vasquez was Speaker.

2145

Obviously a controversial or a difficult matter is another matter, but a small routine matter that they wish to come and talk to me about, there is no problem. Please approach the Speaker's Chair, whenever you feel necessary.

2150

The House will now recess until three this afternoon.

The House recessed at 12.20 p.m. and resumed its sitting at 3.00 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 5.07 p.m.

Gibraltar, Thursday, 18th October 2012

The Gibraltar Parliament

The Parliament met at 3.00 p.m.

[MR SPEAKER: Hon. A J Canepa GMH, OBE *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Questions for Oral Answer

CHIEF MINISTER

**Civil Service AA vacancies
Details and status of applicants**

Clerk: Answers to Questions continue.
Question 852/2012, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government state (a) how many AA vacancies have been

5 created within the Civil Service; (b) how many people applied for those vacancies; (c) how many have been employed in that grade; (d) of those employed in the grade how many were on the unemployment list and for how long and/or employed by ETCL under the Future Job Strategy scheme?

10 **Clerk:** Answer the Hon. the Chief Minister

Chief Minister (Hon. F R Picardo): Mr Speaker, forty vacancies have been advertised. One new AA vacancy has been created within the Civil Service. 603 applications were received. None have yet been selected.

15

**Redevelopment of
Ragged Staff car park**

20 **Clerk:** Question No. 915 of 2012.

Hon S M Figueras: Can the Hon. the Chief Minister confirm whether the Government has any plans for the redevelopment of the Ragged Staff car park?

25 **Clerk:** Answer the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government has no such plans at present.

30

**Development of East Side
reclamation**

35 **Clerk:** Question 916, the Hon. S M Figueras.

Hon. S M Figueras: Can the Chief Minister provide this House with his Government's plans and policy in respect of the development of the East Side reclamation?

40 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker the position remains as set out in answer to Written Question 142/2012.

45 **Hon. S M Figueras:** And am I to take it, Mr Speaker, that there has been no change in that position whatsoever and no further development since he gave that answer?

50 **Hon. Chief Minister:** Well, Mr Speaker, if I have said the position remains the same as set out in the answer to that Written Question then, unless I have been misleading him, it must be that there has been no change.

**Official car 'G1'
Use of intended replacement**

55

Clerk: Question 917, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Chief Minister state whether the intended replacement for the Chief Minister's official car 'G1' is anticipated to be used for both daily duties and ceremonial occasions or

60 whether the Government intends to separate the two activities.

Clerk: Answer, the Hon. the Chief Minister.

65 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Question 918.

Official car 'G1'
Hybrid/alternative energy replacement

70 **Clerk:** Question 918.

75 **Hon. S M Figueras:** Can the Chief Minister state whether he has now identified a hybrid/alternative energy replacement for the Chief Minister's official car 'G1' and, if so, what it is and when he expects it will enter service.

Clerk: Answer, the Hon. the Chief Minister.

80 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government is pursuing various options for the replacement, not just of the Chief Minister's official car but also for the replacement of much of the staff car fleet.

85 This involves the analysis of the specifications of various vehicle types, including hybrids and fully electric vehicles. No final decision has yet been taken in respect of the model or type, given that it is anticipated that new vehicle types will very shortly become available for testing. That will be followed, where relevant, by a procurement process.

90 The Government is aiming to start the roll out of a more environmentally friendly vehicle fleet during the course of the next financial year. Whether or not the replacement of the Chief Minister's official car will be for both daily duties, ceremonial occasions or both, will depend on the type and model of the replacement vehicle.

Government advisory councils
Membership and details of meetings

95 **Clerk:** Question 919, the Hon. D J Bossino.

100 **Hon. D J Bossino:** Further to Question 315/2012, can the Government advise whether the membership of the tourism, ports, business, e-commerce and e-government advisory councils have been reconstituted and provide details as to who comprises their respective memberships and how often they have met, if at all?

Clerk: Answer, the Hon. the Chief Minister.

105 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I hand the hon. Member a schedule with the information requested in respect of the advisory councils on tourism, ports and small businesses. The e-commerce and e-government advisory councils have not yet been constituted.

ANSWER TO QUESTION 919

Tourism Advisory Council

1. The Minister for Tourism
2. Chief Executive of the GTB
3. Franco Ostuni
4. Mrs. Lyana Armstrong-Emery
5. Mr. John Perez
6. Representatives of Gibraltar Taxi Association
7. Mr. Albert Garcia
8. Prof. Clive Finlayson
9. Mr. Albert Parody
10. Mr. George Gaggero
11. Mr. Richard Desoiza
12. Mr. Ernest Francis
13. A representative of the GFSB
14. A representative of the Chamber of Commerce

The Tourism Advisory Council met on 11 April, 31 May, 18 July & 3 October 2012.

Port Advisory Council

1. The Minister with responsibility for the Port
2. Chief Executive/Captain of the Port
3. Mr. John Bassadone
4. Captain Maltezos
5. Mr. George Dyke
6. Capt Chris Dodds
7. Mr. J. Corvelli
8. Capt Vassillios Terzis
9. Mr. Tommy Penalver
10. Mr. John Gaggero
11. Mr. William Jeffries
12. Mr. Tyrone Payas
13. Mr. Forti Azopardi

The Port Advisory Council met on 22 March & 1 June 2012.

Small Business Board

1. Minister with responsibility for Small Business - Chairman
2. Mrs. Cynthia Eagle
3. Mr. Ian Torilla - GFSB
4. Mr. Christian Hernandez - Representative of the Chamber of Commerce
5. Mr. Steven Marin
6. Mr. Vijay Daryanani
7. Marie Lou Guerrero
8. Mr. Peter Cabezutto
9. Mr. John Isola
10. Miss. Gemma Arias
11. Mr. Daniel Linares
12. Mr. Suresh Mahtani
13. Mr. Craig Fortunato
14. Mr. Felix Alvarez

The Small Business Board met on 11 April, 31 May, 18 July & 3 October 2012.

110 **Hon. D J Bossino:** Mr Speaker, whilst I receive the schedule in relation to the e-commerce and e-government advisory councils, if I could just refer the Chief Minister to the reply he gave to me in relation to a supplementary I asked in connection with Question 315 on the last occasion in March. He did say that these – I think if I could paraphrase or summarise – councils would not be available until the infrastructural work – and I am quoting him –

115 ‘to put the government in a position to be ready to do e-government and e-commerce’

had not at that stage been done and that is an aspect of the work that he said had to be given priority. Is the position, therefore, that the infrastructure work has not yet been completed and therefore, the Chief Minister has not yet had an opportunity to constitute a membership of these boards?

120

Hon. Chief Minister: Mr Speaker, the infrastructural work is ongoing and, therefore, I have not yet considered it appropriate to constitute these boards because there is no substantive issue to consider with them in respect of where we go thereafter.

125 So we are still at that stage. I expect to be in a position to constitute the boards sooner rather than later, when we really start to roll out the e-government programme.

130

**Monument to the women of Gibraltar
Plans to honour previous administration’s pledge**

Clerk: Question 920, the Hon. Mrs I M Ellul-Hammond.

135

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Government say what plans, if any, it has to continue the previous administration’s pledge to erect a monument to the women of Gibraltar on the sundial roundabout?

Clerk: Answer, the Hon. the Chief Minister.

140

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government is already in advanced discussions with the individuals who gave life to this idea at the time that Members opposite were in Government.

It is my wish that this should advance as soon as possible to recognise the immense contribution of the women of Gibraltar to the community in which we are so privileged to live.

145

**Health-related charities discouraged by GSD
Government claims**

150

Clerk: Question 921, the Hon. Mrs I M Ellul-Hammond.

155 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Chief Minister provide this House with the list he promised me of health related charities that the Government claims the GSD discouraged the work and contributions of, and the circumstances under which this happened?

Clerk: Answer, the Hon. the Chief Minister.

160 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I refer the hon. Lady to my last answer to her in this House and my last e-mail to her of 29th September 2012. The position, despite her many press releases on the subject, remains the same.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, will the Chief Minister be providing me with a list? He did state, at the last meeting of the House, that he was delighted to give particular examples and then,

165 in an e-mail to me, he did say 'I do have a list but will cross-check it with the Minister for Health'. So has the Chief Minister cross-checked it with the Minister for Health and can he provide me with a list?

Hon. Chief Minister: Mr Speaker, exactly as I said... the position remains exactly as I said in answer to the last question in the House and in my last e-mail to her. I am not yet in a position to give it to her for the reasons I set out in my last e-mail to her.

170 Since then, of course, she has issued a number of press releases. The position that I put to her in this House was that I would share the information with her confidentially. That remains the position.

I have just, as she will know, landed yesterday, from the month I told her I was going to be travelling extensively and not concentrating on that subject because I had other more pressing things to do. Now that I am back, I will do as I said I would in answer to her question.

175 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, the Chief Minister is willing to share that information confidentially later on?

180 **Hon. Chief Minister:** Mr Speaker, as I told her in the answer to her question and in my last e-mail once I have had the opportunity of checking that list with the hon. Member, I will be writing to her on the basis set out in the answer, in other words, confidentially to share that information with her.

185 **British Gibraltar territorial waters
Incursions by Guardia Civil**

Clerk: Question 922, the Hon. D A Feetham.

190 **Hon. D A Feetham:** Can the Chief Minister please state how many incursions have occurred into British Gibraltar territorial waters by the Guardia Civil, excluding innocent passage, since 1st January 2012.

Clerk: Answer, the Hon. the Chief Minister.

195 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this Question together with Questions 923 and 924.

200 **British Gibraltar territorial waters
Number of arrest warrants against Spanish fishermen**

Clerk: Question 923.

205 **Hon. D A Feetham:** Can the Chief Minister state how many arrest warrants have been issued against Spanish fishermen for illegally fishing in British Gibraltar territorial waters this year?

210 **British Gibraltar territorial waters
Number of incidents involving Spanish fishermen logged by RGP**

Clerk: Question 924.

215 **Hon. D A Feetham:** Can the Chief Minister please state how many warnings, reports for process and arrests have been made or issued by the RGP this year in relation to Spanish fishermen's activities in British Gibraltar territorial waters?

220 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, there have been 208 incursions by the Guardia Civil into British Gibraltar territorial waters since 1st January 2012.

225 This year 24 Spanish nationals were reported for process, however. Twenty-one of these persons were reported for process for fishing from the No warrants or arrests have been issued against Spanish fishermen for illegal fishing in British Gibraltar territorial waters. beach and all were cautioned for the offences. Three fishermen were reported for process for using illegal nets: they are currently being judicially processed, with one of the fishermen already having been summoned to appear in court.

230 **Mr Speaker:** Next question.

Question Withdrawn

235 **Clerk:** Question 925, the Hon. D A Feetham.

240 **Hon. D A Feetham:** Mr Speaker, I am withdrawing this question. This is a question that I asked in a different format. I was asked by the former Speaker to cut it down because I referred to a preamble and, in fact, over the telephone, we discussed a new formulation of the question. Unfortunately, it does not actually reflect what I believed had actually been agreed between himself and myself and therefore rather than ask this on this basis, which is not the question that I wish to ask, I am withdrawing it and I am going to ask it of the Chief Minister next time round.

245

Flexible working hours for the Civil Service

250 **Clerk:** Question No. 926 of 2012, the Hon. D A Feetham.

Hon D A Feetham: Can the Minister with responsibility for the Civil Service please state whether the Government has made a decision on the detail of flexible working hours for the Civil Service and in particular (a) how these hours will be monitored; (b) the hours themselves; and (c) whether these hours will be rolled out across the entire public service including the GDC?

255 **Clerk:** Answer the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, no such decision has been made.

260 **Clerk:** With the Chief Minister's leave, may we proceed to Questions which are going to be answered by the Minister for Traffic, Health & Safety and Technical Services or... The Deputy Chief Minister.

265

DEPUTY CHIEF MINISTER

Aerial Farm Proposed residential development

270 **Clerk:** Question 909, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Deputy Chief Minister tell this House whether the Government is proceeding with the proposed residential development at the Aerial Farm?

275 **Clerk:** Answer, the Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr. J J Garcia): Mr Speaker, I will answer this Question together with Question 910.

280

**Elliott's Battery/Europa Point
Proposed residential development**

285 **Clerk:** Question 910.

Hon. S M Figueras: Can the Deputy Chief Minister confirm whether the Government will be proceeding with the proposed residential development in the area of Elliott's Battery/Europa Point?

290 **Clerk:** Answer, the Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr. J J Garcia): Mr Speaker, the Government has not yet taken a final decision on this matter.

295 **Hon. S M Figueras:** For the avoidance of doubt, Mr Speaker, in light of the answer that the decision has not yet been taken, is it safe to assume, or would the Hon. Deputy Minister agree that it is safe to assume, that there is a possibility however remote and I do not know the extent to which they are in negotiations in relation to the project, that the project may not go ahead.

300 **Hon. Deputy Chief Minister:** The position is that the project may go ahead or it may not. That is why we have not come to a decision so either thing could happen.

305 **Hon. S M Figueras:** And just one question further, Mr Speaker: is the Deputy Chief Minister able to enlighten us as to the reasons why this determination has not yet been made. Is it perhaps in relation to, or is it perhaps as a result of, pending consultations being completed and the like?

Hon. Deputy Chief Minister: I think that the answer is yes.
Part of it is that it is pending consultations which need to take place and part of it is the overall strategy of the Government to provide so many houses in four years.

310

**Trainees on placement
Details and nature of work being undertaken**

315 **Clerk:** Question 912, the Hon. S M Figueras. (*Interjection by Hon. S M Figueras.*)
...It is going to be answered by another Minister.

320 **Hon. S M Figueras:** Can the Deputy Chief Minister provide details, providing a breakdown by age, gender and nationality of all trainees on placements within the Ministry for which he has responsibility indicating the Department, Agency or Authority where they are placed, as well as showing the type of work that they are engaged in.

Clerk: Answer, the Hon. the Deputy Chief Minister.

325 **Deputy Chief Minister (Hon. Dr. J J Garcia):** Mr Speaker, there are none.

TRAFFIC, HEALTH & SAFETY AND TECHNICAL SERVICES

Sewage infrastructure

Necessary improvement works identified by Government

Clerk: Question 887, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for Technical Services provide details to this House of the works identified by the Government as required to modernise and strengthen sewage infrastructure as well as its policy in this regard, with specific reference to the level of investment it plans to make into this initiative?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the Technical Services Department have produced a six year strategic plan for the rehabilitation of the main trunk sewer and associated infrastructure.

The exact details of the extent of the works required and the programme will be determined once a first stage of the project involving the silting and subsequent structural inspections using man entries and CCTV equipment is completed.

The Government is committed to investing in our sewage networks in line with our manifesto. There is £100,000 allocated in this financial year's Improvement and Development Fund to allow a start to be made on this first stage.

Hon. S M Figueras: I am very grateful to the Minister for his very helpful answer, particularly reference to the allocation made.

**Residents only parking
Implementation by Government**

Clerk: Question 888, the Hon. S M Figueras.

Hon. S M Figueras: Can the Government explain how it intends to administer the 'residents only' parking as referred to in its manifesto, whether it is already doing this in respect of the new car parks in Queensway and, if not, why not?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the Government has still not made a policy decision regarding how parking will be managed, be it continuing down the route of providing parking for residents of specific areas, as had been done by the previous Administration, or by adopting a totally different approach.

The decision on this will be made taking into account the recommendations arising from the sustainable traffic, transport and parking plan. The new Queensway car park has, therefore, not been allocated on any basis. It will, at present, continue to be available for free public use as an alternative to the Commonwealth Car Park now that works to convert that into a magnificent green park have started.

Hon. S M Figueras: Mr Speaker, I am grateful for the answer certainly but isn't the provision of the – well, I will preface this in this manner – the Commonwealth Park was originally, according to your manifesto, going to have an underground car park which was illustrated in that manifesto very clearly as being for residents only. Is it not the policy of this Government that, in respect of the parking it is providing in place of the underground car park, it will not be offering it 'for residents only'?

385 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am going to clarify that even though it relates to the manifesto and despite our discussion this morning. (*Interjection by Hon. S M Figueras*)

'Residents Only' in that context – I think it is further explained in the manifesto – means residents of Gibraltar, not residents of the area. I think we have had this exchange before in answer to questions from Mr Bossino – I may be wrong – or whether it has been outside of this House, that in order to implement such a policy we first have to get over the hurdle of the implementation of the policy in relation to the identity card.

390 The identity card with a chip will then enable residents to use that card to access the car park so, therefore, it is a process of having both the development, the ID card reaching its next stage, and then being able to implement that particular policy in that way so that the car park can then be used by people who are not residents but on a paying basis and those who are residents will be able to access it on a non fee-paying basis.

395 **Hon. S M Figueras:** Just by way of additional clarification, if any were needed, is it – and this is an open question, I just wonder whether perhaps the Government is seeking to draw any correlation in respect of what it does in relation to the parking, as it has done in relation to the buses. Is that where the Chief Minister is saying they are going with this, as well?

400 **Hon. Chief Minister:** Well, Mr Speaker, that is not presently on the cards but it may be that, in discussions, that becomes relevant or something that we are considering doing. It is not presently on the cards. At the moment, the issue is, or rather the idea of the Government is, to have those types of car parks only for residents, in other words for local vehicles. But it may be, in the future, that there is a development of that idea, either before or after we implement.

405 **Clerk:** Question...

410 **Hon. S M Figueras:** I just cannot help but rise to my feet and ask the Minister responsible for Traffic, given that, in his prepared response to my hon. and learned Friend, he made a reference to – and I do not recall the full title of the plan but I will summarise it as 'the traffic plan'... Is he in a position now to advise this House when he, the Hon. Minister, thinks that the process will be complete and we will have the benefits of reading the Government's traffic plan?

415 **Hon. P J Balban:** Mr Speaker, I am not in a position to actually know, as yet, when that process will be complete. We are actually arriving at the stage whereby a consultant will be appointed and, once that is done, then the whole process will begin in earnest with the traffic plan – so it is going to be quite a while.

420 **Reclamation Road multi-storey car park**
Government plans for continuing use

Clerk: Question 889, the Hon. D J Bossino.

425 **Hon. D J Bossino:** Can the Minister for Traffic, Health & Safety and Technical Services advise this House what plans the Government has in relation to the continuing use of the multi-storey car park at Reclamation Road?

430 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the Government intends to continue to use it as a car park for the time being. No future use has been determined.

435 **Hon. D J Bossino:** Mr Speaker, is the Minister aware that – and I say this without necessarily any authority – whether there are health and safety issues which impact on the continuing use of the multi-storey car park and, if so, will that determine its continuing use? That is really where the question was coming from.

Chief Minister (Hon. F R Picardo): Mr Speaker, I happen to have the information for a simple reason,

440 namely, of course, that the car park is in the place of a development, the progress of which is a matter that is being negotiated with my office, not with the hon. Gentleman. I can tell him that I checked as recently as last week whether there are any issues with that car park.

445 He may recall that car park used to have a roof of sorts, which was removed. My understanding, from the technical advice I have at No. 6, is that the roof had health and safety issues with high winds – that was removed – but that the rest of the structure is perfectly safe.

**Queensway Quay Car Park
Details and running costs of solar-powered street lamps**

450 **Clerk:** Question 890, the Hon. D J Bossino.

455 **Hon. D J Bossino:** Can the Minister for Traffic, Health & Safety and Technical Services provide details of the setup and running costs of the solar-powered street lamps which have been installed at the new Queensway Quay Car Park alongside Kings Wharf?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

460 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the cost of the solar powered lamps in the first phase of the Queensway Car Park amounts to £41,242.44, inclusive of installation.

465 This is for a total of twelve lamps. These units are self contained and therefore do not incur any daily running costs as such. There will, however, be a need to carry out scheduled maintenance in accordance with the manufacturer's recommendations. The total cost of this will be accurately determined once the car park has been completed and all fittings are in place.

Hon. D J Bossino: May I ask which company or individual was the beneficiary of the installation of these street lamps?

470 **Chief Minister (Hon. F R Picardo):** Mr Speaker, again because it was an issue that was negotiated with my office and not the office of the Minister for Traffic, the people who own that plot of land – and I say 'people' because I cannot remember the name of the company – those individuals have a number of different companies for their own purposes – one of them may be King's Wharf Limited, from memory. They are the people who developed the car park so, therefore, we do not have that information.

475 The information the hon. Gentleman is asking for, we do not have. From plain sight he will know that there were AMCO vehicles there during the second half and there were AMCO vehicles there during the first half. I think, therefore, it is likely that it may have been AMCO that did some of the works, but I am talking to him as a layman in that respect because it was not the Government that did those works.

480 **Hon. D J Bossino:** Mr Speaker, I am asking specifically in relation, as the Chief Minister and the Hon. Minister for Traffic knows, to the installation of the solar powered lamps, so just for clarification, is the Chief Minister telling this House that was contracted with the company which owns the site and not directly with the Government because that is certainly not the impression that I had from reading the press reports on the subject when, it seemed... In fact, it was a Government's spokesman that in fact spoke to the press on that occasion in relation to the wonderful street lamps.

485 **Hon. Chief Minister:** Yes. It is, Mr Speaker, a project that has been made available to the Government and the Government required that there should be solar powered lighting in any new such facilities that are open, but it was not the Government that carried out the works or did the works.

490 It was to the Government's requirement, as part of what I told him, where the negotiations were with the individuals – actually a company – that owned the site.

Hon. D J Bossino: Mr Speaker, the cost of £41,000 odd is a cost to the Government, clearly, and, in that

495 context, if we are going to scrutinise the Government in relation to this particular item of public expenditure, I would want to know which company or individual was the beneficiary of those particular public funds.

500 **Hon. Chief Minister:** No, Mr Speaker, actually, I think I have told him on a number of occasions in earlier meetings of this House that how that cost is going to be borne is still the subject of negotiation with the company but we have been able to give you the cost of it, I think... I assume by asking what the cost of it was. But it was not the Government doing that redevelopment of the car park.

505 **Hon. P R Caruana:** Mr Speaker, if this was a private... if this was something that the owner of the site did on his own site, simply as a matter of planning or other direction by the Government, using solar lamps, in what circumstances could it conceivably fall – the cost of it – upon the Government? Why is it for discussion?

510 **Hon. Chief Minister:** Mr Speaker, this is why I am saying to the hon. Gentleman, I have said, on a number of occasions in this House, when the hon. Gentleman has asked about this, that that plot remains in the ownership of a group of individuals who signed an agreement with the hon. Gentleman, when he was Chief Minister, about it. I have said also in this House, I believe in *Hansard*, that they wanted a longer period to be able to develop that site and they were shortly going to be, if not already, in breach of the period which they had for development.

515 I think that, before the Election, they may also have made representations to the hon. Gentleman about wanting an extension of that period. What I have said before is, in the context of those negotiations for an extension, the Government is in the process of finalising an agreement with these individuals for an extension and part of those negotiations, included in the part that is agreed, is that they would develop a car park there for public use – which is what the Government required.

520 Who will pay for that, and for what period it will be available for public use etc, is the issue that is not yet resolved but we know what the cost of part of that redevelopment has been and we demanded, as part of the negotiation, that any lighting put there should be solar powered lighting.

Hon. P R Caruana: So the cost of... who would bear the cost of all of that, or part of that, including the lamps, is a matter yet to be negotiated with the owner. So, at the moment, the Government has *not* incurred that cost?

525 **Hon Chief Minister:** I believe that is the correct position, but we know what the cost *is* –

Hon. P R Caruana: Yes, I know you know what the cost is.

530 **Hon. Chief Minister:** – because in the negotiation the issue is who should bear the cost of the preparation of it and therefore knowing the cost I think has become relevant.

Hon. P R Caruana: Yes, well, we now know that you know what the cost is, but we appear also to be finding out that you do not know whether the Government has borne it yet or not.

535 **Hon. Chief Minister:** What I can tell the hon. Gentleman is that those who are providing the land, if you want to call it that, expect the Government to pay but that they want – and you can read all of this into what I have already said – the longer the period of the extension, the less the Government will be inclined to be paying for the cost of the redevelopment of the car park.

540 **Hon. P R Caruana:** Mr Speaker, I understand that and I hope that the negotiation goes very well and that they end up paying for it all and you end up paying for none of it.

All I am trying to find out at the moment is whether, in fact, it is the case that, as we speak today, the Government has not paid for it.

545 **Hon. Chief Minister:** And I am telling him that I believe that to be the case. If that is not the case, I will tell the House tomorrow, but I believe that is not the case.

Hon. P R Caruana: And even though you do not know... although you think it is them who have paid it

550 – and you are going to check just to be cautious, whether the Government may have paid it or not – although you think not, does the hon. Member happen to know, or any of his colleagues sitting around him happen to know, who provided these lamps to whoever fitted them, regardless of who is going to pay for them?

Hon. Chief Minister: That is where we started, Mr Speaker.

555 **Hon. P R Caruana:** Yes, and I was rather hoping to get to the point!

Hon. Chief Minister: No, Mr Speaker, if he had listened to all of the debate rather than just the bits he found interesting he would have heard me say to the hon. Gentleman, because we have not done the works, we do not have that information.

560 **Hon. D J Bossino:** Mr Speaker, can I take it from that reply that Government's only intervention in relation to this particular discrete issue is only in relation to the insistence by the Government that there ought to be solar powered lamps and that there has been no Governmental intervention, insofar as who should secure that particular sub-contract, for want of a better word?

565 **Hon. Chief Minister:** Well, certainly, I have not been involved, Mr Speaker. Whether officials have been involved, on the part of the Government, in discussion with the company that has done the redevelopment, I cannot say because they have not had the conversation about it. I have not been consulted. I do not know if the hon. Gentleman has, because the Minister for Utilities, who was responsible for electricity, is not here. He may have been involved – I doubt it – or some of his officials may have been involved because of technicalities of which type of solar lighting may or not be best.

570 The hon. Gentleman will know that, during their time in office, there were one or two types of solar lighting being tested in different areas and some may be better and some may be less good but I cannot tell him that nobody has been involved in the Government, either at a political level or an official level, in discussing that with the contractor. My Office certainly has not been involved.

575 **Hon. D J Bossino:** Mr Speaker, if there has been any Governmental decision in the context of *choosing* the particular successful contractor, could I ask the Chief Minister to also make a statement in relation to that tomorrow morning because, really, what I want to get to the bottom of is who the beneficiary was. If there was Governmental intervention in relation to that particular point then, perhaps, the Chief Minister or the Minister for Traffic could divulge that information and provide that information to me.

580 **Hon. Chief Minister:** Yes, Mr Speaker, except that it is not a question of *divulging* information as to a beneficiary. From what I have told him, I think it is just a question of trying to find out whether there has been any involvement in determining who got the contract, which is not a Government contract. I will look into that for him and will give him the information that he seeks. I don't think I have to make a *statement* about it but I will give him the information that he seeks.

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**Government street cleaning campaign
Cost of derelict car removal**

595 **Clerk:** Question 891, the Hon. D J Bossino.

Hon. D J Bossino: Further to Question 782/2012 is the Minister for Traffic, Health & Safety and Technical Services now in a position to advise this House what the costs of the removal of derelict cars in the context of the Government street cleaning campaign is?

600 **Clerk:** Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, since commencement of the Government's street cleaning campaign, which started at the beginning of September, a

total of 63 abandoned vehicles have been removed at a cost of approximately £3,800.

Trainees on placement

Details and nature of work being undertaken

Clerk: Question 892, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Traffic, Health & Safety and Technical Services provide details, giving a breakdown by age, gender and nationality, of all trainees on placements within the Ministries for which he has responsibility, indicating the Department, Agency or Authority where they are placed and the nature of the work they are undertaking.

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the information requested by the hon. Member is contained in the Schedule which I now hand over to him.

Answer to Questions 892

Trainees – October 2012

Age	Gender	Nationality	Placement	Nature of work
23	Male	British Citizen	Technical Services Department	Civil Engineering
22	Male	British Citizen	Technical Services Department	Civil Engineering
22	Male	British Citizen	Technical Services Department	Civil Engineering
24	Male	British Citizen	Technical Services Department	Civil Engineering
28	Male	British Citizen	Technical Services Department	Civil Engineering

Mr Speaker: May I ask whether the hon. Member has any supplementary.

Hon. J J Netto: Mr Speaker, may I ask a supplementary?

Mr Speaker: Yes, certainly.

Hon. J J Netto: I note in the last column that the nature of the work is 'civil engineering'. Could the Hon. Minister perhaps expand as to the type of work that they are doing?

Hon. P J Balban: As in? Is the hon. Member asking whether the nature, whether I can expand on the nature of the work of a civil engineer?

Hon. J J Netto: No, the civil engineering *works*.

Hon. P J Balban: What it entails, what it involves, you mean?

Hon. J J Netto: Mr Speaker, for the sake of clarity, I am not saying that the trainee is going to do civil engineering work because, obviously, as a trainee, he is not qualified. What I am asking is, given that the placement is in the Technical Services Department and the nature of the placement is something to do with

civil engineering, what I am asking is what aspect of the work –

Mr Speaker: If the hon. Member looks at the actual Question, the last few words in that Question are ‘and the nature of the work they are undertaking’. I take it that civil engineering is the answer to that last part.

The nature of the work is civil engineering and whether they have further information is another matter but that, I would imagine, is the nature of the work: it is civil engineering. Whether they can go any further than that...

Hon. P J Balban: Mr Speaker, as part of what the hon. Gentleman is getting at, I presume, because civil engineering is quite a big field, these gentlemen will actually be rotated throughout different departments so they will gain an experience in the highways engineering, infrastructure engineering, which is sewers etc, so they can gain experience within all the relevant areas of that profession.

Hon. E J Reyes: May I, Mr Speaker. Can the Hon. Minister provide information looking at the age, it could well be that these individuals are already graduates or are they sort of undergraduates or school leavers. Do we have any information in that respect?

Hon. P J Balban: Mr Speaker, yes. These gentlemen are actually graduates; they have finished their degrees and have come as graduates.

Inspections, Site meetings and Advice Details for May and June 2012

Clerk: Question 893, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health & Safety now provide me with a breakdown of figures for the month of May and June 2012 in relation to Inspection/Site Meetings/Advice which he so kindly promised me in reply to Question 555/2012 and 790/2012 but has not yet done so, and again for the breakdown of information as asked for in Question Nos. 788 and 789/2012?

Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the information requested by the hon. Member to Questions 788, 789 and 790/2012 is contained in the Government website.

Hon. J J Netto: Mr Speaker, I am afraid not so because – and I would not want to regurgitate all the previous questions and supplementary questions and answers.

It is not the case, as the Hon. Minister has just said, that if you go to the Government website – you can go straightaway now – you can desegregate inspections from site meetings and advice. We have discussed this before and, when I raised it before, even the hon. Gentleman has acknowledged that is the case. So, basically, I am entitled to ask the question and he is entitled to put the answers in the format that he wishes to do so but I think I am entitled to be able to deduce, in the manner that he provides the answer, what were apples and what were pears.

But if the hon. Member provides the answer in a manner which I cannot know how many numbers were apples and how many numbers were of pears, even though he acknowledges that I am right, and even the fact that, as he just said, looking at the Government website – which he can do it now – cannot provide me with the answer, I think it is quite reasonable for me to expect that, given what I am seeking, in terms of information, is so low in figures – because normally it does not go beyond the number of 20, 30 or 40, or even 50 – it is something that can be reasonably provided for.

I would not want to ask the same supplementary which I have asked now for three months, because he already answered that it is reasonable for me to get information – but he is not providing information.

700 **Hon. P J Balban:** Mr Speaker, in fact we have been discussing this for more than three sessions. This is something which has been going on for much longer than that.

As I have explained in other meetings of Parliament to the hon. Gentleman, is that at the moment site inspections, site meetings and advice are classified under one. So, at the moment, the Health & Safety Inspectorate claim that they cannot split them up. This is why what you get in the Government website is one figure which encompasses the three things.

705 Obviously, this will, hopefully, make the hon. Member happy because we have spoken about the computer programme and how it is being progressed for a long time now. As from 1st October 2012, things will change, as the Health & Safety Inspectorate have now successfully managed to acquire this very much needed software which has become the subject, as I have said, of many debates in this Parliament. Various different suppliers have been contacted in order to acquire this software.

710 This very software has not existed within the Department ever since the licence agreement was discontinued by the previous administration and yet the hon. Member has 'hounded', if you like, this side of the House to provide him with statistics which only, I am told, a programme of this type could provide. So it gives me great pleasure to actually inform the hon. Member that this Government has, as promised in Parliament, put right the deficit which his Party, when in Government, created, by irresponsibly discontinuing the said licence agreement.

715 **Hon. J J Netto:** The hon. Gentleman has tried to score what, basically, is a cheap political point, without realising that the answers to my question has got nothing whatsoever to do with having a software programme.

720 The fact of the matter is that, when I asked the question in February, for January, he gave me the answer in a manner in which I wanted the information and there was no software programme. When I asked the question in March, for February, he gave me the answer in the manner that I wanted and there was no software programme. You do not need a software programme to extract the information I have been wanting!

725 All you need to get – and I am repeating myself – is the log book of the factory inspector and say, in a simple spreadsheet, how many inspections have been done, given that there is not more than three inspections in a month, and how many site meetings and advice have been given, which is not more than even ten on location. You do not need any software programme. There is no 'deficit'. It is just nonsense, the hon. Member saying that there is a 'deficit' when there is no deficit.

730 All you need is a bit of imagination in doing a spreadsheet programme. It can be done and has been done for the months of January and February by the Government. So the question is, given that he has done it at the beginning, he was not doing it later on, he now says that, from 1st October, he is going to provide it... I have looked this morning at the Government website and he still does not provide the information in the manner I have wanted him to. So the question is, when is he going to do it, given that he recognises that it is entirely legitimate to ask the question?

735 **Hon. P J Balban:** Mr Speaker, as from 1st October means for the complete month of October so, by the next meeting of Parliament, he is more than welcome to ask that question and these three items should be divided into the sections that he requests.

740 I have had numerous meetings, as you can imagine, because obviously having had the same question over and over again it does make me want to know exactly what is going on. I have had meetings with the Inspectors and they say to me, they have categorically stated, that it is impossible to provide the information, as the hon. Member requested. This is why we have been pushing with the acquisition of this computer programme, which the Inspectors' guarantee that, from now on, from the end of the month, we will be able to provide the statistics as you request them.

745 So, obviously, at the end of the month we will see.

Hon. J J Netto: Well, Mr Speaker, as any person with a bit of common sense will tell you, it can be done without a new software programme.

750 But let that be the case, Mr Speaker, given that he says that, with this new software programme, he will be able to extract the information in the manner that I have been asking the question, will this new programme be able to go on the months that he has not been providing me the information in the manner with which I have been asking the questions, retrospectively.

755 **Hon. P J Balban:** Mr Speaker, I sincerely doubt that we will be able to go backwards. This is something which, as from now on, the information requested by the hon. Member will be presented in this format. That is to say, it will be split up into site visits, advice given and inspections but to actually correct what has happened will be impossible, otherwise it would have been done by now.

760 **Hon J J Netto:** With respect to the Hon. Minister, the only thing he needs to do to get the information for the months he has not been providing the answer, is to get the log book of the Factory Inspector and simply say, in those days of the month in question, to be able to simply jot down how many inspections have been done and how many site visits have been done and how many advice have been done. You do not need a Houston space station software programme because, if you do, you really have got a problem.

765 The question is it can be done: it can be done within probably half an hour for all those months and you do not need a software programme. I just do not see why the Hon. Minister seems to have taken for granted what *he* alleges that the Factory Inspector is telling us, that they cannot go backwards. It is a very simple thing that I am sure students from Bayside can do it.

770 **Hon. P J Balban:** Mr Speaker, I will ask the Inspectors – who have now been compared to students from Bayside – to please read the *Hansard* because you have very clearly been given instructions on how this can be done in the future.

775 So just by reading *Hansard*, next time I am going to ask them specifically to read *Hansard*, follow the instructions and come back with the statistics that the hon. Gentleman is asking for. Let us see if that will help them in that respect because I have been asking for this information and they say to me that it is impossible. So, once again, I will ask them to read *Hansard* and follow the instructions and come back next month with all the impossible...

780 **Hon D A Feetham:** Can I just ask the hon. Gentleman – it may be that he has already answered it, I do not know, in a previous session – why was the information provided, according to my hon. Friend, on two occasions, the information which he requested in the format that he requested, and then it was ‘impossible’ to provide it on subsequent occasions? That is something that I personally do not understand.

785 **Hon. P J Balban:** The questions, as asked, have been asked continuously and these are the questions posed to the officials that reply. Why they were answered correctly, so the Gentleman says, the first couple of times and why they were answered so incorrectly subsequently, to that I have no idea.

790 **Hon D A Feetham:** Yes, but surely, if the issue is – and this is why my Friend is vexed by this – that it is not *possible* for them to actually provide the information in that format, surely it was not possible at the beginning.

What we have here is a situation where it *was* possible on two occasions but subsequently became *impossible*. Can the hon. Gentleman perhaps go back to his Ministry and ask his officials why that was the case – why they provided the information on two occasions and now they cannot?

795 **Hon. P J Balban:** Mr Speaker, I recall the hon. Gentleman saying that it had been given correctly *once*, not twice.

Hon. J J Netto: Twice

800 **Hon. P J Balban:** Twice.

The only thing I can, I will go back to the relevant, to the officials and ask them why exactly that has been the case. The only thing I am wondering what could be a possible reason is that, prior to the inclusion of the other two factory inspectorates, the relief – (*Interjection by Hon. J J Netto*) No, prior there was only two. What we inherited was a staff complement of two.

805 If you look at the statistics for monitoring activities, there were a lot less in that month, unless it was – because it was possible that it was less monitoring activities done in that month than had been done subsequently. Again, I am shooting in the dark. I will find out and I will let the hon. Gentleman know at the next meeting of Parliament.

**Site meetings and advice
Details for January and February 2012**

Clerk: Question 894, the Hon. J J Netto.

Hon. J J Netto: Can the Minister for Health & Safety now provide Parliament with an answer to Question 793/2012?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the question that the hon. Member is referring to appears to date back to March, in fact Question 311/2012. The hon. Member, in said Question, asked

‘How many site meetings and advice were given during the months of January and February 2012, broken down by month and by industry group?’

The table that I now hand over to the hon. Member was provided as an answer.

Answer to Question 894 of 2012

Month	Site Meetings/Advice	Industry
January	1	Sea Transport and related activities
Total	1	
February	2	Retail
	1	Manufacturer
	2	Sea Transport and related activities
	1	Public Administration
Total	6	

In September the hon. Member asked the following question at 793/2012:

‘Can the Minister for Health and Safety provide an explanation as to why the figures recorded in *Hansard* for the month of February 2012 in relation to the number of Inspections/Site Meetings/Advice, vary with the figures in the Government website for the same month as updated on 1st September 2012 or, indeed, with other subsequent figures recorded in *Hansard*.’

The total figure for the monitoring activities of the Factories Inspectorate during the months of January and February were as follows: in January there were 15 and in February there were 35.

In his March question (311/2012) the hon. Member asked for statistics pertaining *only* to site meetings and advice and not the whole of the monitoring activities of the Factories Inspectors – that is, he did not ask to include inspections.

The table, as posted on the Government website, reflects *all* monitoring activities of the Factories Inspectorate and not only site meetings and advice, as the hon. Member requested in his March question. Therefore, if we subtract the figures that the hon. Member asked for in March, site meetings and advice, from the total figures, as posted on the website, the rest of the figures reflect other monitoring activities carried out during the month of February by the Factories Inspectorate, not just site meetings and advice, as requested by the hon. Member. Hence there was no discrepancy with the figures on the Government website.

Hon. J J Netto: To be honest, Mr Speaker, I am a bit lost by the answer given but I will try to bring it down to my original Question.

When I asked him Question 308, which was the March session of Parliament, I said – and I quote –

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‘Mr Speaker, can the Minister for Health & Safety state how many *inspections* during February 2012 did the Factory Inspector conduct?’

and we know, by the answer given, that it was two.

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I then asked, in Question 311, how many site meetings and advice were given in January and February and the answer given was six. Now six and two is eight. The Government website said 35 and I asked ‘Can the Minister provide an explanation?’ So can he clarify the statement he has made?

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Hon. P J Balban: Mr Speaker, I have explained in much detail the reason why these figures did not seem to tally previously.

Hon D A Feetham: Could you please repeat the answer? We did not hear it.

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Hon. P J Balban: Because it is a lengthy one, if the hon. Member requests I will give him a copy of the answer.

Hon D A Feetham: No, the answer he has just given.

Mr Speaker: The answer to the supplementary?

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Hon. P R Caruana: Yes, the very last remark.

Hon. P J Balban: Mr Speaker, the only thing I mentioned, as a reply to the supplementary, was that the answer the hon. Member is requesting I have already given in the reply I gave. The original reply.

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Hon. J J Netto: Mr Speaker, with respect to the Hon. Minister, I do not think that the reply or the answer given actually answered the question.

My question is a very simple question. *He* said 8 and the Government website said 35.

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I am asking can he provide an explanation for the difference. Is it 8, is it 35...? Is it anything between 8 and 35? What is the answer, or which one is correct of the two?

Hon. P J Balban: Mr Speaker, if the hon. Gentleman had understood the reply to the answer originally, then he would not be asking the same question again.

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Hon. J J Netto: I don’t think [*inaudible*] has understood what you said.

Hon. P J Balban: Okay, what we are saying is, what the hon. Gentleman asked for in the original question, back in 2012/311, was how many site meetings and advice were given.

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Hon. J J Netto: No.

Hon. P J Balban: He did not ask how many site meetings, advice and ...

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Hon. J J Netto: No, no, no. Mr Speaker, with respect... My answer... I mean read from the *Hansard*. My Question 308 says:

‘Mr Speaker, can the Minister for Health & Safety state how many inspections during February...’

and Question 311 says:

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‘Can the Minister for Health & Safety state how many site meetings and advice...’

Both put together equals 8, the Government website says 35: so he is not even quoting *Hansard* correctly.

905 **Hon. P J Balban:** Mr Speaker, I still stand that the question has been adequately replied but, once again, Question 793 specifically asks in relation to the number of inspections, site meetings and advice, whereas Question 311 asks specifically for site meetings and advice but not inspections, so the discrepancy there must be the inspections.

910 Inspections are something which are carried out very frequently so it could be from 8 to 35 is due to the inspections.

**Inspection of Hospital kitchens
Report of findings**

915 **Clerk:** Question 895, the Hon. Mrs I M Ellul-Hammond.

920 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health & Safety provide this House with the report of the findings from the inspection of the hospital kitchens?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

925 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the Health & Safety inspection of the hospital kitchen was carried out on 11th April 2012 as a result of the joint request from my colleague, the Hon. Dr. John Cortes and myself, following a visit to the site.

The report confirmed the sorry and unacceptable state to which the kitchen had been allowed to deteriorate. Of the twenty-five recommendations made, all of which had been outstanding for years, nineteen have already been completed, three are in process, two have been re-assessed due to plans to relocate the kitchen and one is pending as it requires actions from a neighbouring business.

930 These are as follows: fixing of water leak on main dish washer – this was considered high priority and it was completed; corridor, false ceiling fixing – high priority, completed now; male toilets, false ceiling fixing – high priority, completed; cables hanging from the ceiling frame needed tidying – high priority, completed; insulation fibres needed evaluation and fixing – high priority; emergency fire exit, east facade, needs to be unobstructed – high priority and has now been completed; replenishing of First Aid boxes was of high priority and has now been completed; ‘push bar to open’ notice to be removed – medium priority, completed; wastage products, instruct not to park signage outside the emergency exit was of high priority and is still in process; emergency fire exit hinges require fixing – high priority, completed; scaffold blocking access to the exit – high priority, now completed; evacuation plan of high priority and in process; health and safety training – medium priority, in process; electrical switchboard room cleaning – high priority, completed; health and safety signage – high priority, completed; the commissioning of old generator – high priority, completed; cleaning warning signs to be used as per purpose – high priority, completed; cleaning adjacent to the new generator – high priority, and has been completed; warning signage to new generator area – high priority, completed; removal of highly corrosive SF 210 oven cleaner from inside the generator cage – high priority, completed; wooden pallets were obstructing traffic – high priority, this has been completed; speak to one of the neighbours for outside traffic arrangements – medium priority, still pending; manual handling training – high priority, completed; maintenance plan – high priority, has been suspended due to relocation plan.

940 So, Mr Speaker, it is clear that what we inherited on 9th December was a hospital kitchen which was in a very bad state and was of a severe health and safety concern. As the hon. Lady has requested whether a copy of the Health and Safety Inspection Report can be handed over, I will do so – there is one copy for her – and it is graphical with pictures of all the things that were found as part of the inspection.

EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS & JUSTICE

**Free optional nursery education
Details of scheme**

Clerk: Question 896, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, is the Minister for Education now in a position to explain how the policy for free optional nursery education, where private nurseries are to play a role, will work as per their manifesto commitment?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the policy for free optional nursery education has been implemented through the Department of Education, which was able to offer all applicants either a morning or afternoon placement in a Government nursery. There was, therefore, no need to involve private nurseries this year.

The Department of Education will monitor and will consult, as appropriate, with private nurseries should there be any equal involvement by private nurseries next year.

**Gibraltar College of Further Education and Sacred Heart School
Details of possible relocation**

Clerk: Question 897, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Education inform this House if there is any veracity that the Gibraltar College of Further Education will be moving to the old St. Christopher's School site and Sacred Heart School will be moving into the vacated College site and, if so, when will these moves take place?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker no firm decision has yet been taken as to the possible relocation of either Sacred Heart School or the Gibraltar College. A number of options are presently being studied.

**South District catchment area
Planning for increased numbers of children**

Clerk: Question 898, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Education inform this House how he will cater for the increased number of children in the South District catchment area, given the new family residences at Bayview, Cumberland Terraces and Nelson's View?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1015 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, an evaluation exercise of the existing catchment areas will commence shortly. It is envisaged that this will help the Department of Education to redefine the districts and neighbourhoods feeding particular schools.

1020 The feasibility of extending the capacity of both St. Joseph's Middle and First Schools is also being studied. I would add, Mr Speaker, that the increase in the number of children in the South District catchment area, given the new family residences at Bayview, Cumberland Terraces and Nelson's View has been known for some time.

It is unfortunate that the previous administration appears to have given no thought to this and certainly took no steps at all to deal with this issue.

1025

**Westside catchment area
Planning for increased numbers of children**

1030 **Clerk:** Question 899, the Hon. Mrs I M Ellul-Hammond.

1035 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education inform this House whether it will cater for the increased number of children in the Westside catchment area, given the new family residences at Mid Harbours Estate, in addition to the already densely populated Westside area?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1040 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker the Mid Harbours Estate has been assigned to St. Mary's First School and to Sacred Heart Middle School, given that the area of the Mid Harbours Estate was already heavily populated and the First and Middle Schools traditionally serving this area could not cope with the increase in numbers.

1045

**Adult learning programme
Implementation details**

1050 **Clerk:** Question 900, the Hon. Mrs I M Ellul-Hammond

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Education commit himself to inform this House when the adult learning programme, as per the Government's manifesto commitment, will roll out and how it will work?

1055 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1060 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I presume that the adult learning programme the hon. Member opposite refers to is the 'National Institute of Adult Continuing Learning' mentioned in the Government's manifesto. The Gibraltar College already has a clear involvement in the provision of programmes aimed at enhancing employment and academic opportunities. The Institute would develop these programmes further.

1065 The establishment of the Institute is currently being worked on. The Government is not yet in a position to give further details on this.

GCSE results
Disparity of announcements

Clerk: Question 901, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Education explain why Year 10 Bayside Students get their GCSE results, for some of their subject modules, on the same day *all* Year 11 Students get their GCSE results and the Year 10 Westside Students receive their GCSC results for *some* of their subject modules two weeks later, at the beginning of their new academic year?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, until now each school has released modular examination results independently, given that these do not represent a terminal grade at the end of an examination. However, I can confirm that from now on both schools will be issuing the full GCSE and modular results on the same day.

I would add, Mr Speaker, that this is in line with the policy adopted by this Government which appeared not to exist previously that, where you have discrepancies as to how each school operates, then those discrepancies should be eliminated so that no-one can say that, because you go to one school or the other, you have a particular benefit or another.

The hon. Lady will recall that she asked a question recently in relation to repeats provisions in Westside and I gave exactly the same commitment that Bayside would do that. This, again, is in line with that policy, to make sure that both schools offer the same services to both sets of children, which was not *their* position.

Hon. Mrs I M Ellul-Hammond: Then Mr Speaker, will the Hon. Minister also be committed to equalising the offer of the same subjects to both schools because, at the moment, there is a discrepancy in terms of Sociology, Economics, ICT and Technical, Woodwork, Metalwork and so on.

Hon. G H Licudi: Mr Speaker, the subjects are a different proposition because that depends on the interests of the particular children that go to these schools.

There has been a difference in the subject offering. What we try to do, particularly at the higher levels, because of the way the consortium works, not just with Westside but also with the College, is that, where children want to study a particular subject that is not offered in their school but is offered in one of the others, then the children will be able to make use of that and attend the other school for those particular subjects.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, that is at AS and A2 level. What about for GCSE's?

Hon. G H Licudi: Well, for GCSE that is a different proposition, because the timetabling is different.

There has to be a certain element of flexibility given to the Headmasters so that they set the curriculum in accordance with the needs of the children that the school teaches and there will be some discrepancies. What I have explained previously, in terms of policy, is that where it is seen that a particular *benefit* is given to one, because of either release of results or the availability of re-sit programme, where it is seen that a particular benefit is given to one because you are a boy or you are a girl, then that we are intending to remove. But Headmasters, in conjunction with their staff, will need to consider which subjects are offered in that particular school for the students in that particular school and which subjects best cater for the curriculum requirements of the particular school.

There will be an element of difference in *that* regard but not in regard to any particular benefit that is perceived.

Legal Aid (Fees and Expenses) Rules 2012
Possible extension to non fraud cases

1125

Clerk: Question 902, the Hon. D A Feetham.

1130

Hon. D A Feetham: Can the Minister for Justice please state whether he has any intention of extending the Legal Aid (Fees and Expenses) Rules 2012, or similar rules, to complex or exceptionally difficult cases other than fraud cases?

Clerk: Answer, the Hon. the Minister for Justice.

1135

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the Government is looking at reforming the rules for Legal Aid and Legal Assistance generally and will make an announcement when a decision has been made.

1140

Hon. D A Feetham: Yes, I quite understand the Government is looking into a reform of the Legal Aid Rules and, indeed, the Government has a benefit of a draft doing precisely that. It was prepared when I was holding his office. That is really not the question. The question is in relation specifically to complex or exceptionally difficult cases.

1145

The Hon. the Minister may recall that, in answer to a question earlier on this year, he actually conceded that you can have complex or exceptionally difficult cases that were non-fraud cases. Can the Hon. Minister justify the differentiation in treatment between complex and exceptionally difficult fraud cases and complex and exceptionally difficult non-fraud cases?

1150

Hon. G H Licudi: Mr Speaker, I am not sure that the supplementary arises from the answer that I have given but I will respond.

What the Government will not do is make reform on a piecemeal basis. Every time the hon. Member asks questions he says 'Why don't you add this or why don't you add that, then we make a decision and make a reform on that basis.' That is not the way this Government conducts business.

1155

We are looking at the whole area. We made a decision earlier this year to provide a new rule in relation to these provisions – Rule 8 in particular – which covers a particular category of cases because we felt, at that time, that it was appropriate in the circumstances to make that change. But there will be no piecemeal changes to the rules, going forward on a case by case basis or an *ad hoc* basis. We are reforming the whole thing generally and, once we take a view as to what the makeup should be of the entire rules for Legal Aid and Legal Assistance, we will make that announcement and the hon. Member will have his answer.

1160

Hon. D A Feetham: With respect, does he not recognise that, actually, that is precisely what he has done? He has reformed the Legal Aid system piecemeal, favouring just simply complex and exceptionally difficult fraud cases. In fact, that was the entire basis of my criticism when we exchanged press releases earlier on this year, when I criticised him for doing precisely that – but he has not really, with respect, answered the question.

1165

Can he justify to this House the differentiation in treatment between the complex and exceptional fraud cases and the non-fraud cases? Is there a particular policy reason or any other cogent reason why there is this differentiation in treatment between these two types of cases?

1170

Hon. G H Licudi: Mr Speaker, I am extremely surprised and, in fact, very, very disappointed, that the hon. Member should ask this question because I have had conversations with him and he knows exactly what the answer is. Even today we have had a private conversation out there and I have given him the answer to the question. I have explained to him why that was a private conversation and I was not going to reveal that in the context of this House. Therefore, I am very disappointed and very surprised that he should ask this question on the floor of this House.

1175

Hon. D A Feetham: I am equally surprised that you should give me that answer.

I do not recognise anything that he says – that he has just said – appertaining to the question that I have just asked him. If the answer is that the Government somehow has felt compelled to make the change, for

1180 whatever reason, and there are legal reasons for the Government being compelled, the reality is that if you are going to have a situation where you change the law because, for example, one feels that, in relation to....

Hon. G H Licudi: Point of Order.

1185 **Mr Speaker:** What Standing Order are you referring to?

Hon G H Licudi: I am referring in particular to Standing Order 45(4): it says references shall not be made to any matter on which a judicial decision is pending in such a way as may prejudice the interest of parties thereto.

1190 **Mr Speaker:** There is a judicial decision pending on the matter, then?

1195 **Hon. G H Licudi:** There are judicial... there are ongoing cases. In fact, there are other questions which will make clear what the position is but, in relation to the aspect that the hon. Member talks about, about the changes in the rules, the case that he is referring to, that is an ongoing case, that is a judicial decision that is pending. It is not in the interest of the parties, or for the public interest, that this matter should be aired.

That is why I answered before in the manner that I had, to say that I have provided the information publicly. Therefore, I would ask you to rule that this question is out of order.

1200 **Hon. P R Caruana:** Mr Speaker, on the Point of Order, it is true that there are prosecutions before the courts of a fraud nature which now enjoy the benefit of this Legal Aid Rule. But that is not what is being asked about. We are not asking about those cases. We are saying, given that the Government has *done* this for complex fraud trials – we are not asking the reason *why* the Government has done this –

1205 **Hon. G H Licudi:** That is exactly what he did.

1210 **Hon. P R Caruana:** Well, he clarified and he said if the Government has felt *compelled* to do it, given that, for whatever reason, the Government has done it in *that* category of cases, does the Government not feel compelled, or does the Government not feel it is appropriate, to *extend* the same Rule to complex and exceptional cases in *other* areas of the Law, other than the one in which you have done it. That is the question.

1215 This is not a question about the cases that are *sub judice*, it is not even a question that asks you why you did it in the case of fraud. It is a question that says, having done it in the case of exceptional fraud and exceptional cases, is the Government comfortable with doing it *only* in exceptional fraud and not also in other cases, not fraud, which are also exceptional and complex? That is the essence of the question. Is there a *policy* reason, can the Government explain whether its policy is to do it *just* for that and is content that there are other complex and exceptional subject matter trials in which the defendants *do not* have the same facility that the defendants have now? I think I know the reason. I can guess it. I think I remember enough of –

Hon. G H Licudi: *He* knows.

1220 **Hon. P R Caruana:** Alright, but that is not what has been asked. That is not what has been asked.

I am speaking to the Point of Order, not to the original question. The Point of Order is do not let the question be asked because it is out of order because the subject matter of the question is *sub judice*. I am not defending the question or the answer, I am defending the Point of Order.

1225 The question, whatever the Hon. Minister might think of it, is not objectionable on the grounds that it is *sub judice* because this is not a question about a matter which is before the courts for resolution or determination by the courts. It may be the case that these Rules were introduced in the context of a particular situation, which is the subject matter of a case before the trial, and it may well be that the Government did it of its own motion, or did it under advice, or did it for whatever reason. I suspect it was done on advisement. Right?

1230 That is not the issue. The issue is, having done it, for whatever reason, motivated by whatever, the propriety of which I am not questioning, does the Government feel that it is right that defendants in complex fraud trials should now have this Legal Aid benefit but that defendants in *other* trials, complex and exceptional but non-fraud, *do not* have that benefit. I do not think that question, with respect, is objectionable

1235 because it is *sub judice* because it is not about anything that is before the courts.

Hon. G H Licudi: Mr Speaker, just responding on the Point of Order, the question that was posed by the hon. Member was not what the Leader of the Opposition has just asked.

1240 The question that the hon. Member has just asked was answered by me already in response specifically to the first supplementary. In other words, 'Are you going to extend it to these other cases?' I said 'No, we will do it, because we are considering Legal Aid and Legal Assistance reform generally and we will do it at that time'. So that is the answer for that.

The hon. Member has then delved into why the Government felt –

1245 **Hon. P R Caruana:** If the hon. Member will give way for five seconds... I understand that. I heard the exchanges between them and he may well *have* that point available to him in his ongoing exchanges with my hon. Colleague after the Point of Order has been adjudicated.

1250 I am not speaking to the merits of the question or the answer. I am simply speaking to the hon. Member's invitation to the Speaker to rule the question in breach of Standing Orders on the ground that it raises an issue which is *sub judice* because all I am saying is that the issue is *not sub judice* and, in my view, would be an inappropriate curtailment, which does not then oblige the hon. Member to say anything about it that he does not want to say. He might then still want to give the same answer that he has just begun to give me when I have interrupted him, for. I am grateful for the opportunity.

I am not speaking to the merits of the exchange, simply to whether it is genuinely *sub judice*.

1255 **Hon. G H Licudi:** Yes, I understand the point.

In a nutshell, the question relates to certain changes which affect a case which is ongoing before the courts. There are pending decisions – judicial decisions – in respect of that case, and we consider that, in those circumstances, that matter *generally* is *sub judice* and should not be the subject of discussion in this House.

1260 **Mr Speaker:** Well, let me say this, that –

Hon. D A Feetham: May I say also –

1265 **Mr Speaker:** Yes, I will allow you one further supplementary.

1270 **Hon. D A Feetham:** No, no, not a supplementary, may I also say this that it cannot *possibly* be the case that this is somehow confidential information that the hon. Gentleman has passed to me in the corridor outside, because it has actually been reported in the *Chronicle*. I have an article here, 'New Rules Expand Legal Aid for Complex Fraud' by Brian Reyes and it actually states the reason for the changes to the Legal Aid Rules.

1275 Then there were exchanges between myself and the hon. Gentleman in the context of my criticisms of the Rules precisely because it was piecemeal. Again, the reasons why it was done was actually ventilated by my hon. Friend and myself. This is a matter of public record so I just cannot see how on earth there could possibly be any question, on my part, of breaching any confidence that he may have imparted to me in the corridor outside – when it is already a matter of public knowledge.

1280 **Hon. G H Licudi:** Mr Speaker, if I could just deal with that last point. I have not suggested that he has breached a confidence: what I have said is that because he knows the answer I am surprised that he has asked. I am not saying that, in his question, he has breached any confidence, he has been given the answer to what he was asking, privately, and because he has been given the answer – which he has not divulged and therefore not breached any confidence – that is why I was surprised by the question.

Mr Speaker: Let me say that, in the legal world –

1285 **Hon. P R Caruana:** Too many lawyers!

Mr Speaker: – legal practitioners know a great deal about what is going on which the rest of us do not know about. Therefore, my inclination would always be, in such an instance, to be cautious.

1290 I have to be cautious and, if the hon. Member is not satisfied, there is always a mechanism which the House – the Rules – provide. He can raise the matter on the adjournment and, in fact, they can even then debate the matter without a vote being taken.

1295 But as to questions and answers I think I have to rule in favour of the Hon. Minister, that he seems to think that this is a case that is *sub judice* and I therefore think that, in this House, nothing should be said which could prejudice a case.

1300 **Hon. P R Caruana:** Yes, Mr Speaker, and of course we accept your Ruling and that is fine but it really cannot be the case that Ministers can just get out of answering questions by alleging that it is *sub judice*, so it does call for a judgement by the Chair as to whether the *sub judice* ground that he considers it established in this case – an assessment to which I submit –

Mr Speaker: But the Chair is not privy to the private conversations which have taken place behind the Speaker's Chair and the hon. Member will appreciate that. I do not know what has gone on, what the Hon. Minister and the hon. Member have discussed in private. I am not in a position, therefore, to rule otherwise.

1305 **Hon. P R Caruana:** Fine and, therefore, the Chair may be saying, Mr Speaker, that you just lack the information to make an objective assessment yourself ...

Mr Speaker: And therefore, I have to be cautious.

1310 **Hon. P R Caruana:** That is one approach. Another approach –

Hon. G H Licudi: That is a Ruling.

1315 **Hon. P R Caruana:** – Another approach to a Ruling. (*Interjection*) Yes, but this could happen again... Mr Speaker, it is the Speaker's role to adjudicate on whether Standing Orders have been breached. It cannot simply be asserted by an MP and the Speaker says, because I am not informed, as a matter of caution I go with the objection. On the other hand, I fully understand that the Chair may feel it has insufficient information to make the assessment, in which case an alternative approach – the approach that Mr Speaker chooses to take is a matter entirely for his decision and his selection – but another approach is to simply sort of adjourn, not adjourn, defer, Mr Speaker's consideration of the Ruling on the Point of Order, ask the matter not to be debated further and make a decision in slower order, when he has had an opportunity to obtain the facts in confidence if they cannot be aired in public.

1320 I am not on my feet because I have any objection to the Ruling that Mr Speaker has made on this occasion, simply to the suggestion that, in cases where the Speaker lacks the information to make his own assessment, he goes with the Minister's assertion because that is a very powerful weapon in the hands of a Minister because a Speaker will very often be unsighted.

1325 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may just try and be of assistance.

1330 It is important that the House not become a court room and assessing whether a matter is *sub judice* or not could turn, Mr Speaker, into a judge of issues of fact and law. What I think we have an obligation to do, on both sides of the House, is to try and ensure that we do not raise matters which are *sub judice* and if somebody raises a matter which, on the Government's side, there is a belief that the issue is *sub judice* or, indeed, on the Opposition side, an issue is raised by the Government which the Opposition considers to be *sub judice* and Mr Speaker is not able to be given the information *in the Chamber* because to disclose that information in the Chamber would in effect be to breach the Rule on *sub judice*, I would agree that the best answer is to recess so that Mr Speaker can have the information and make a more informed Ruling.

1335 But I think the main issue is this, absent bad faith, and I think that, apart from saying, as we sometimes do and should to each other, you are only saying that for your own political purpose – this is a political Chamber – absent bad faith, a Minister is not going to get up and say that something is *sub judice*, knowing that it is not, neither is a Member of the Opposition going to allege *sub judice* in relation to an issue. I say this because I raised the *sub judice* concern when I was in Opposition about something that the then Chief Minister was saying, so I think, Mr Speaker, it is an area where we have to tread very, very carefully –

1340

1345 **Mr Speaker:** Let me add –

Hon. Chief Minister: – otherwise it may lead to problems.

1350 **Mr Speaker:** Let me add that, in my meetings with my predecessor, I made it the point of asking him for advice on questions of, matters being, whether they might be *sub judice* and how he dealt with them. I took advice from him. Of course, being himself a legal practitioner, he said ‘I sometimes knew, had heard talk in legal circles which may have placed me in a position where I knew a little bit about a particular case’. I am not in that position. I do not move in such circles and therefore I would know nothing about what is going on in the courts and, therefore, my tendency, therefore by nature, would be to be cautious.

1355 I am quite happy, outside the House, to meet with the Hon. Minister and the Hon. Mr Feetham and have a chat with them about the matter and see whether we can make any further progress. Other than that, I think we should move on.

1360 **Hon. P R Caruana:** Mr Speaker, I find that a perfectly satisfactory outcome and can I just say, separately to that, in relation to this *sub judice*, that we Members of the House have grown used to simply referring to the matter as being *sub judice*, as if that were sufficient to rule it out of order.

Actually, the Rule is not that, the Rule is not that you cannot refer to a matter that is *sub judice*, in the sense that it is before the courts, the Rule says ‘it shall be out of order...’ I beg your pardon, Rule 1:

1365 ‘...references shall not be made to any matter on which a judicial decision is pending, *in such a way as may prejudice the interests of the parties thereto.*’

It is not a simple *sub judice*, in the sense of if the matter is before the court therefore you cannot comment on it. It is a little bit more complicated than that: it also has to be prejudicial to the parties. So –

1370 **Hon. Chief Minister:** Can I just assist there, Mr Speaker, because the hon. Gentleman may not recall, in fact, that Rule is interpreted in quite a lot of detail in *Erskine May*. There is a lot more about it and there is a ruling of your predecessor, Mr Speaker, that dealt with *my* assertion that a matter that was being raised which was *sub judice* which may be helpful in understanding how to deal with it. It also relates to which courts the matters are being dealt with and at what stage they are. So I think all of those things need to be taken into consideration.

1375 I understand from the hon. Member that he took all of those things into consideration before making the assertion and actually said the words, that further debate could be prejudicial to the parties.

1380 **Hon. P R Caruana:** I understand that. This may be a case where there is a jury involved and it is quite easy to see how that may cause... but if there was a case, for example, which was a civil matter which was being tried by a judge, it is *not possible* for the interests of the parties to be prejudiced in the minds of a judge by what I might say in this House or what *he* might. The idea that judges are swayed by what politicians say – juries are another matter: juries... I understand that juries are another matter. All I am saying is – and I really do not want to try the Speaker’s patience too far on the subject – that this *sub judice* area, and the extent to which *sub judice* curtails the freedom of Parliament to discuss, is a very sensitive issue which requires a case by case assessment but the assessment has got to be by the Speaker. If the Speaker, as is obviously the case in this case, is not sighted, he cannot be expected to make a rational ruling un-sighted and I think that, in those circumstances, the better practice is to say ‘no more debate until I have had an opportunity to consider the facts in private, if necessary, so as not to spill the beans, and I will make a ruling later.’

1390 **Mr Speaker:** That is what –

1395 **Hon. Chief Minister:** I agree with that except for one thing, which is that what we cannot do is open the door to the *sub judice* rule not applying to civil matters. There are other rules that also curtail, not just that the adjudicator might in some way be influenced.

Hon. P R Caruana: [*Inaudible*].

1400 **Mr Speaker:** Okay, let us move on to the next Question.

Legal Aid (Fees and Expenses) Rules 2012
Beneficial impact of changes

1405 **Clerk:** Question 903, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Justice state how many (a) people and (b) unrelated cases, have benefited from the changes introduced by the Legal Aid (Fees and Expenses) Rules 2012?

1410

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1415 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the answer to this question remains the same as the answer given to Question 562/2012.

Legal Aid (Fees and Expenses) Rules 2012
Details of payments made

1420 **Clerk:** Question 904, the Hon. D A Feetham.

1425 **Hon. D A Feetham:** Can the Minister for Justice please state, as at Friday 12th October 2012, how much has been billed and paid in legal costs in relation to any case covered by Rule 8 of the Legal Aid (Fees and Expenses) Rules 2012, identifying (a) the case or cases; (b) the legal firm or lawyers retained in Gibraltar; (c) any overseas lawyer retained in the case or cases and (d) in each of (b) and (c) the amount billed and paid?

1430 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the information requested by the hon. Member relates to ongoing cases. It would be inappropriate to provide this information at this stage.

1435

Supreme Court Act (B15/12)
Consultation with Family Judge

1440 **Clerk:** Question 905, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Justice state whether he consulted the Family Judge before publishing the amendments to the Supreme Court Act (B15/2012)?

1445

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice

1450 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the matter was discussed with the Chief Justice.

Hon. D A Feetham: But you have not discussed it directly with the Family Judge?

1455 **Hon. G H Licudi:** The answer is that I have discussed the matter with the *Chief* Justice.

Hon. D A Feetham: I know that you have discussed it with the Chief Justice but unless, of course, you are asking me to imply from the answer that you have not discussed it with the Family Judge, *only* the Chief Justice, I am asking you have you discussed it *also* with the Family Judge?

1460 **Hon. G H Licudi:** No, Mr Speaker I have discussed the matter with the Chief Justice. (*Interjection*) Maybe with other people, but...

1465 **Sections 306 and 307, Crimes Act**
Numbers affected by changes in notification procedure

Clerk: Question 906, the Hon. D A Feetham.

1470 **Hon. D A Feetham:** Can the Minister for Justice please state how many people would have been subject to the notification procedure in Sections 306 and 307 of the Crimes Act before he introduced the amendments to that Act in the Criminal Justice (Amendment) Act 2012?

1475 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker I will answer together with Questions 907 and 908/2012.

1480

The Crimes Act
Details of convictions under section 3

1485 **Clerk:** Question 907

1490 **Hon. D A Feetham:** Can the Minister for Justice please state how many people currently residing in Gibraltar have been convicted and sentenced for offences listed in Schedule 3 of the Crimes Act, broken down in the categories set out in the first column of the table in section 307 of the Crimes Act (headed 'description of the relevant offender') identifying the date of conviction and/or the date of any relevant fine referred to therein?

1495 **The Crimes Act**
Details of convictions requiring notification under section 306

Clerk: Question 908.

1500 **Hon. D A Feetham:** Can the Minister for Justice please state how many people are currently serving a sentence in Gibraltar or are being treated in hospital pursuant to a sentence or a finding in respect of any offences listed in Schedule 3 of the Crimes Act and which would require notification under section 306 of that Act, as amended, when it comes into force?

1505 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice

1510 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, 21 persons would have been subject to the notification procedure in section 306 and 307 of the Crimes Act before the introduction of the Criminal Justice (Amendment) Act 2012. When I say 'before the introduction', this necessarily applies when the Crimes Act came into effect.

1515 In answer to Question 907, I now hand to the hon. Member a schedule containing the information in the Question.

SCHEDULE TO QUESTION 907/2012

Description of relevant offender	Date of conviction
A person who, in respect of the offence, is or has been sentenced to imprisonment for life, or to imprisonment for 30 months or more	1. 1976 2. 1976 3. 26/06/82 4. 01/07/02 5. 15/11/10 6. 14/11/10 7. 25/04/12
A person who, in respect of the offence or finding, is or has been admitted to a hospital subject to a restriction order	Nil
A person who, in respect of the offence, is or has been sentenced to imprisonment for more than 6 months but less than 30 months	8. 12/03/08 9. 14/07/10 10. 30/11/11
A person who, in respect of the offence, is or has been sentenced to imprisonment for 6 months or less	11. 14/11/08 12. 05/10/10
A person who, in respect of the offence or finding, is or has been admitted to a hospital without being subject to a restriction order	Nil
A person who, in respect of the offence, is cautioned	Nil
A person in whose case an order for conditional discharge is made in respect of the offence	Nil
A person of any other description	13. 12/07/10 14. 01/12/10 15. 30/03/11 16. 30/06/11 17. 17/08/11 18. 17/08/11 19. 21/10/11

1520 Can I say, in relation to the schedule, Mr Speaker, that I am now handing over, the question which that schedule relates to refers to a table in section 307 of the Crimes Act. That table provides for an indefinite period of notification in certain circumstances. As a result of developments in the European Court of Human Rights and in England, it will be necessary to introduce the possibility of a review of the indefinite notification requirement. I therefore anticipate, and I give notice to the hon. Member, that we will be bringing an amendment to Parliament to deal with this. There will, however, be no need to delay the commencement of the Act whilst we draft and bring to Parliament this particular amendment.

1525 In relation to Question 907, there are currently three persons serving a sentence in Gibraltar HM Prison pursuant to a sentence in respect of offences listed in Schedule 3 of the Crimes Act which would require notification under section 306 of the Act. I would also add, Mr Speaker, that all of the persons on the list that the hon. Member has, are known to the Royal Gibraltar Police and are subject to existing vetting procedures.

1530 The Government wishes to reiterate and provide further assurance that there is no risk to the public in Gibraltar, and is satisfied that no risk to the public in Gibraltar arises from the amendment to the Crimes Act in the Criminal Justice (Amendment) Act 2012.

1535 **Hon. D A Feetham:** Yes, I was aware about the case in the European Court of Human Rights. In fact, I think I alerted the hon. Member to those cases when I wrote to him, I think it was two weeks ago. In fact, I invited the hon. Gentleman to take stock of public opinion here in Gibraltar to reconsider his position, perhaps in the light of a review associated with a consideration by the Government of those Human Rights cases.

Do I take it, from the answer that he has given me, that the Government stands by these amendments and, despite the public outcry in relation to the amendments that the hon. Gentleman brought a number of weeks

ago, that the Government has no intention to reverse its policy?

1540 **Hon. G H Licudi:** Mr Speaker, the hon. Member refers to a public outcry. The Government deeply regrets that the outcry, the part of the outcry – if there *is* any outcry – has been caused by them unnecessarily and irresponsibly and, by continuing to mention that today, they appear to be intent in continuing to cause unnecessary public alarm.

1545 When I say it is being done by them unnecessarily and irresponsibly, I say that advisedly, Mr Speaker, because they have done so by putting out a press statement which actually contains false information and it is false information to the knowledge of the hon. Member, who considers himself –

Hon. D A Feetham: Mr Speaker, Point of Order.

1550 **Hon. P R Caruana:** That is a very serious allegation.

1555 **Hon. D A Feetham:** Mr Speaker, Point of Order. He knows that what he cannot do in this House is actually accuse a Member of this Parliament of intentionally lying and intentionally misleading. That is precisely what he is doing. So I take objection on that. That is the Point of Order that I raise, but I have to say that it is really surprising that the hon. Gentleman should just simply attempt to brush under the carpet public concerns by deflecting attention from an *ill advised, ill conceived policy* of protecting 21 sexual offenders at the expense of the public.

1560 **Hon. G H Licudi:** Mr Speaker, I have to deal with the Point of Order because the hon. Member says that I accuse him of providing misleading information. I do not accuse him of providing misleading information, I accuse him of providing *false* information. Information that *he* should know is false.

Hon. P R Caruana: [*Inaudible*] that he knows [*inaudible*].

1565 **Hon. G H Licudi:** Well, he knows because he proclaims himself to be the architect of the Act. Therefore, he is perfectly aware of what the Act says, of the provisions of the Act... he is perfectly aware of what he has said to the public and, therefore, it has to follow that he *must know* that the information that he has provided is false. But given that the hon. Member raises – (*Interjections*)

1570 Mr Speaker, it is obviously true and the hon. Member takes exception to suggestions that he is misleading or not giving true information, I certainly have not said that he has done that in this Parliament under our Rules in relation to that, but there is absolutely nothing wrong – and, specifically to address the Point of Order – there is absolutely nothing wrong to say that, in a press statement that they issued, they actually gave false information and, therefore, they misled the public.

1575 The hon. Member asks what false information? Well, let me read exactly what the hon. Member, dealing with this issue of whether they had been misleading or not... (*Interjection*)

Mr Speaker: No, let him conclude, please.

1580 **Hon. G H Licudi:** The Leader of the Opposition has asked what false information and the false information relates, in particular, to the effect of the amendments that we made on persons *outside* Gibraltar who have committed sexual offences in Gibraltar because, in their press statement – their original one – it says that the Opposition's *biggest* concern – not just *a* concern, their *biggest* concern – was not with locals, because obviously the hon. Member knows there is a list, the Police are aware of that list, there are vetting procedures, so their biggest concern is not with locals but rather that the amendment created a loophole for foreign offenders moving here to live and he goes on to say – and this is a quote of the hon. Member –

1585

'We could have the situation where a potentially dangerous individual convicted of a serious sexual offence *abroad* could relocate to Gibraltar and the Authorities here *cannot* now subject him to the notification requirements associated with the Register because the offence occurred *prior* to the commencement of the Act'.

1590 **Hon. D A Feetham:** And I stand by [*inaudible*].

Hon. G H Licudi: That is the statement that the hon. Member makes and I would invite him to look

1595 *closely* at the provisions of which he was the architect, in particular section 321 of the Crimes Act, which talks about Notification Orders: ‘Whereby I, as Minister for Justice, can direct the Attorney General to make a complaint to the Magistrates Court to make a Notification Order...’ That relates to people who are outside Gibraltar.

1600 We have not made any amendment... Under the Criminal Justice Amendment Act, we have made no amendment at all to those provisions – and it was never our intention to make that amendment – so whatever the effect of those provisions were under the enactment that *they* put forward, in other words it applies to sexual offenders abroad who have committed offences *before* the commencement of the Act, that continues to apply. Therefore, the statement that he has made is false.

1605 It is even worse than that, Mr Speaker. It is even worse than that because there are provisions in the Act, which he is perfectly aware of: when he talks of people who have committed ‘serious sexual offences’, there are provisions for the court to make what are known as Sexual Offences Prevention Orders. That is all part of the provision relating to these requirements and that, as the hon. Member mentions in his press release, arises when I, as Minister for Justice, give a direction to the Attorney General to make an application to the court, to seek a Sexual Offences Prevention Order.

1610 And as if clarity was needed, section 327 says that

‘these provisions relate or apply to acts, behaviour, convictions and findings, including those occurring *before* the commencement of the Act.’

1615 Mr Speaker, in a press release he said there is a ‘loophole’ because these provisions no longer apply to those offences which occurred prior to the commencement of the Act. We have made no amendment to this which expressly says that these provisions apply to those occurring *before* the commencement of the Act. And if that was not enough, Mr Speaker, we have subsection 3, which talks about these specific provisions and saying a person is within this subsection if – and I will read it again so that he understands it –

1620 ‘if before or after the commencement of the Act, under the Law of a place *outside* Gibraltar he has been convicted of a relevant offence...’

or has done any other of the heinous matters that these matters protect from.

1625 In other words, a serious offender or sexual offender that falls within these provisions, that has committed an offence *outside* Gibraltar, comes to Gibraltar and those offences have been committed *before* the commencement of the Act, it is extremely mind-boggling, Mr Speaker... What part of the Act, which he was the architect for, and which says *before the commencement of the Act*, which part does he not understand? In order to issue a press release alarming the public saying their *biggest* concern is with sexual offenders, serious sexual offenders who have committed offences abroad and who come to Gibraltar and these provisions will no longer apply to it. Of course, it is false. Of course, it is misleading and, of course, he should have known about it. He *did* know about it.

1630 But it gets even worse, Mr Speaker. It actually gets even worse because there are other provisions in the Act which relate to Foreign Travel Orders, in other words the powers, these greater powers that the hon. Member talks about and which *he* says now no longer apply retrospectively as a result of the amendment that we have done. And these provisions, relating to Foreign Travel Orders, at section 335, says a person is a ‘qualifying offender for these purposes’ – Foreign Travel Orders and restrictions on travel and movement and all that – if *before* or after the commencement of the Act, before or after the commencement of the Act... In other words, these provisions apply retrospectively *and* as if, again, the matter was not clear as to whether this applied only to locals or applied to foreigners, subsection 2 says

1640 ‘a person is a qualifying offender for the purposes of section 333 if *before* or after the commencement of this Act under the law enforced in a place outside Gibraltar, he has committed...’

1645 one of these heinous offences. Again, these provisions apply to foreign offenders who have committed offences, whenever they may have committed it, and come to Gibraltar.

If the hon. Member wants more about the falsity of his statement, I can give him more because there are other provisions which relate to Risk of Sexual Harm Orders – separate Orders to protect the public from sexual predators – and that provision relates to applications to the court where the offenders have done certain of these heinous things, whether before or after the commencement of the Act.

1650 So there is a whole raft of provisions here which *he* well knows about: Foreign Travel Orders, Risk of Sexual Offenders Orders, Sexual Offenders Prevention Orders. All of those apply to foreign offenders who come to Gibraltar and who have committed offences *prior* to the commencement of the Act. It could not be clearer that they have given *false* information, they have raised public alarm unnecessarily and their behaviour is reprehensible. (*Applause*).

1655 **Hon. D A Feetham:** My, my, Mr Speaker, he really had a lot of pent up anger inside him over the last two weeks.

1660 I have to say, on the Point of Order, Mr Speaker, because this is what we are talking about at the present moment, the Point of Order... On the Point of Order, the hon. Gentleman can stand up and can say 'The hon. Gentleman is incompetent'. He can say 'The hon. Gentleman was wrong'. He can say 'The hon. Gentleman does not know what he is talking about, he has not read his own Act!' What he cannot do, in my respectful view, in accordance with the Rules in Standing Orders, is actually say that I have 'lied', that I have 'misrepresented' and that I have '*knowingly* misrepresented'. That is the Point of Order I have raised and that, succinctly, is the Point of Order before you today, but, look – (*Interjections*)

1665 **Mr Speaker:** Please!

Hon. G H Licudi: That is not what I said.

1670 **Hon. D A Feetham:** I have listened very patiently to the diatribe that you have –

Mr Speaker: May I say this. Members are now debating. We are in Question Time and supplementaries are intended to elucidate information, to press Government for a particular line of action or policy.

1675 This issue of the Sexual Offenders Register is a matter of serious public importance and, therefore, I am prepared to be liberal to a certain extent but we are not going to have, during Question Time, the kind of debate that should more properly be held with a substantive motion on the Agenda or the hon. Member raising, under Rules 24(a) and 24(b), which I would commend to the House because they seem to have fallen into desuetude, where the hon. Member can raise the matter on the adjournment and there can be a forty minute debate on which no vote is taken.

1680 That is the line of action that I would enjoin hon. Members to take, where matters are controversial, such as of this nature, and not to do so under the guise of Question Time.

Hon. P R Caruana: Indeed, Mr Speaker.

1685 **Chief Minister (Hon. F R Picardo):** Mr Speaker, may I just deal with something you said, in this way. I think it is salutary that we should take up, from either side of the House – because the motion on the Agenda can be from either side of the House – that opportunity which you alert us to, to raise issues of controversy and debate them and, therefore, in that way, spare listeners and ourselves each Question becoming a debate.

1690 I believe, Mr Speaker, there is a Rule that, before such a debate can be had, Mr Speaker has to be given notice of it –

1695 **Mr Speaker:** I have to be given notice before five o'clock on the day on which the... but the House is going to adjourn today until tomorrow. The House, presumably, is going to adjourn to another day and, therefore, there is an opportunity tomorrow on the adjournment to have not one, but two, debates lasting forty minutes each.

1700 When I was a Member of this House it was a practice that was very often followed by the Opposition. I would commend it to the House; I am not aware why, in the last twenty years or so, it has hardly ever happened. Where a Member of the Opposition, in particular, raises a matter on which they feel that they have not had satisfactory answers from the Government they can give the Speaker notice and the Speaker – invariably in my experience in the past – was liberal and allowed matters to be raised on the adjournment.

Hon. P R Caruana: I take absolutely no issue with the excellent advice that the Hon. Speaker gives to the House but, of course, we are not in Question Time, we are not debating the virtues or lack of virtues

1705 **Mr Speaker:** We are on a Point of Order.

Hon. P R Caruana: We are on a Point of Order which arises not from the merits of what the Government has done or the merits of the Opposition's criticism of what the Government has done in relation to the Sexual Offenders Register *at all*, but rather on a Point of Order... My learned friend, Mr Feetham, has just raised a Point of Order.

1710 The last Member to raise a Point of Order was the Hon. Minister for Justice, who stood up, Point of Order, everybody had to sit down, whilst he insisted that the Rules were on a Point of Order, a consideration of a breach of the Rules. That is what we are discussing now. The hon. Member has just made a fifteen minute speech justifying what *he* considers to be, not a defence of his Government's policy but a justification for having said of a Member of this House that he has given information in public, *knowing* that it is false, for the purposes of causing unjustified alarm to members of the public.

1715 There is a Standing Order that says that no Member shall impute improper motives to any other Member. We are not debating the merits of the Government's policy, we are debating whether a Member of this House has infringed a Rule of this House by applying an improper motive to another and that cannot be resolved by an emergency adjournment.

1720 **Mr Speaker:** And because I allowed the Hon. Minister ten or fifteen minutes to deal with that matter I am also quite prepared to allow the Hon. Mr Daniel Feetham the same time so that he can answer. But after that, after I have done so, we are going to move on to the next Question.

1725 **Hon. Chief Minister:** Mr Speaker, if I may just deal with what the Hon. the Leader of the Opposition has said. I think it is very important that the House not be deviated from what has been its practice for many years and what is the practice set out in its Rules and in *Erskine May* – and I know that you will not want to deviate us from that.

1730 It is not appropriate parliamentary language – this has been established on a number of occasions but it has been deployed from this direction in that direction and backwards – to say that an hon. Member is misleading the House or is lying in the House. It is acceptable, but unfortunate, parliamentary language when it has to be used to say that an hon. Member has lied to the public or has misled the public *outside* the House. That is the established principle in English parliamentary procedure and Gibraltar parliamentary procedure.

1735 I will refer the Hon. the Leader of the Opposition to his acerbic remarks towards me in July 2010 during the course of a Budget debate, where he expressly and repeatedly said that I had lied to the public and I refer him to that *Hansard* and to the rulings there about what it is appropriate and not appropriate to say. If a Member says of another that he has misled the public outside of this House, then that is outwith the Rule that says that one cannot allege against another Member improper motive in this House, or that he has misled the House or called them a liar. We should, in any event, in my view, seek to avoid such situations but there are some situations, such as this, where the Hon. the Minister for Justice has felt it absolutely necessary to highlight that issue in answer to the Supplementary that was put.

1740 That is the Rule, Mr Speaker. It is an established Rule. All Parliamentarians know it, the Hon. Leader of the Opposition knows it and I am not going to say that he has tried to mislead you by pretending the Rule is something else, but I am going to say that we all know that the Rule does not apply to things said outside the House.

Mr Speaker: I will, therefore –

1750 **Hon. P R Caruana:** May I say one more thing, Mr Speaker. The hon. Member is talking nonsense.

We are not discussing here the Standing Order that talks about not using unparliamentary language, we are not talking here about the Rule that says you cannot call people a liar because it is unparliamentary language, which is all that he has just spoken to. We are talking about a quite *separate*... nothing to do with the unparliamentary language Rule. We are talking about a quite separate Standing Order, which says that no Member shall impute improper motives to any other Member.

1755 We are not talking about imputing improper motives *outside* of this House. (*Interjection*) The imputation of improper motives has taken place *in this House*, this afternoon, here. The Hon. Minister for Justice has stood up and, in this House, has imputed to the Hon. Opposition spokesman for Justice – in one of his public statements – but the allegation made in this House... the imputation of improper motives has been *in this*

1760 *House*, yes, in this *House*. The Hon. Minister for Justice has imputed to the hon. Member the motive of seeking to alarm public opinion through the use of *false* information, which he knew to be false.

That is an imputation, made *in this House*, of improper motives to another Member and there is no rule in *Erskine May* or previous practice in this House about the quite separate Rule about calling people liars or use of other unparliamentary language. This is a quite separate Rule – 45.6 – and, fine, I do not mind what the

1765 Rule is so long as we all live by the same one.

If it is not imputing improper motives to any other Member to stand up and say that you have, through the use of false information that you know to be false, misled and sought to alarm and mislead public opinion, if that is not an imputation of improper motive, I cannot think of anything that would fall foul of this Rule.

1770 **Hon. Chief Minister:** Mr Speaker, if I may, because that now takes us to another Rule and I will be very brief and not test your patience.

That is exactly the Rule that would have been offended by the hon. Member in July 2010, and the Rule of not calling people liars because both, unfortunately, tend to go together. That is exactly the same. I refer the hon. Gentleman to the debate we had at Budget time in July 2010.

1775 I must also tell him that I would prefer *his* interpretation, were it not that we had visited upon us a different interpretation by him when he was Chief Minister.

Mr Speaker: I will invite the Hon. Mr Danny Feetham to explain to the House why he considers that the statements which he made publicly are accurate. Perhaps accuracy is not an unparliamentary term.

1780 **Hon. D A Feetham:** Mr Speaker, I can be very short with that but let me say that this is a very... The issue of the amendments that the Government have brought which, effectively, means that twenty-one individuals who were convicted of serious sexual offences will now not go on the Sexual Offenders List, this is a very serious issue (*Interjection by Hon. G H Licudi*)

1785 May I please – I sat very quietly...

Mr Speaker: I would be grateful if there are no interruptions from the other side. Please –

1790 **Hon. D A Feetham:** This is a serious debate and, quite frankly, I think that it demeans the debate if *I* call *him* incompetent, if *he* calls *me* incompetent, if *he* says that *I* am misleading, if *I* say that *he* is misleading.

The reality of the situation is this, as I see it. I have provided a *bona fide* view as to the amendments and the effect of those amendments in relation to foreign offenders. I do not believe that you will be able to sustain, in a court of law, either through construction of the scheme, by just simply construing the scheme or, indeed, because it falls foul of discrimination provisions if we are talking about an EU national, yes. To have

1795 a situation where, effectively, the scheme does not apply retrospectively to *local* sexual offenders but, lo and behold, it applies retrospectively to anybody convicted of a sexual offence *outside* Gibraltar in the past but chooses to come to Gibraltar to reside.

You will find that, if that is the position of the Government, it will open a can of worms. The Government will eventually get legally challenged and I hope that the hon. Gentleman will, at that stage, if I am right on that, that he is big enough to stand up in this House and, at the very least, apologise to me for saying that I have misled the House.

My honest view, as a lawyer, as the architect of the reforms last year, is that it is not sustainable to have a situation where the law exempts locals but does not exempt people living outside coming to choose to live in Gibraltar. I do not accept that. That is the view that I have expressed in good faith and I stand by that view, despite all the criticisms of it by my hon. and learned Friend.

Let me say this, the hon. Gentleman's position is inherently contradictory because he came to this House on that Bill and he justified the Bill by saying that it is not right to apply the law retrospectively to people who have been convicted of a sexual offence in the past (*Interjection*) – Hang on a minute! – and it is not right to apply the Sexual Offenders Register retrospectively to people convicted in the past.

1810 **Hon. G H Licudi:** Mr Speaker –

Hon. D A Feetham: No, no, please –

- 1815 **Hon. G H Licudi:** No, give way.
- Hon. D A Feetham:** Please, I have listened to you intently and –
- 1820 **Hon. G H Licudi:** Please!
- Hon. D A Feetham:** – carefully. Please pay me the same courtesy that I paid you.
- Hon. G H Licudi:** I do not want to accuse him of misleading the House –
- 1825 **Mr Speaker:** Please!
- Hon. G H Licudi:** – but the information he has given as to what I said in that way is actually wrong.
- 1830 **Hon. D A Feetham:** He justified it on the basis that –
- Hon. G H Licudi:** To Locals only –
- Hon. D A Feetham:** Yes, to locals. Right, okay, let's take the statement as he makes it now.
- 1835 It is not right to apply the Sexual Offenders Register retrospectively 'to locals'. Well, how can it be right not to apply it retrospectively to locals but apply it retrospectively to somebody who is convicted of an offence *outside* Gibraltar but chooses to come and emigrate to Gibraltar? That cannot be right because the principle that he relies upon he said was the principle of law, a well known legal principle of not applying penalties and punishments retrospectively.
- 1840 I do not accept for a moment that, in fact, somebody who goes on a Sexual Offenders Register is actually either a penalty or a punishment. It is an administrative measure taken as a consequence of it. It is inherently contradictory.
- Those are the points that I have been making and I do not think, with respect to the Hon. the Minister for Justice, it really has justified the almost explosionary reaction that he has given to this House today, with all the name calling, and I think that it demeans the debate.
- 1845 **Mr Speaker:** Will the Hon. Minister accept that the Hon. Mr Feetham has made those statements in good faith? He is saying that he has answered in good faith.
- Hon. G H Licudi:** Yes.
- 1850 What I have accused him of is not understanding the legislation of which he was the architect and having made statements which were false, factually false, forgetting –
- Mr Speaker:** But not deliberately false?
- 1855 **Hon. G H Licudi:** Factually false –
- Mr Speaker:** But not deliberately false?
- Hon. G H Licudi:** No, but in circumstances where he should have known... Not deliberately false, but in circumstances ...
- 1860 **Mr Speaker:** But he says he was given a legal opinion: he was giving a legal view, a legal opinion.
- Hon. G H Licudi:** What I have read, Mr Speaker, is not a legal view, it is simply a factual statement by the hon. Member that we now have a loophole because the authorities in Gibraltar *cannot* now subject these foreign offenders to these provisions. That is factually incorrect because of the relevant sections that I have quoted.
- 1865 The hon. Member now goes even further and asks a question, presumably of me: how can it be right to apply these amendments to locals only and not to foreigners? The answer is very simple and has been stated

1870 very simply. The Royal Gibraltar Police have a list of locals and, therefore, that information is already available. They do not have information about all sexual offenders abroad and, therefore, to the extent that people have committed offences abroad and they come here and they are a risk and they are identified as a risk, the hon. Member knows that, for those people, there are no *automatic* notification requirements, it requires an application to the Court. That application can be made in respect of those offences.

1875 To answer your query, I accept that the hon. Member has acted in good faith but what I do accuse him of is of not having understood the law that he passed himself.

Mr Speaker: Right.

1880 **Hon. P R Caruana:** I am very attracted by your approach [*inaudible*] to assist in establishing peace and I think the Hon. Minister may just have made an enlightened remark.

I think that the assumption... the Hon. Mr Speaker asked whether the Hon. Minister accepts that the statements were made in good faith, the Hon. Minister has replied 'Yes, but he should have known better', effectively. I honestly think, Mr Speaker, that they are at cross purposes. The hon. Member thinks that, from his long explanation a few moments ago – a 15 minute intervention – that what the Hon. Mr Feetham was saying was somehow that they had amended the Act to make it statutorily impossible for this to happen whereas, in fact, what the Hon. Mr Feetham has just explained is that, in his view, it would be *unlawful* so to apply the legislation because it would amount to a challengeable discrimination of locals, as opposed to... and the hon. Member has answered a question that the Bill is *not* incapable of being applied retrospectively to foreigners, where that is not the point that the Hon. Mr Feetham has been making was that it cannot be applied, as a matter of law, because having been disapplied from locals it cannot be disapplied...

1890 Now if it does not help, it does not help. I will settle for the hon. Member's last statement, that he is not attributing the motive of premeditatedly seeking to alarm public opinion by the use of information which he knew to be false. If he wants to say that the Hon. Mr Feetham is incompetent, that is his privilege. That is very different to saying that he is a liar.

1895 **Hon. G H Licudi:** Mr Speaker, I have not said that and I do not want it to be left in any doubt. I am not suggesting that he is a liar but I am suggesting that public alarm has been caused unnecessarily as a result.

1900 **Mr Speaker:** Well the problem is that members of the Legal Profession never agree, unlike our school teachers, who do tend to come to an agreed position. I think we shall now move on.

1905 **ADJOURNMENT**

Clerk: The Hon. the Chief Minister.

1910 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that this House do now adjourn until 9.30 tomorrow morning.

Mr Speaker: I now propose the question, which is that the House do now adjourn to 9.30 tomorrow morning.

1915 I will now put the question which is that this House will now adjourn to 9.30 tomorrow morning. Those in favour. (**Members:** Aye.) Those against. Passed.

The House will now adjourn until 9.30 tomorrow morning.

The House adjourned at 5.07 p.m.



Gibraltar, Friday, 19th October 2012

The Parliament met at 9.30 a.m.

[MR SPEAKER: Hon. A J Canepa GMH, OBE *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

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Clerk: Sitting of Parliament, Friday, 19th October 2012.
Suspension of Standing Orders, the Hon. the Chief Minister.

10

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with the laying of an agreement on the Table.

Mr Speaker: Those in favour. (**Members:** Aye.) Those against. Carried.

15

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Agreement laid before the House

Clerk: Papers to be laid. The Hon. the Chief Minister.

25

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the table an Agreement between Her Majesty's Government of Gibraltar and the Ministry of Defence of the Government of the United Kingdom of Great Britain and Northern Ireland relating to the provision of Education Services.

Mr Speaker: Ordered to lie.

Questions for Oral Answer

TOURISM, PUBLIC TRANSPORT AND THE PORT

Heritage, Culture, Tourism and Environment inter-Ministerial Committee Meetings and issues covered

Clerk: Answers to Oral Questions continue.
Question 819/2012, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port advise when the inter-Ministerial Committee comprising the Heritage, Culture, Tourism and Environment Ministries was set up, how many times it has met, what issues it has deliberated on and what conclusions have been reached?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, the Committee was set up on the 21st February of this year and has met three times, on 21st February, on 21st March and 4th May. The Committee deliberates on all the manifesto commitments in respect of Environment, Tourism, Transport, Heritage and Culture. The conclusions are ongoing and are published as they are implemented. The hon. Gentleman may have seen some of the announcements already.

Hon. D J Bossino: Mr Speaker, I was interested to find out how matters were progressing in relation to that inter-Ministerial Committee, because as far as I am aware, there was only one initial announcement which was featured in the *Gibraltar Chronicle* back in January. Now the Minister refers to other announcements having been made. I am not necessarily aware of those.

In respect of that particular article, the Minister is aware that reference was made to a new thematic Neanderthal Park as being on the cards. Is that still on the cards? If it is, can he give this House any reports as to progress in relation to that particular project?

Hon. N F Costa: Mr Speaker, I should add that in addition to the official meetings that have been held on the dates that I have just said, there have also been bilateral meetings with different Ministers, in order to progress different projects through.

It does give me great pleasure to list some of the matters that have been discussed and already delivered: the Jazz Festival; more planting of trees; the Green Procurement Seminar; support to event-led Tourism; the exploration and implementation of solar street lighting; encouraging the use of Gibraltar as a cruise port; the work with industry tourism operators, the re-providing of the Moorish Castle Estate park; the Museum's Spring 2012 lecture series; an environmental feedback session; the refurbishment of John Mackintosh Hall Library; Summer Nights; preparations for major excavations at Gorham's and Vanguard Caves; Gibraltar National Week classical concert, the Mega Concert; Gibraltar National Week events; Gibraltar Fair; free travel for Route 5 for old age pensioners; the Rock of Gibraltar designated as a special area of conservation; the Thinking Green Trade Fair; the improvement to bus routes; the Calpe Conference; new tours for cruise ship passengers; and the campaign against dog fouling.

Those are a list of matters on manifesto commitments that have been discussed at the meetings that I have just said, and bilaterally, and have already been delivered.

Tourism, Public Transport and the Port Trainees on placements within Ministries

Clerk: Question 820, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port provide details giving a breakdown by age, gender and nationality of all trainees on placements within the Ministries for which he has responsibility, indicating the Department, Agency, and Authority where they are placed and the nature of the work they are undertaking?

90

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, I now hand over to the hon. Gentleman the information requested as of 12th October 2012.

SCHEDULE TO QUESTION NO 820/2012

PLACEMENTS OF TRAINEES

	AGE	GENDER	NATIONALITY	DEPT/AGENCY/AUTHORITY	LOCATION	WORK CARRIED OUT
1	21	Female	British Gibraltarian	Ministry of Tourism, Transport & the Port	Office	General Administration
2	23	Male	British Gibraltarian	Ministry Of Tourism, Transport & the Port	Office	Messenger & Admin
3	20	Female	British Gibraltarian	Gibraltar Tourist Board	Accounts Department	General Administration
4	27	Male	British Gibraltarian	Gibraltar Tourist Board	Coach Terminal	Coach Park attendant
5	21	Male	British Gibraltarian	Gibraltar Tourist Board	Information Offices	Visitor Information Patrol Officer
6	19	Female	British Gibraltarian	Gibraltar Tourist Board	Information Offices	Visitor Information Patrol Officer
7	24	Female	British Gibraltarian	Gibraltar Tourist Board	Information Offices	Visitor Information Patrol Officer
8	45	Female	Lithuanian	Gibraltar Tourist Board	Upper Rock Department	Maintenance/Cleaner
9	38	Female	British Gibraltarian	Gibraltar Tourist Board	Upper Rock Department	Administration
10	20	Male	British Gibraltarian	Gibraltar Tourist Board	Upper Rock Department	Maintenance
11	22	Male	British Gibraltarian	GibiBikes	Gib Bus Company Depot	General Maintenance
12	47	Male	British Gibraltarian	Gibraltar Bus Company	Gib Bus Company Depot	Driver
13	55	Male	British Gibraltarian	Gibraltar Bus Company	Gib Bus Company Depot	Driver
14	27	Male	British Gibraltarian	Gibraltar Bus Company	Gib Bus Company Depot	Painter
15	20	Female	British Gibraltarian	Maritime Administration	Watergate House, Casemates Square	Seafarers Certificates, General Admin Support and Yacht Registry assistance
16	22	Female	British Gibraltarian	Maritime Administration	Watergate House, Casemates Square	Surveyors' support and technical administration
17	21	Female	British Gibraltarian	Maritime Administration	Watergate House, Casemates Square	Surveyors' support and technical administration
18	28	Female	British Gibraltarian	Maritime Administration	Watergate House, Casemates Square	Replacements of STCW Endorsements
19	19	Female	British Gibraltarian	Maritime Administration	Watergate House, Casemates Square	Replacements of STCW Endorsements
20	24	Male	British Gibraltarian	Maritime Administration	Watergate House, Casemates Square	Replacements of STCW Endorsements
21	23	Female	British Gibraltarian	Consumer Affairs	10 Governor's Lane	General Administration

**Investment programme on tourist sites
Detailed breakdown**

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Clerk: Question 821, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port advise how the Government intends to spend the £1,000,000 as set out in the Approved Estimates of Revenue and

100 Expenditure 2012-13 which has been allocated in this financial year in respect of the investment programme on tourist sites, by providing a detailed breakdown?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

105 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker, once again, it gives me great pleasure to inform the hon. Gentleman that the intention is to spend the funds allocated as follows: public toilets refurbishment at Jews Gate, £96,543; the bridge replacement at St Michael's Cave, £72,431; extensive refurbishment at St Michael's Cave, estimated at £348,180; public
110 toilets refurbishment at Apes' Den, £33,237; new sewer line at Apes' Den, £127,053; installation of new sewer and staff toilets at Great Siege Tunnels at £148,068; rock fall risk assessment, phase 1 at Great Siege Tunnels, £11,510; repairs to the viewing platform at the Great Siege Tunnels, £20,779; ticket office extension at Moorish Castle, £21,885; public toilet refurbishment at the 100 Ton Gun, £19,118; repairs to Waterport Fountain and a new pump system, £14,628 and a new viewing platform at the end of Holy
115 Land Tunnel in the Great Siege Tunnels £86,567. That comes to a total of the £1,000,000.

Hon. D J Bossino: Mr Speaker, I am grateful for the Minister giving me that list and I would be even more grateful if he could perhaps provide me with a schedule or a copy of his answer in written format.

Now, as best as I have been able to, I have done a list of the items which he has provided to this House this morning. In relation to that list, can I ask the Minister, Mr Speaker, whether he is prioritising
120 any of the items he has just listed and what the programme of works are in relation to that particular list?

Hon. N F Costa: Well, Mr Speaker, as the staff of the staff of the GTB will tell him, as far as I am concerned, my hope would be for all works to start at the same time all over the place, but I am advised that things do not quite work that way. There are development and planning issues to be taken on board
125 and those that do not require planning can start straight away.

The projects that have started are the Waterport Fountain, which started on 17th October; the work to the toilets at the 100 Ton Gun will begin on 23rd October; and the viewing platform will begin on 5th November. Those are works that can proceed without development and planning permission.

All of the other projects that I have listed require to proceed through the planning process, but having said that, Mr Speaker, the hon. Gentleman can rest assured that I will ensure a fair wind on all of these
130 projects, so that they are completed within this financial year.

135 **Marketing promotions and conferences**
Estimated expenditure 2011-12; forecast outturn 2012-13

Clerk: Question 822, the Hon. D J Bossino.

140 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port provide a breakdown of the estimated expenditure for 2011-12, as well as the forecast outturn for the same period, for marketing promotions and conferences, as set out in the Approved Estimates of Revenue and Expenditure 2012-13?

145 **Clerk:** Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, as the financial year 2011-12 has already passed, we can in fact provide the hon. Gentleman with the actual figures, instead of estimated expenditure.

150 In respect of the forecast outturn, as set out in the Approved Estimates of Revenue and Expenditure for this financial year, it is as set out in the schedules which I now hand over to him.

SCHEDULE TO QUESTION NO 822/2012

<i>GIBRALTAR TOURIST BOARD - MARKETING, PROMOTIONS & CONFERENCES 2011/12</i>		
	VOTED	ACTUAL
	2011/2012	EXPENDITURE
LITERATURE	£59,000.00	£71,197.00
TRAVEL TRADE ACTIVITY	£36,100.00	£24,902.00
MEDIA PR ACTIVITY	£2,000.00	£2,389.00
CONSUMER ADVERTISING	£187,650.00	£199,738.00
TRADE SHOWS/FAIRS	£38,000.00	£41,272.00
CONSUMER SHOWS/FAIRS	£34,000.00	£21,817.00
TRADE & CONSUMER SHOWS/FAIRS	£20,500.00	£14,795.00
TRAVEL EXPENSES ALL EVENTS	£20,000.00	£15,639.00
OTHER COSTS	£17,200.00	£9,041.00
LONDON OFFICE ADMIN & SUPPORT SERVICES	£78,000.00	£83,217.00
ONLINE ADVERTISING	£2,000.00	£1,222.00
CONSUMER ADVERTISING	£10,000.00	£36,334.00
EVENTS	£4,000.00	£0.00
OTHER COSTS	£11,000.00	£71,425.00
AIRLINE JOINT MARKETING	£200,000.00	£200,013.00
MEDIA PR ACTIVITY	£2,050.00	£0.00
CONSUMER ADVERTISING	£30,000.00	£58,372.00
TRADE & CONSUMER FAIRS	£36,500.00	£31,060.00
OTHER	£2,000.00	£93.00
GRAND TOTAL	£790,000.00	£882,526.00
<i>GIBRALTAR TOURIST BOARD - MARKETING, PROMOTIONS & CONFERENCES 2012/13</i>		
	VOTED	PROJECTED
	2012/2013	EXPENDITURE
LITERATURE	£59,000.00	£59,000.00
TRAVEL TRADE ACTIVITY	£36,100.00	£36,100.00
MEDIA PR ACTIVITY	£2,000.00	£2,000.00
CONSUMER ADVERTISING	£187,650.00	£187,650.00
TRADE SHOWS/FAIRS	£38,000.00	£38,000.00
CONSUMER SHOWS/FAIRS	£34,000.00	£34,000.00
TRADE & CONSUMER SHOWS/FAIRS	£20,500.00	£20,500.00
TRAVEL EXPENSES ALL EVENTS	£20,000.00	£20,000.00
OTHER COSTS	£17,200.00	£17,200.00
LONDON OFFICE ADMIN & SUPPORT SERVICES	£78,000.00	£78,000.00
ONLINE ADVERTISING	£2,000.00	£2,000.00
CONSUMER ADVERTISING	£10,000.00	£10,000.00
EVENTS	£4,000.00	£4,000.00
OTHER COSTS	£11,000.00	£11,000.00
AIRLINE JOINT MARKETING	£200,000.00	£200,000.00
MEDIA PR ACTIVITY	£2,050.00	£2,050.00
CONSUMER ADVERTISING	£30,000.00	£30,000.00
TRADE & CONSUMER FAIRS	£36,500.00	£36,500.00
OTHER	£2,000.00	£2,000.00
GRAND TOTAL	£790,000.00	£790,000.00

Hon. D J Bossino: Mr Speaker, from a very cursory check, there is quite a lot of information I would like to go through and I will do so with a bit more time, when this sitting finishes.

The reason why I asked this Question, Mr Speaker, is because it is clear from the Budget Book that there has been an increase from the estimated figures 2011-12 to the forecast outturn for the same period of in fact I think to the penny, £88,000. The information that I have, given that that period straddles both administrations, from the predecessor in post, is that as at the time of the General Election, the expenditure was very much in line with the estimated figure.

Now, that is just by way of a general preamble, Mr Speaker, but if I could ask these specific questions in relation to the list which I have just been provided. The first one is: there is an entry here, which is described as 'Other Costs', where there is a figure of £11,000 which was voted for 2011-12, whilst the actual expenditure – and I think this is the item which has been the subject of the greatest increase – increases to a figure of £71,425. I cannot do the maths very quickly, but that just seems like a lot of money. I would ask the Minister for an explanation for that.

Hon. N F Costa: Yes, Mr Speaker, I suppose that we can call it an ecumenical year, given that the financial year did straddle both administrations.

In respect of the 'Other Costs' which I anticipated is what the hon. Gentleman would ask me, it relates to £20,000 being allocated to the production of the film *La Roca* and £42,000 for the *Gibraltar* film. I hope that satisfactorily answers the question of the hon. Gentleman.

Hon. D J Bossino: I am grateful for that, Mr Speaker.

I also have another question and that is that there appear to be, certainly in the first section, three items entitled 'Consumer Advertising'. If I just very quickly look at it... Yes, they have each been the subject of, I would say, considerable increases. If I can ask the Minister what that relates to and why it is split into... it features on three occasions?

Hon. N F Costa: Well, Mr Speaker, I cannot agree with the hon. Gentleman's preface that they amount to considerable increases. For example, in respect of Consumer Shows and Fairs, there is in fact a reduction from £34,000 to £21,000, so that is less money spent on that.

Trade Shows and Fairs is £38,000 voted, and what was actually spent was £41,000. When you take into consideration, the less money spent on the previous item of expenditure, it more than definitely makes up for it.

And the same I would say in respect of Consumer Advertising, which goes from £187,000 voted and £199,000 spent.

Hon. D J Bossino: Mr Speaker, I can give the Minister another example, under the title 'Consumer Advertising' where, if he goes further down the table, he will see that £10,000 was voted in relation to that particular item, and £36,000 was in fact spent.

But my question, Mr Speaker, is not that at this stage. My question is why is it that 'Consumer Advertising' features on three separate occasions in the top block – and I have not counted it in the second block, but I think it also repeats itself there, again on three separate occasions?

Maybe I am not understanding the table, and I would be grateful for an explanation from the Minister in relation to that point.

Hon. N F Costa: Mr Speaker, in the first place, I think it is fair to point out to this House that nine out of ten months were – (A Member: Twelve.) nine out of twelve months, sorry, were passed under his administration, so the vast majority of the expenditure would in fact relate to when they were in Government, and only of course, the three other months relate to us.

Whereas I have the breakdown as requested in the notes of the Question, that is what I can provide him. If he wants me to tell him exactly what was spent when, that is an entirely different question, which would require my officials to investigate at that level of detail, which he will, I am sure, agree with me is not a fair question, because it has not been provided as notice.

Hon. D J Bossino: Mr Speaker, I am really not pursuing the increase at this stage. I am really not pursuing that. All I want to know is – in my view, it would be in fact a simpler question – why it is that the item of expenditure described as 'Consumer Advertising' appears on three separate occasions in each table. That is all.

Hon. N F Costa: Yes, Mr Speaker, as I have already told the hon. Gentleman, the table and the way it is set out, in terms of the detail of the breakdown of the costs, is exactly the same form that has been provided since they were in Government. As I say, that has been done for nine out of the twelve months of the financial year, so I cannot go any further, other than to say that was the form that was used by them and we simply have followed the form when providing the hon. Gentleman with the answers.

In relation to the specific question he asks, one is Consumer Advertising, the other one is Consumer Shows and Fairs and the other one is Trade and Consumer Shows.

For instance, for the Trade and Consumer Shows, it relates to the London Boat Show; in respect of Consumer Affairs, it relates to the Wedding Show at Earl's Court; Consumer Road Shows, Manchester Consumer Road Show.

That I hope provides the differentiation to him, but those were during the time that they were in Government.

Hon. D J Bossino: Mr Speaker, I do not want to be unfair on the Minister, and if he does not know that is fine and maybe we can speak about this later –

Hon. N F Costa: I just answered the question.

Hon. D J Bossino: Well, no, he needs to... I would ask him, I would urge upon him, not to be unfair on me. I was not in Government personally, and none of those who have governmental experience on either side of me had charge of this particular Ministerial Portfolio, so other than conferring with them now *a la* a quiz show, (*Laughter*) I would just ask the Minister whether he knows – fine, he inherited this system, but whether he can tell us now, on 19th October, after being almost a year in Government – whether he knows why there are repeated references, three in each table, to ‘Consumer Advertising’.

With respect Mr Speaker, I appreciate that there are other sections in the table which have the word ‘consumer’ in it, but I am not concerned about those at this stage. In the cursory check and the limited time I have had available to digest this information, this is one of the features which strikes me, and I just wanted an explanation from the Minister who is responsible for these matters to elucidate me.

Hon. N F Costa: Mr Speaker –

Hon. D J Bossino: If he does not have the information, I do not want to be unfair on him –

Hon. N F Costa: Mr Speaker, it is not about whether I do not have the information and that I have not answered. I do understand perfectly the question that he is asking me, but with all due respect to him, he is basically asking me to divine through telepathy why the officials who prepared this table when they were in Government decided to call certain things and label them in the way that they did.

Now, I have told him that I cannot for the life of me tell him why, when this table was first prepared by their administration when they were in Government decided to label certain things the way they did. However, I have gone towards an explanation of the question that the hon. Gentleman has asked me, by telling him what the different labels – which the officials, when they were in Government, decided to describe them as – contained, in order to give them an idea what the officials then decided to include, and I will do so again by way of clarification.

In respect of Trade and Consumer Shows, what appears on the breakdown is London Boat Show. London Boat Show: the label put is Trade and Consumer Shows. That I imagine happened at some point when they were in Government and they would know why they put that label. I cannot divine as to the reason why.

In respect of Consumer Shows and Fairs, I have already told the hon. Gentleman too, Consumer Road Shows, Wedding Shows, Manchester Consumer Show. The label attached by officials then working with the GSD Government was ‘Consumer Shows/Fairs’.

Now Mr Speaker, I imagine that it is conceivable and within the realm of possibilities that different labels and different nomenclature could have been put to that, but those are the labels that were attached then and I cannot assist the hon. Gentleman in telling him why those labels were used.

Hon. D J Bossino: Mr Speaker, I do not want to labour the point but –

A Member: Don’t then.

Hon. D J Bossino: No, but Mr Speaker, the explanations which the Hon. Minister is giving me in this House are unacceptable to this extent, in the sense that yes, there are civil servants and officials who devised the system, but *he cannot get away from the fact* that he has been in office and holding this office for the last nine to ten months. So he ought to have been at least put on enquiry, when he was given this table, to have asked his officials why it is that there are – which is the question that I am particularly interested in asking – three different references to Consumer Advertising. That is all I want to know Mr Speaker –

Mr Speaker: I think the Hon. Minister may be in a position to answer the reason why, if he is given sufficient notice and time to try to go and find out. (**Hon. D J Bossino:** Yes.) But he may not have the information with him here today.

Hon. D J Bossino: I accept that, that’s right.

Mr Speaker: And having been a Minister for many years, I can tell the hon. Member, that is a fact of life. When a Minister stands up in the House to answer a question, he may not have with him all the information that the hon. Member of the Opposition is seeking.

So I think it is fair for you to ask the question. I think what the Minister obviously should do is to go back to his officials, try to find out if there is a reason and inform you at a future date.

Other than that, I do not think we are going to make any more progress today.

290 **Hon. D J Bossino:** Mr Speaker, unless I misunderstood the Minister, I hear the Chief Minister say that is what the Minister is offering to do and I accept that offer. Of course I accept that recommendation. *(Interjection)* Maybe we have been speaking at cross purposes. I did say that we wanted to be fair to the Minister and, by all means, that is indeed the way that I wanted to progress and pursue matters.

295 **Hon. N F Costa:** Mr Speaker, with all due respect to the hon. Gentleman, the first thing I said was that if I had received written notice of the question, I would go and find out.

300 But to further assist the hon. Gentleman, I imagine that it is taken as given that the reason why there are these different heads is because we do not just do marketing in Gibraltar, but we do marketing in the UK and in Spain and in Gibraltar. I assumed that he knew that, which is why I have not stated the obvious, which is that marketing is done in Gibraltar, in Spain and in the UK.

Marketing and official visits
Estimated expenditure 2011-12; forecast outturn 2012-13

305 **Clerk:** Question 823, the Hon. D J Bossino.

310 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port provide a breakdown of the estimated expenditure for 2011-12 as well as a forecast outturn for the same period for marketing, promotions and conferences, as set out in the Approved Estimates of Revenue and Expenditure 2012-13?

Clerk: The Question is 823. I think there may be some...

315 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port provide a detailed breakdown of the forecast outturn figure for 2011-12, as well as the estimated figure for 2012-13 in respect of Head 29, sub-head 2(2)(b) – ‘Marketing and Official Visits’ of the Approved Estimates of Revenue and Expenditure 2012-13?

320 **Clerk:** Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, the breakdown of the expenditure for 2011-12 is contained in the schedules I now hand over to the hon. Gentleman.

325 The estimated figure for 2012-13 in respect of Head 29, sub-head 2(2)(b) is £45,000. This includes £15,000 allocated for the purposes of promoting the Gibraltar Yacht Registry.

SCHEDULE TO QUESTION NO 823/2012

SCHEDULE 2011/2012 – Head 29 2 (2) (b)

MARKETING AND OFFICIAL VISITS

Detailed breakdown of expenses

ADVERTISING

	£
PV032/12 Riviera Maritime Media – Tanker & Trade	700.00
PV034/12 Elaborate Communications – Ship Management Int.	700.00
PV067/12 The Year Book	1147.00
PV243/12 Riviera Maritime Media – Tanker & Trade	700.00
PV308/12 Gibtour Trade Directory	1000.00
PV331/12 Gib Yacht Registry – IPC Media Ltd	4000.00
PV444/12 Ship Management International	700.00
PV446/12 Superyacht Photography – Rising Sun	50.00
PV468/12 Tanker Operator Magazine Advert	450.00
PV566/12 Ship Management International	<u>1000.00</u>
TOTAL	£10447.00

COURSES

PV024/12 MLC Course Instructors	774.00
PV148/12 Hull & Structural Surveys, Fundamentals of Marine Engineering, Marine Engineering Surveying – Mr A Federico	3740.00
PV184/12 Mr N Hodgson – Instructor for Thetis Course	139.00
PV188/12 Accident Training Course	300.00
PV189/12 Accident Training Course – Mr Nicholas Beer – Flights	236.00
PV190/12 Accident Training Course – Mr Nicholas Beer – Bed & Breakfast	894.00
PV204/12 Shipboard Training Audit – Mr A Federico	209.15
PV208/12 Flights A Federico – Shipboard Training Audit	325.00
PV232/12 ISM Training – Mr A Federico	914.00
PV412/12 Lloyds Diploma Exam – Mr Steve Gomez	214.94
PV413/12 Lloyds Diploma Exam – Mr Steve Gomez – Flights & Hotel	744.44
PV483/12 Marpol Course – Subsistence A Federico	200.00
PV494/12 ECDIS Training Expenses – Mr D Graham	112.76
PV506/12 Stability Course – Mr A Federico – Subsistence	300.00
PV519/12 Stability & Marpol Course – Mr A Federico	768.00
PV524/12 ECDIS Training – Mr D Graham	700.00
PV525/12 Internal Auditor Course	450.00
PV570/12 Diploma In Marine Surveying – Mr A Federico	550.00
JV458 Credit for Training Related Items	3092.09

Cont.....

CONT. SCHEDULE TO QUESTION NO 823/2012

JV287	Adjustment Marpol Expenses	47.87
JV	Adjustment Advance for Stability Refresher Course	136.75

	TOTAL	£8294.58

HOSTING OF MEALS

PV004/12	Coastguard Agency	215.35
PV162/12	Sea Trucks Group	260.00
PV167/12	Sea Trucks Group	30.90
PV175/12	Maritime Accident Investigators	200.00
PV180/12	Maritime Accident Investigators	<u>47.30</u>
	TOTAL	£753.55

MARKETING & OFFICIAL VISITS

PV358/12	Marketing Trip to Germany – Mr A Cubbin	695.56
PV456/12	GL Classification Committee – Mr A Cubbin – Taxi	110.00
PV535/12	Marketing & Class Society Meeting – Germany	1366.72
PV573/12	Monitoring of ABS – Mr A Cubbin	493.27
PV592/12	REG-TF Germany – Subsistence Mr A Cubbin	<u>1000.00</u>
	TOTAL	£3665.55

MISCELLANEOUS

PV020/12	Chamber of Shipping – Mr T E Springett – Return Air Fare	93.43
PV023/12	London Office – Display Stand to Heathrow	211.20
PV045/12	Accommodation Mr A Chatterjee	125.30
PV216/12	Mr D Cocklan – Visas expenses	25.70
JV149	Adjustment - advance for MV Hanoi	200.00
JV354	Meridian Marine Audit	<u>455.50</u>
	TOTAL	£11111.13

NETWORKING

PV185/12	REG Website	<u>100.00</u>
	TOTAL	£100.00

QUALITY MANAGEMENT SYSTEM CERTIFICATION - ISO

PV292/12	SGS United Kingdom Ltd	837.78
PV557/12	SGS United Kingdom Ltd	<u>1383.31</u>
	TOTAL	£2221.09
		Cont.....

CONT. SCHEDULE TO QUESTION NO 823/2012

SEMINARS

PV003/12	Yacht Seminar	104.00
PV300/12	Yacht Seminar	115.95
PV316/12	Yacht Seminar	<u>560.50</u>
	TOTAL	£780.45

TOTAL EXPENDITURE £27,373.35

Official visits
Costs incurred; purpose

Clerk: Question 824, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port provide details of the visits on Government business he has undertaken out of Gibraltar, with details of each destination, costs incurred and the purpose of each visit since he assumed office?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, as the hon. Member knows by this stage, the information is already available on the Government's website.

Flight recording service
Accuracy of telephone information

Clerk: Question 825, the Hon. D J Bossino.

Hon. D J Bossino: I always forget to check the Government website before coming to the House.
(Laughter)

Can the Minister for Tourism, Public Transport and the Port advise the House what arrangements are in place to ensure that the flight recording information, advertised through telephone number 8998, is accurate and current?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, the system was temporarily suspended due to technical reasons. The 8998 telephone service has now been restored and I am confident it is accurate and current.

Hon. D J Bossino: Mr Speaker, there are two reasons why I ask this question. One is that I did come across press reports – in fact they were letters to the *Chronicle* – which raised serious concerns about the impact that false information or dated information provided by this telephone service could have on Gibraltar's reputation. The second reason is that I, myself, called the number and there was simply no reply. Can I ask the Minister whether he can advise this House when it was that the service was reinstalled?

Hon. N F Costa: Mr Speaker, the hon. Gentleman is correct to say that the telephone service was temporarily suspended because it was not working properly and, as a result of the malfunction, it was suspended from Friday, 28th September to Tuesday, 16th October.

The reason for the malfunctioning of the service is essentially due to the transfer from one air terminal to the other. The new telephone system in the new terminal works over the internet and the service provided works on an analogue system. This has now been resolved and the way that we ensure that it is updated, so that there is no serious risk to the reputation of Gibraltar by virtue of a malfunctioning telephone service. I can assure the hon. Gentleman that it will be updated every morning, every time there is a change and then at the end of the operational day. To be doubly sure that there is nothing wrong, a duty manager will check it as well.

Monarch Airlines
Details of incentive scheme

Clerk: Question 826, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port advise whether any incentive was offered to Monarch Airlines in order to secure the Gibraltar to Birmingham route?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, all commercial discussions are sensitive, as these are part of the Government's continuing drive to increase air connectivity and the hon. Gentleman will, I hope, agree with me that to publicly announce across the floor of this House whether or not an airline enjoys an incentive scheme, if at all, will be to obliterate any negotiating advantage of Her Majesty's Government of Gibraltar in any such discussions.

Hon. D J Bossino: Mr Speaker, I am sensitive to what the Hon. Minister has said.

As I understand the position from my own personal intelligence gathering, given that I have not held office previously, there was in fact an established incentive scheme which entailed things like, for example, offering reduced landing charges, and that is fine. The reason why I ask this question is whether this particular airline was offered anything over and above the established incentive scheme and if that entails an expenditure on the public purse, I think, Mr Speaker – and I say this with some trepidation because I am not aware of the ins and outs of how these things work – as an Opposition Member I am entitled to scrutinise the Government in relation to that.

Hon. N F Costa: Mr Speaker, to answer the first part of the hon. Gentleman's question, there is an incentive scheme which was devised by the GSD when in Government, an incentive scheme still today that continues to exist.

Now, in respect of whether any particular airline does enjoy an incentive package or not, I will need to insist to the hon. Gentleman that I will not provide any details because such discussions are confidential in nature.

But let me also remind the hon. Gentleman, in order that he appreciates that we are simply following a custom which was certainly practiced by the GSD when in Government, that the Hon. Mr Holliday, when Minister for Tourism, when asked by my hon. Friend, Dr. Joseph Garcia, 'Can the Government say how many airlines are interested in flying?' – forget the fact about commercial discussions and incentive schemes etc – 'how many airlines are interested in flying?', the then Minister for Enterprise said:

'The Government continues with its contacts and discussions. However, in common with my response in previous Parliamentary Questions, for reasons of commercial confidentiality it would not be appropriate for me to provide further information.'

And this relates to simply the number of airlines with which they are in discussions and not even such sensitive details in my submission as would be a commercial discussion on an incentive scheme.

Oil pollution Contracted services expenditure

Clerk: Question 827, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port provide details as to what the contracted services expenditure under the 'oil pollution' Head set out in the Approved Estimates of Revenue and Expenditure 2012-13 relates to, to include to whom the services are contracted and the terms of the contract, including its duration and costs?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, in the recurrent expenditure under Contracted Services, Item 21 states an estimated expenditure of £75,000. This amount relates to the contracts in place between Oil Spill Response Ltd (OSRL) and the Gibraltar Port Authority.

OSRL charge an annual fee for 'Associate Membership'. The contract is valid until 31st May 2013 and caters for OSRL's response for Tier 3 incidents.

OSRL charge the GPA an 'Annual Equipment Access fee'. The contract is valid until 22nd October of this year and caters for OSRL's response to Tier 2 oil spills.

OSRL also charges a 'Maintenance fee' for servicing and maintenance of GPA oil spill equipment.

Hon. D J Bossino: I did not quite take, Mr Speaker, full note, but I think there is a separate contractual relationship with OSRL in respect of one particular item and that is something to do with equipment, I think.

Hon. N F Costa: Yes, the Annual Equipment Access fee.

455 **Hon. D J Bossino:** That is right. In relation to that particular service, Mr Speaker, as I understand it, if I have understood the Hon. Minister correctly, that is due to end at some date in October. I have got a note of 26th October; it may have been 22nd October, this year. So this is next week.

Can I ask the Government what its intentions are in relation to that particular contract and whether the Minister intends to renew or perhaps look elsewhere.

460 **Hon. N F Costa:** Subject to any advice that the Captain of the Port may give me to the contrary, his advice to date has been that we renew the contract.

465 **Gibraltar Ship Registry**
New registrations

Clerk: Question 828, the Hon. D J Bossino.

470 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port advise this House how many of the new ships, which he has previously indicated would be registered during the course of the next year or so, have in fact already been registered?

475 **Clerk:** Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, during my Budget speech in July of this year, I informed this House that given the global downturn in the economy, the number of ships on the Gibraltar Ship Registry had fallen by 3% from 316 in April of last year to 306 in April of this year, but that there had been an overall increase in the gross tonnage from 2.12 million to 2.37 million.

480 However, I said at the time of my Budget speech that the schedule for new ships indicated that 35 new ships, totalling over 700,000 gross tonnes would be registered with the Gibraltar Maritime Administration during the course of the financial year.

485 I am very pleased to inform the House that since 1st January of this year, exceeding the expectations that I noted in the Budget, 48 new ships have been registered, bringing the total number of vessels to 329 with a gross tonnage of 3.12 million. This, Mr Speaker, represents an increase of 7% in the number of vessels and 31.6% in gross tonnage and exceeds in six months the projected figure for the year by 13 ships and approximately 300,000 gross tonnage.

490 The above, Mr Speaker, certainly vindicates the Government's policy, announced in the Budget, in the marketing of Gibraltar as a safe, robust and reputable maritime administration.

Hon. D J Bossino: Mr Speaker, I, of course, welcome the very good news which –

495 **Hon. N F Costa:** I am sure you do.

Hon. D J Bossino: Of course, I do, which the Minister has just given this House.

500 Because the reference to the 35 new ships was made, as the Minister correctly mentioned earlier in his answer, in the context of his Budget speech, it was also made in the particular context of the marketing exercise, if I can put it in those terms, which the GMA made to Germany, I think was what he said. (**Hon. N F Costa:** Yes.)

Can I ask of the 48 new ships, whether they all come from the same... or as a result of that particular marketing initiative?

505 **Hon. N F Costa:** Yes, Mr Speaker, I will get for the hon. Gentleman the exact number... Well, no. I can tell him in fact that yes, they have been as a result of the marketing; but it is not just in relation to Germany because I said that the new ships had been registered from January of this year.

510 But in addition to the point that the hon. Gentleman makes, which is entirely correct, that the GMA went to Germany to meet existing clients and possible new ones, there was an innovation, once we came into Government, which was a visit made to Norway to meet new owners and, as I say, potential new owners. That is the answer to the question.

**Gibraltar Port Authority
Job vacancies**

Clerk: Question 829, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port advise this House how many vacancies are currently available at the Gibraltar Port Authority and what the Government's intentions are in relation to the filling of these vacancies, if any?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, the three vacancies currently available at the Gibraltar Port Authority are Admin/Finance Officer, Port Maintenance Fitter and a Bunkering Superintendent. It is the Government's intention to fill these vacant posts.

Hon. D J Bossino: Mr Speaker, might I refer the Minister to the Budget Book. There is, under Heading 29, which is entitled 'Ports and Shipping', there is a reference, as the Minister well knows, under the particular caption 'Establishment' and in fact there was provision made for 2012-13 for one more staff member. Are these posts, which he has just referred this House to, included in those 18? Does he know?

I know I am being unfair to him in a sense that I have not given him notice of a rather specific question; but maybe he can assist. If he cannot, then I can always either write to him later or ask the question at the next sitting.

Hon. N F Costa: Yes, Mr Speaker, certainly given the very specific nature of the question, if he could either ask the question, with written notice, or correspond with my office and I will be sure to give him the answer immediately.

**Tourism, Public Transport and the Port
Meetings held with Captain of the Port**

Clerk: Question 830, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port provide details as to the occasions he has met with the Captain of the Port since his appointment, to include the dates of these meetings?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, as the hon. Gentleman will recall, Captain Roy Stanbrook took post on 27th February of this year. It does give me great pleasure, once again, to be able to advise the House, and the hon. Gentleman opposite in particular, the frequency with which I meet the Captain.

I now read to him the number of times I met with the Captain on pre-scheduled meetings on a whole variety of different port-related subjects as follows: 21st March, 4.30; 22nd March, 9.00; 22nd March, 10.00; 22nd March, 3.30; 30th March, eight o'clock in the morning; 10th April, 4.30; 16th April, 4.00; 18th April, 5.30; 24th April, 9.30; 25th April, 3.30; 2nd May, 4.00; 2nd May, 4.30; 11th May, 9.30; 18th May, 11.00; 30th May, 5.00; 31st May, 2.00; 1st June, 9.00; 1st June, 10.00; 13th June, 3.00; 24th July, 4.00; 31st August, 9.30; 4th September, 3.30; 27th September, 3.00; 28th September, 4.30; 2nd October, 3.30; 10th October, one o'clock – I missed my gym session then! – 11th October, four o'clock.

Although, Mr Speaker, of course it goes without saying that I do meet with the Captain on more occasions, in impromptu unscheduled meetings, and that I talk to the Captain by telephone every other day, if not daily, in addition to e-mail and other correspondence.

It did occur to me, Mr Speaker, as I read the question, that perhaps the hon. Gentleman would suggest to me that I install a GPS on the Captain so he knows where he is. (*Banging on desks*)

Gibraltar Bus Company Limited
Availability of buses

580 **Clerk:** Question 831, the Hon. D J Bossino.

Hon. D J Bossino: Sorry there was a cough. Is it Question 831?

Clerk: Question 831.

585 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port advise how many buses of the Gibraltar Bus Company Limited are currently unavailable for use, with reasons for their unavailability?

590 **Clerk:** Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

595 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker, at the time of preparing this answer, which was on the 11th of this month, the following vehicles were off-road as follows: one bus was undergoing a routine service and was back in service at the end of business on that same day; one bus is waiting for the transmission cable to arrive from the contractor supplier, and as from the 11th of this month the part should be in Gibraltar in two weeks' time and the fitting time is one day; one bus was undergoing a minor repair to rectify an air leak and was back in service on the same day.

600 **Hon. D J Bossino:** Can I ask the Minister, who is conducting the repairs of the buses? I am just basing myself on a press statement, which the Government issued back on 27th June, to the effect that the contract with A M Capurro and Sons Ltd had been terminated. I am just wondering who is – is that the case...?

605 **Hon. N F Costa:** No, Mr Speaker, if I may just give way before he finishes the question. We have not issued a press statement to say that the contract with the Government's mechanics has been terminated. Just to rectify the hon. Gentleman before he asks me the question.

610 **Hon. D J Bossino:** Mr Speaker, the premise of the question may have been based on incorrect information or misunderstanding of information provided by the Government because the question was going to be: which company was providing the maintenance service for the buses, assuming that A M Capurro were no longer providing it? It is the same company, is it?

615 **Hon. N F Costa:** It is the same company, Mr Speaker.

Gibraltar Bus Company Limited
Bus Route 7 set-up costs

620 **Clerk:** Question 832, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port provide details of the set-up costs for Bus Route 7?

625 **Clerk:** Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

630 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, yes, the total cost was £1,057.84, broken down as follows: £5.00 to effect the change of ownership transaction of bus G 8364A – this bus formerly belonged to the Gibraltar Bus Company and had been donated to the Elderly Care Agency by the previous administration when the three Mercedes were purchased; £50.00 to amend the Gibraltar Bus Company Limited operator's licence to include route 7; £627.84 paid to Argus Insurance for the vehicle to be included in the Fleet's Global Insurance; approximately £20.00, inclusive of in-house labour to affix the GBCL decals to the bus; £355.00 for a full mechanical service, that included replacing the alternator that was faulty.

635 It does give me a great pleasure, Mr Speaker, to be able to tell the hon. Gentleman that since the inception of the route, which started on 30th September of this year, there have been a total number of passengers of 1,944.

Hon. D J Bossino: Thank you, Mr Speaker.

That information is, in any event, on the Government's website.

Hon. N F Costa: I have seen it. (*Laughter*)

Hon. D J Bossino: I did check that one! I am glad that all my questions are giving him so much pleasure in answering them. (*Interjection*)

Gibraltar Bus Company Limited
Qualifications of recently appointed managers

Clerk: Question 833, the Hon. D J Bossino.

Hon. D J Bossino: Further to Question 692/2012, can the Minister for Tourism, Public Transport and the Port advise what qualifications the recently appointed managers to the Gibraltar Bus Company Ltd hold which results in the Government being satisfied as to their promotions?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, as the hon. Member will undoubtedly be aware, as a result of Question 692/2012, an extremely lengthy debate ensued as to the selection of two gentlemen as Administration Manager and Operations Manager.

As was made eminently clear, I would have thought, during the course of that question-and-answer session, it was an independent board of senior civil servants that were satisfied and made recommendations to me, as a responsible Minister, which I accepted.

Ruling by Mr Speaker

Mr Speaker: Before we proceed with supplementary questions, there is something that I wish to make absolutely clear.

This matter was debated at great length at the last meeting of the House. In fact, it was debated for over an hour and a half – a record, I am sure, even for this Parliament – and something that certainly would not be allowed in any parliament that is based on the Westminster model.

Accordingly, I have no intention of allowing a similar debate in the House today arising from questions and answers.

If the hon. Member is not satisfied with my Ruling, there are two courses of action that he can take. He can bring a substantive motion to the House, which we will debate in due course, or he can give notice under Standing Orders 24A and 24B of his intention to raise what is a matter for him, and perhaps for the public, of urgent public importance at the time when the House adjourns. That would mean in practice that he could have an opportunity to do so, perhaps if the House is going to adjourn to next week for Bills.

When Bills are introduced they are on the Agenda. After the Bills, I imagine that the adjournment of the House would be to the following month. If the Bills are taken next week, he would have an opportunity to debate this matter for 40 minutes at that time.

Hon. D J Bossino: I fully understand, Mr Speaker, why you have thought that you were pre-empting a situation –

Mr Speaker: No. I am not pre-empting anything. I am pre-empting a debate. I am making clear under what circumstances I will allow supplementary questions to be raised, but I am not going to allow the debate anywhere near what happened at the last meeting of the House.

Hon. D J Bossino: Mr Speaker, I can assure the Chair, and Members opposite, that it was not my intention to go down that particular route. My question is very specific and the Speaker will appreciate, when I do ask my supplementaries, that it really relates to one particular issue, which is really the issue of qualifications. In fact, I was going to preface my question with the expression of my personal intention not to go down the more political debate, which this issue has engendered both inside of this House and outside.

700 I can assure you –

Mr Speaker: I am very grateful.

705 **Hon. D J Bossino:** – Mr Speaker, that was my intention.

Mr Speaker: I am very grateful for that assurance.

710 **Hon. D J Bossino:** Although I take, Mr Speaker, your point, that was certainly not my intention, but let us see how matters proceed.

Gibraltar Bus Company Limited
Qualifications of recently appointed managers
Supplementary questions

715 **Hon. D J Bossino:** Mr Speaker, I simply read the written reply given, or the prepared reply given to me, by the Minister where he said that the Gibraltar Bus Company therefore now has two specialised managers. Can I ask the Minister whether either one or both of these successful applicants are transport managers, as set out in the relevant statute provisions?

Hon. N F Costa: Mr Speaker, I refer the hon. Gentleman to the answer that I just gave.

725 **Hon. D J Bossino:** Mr Speaker, the reason why I raise this point is because under the Transport Act, as the Minister I am sure is very much aware – and certainly I am because I was for many years in the Transport Commission – every transport undertaking, and I do not have the full technical jargon, but basically the Gibraltar Bus Company is a licensed undertaking, licensed by the Transport Commission pursuant to the Act, requires to have amongst its staff, transport managers. That is really why I am asking.

730 A ‘transport manager’ is a defined term in the Act, and I can take the Minister to the relevant provisions. This is precisely why I am asking the Minister whether the Gibraltar Bus Company has... Whether either of these two are considered the transport managers of the Bus Company or whether there is another or more than one individual who will be assigned a transport management role as the company is statutorily obliged to do? Because this then gives rise, Mr Speaker, to issues of qualification.

735 **Hon. N F Costa:** Mr Speaker, once again, I refer the hon. Gentleman to the answer I gave a few moments ago. The board comprised of the Senior MOT Examiner of the Government and it was partly on his recommendation that these two gentlemen were appointed.

740 **Hon. D J Bossino:** Mr Speaker, I can well understand that the Minister follows a recommendation of the board; but as the elected individual who has political responsibility over this Company, he ought to have been on notice on an enquiry.

If a recommendation is made, he is entitled, surely, to say, ‘No. This chap or this person does not fit the bill because he is not sufficiently qualified to act as a transport manager.’

745 So it is not good enough for the Minister to simply stand up in this House and say, ‘I simply follow the recommendation of the board,’ if the recommendation which the board made could give rise to a situation, Mr Speaker, where the Gibraltar Bus Company is in *breach* of Gibraltar’s legislation.

Hon. N F Costa: Mr Speaker, I repeat what I have said in two supplementary questions.

750 **Hon. P R Caruana:** Mr Speaker, regardless of who has recommended and who has appointed, and regardless of the degree of interest that the Hon. Minister claims he took or did not take, can the Hon. Minister say whether he is aware what, if any, qualifications these people possess? And that is nothing to do with how and why they were selected or whether he accepted.

755 I am asking for information. Does he know whether... and if so, what qualifications the successful candidates appointed – however they may have been appointed, I do not care – possess?

760 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this is all based on the premise and that supplementary from the Hon. the Leader of the Opposition is based on the premise of the question as asked by the hon. and Learned Mr Bossino, who referred to the definition of ‘transport manager’ under the Transport Act.

I think it is important that the House, if it is going to have this exchange about what qualifications, etc the Minister believes or checked the transport manager had, given that the transport manager is a defined term under the Act, that the House should know what the defined term actually is. It does not talk about qualifications or anything else. The Act says:

“Transport manager”, in relation to a business, means an individual who, either alone or jointly with one or more or other persons, has continuous and effective responsibility for the management of road passenger transport operations or road haulage operations of the business as the case may be.”

So the only reference to ‘manager’ is in the definition of ‘transport manager’, which then appears throughout the text as the person who is responsible for the management of that undertaking. There is no definition and in fact that could not be given, who is appointed as a transport manager in many of the transport companies that I have dealt with, in my many appearances before the Commission of which the hon. Member was made a member by the previous Administration, of any qualification required for somebody to be a transport manager.

Therefore, Mr Speaker, if the hon. Members *want* to ask the question that they seem to be wanting to pursue for the purposes that has become apparent in the press releases that they have issued on the subject and the exchanges that we have had in this House, then they need to accept that there is no pre-requisite of qualifications set out in the legislation which they are relying on in respect of transport managers.

Hon. P R Caruana: That is all very interesting, but completely inapposite to my question. I have not... My question is not premised on the assumption or even the insinuation that there is a requirement for qualification. I have asked a simple question. Regardless of the appointment and the methodology and all this, is the hon. Member aware whether these individuals possess qualifications and if so, what they are?

Regardless of whether they are necessary, unnecessary, properly or improperly... it is a perfectly simple factual question. I just do not see why there is such obtuseness in the attitude towards answering it. The answer could be, ‘Yes, they have qualifications and they are these’, or ‘I do not know whether they have qualifications or not’, or ‘They have no qualifications’. It is a factual question. It is not couched in any context of whether those qualifications are needed or not needed, whether they are sufficient or insufficient.

Hon. Chief Minister: Mr Speaker, I think the position has been made now very clear by the Minister to date. I am grateful that the hon. Member has now taken a step back from this issue of qualifications and he now accepts that there is no question of qualifications –

Hon. P R Caruana: With respect, Mr Speaker, I am not taking any step back –

Hon. Chief Minister: The position has been made increasingly clear in this House, at the last Question Time; it has been made clear in exchanges of press releases; and it is clear now. The Minister has acted on the advice of a board that recommended that these gentlemen had –

Minister for Enterprise, Training and Employment (Hon. J J Bossano): The necessary criteria.

Hon. Chief Minister: – the necessary... they fulfilled the necessary requirements to be recommended for these posts and the Minister, quite unlike perhaps Ministers in other governments who might have interfered in who gets the job, simply accepted the recommendations of the board.

So the answer given on a number of occasions previously and now, Mr Speaker, is that the Minister has accepted the board’s recommendations that these gentlemen were qualified to take those posts – full stop.

Hon. P R Caruana: Mr Speaker, does the Speaker now have an idea of why there are debates for an hour and a quarter which he is not willing to tolerate, because a perfectly simple question does not get a perfectly simple answer? Instead, Ministers resort to distorting the question, putting the question in a context in which the questioner did not put it, lecturing the Opposition about what is relevant and what is not relevant.

It is a perfectly simple question! Does the Hon. Minister know what, if any, qualifications these individuals possess? I am not interested... I do not know whether the Hon. the Chief Minister is right or wrong about whether qualifications are needed or not needed. The answer to that is not germane to the question that I have asked, which is a simple factual question.

Does the Hon. Minister know, regardless of whether they are necessary or not, whether these two individuals have any qualifications and if so, what they may be? (*Interjection*) Really, Mr Speaker, if he does not want to answer the question, which is becoming increasingly apparent, let him just say so! But

825 this smoke screen about whether the qualifications are necessary or not is *wholly irrelevant* to my question.

A Member: [*Inaudible*].

830 **Hon. Chief Minister:** Mr Speaker, I gave as the Minister had given, a straight answer to a crooked – (*Laughter*) That is why debates go on so long.

835 **Mr Speaker:** If the question is as simple as I understand it to be – ‘do these gentlemen have any qualifications?’ – as a school teacher, I would say that the Minister can investigate, can find out what qualifications they have. For instance, they may have NVQs, they may have a number of GCSEs or O-level or A –level – all those are qualifications. (*Interjection by Hon. P R Caruana*) Whether they are relevant or not is another matter and surely, that is information which the Government can obtain.

Hon. Chief Minister: Thank you very much.

840 **Mr Speaker:** That kind of information, the Government is in a position to obtain and provide to this House.

845 **Hon. Chief Minister:** Mr Speaker, I am going to deal with the issue that the Hon. the Leader of the Opposition has raised, before dealing with your much more eminently sensible suggestion.

The hon. Member said, in the course of his intervention... and if he were to listen instead of sitting there making remarks, whilst I try to answer this question, or indeed as he did yesterday, taking a phone call *within the Chamber*, then we might be able to resolve matters more quickly. (*Interjection*) Yes it was – absolutely right, Mr Speaker. Mr Feetham is absolutely right, it was outrageous that the Hon. the Leader of the Opposition took a phone call in the Chamber, twice. (*Interjections*)

850 Anyway, Mr Speaker, as I was saying –

Mr Speaker: Order!

855 **Hon. Chief Minister:** I gave and the Hon. the Minister gave a perfectly straight answer to a crooked question. The position, Mr Speaker, in the question as asked and the answer as given, is entirely clear. You see, Mr Speaker, the question asks about what qualifications the recently appointed managers to the Gibraltar Bus Company hold, *which results in the Government being satisfied as to their promotions*.

860 Now, that question, Mr Speaker, is perfectly fully answered in the first answer. What the hon. Gentleman is now saying is ‘Well, what qualifications do they actually have?’ You are absolutely right, of course, Mr Speaker, that is a factual question, which does not relate to how the Government makes a determination about satisfaction as to promotions Mr Speaker.

865 The whole tenor of the debate in this House, since the hon. Members opposite decided that their direct system of appointment of people to be directors of company was better than an independent system which saw a board determine who should be qualified to do this, is to try in some way put those who have been appointed, or the qualification of those who have been appointed to take these roles, into question.

Of course, Mr Speaker, (*Laughter and interjections*) we are able to find out, but disconnect from – (*Laughter and interjections*)

870 Mr Speaker, you cannot have a debate with people talking over you. (*Interjection by Hon. P R Caruana*)

Mr Speaker: Clerk, would you please call the next Question.

875 Further Ruling by Mr Speaker

Clerk: Question 834, the Hon. D J Bossino. (*Interjection*)

880 **Mr Speaker:** No. We are proceeding with the next Question. The matter is degenerating into a debate which is not appropriate to Question Time, where supplementaries should be short, sharp and to the point.

Hon. P R Caruana: Well, Mr Speaker –

885 **Mr Speaker:** I warned hon. Members 15 minutes ago that I was not going to allow a debate of the nature that took place at the last meeting. I can see definite signs that it is heading in that direction and therefore I am exercising my right to call the next Question.

Clerk: Question 834.

890 **Hon. P R Caruana:** [*Inaudible*] because they time us out.

Mr Speaker: That is another matter. Whether the kind of information which the Hon. the Leader of the Opposition – which I think my common sense tells me, that it is within the realms of the Government obtaining that information – I think –

895

Chief Minister (Hon. F R Picardo): We will provide it...

Mr Speaker: My view is that that information should be provided to the House.

900

Hon. Chief Minister: And we will provide it, Mr Speaker.

Mr Speaker: Whatever O-levels in Spanish, English or whatever, let us have that information, by all means.

905

Hon. D J Bossino: Mr Speaker –

Mr Speaker: Other than that, I will not allow the matter to deteriorate further into a slanging match.

910

**Gibraltar Airport taxi service
Negotiations with Gibraltar Taxi Association**

915 **Clerk:** Question 834, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port provide details of the negotiations which he is currently holding with the Gibraltar Taxi Association, in order to address the problems being encountered in connection with the taxi service at Gibraltar Airport?

920

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, meetings are held regularly with the GTA, where issues regarding the taxi service are raised.

925 As I stated in answer to Question 597 of this year, the problems that are presently encountered at the Airport are no different to the problems that were encountered in the past under a GSD administration and unresolved.

930 Notwithstanding, the Government, in an effort to address common problems, has demarcated and placed proper signage to ensure that there is a dedicated lane for taxi pickup and drop-offs. Furthermore, in an effort to provide a more efficient taxi service, Government and the GTA are working solidly for the improvement of common scenarios that are constantly causing obstructions to the flows of traffic.

Let me add also, Mr Speaker, as I noted recently in a GBC interview that, given that negotiations are well advanced and progressed with the Gibraltar Taxi Association, I will be making a full statement in due course, once these are concluded.

935

Mr Speaker: Could I commend the Hon. Minister that he makes such a statement here in the House?

Hon. N F Costa: Yes, Mr Speaker.

940

Mr Speaker: Thank you.

Hon. D J Bossino: I am grateful, Mr Speaker.

There was just one word which I missed in his response. I am grateful to the Minister for his reply, but I think he mentioned, he said improvements of ‘something’ in our roads. Is it problems, did he say? I did not quite catch that particular word.

945

Hon. N F Costa: Is the hon. Gentleman referring to obstruction to the flow of taxis?

Hon. D J Bossino: Well, he itemised a list and the first reference was to proper signage; I think it came second.

Hon. N F Costa: Oh yes, I said ‘has demarcated and placed proper signage to ensure that there is a dedicated lane for taxi pickups and drop-offs at the Airport.’

Hon. D J Bossino: Mr Speaker, is the dedicated lane already in place or is it something that forms part of the negotiations and the Government is working towards alongside the Gibraltar Taxi Association?

Hon. N F Costa: No, Mr Speaker, as I am advised, the dedicated lane already exists.

**Small boat marina
Plans to build; consultation**

Clerk: Question 911, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker can the Deputy Chief Minister confirm whether the project to build a small boat marina will be going ahead and whether he has consulted with the residents of Europlaza in this context?

By way of clarification, I addressed the question to the Deputy Chief Minister, although I understand that it is the Minister for Tourism who will reply.

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, as the hon. Gentleman will remember, I have already answered both parts of this question in answer to Question 689/2012.

Hon. S M Figueras: Mr Speaker, yes, however, I would be grateful if the Hon. Minister would be able to confirm whether there are any issues in relation to the access road for the proposed site of the marina itself and whether any other issues arise in respect of the ownership of that road, access, any of those details in particular.

Hon. N F Costa: Mr Speaker, it was in answer to a supplementary by the hon. Lady opposite that I explained that all interested parties will be consulted.

Hon. S M Figueras: Yes, I recall that supplementary and that reply indeed.

However, I merely wanted to clarify whether the Europlaza management company has been consulted since that question was asked last month, or at all?

Hon. N F Costa: Mr Speaker, as I am aware, there has not been communication yet, but most certainly as an affected party, there will be communication and consultation. (*Interjections*) If they are affected, I should add.

Hon. S M Figueras: And the one final point which was the purpose of originally drafting the question, asking it of the Deputy Chief Minister: is there any chance whatsoever that this project will not proceed, in light of any consultations that may be made with the public and other interested parties?

Hon. N F Costa: Mr Speaker, that is, by its very nature, a hypothetical question.

Hon. S M Figueras: No, it is a matter of policy.

Hon. N F Costa: No, it is not.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): As a result of the consultation.

Hon. N F Costa: Yes.

Hon. S M Figueras: Perhaps I can clarify it for the hon. Member.

1010 Is it the Government's policy that, in the receipt of sufficient public consultation against the project, it will give way to that consultation and not proceed with the project?

1015 **Hon. N F Costa:** Mr Speaker, if I may just clarify to the hon. Gentleman that I prefaced my remarks by saying that 'if there are any rights or issues affecting', so it is conditional on there in fact being... There may not be any issues at all, so I cannot answer the question the way that he has posed it, because he is predicated a hypothetical question on a conditional issue that may never arise.

1020 **Hon. G H Licudi:** Mr Speaker, can I just add or clarify a particular point. It is the Government's full intention to proceed with the project as set out in the manifesto and to build a marina for small boats for at least 700 berths before the end of this current term. That is the Government's intention and that is what the Government is going to do.

1025 **Hon. S M Figueras:** Well, I am grateful for the answer and in light of the fact that the hon. Member has said that there may be no issues, I am happy to wait to see whether in fact any arise. So I am grateful.

Hon. G H Licudi: Mr Speaker, if there are issues they will be dealt with, but this marina will go ahead.

1030 **Hon. S M Figueras:** Sorry, I just thought the underground parking by the Commonwealth Park was also going to go ahead.

1035 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, that is a snide remark which is unnecessary, because the hon. Gentleman has had explained to him a thousand times that the underground car park at the Commonwealth Park, which he likes to refer to constantly, if he checks the manifesto – which he does not like to do; he only likes to talk about the bit which is convenient to him – we say 'or will be provided elsewhere', which is what is happening.

I am sorry, Mr Speaker, I have a very high regard for the hon. Gentleman, but he just does not seem to get it.

1040 **Hon. S M Figueras:** I get it, but since we are not going to have a debate on the issue, Mr Speaker, I shall not entertain the Chief Minister's comments.

1045 **Hon. Chief Minister:** Well, then, don't make snide remarks about the Commonwealth Park.

Gibraltar Airport Service level agreements

1050 **Clerk:** Question 913, the Hon. D J Bossino. (*Interjections*)

1055 **Hon. D J Bossino:** Can the Government provide details of the service level agreements which have been entered into with different contractors in relation to Gibraltar Airport to include the services to be provided and costs?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

1060 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I now hand the hon. Gentleman a schedule with information requested.

SCHEDULE TO QUESTION NO 913/2012

The Service Level Agreements that GATL has negotiated are:

Dematic Logistic System SA	- Baggage Systems	-	€199,950.00 PA
G4S Gibraltar	- Fire Systems	-	£ 23,000.00 PA
Indra Systemas SA	- Specialist IT Systems	-	€308,271.80 PA
Schindler (Gib) Ltd	- Mechanical Elevators	-	£144,052.08 PA
Sheriff Electrical Contractors Ltd	- Mechanical and Electrical Systems	-	£283,511.40 PA
COTELSA SA	- Security Screening Equipment	-	€ 94,700.00 PA

**New Air Terminal
Further planned works**

1065 **Clerk:** Question 914, the Hon. D J Bossino.

Hon. D J Bossino: Can the Government provide details of the further works which are planned at the new Air Terminal in order to enhance, as the Government has described it, the passenger experience, to include details of the costs?

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Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, the planned works involve airside weather cover for passengers transiting between parked aircraft and the terminal and a landside weather cover between the terminal and the forecourt for passengers and airport users who are entering or leaving the building – none of which, I must say surprisingly, was provided for in the original design.

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These works are at the design stage. The costing for these works will not be ready until these are finalised.

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Hon. D J Bossino: Mr Speaker, the obvious supplementary is does the Minister have any indication as to when he thinks they will be finalised?

Hon. N F Costa: No, Mr Speaker, I cannot give the hon. Gentleman an estimate at this point.

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Procedural

Mr Speaker: Could I ask Members, when asking or answering questions, to try to speak up, because in some cases, particularly if you are fairly tall, there is a distance between yourself and the microphone, because those are meant for people speaking when they are sitting down. So there is a problem and I think you need to raise your voice slightly.

1090

Clerk: Thank you.

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ENTERPRISE, TRAINING AND EMPLOYMENT

1100

**Future Job Strategy
Numeracy, literacy and IT courses**

Clerk: Question 846, the Hon. Mrs I M Ellul-Hammond.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, further to the answer provided to Question 720/2012, can the Minister for Training say when he will be in a position to confirm whether numeracy, literacy and IT courses that were on offer at Bleak House for those on the VTS will be offered to trainees on the Future Job Strategy?

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Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, before I answer the question, can I just put on record my welcome and congratulations. I am sorry I missed your 'enthronement' yesterday.

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Mr Speaker: Thank you very much. I much appreciate seeing that we both go back to 1972!

Hon. J J Bossano: Absolutely, we arrived at the place at the same time! Mr Speaker, I am not able to provide the date.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, in last month's Parliament session, the Hon. Minister said he was looking into how he could provide the equivalent to those in the new system. Could the Hon. Minister perhaps update us on how they are looking into providing these courses for the new trainees?

Hon. J J Bossano: There are a number of factors. One of these is, for example, that some of the trainees are very... There are a number of factors, because all these trainees really have got periods in ETCL, which are negotiated with the prospective employer.

So, for example, if we have got people who are only three months, then it would be a matter for where the employer is interested in them being there and continuing to be in the course after the three months. So we are really looking primarily at those who have got an 11-month period under training, or more.

A lot of them are people that are in apprenticeship courses of the ETCL, and a big chunk of those coming in, in September and October, are going to be people primarily in the construction industry. Again, there has to be an analysis of whether taking time out of the construction training to do this would be of benefit to them or not.

We are looking at the early school leavers to give them priority and the ETCL employees who for example are identified as needing English, Maths or ICT because of the nature of the job for which they are being trained will also be in the selected group.

So we actually expect that when this is ready to start for the ETCL, it would probably start earlier for those in supported employment, where these considerations do not apply and that could happen quite soon. But in the ETCL, once this gets going, what we expect is that it will be covering much bigger classes than used to be the case before, when it was limited to the VTS.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, would the Hon. Minister consider evening classes perhaps for those who are working during the day and who would wish to do a numeracy or literacy course?

Hon. J J Bossano: Yes, I am quite happy to have a look at that. I do not think it is something that has been considered.

Thank you.

Hon. E J Reyes: Mr Speaker, with your leave, may I... because I did offer last time round and if the Minister for Employment wanted to, I could have a coffee to exchange some views with him (**Hon. J J Bossano:** Yes.)

What I recall, in my days as a civil servant with a certain responsibility for the trainees undergoing NVQs, validated by City and Guilds, which I know the Hon. Minister very much favours that awarding body, (**Hon. J J Bossano:** Yes.) those doing the construction trade, there was a recommendation, if not a statutory obligation – I am not absolutely certain – from City and Guilds that apprentices undertaking Levels 1 and 2 in their craft should undergo some literacy and numeracy training, which made a lot of sense. A trainee carpenter should at least attain a Level 1 in numeracy, when it comes to measurements and so on.

So it is more perhaps advice than a question. Perhaps the Hon. Minister may wish to have an opportunity of us having a coffee together, so I can further explain how we can enhance the NVQ qualification, more so, because we are both mutually agreed that the City and Guilds still carries a very good reputation by name and would be beneficial for our future workers.

Hon. J J Bossano: Yes, I am grateful to the hon. Member for his offer to share his knowledge and experience with me in this area. He knows I have just got back, but I promise him we will have the coffee as soon as I can make it. I promise him that.

Future Job Strategy employees Employers who have signed contracts with ETCL

Clerk: Question 847, the Hon. D A Feetham.

Hon. D A Feetham: Is the Minister for Employment now in a position to provide a list of names of employers who have signed contracts with Employment and Training Company Limited in respect of the Future Job Strategy employees?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): No, Mr Speaker.

Hon. D A Feetham: We had some exchanges last time round. What I would like to know is, how does the Government differentiate, as a matter of policy, between the provision of this information – in other words – the identities of these companies who have entered into contracts with what is a wholly owned Government company and the provision of all the other information that the Government gives, in terms of who has entered into contracts, with either the Government or other Government-owned companies? How do you differentiate where in the former you have explained that you are going back to all these companies, but in the latter you provide the information? How do you justify not providing the information to this House?

Hon. J J Bossano: Well, Mr Speaker, these companies are companies that are co-operating with the Government in the introduction of training opportunities. They may wish or they may not wish their names to be public.

What I told the hon. Member opposite in the last question was that the companies would be contacted and asked, and if they say they are quite happy for their names to be published, we will publish them. I have not yet got the information of those who are happy to have it published.

Hon. D A Feetham: Yes, I have seen the letter and I am not going to go into the letter, because it will be subject to a statement outside this House next week. But you still have not answered the question because...

Is the answer this, then: that what you are saying is that these types of companies are in a special category of case and therefore there is no obligation on the Government to provide that information? That is the question, but surely, that cannot be right, can it, on the basis that these are, after all, companies that are having their labour subsidised? It is not that these companies are doing a favour to the Government, according to how the scheme works. They are having their labour subsidised by the Government actually paying for these trainees.

So again I ask him, how does he justify it?

Hon. J J Bossano: Mr Speaker, given that the hon. Member first asked the question and gives himself the answer and now wants me to explain, 'How do I justify the answer that he has just given himself?', well, because that is not the answer that I give him.

The answer that I give him is that, as far as we are concerned, we are very grateful to the 140 of over 1,000 that have come forward and accepted taking trainees on, which they normally take in addition to their workforce, not in substitution of. This is not that somebody says, 'Well look, I need 10 workers: send me 10 free workers.' This is the same as was happening before with the VTS, but fundamentally, with a requirement that the training will carry with it a job guarantee – something that the hon. Member first of all claimed was not going to happen and then claimed the guarantee was worth nothing.

So given the fact that it he has been hyper-critical of the scheme, I am not very sure that the people that have been good enough to enter into partnership agreement... and I welcome that they have done that, because they are helping us to replace having to import workers, by giving opportunities to workers in Gibraltar that have been unemployed, in some cases for years. Therefore, with their agreement, I will make their names public and if they prefer that their names should not be made public, I will not make them public.

The fact that the hon. Member thinks that I am subsidising their businesses, which presumably is now a new interpretation to make the scheme capable of being criticised on different grounds, presumably the next thing will be to tell me that it is against EU competition policy. So the answer is that I do not agree with the answer he has given himself and therefore I do not need to justify his own answers.

Hon. D A Feetham: Mr Speaker, I always rise in trepidation when I ask questions of him, because the hon. Gentleman is likely to go 'supernova' on me any minute. (*Interjection*)

Does or does he not accept that these companies are having their labour subsidised to the extent that the Government is actually paying for these trainees and it is not the company that is paying for their training, it is the Government that is paying for their training? Does he not accept that?

Hon. J J Bossano: No, Mr Speaker, I do not accept that.

Hon. D A Feetham: So is it his position that, effectively, these companies are doing a favour to the Government by taking on these trainees?

Hon. J J Bossano: My position is that the 140 employers out of the 1,100 that are in Gibraltar are being public spirited and public minded in accepting giving Gibraltarians the opportunity to obtain skills

which will enable them to obtain employment. I regret that the 900 that are not being as civic minded and as civic spirited are still continuing to import labour from outside and discriminating against our own people. Therefore, he should be welcoming the fact that this is happening, instead of trying to pick holes in it.

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**Future Job Strategy trainees
Government contracts**

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Clerk: Question 848, the Hon. D A Feetham.

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Hon. D A Feetham: Is the Government in a position to state how many employers who have signed contracts with Employment Training Company Limited in respect of the Future Job Strategy trainees have the benefit of a contract with the Government, any public authority or Government-owned company for the provision of goods and/or services with a value of £2,000? I should have said 'or over'. It does not say that, but that is really the intention.

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Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

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Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, I am informed by the Procurement Department and other Government Departments that out of 140 employers with a partnership agreement, there are only 10 employers who benefit from Government contracts which are in fact 10, instead of eight that I mentioned in my answer. So outside the construction sector there does not appear to be any of the 140. That is the information I have got. It is not...

Hon. D A Feetham: So the answer is 10 within the construction industry?

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Hon. J J Bossano: The last time the hon. Member asked there were eight and now there are 10 in the construction industry. According to the information that has been provided to my Department from others there do not appear to be in any other areas, just the 10 in the construction.

Hon. D A Feetham: Could he please identify these 10 employers?

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Hon. J J Bossano: I have not got the information with me; but I will only identify them if they are employers that say they are not in the area of having trainees. That is to say, there will be people who have no longer got the trainees and have got construction, but until they tell me 'yes' or 'no' on the letters that I have sent, I will not identify them. I do not have the names here anyway.

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Hon. D A Feetham: I have to say that I really do think that it is an offence to this Parliament that you should make your answers dependent and conditional on whether somebody outside this House actually consents to you providing the information or not; but you see, in relation to this particular aspect, this is one step removed from the previous.

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Hon. J J Bossano: I accept that.

Hon. D A Feetham: In the previous, I asked you if these are just trainees. The reason I ask –

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Mr Speaker: Hon. Member, I have noticed that sometimes you address the Chair and sometimes you address the Hon. Mr Bossano directly. Will you please address the Chair, because that is a requirement of Standing Orders, and it helps to keep the temperature down.

Hon. D A Feetham: Yes, Mr Speaker, perhaps the –

1300

Mr Speaker: The hon. Members should not address each other directly across the floor. They should do so through the Speaker.

1305

Hon. D A Feetham: Mr Speaker, absolutely. I have been speaking into my microphone because you have been telling me earlier that the microphones have not been working properly. (*Interjection*) But I will ask the question from the Chair.

The previous question that I asked was one step removed. Those were about companies that have taken on trainees. This question is companies taking on trainees that have the benefit of Government

contracts in the construction industry. What possible reasonable explanation could there be for the non-provision of that information to this Parliament? That is the question I am asking the Hon. the Minister.

Hon. J J Bossano: Mr Speaker, the hon. Member must know that the fact that he or any other Member of the Opposition asks a question – the same as has been the case for the preceding 39 years – does not require the Government to provide the information that the hon. Member is seeking. That is to say that to say I will not give the answer that the hon. Member wants *is* to answer the question.

I have already told the hon. Member that everybody that has trainees has been approached by me on the basis that I do not believe the fact that they take trainees on is something that imposes an obligation on the Government to publish the names of those. There might be somebody who is willing to take on trainees, but does not want his name to be known and will not take them on if I produce the name. So that is a policy decision that we have taken in the ETB, that the request for the publication of the names is something that we will only do if the person consents and has no objection to the names being published.

As regards which are the 10 of the contractors on the approved list that have got contracts with the Government when the question was being asked, I accept that there is a difference in the sense that the persons concerned have got the benefit of a contract with the Government; but nevertheless, what I have told the hon. Member is that I will decide what to do in answer to this question once I hear from the 10, and by that time, they may not have a contract with the Government.

The hon. Member has to understand that these are not people who have got long-term contracts to produce anything; they are people who put tenders. That is to say the fact that they have got a trainee does not automatically mean that they have got the contract; it means that they are allowed to submit bids for the work. Therefore the ten that have got it today may not have work next month, or may do. Just to put the matter in its proper context.

The answer that I am giving him – whether he likes it or he does not, it is a matter for him – is that when I have heard from the 10 employers, in addition to all the others, then I will decide whether in the case of a person who has got a contract I should inform the person that I will make the information – about the fact that they have got a contract – public, independent of whether they think their names should be made public as regards their giving trainees an opportunity.

Hon. D A Feetham: I have to say that if these companies did not have trainees and I asked about the contracts, it would be disclosable in this House anyway and habitually, Governments on both sides of the House and of both political persuasions, have actually provided that information. I do not understand why the hon. Gentleman does not want to provide it.

But can he answer this: is the Government's policy to look more favourably upon companies when it comes to, for example, the provision of contracts, particularly actually in the construction sector that may employ Future Job Strategy trainees, than those who do not?

Hon. J J Bossano: No, the policy is that we look more favourably to those who employ resident workers, irrespective of whether they take on trainees or not. But of course we ask the people in the construction industry to take on trainees otherwise we would not be able to improve on the dismal record of having produced, for example, this year, two painters and one bricklayer as a total of output of training of construction workers. That has got to be dramatically increased and it can only be dramatically increased with the cooperation of the employers, who have got no obligation to take on trainees.

Future Job Strategy Number of trainees employed permanently

Clerk: Question 849, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state how many Future Job Strategy trainees have been employed permanently since the 1st February 2012, broken down by month and indicating whether these have been employed in the private or public sector, including the Civil Service, any Government Department or Authority and the GDC.

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, there are 37 former GRAD employed in the private sector and zero in the public sector.

The breakdown by month is: February, three; March, two; April, seven; May, four; June, six; July, five; August, five; and September, five.

1370 **Hon. D A Feetham:** Thirty-seven out of a figure of 450 odd that started on the scheme is obviously a low figure. I am not criticising the scheme by saying that. It is, I think, a fact. Is that because the 11 months' training period has not actually expired and that the Minister would expect, after 11 months, that that number from 37 would shoot up considerably?

1375 **Hon. J J Bossano:** Well, yes, of course, that is indeed the case because there are many more people that are covered by partnership agreements than the 37. The 37 are the result of the fact that this started in February, and in February three were taken on, which in fact was the employer taking on people when they had no obligation to do so and really the take-up would only have started after the first month.

1380 Even in March, which was when the first agreements were signed, two were taken on. In fact the reality of it is that initially, when we had less people coming in, we were giving 11-month agreements and now we are trying to get employers to commit to an earlier period in areas where the training does not have to really last 11 months simply because we want to be able to put more people through the system.

1385 **Hon. D A Feetham:** What about the trainees in the public service, because the majority of the trainees were in fact placed in the public service, as I recall from answers that the Hon. the Minister gave me earlier on this year?

1390 How do you think that those trainees are going to fair? Is it envisaged that a number of them are going to be employed within the public service – at the moment it is zero – for example, via the newly introduced AA grade or is the intention of the Minister to try and eventually move them on to the private sector via partnership agreements with the private sector?

Hon. J J Bossano: No, there is no public sector partnership agreement, that is to say –

1395 **Hon. D A Feetham:** No, private sector partnership agreements, in other words –

Hon. J J Bossano: No, the trainees that are at the moment within the public sector do not have a partnership agreement and do not have a job –

1400 **Hon. D A Feetham:** I understand that.

1405 **Hon. J J Bossano:** – and they will not be put in partnership agreement with the private sector because in fact they have already been given training. They will be offered to employers who open vacancies on the basis that the experience that they have gained in the employment departments where they were placed will in fact no longer debar them, as it was the case before that people were saying, 'Well, look, I want somebody to be a receptionist, but they have never worked on a reception before.' Well, now they have worked in a reception before and now the employer can no longer say, 'I do not want them because they have got no experience.' That is the methodology that will mean that the employees will be *available* for vacancies that come to the Department, where we have now got a proactive system where employers are actually called up individually when a vacancy comes in. We make sure that the vacancy is a real one and that they have not got somebody in the pipeline already and therefore we do not want them to waste our time or to have people being discouraged by going to place after place after place and getting nowhere.

1410 Where the employer says, 'Yes, I really want somebody,' then we send him some of the people that we have got and some of the people who are unemployed that we have not trained, and that is how they come off the list. They are also, of course, on their own initiative, able to apply for anything that comes up advertised like everybody else in Gibraltar.

1420 **Hon. D A Feetham:** Yes, he has dealt with the situation of a trainee who is based in the public service, who has been trained in the public service, and then if a vacancy arises in the private sector, you are effectively moving that person into the private sector, having, according to you, trained them in the public sector – but, of course, there are a substantial number of people within the public sector.

1425 Is the intention of the Government to effectively have a situation where all those within the public sector will be eventually moved to the private sector; or does he envisage that some of the ones that are in the public sector will actually be employed within the public sector?

1430 Let me tell you why I ask the question; because obviously it is a matter of interest; but there are some trainees who are in the public sector who are suggesting that when they were placed in the public sector, they were told, 'If you are good enough for the job that you are being placed in within the public sector, you will then be eventually taken on within the public sector.' I just want some clarity in relation to this issue, so of course the trainees out there that may be listening to this debate or maybe reading the press know what their position is very clearly.

Hon. J J Bossano: Well, I think the position is crystal clear. Whoever told them that had no authority to do so and they are employees of a company called ETCL. It is their employer who tells them what the terms are under which they are being employed – *except*, of course, where people are being trained for specific jobs like the carers in the Care Agency. There, we are training them to be carers and, therefore, you cannot say to them, ‘And now, you go and be a receptionist’, or the people who are in fact in the School of Nursing, where again we are training them to be nurses, and we are the only employer of nurses in Gibraltar. But where they are being given generic administrative skills, the answer is there is no guarantee of employment and they should not expect a guarantee of employment, because it is not there. What they have got is in fact a better opportunity of obtaining a job, when they apply for a job, because they are able to put in their CV the time that they spent in different Government Departments. They spend a few months in the Treasury...

This was going on, on a limited scale, under the VTS scheme for people who are doing a course on business studies. Effectively, what we have got now is a much bigger pool of people doing it.

Future Job Strategy New placements since 1st March 2012

Clerk: Question 850, the Hon. D A Feetham.

Hon. D A Feetham: Divided by month, can the Minister for Employment state how many people have been allowed onto the Future Job Strategy scheme for the first time since the 1st March 2012 and (a) placed with a private company with a signed contract between the employer and ETCL; (b) placed with a private company without a signed contract between the employer and ETCL; and (c) placed in the public sector?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, the breakdown of the persons employed by month is as follows:

(a), that is placed in the private sector with a contract, March, 19; April, 20; May, 35; June, 31; July, 19, August, 19; September, 9; and October, 12.

In the private sector without a partnership agreement yet being signed: March, 4; April, 3; May, 9; June, 4; July, 5; August, 4.

In the public sector the placements are: March, 17; April, 19; May, 21; June, 11; July, 15; August, 4; September, 8; and October, 14.

Hon. D A Feetham: Will you please give me the totals for (a), (b) and (c)?

Hon. J J Bossano: It is not on the paper, I am afraid, down here. I will have to calculate it by adding them up.

Hon. D A Feetham: Mr Speaker, I do not have a schedule containing the answer, so I cannot –

Hon. J J Bossano: If somebody brings me a calculator, I will do it for him.

Mr Speaker: It is 302.

Hon. D A Feetham: Yes, 302 in total; I asked for the total in (a), the total in (b), and the total in (c).

Mr Speaker: They are 164, 29 and 109.

Hon. D A Feetham: I am very grateful, Mr Speaker.

Hon. J J Bossano: Thank you, Mr Speaker.

Hon. D A Feetham: In relation to in fact any of these, I presume that some of these were in fact trainees that were already on the VTS scheme as at the 1st February 2012 or am I wrong? Are they new intakes on the scheme?

Hon. J J Bossano: No, they are people who were not in the scheme already in January, but there were people who were already on the waiting list in January. That is in January, when the new scheme was started, there were people who had been in the old scheme for a number of months and were now coming to their termination date, then they were transferred to the new one and effectively given... We ignored the period they had spent previously and they were given a second opportunity in February.

Then, in March, we started taking the people who had been on the Bleak House waiting list, who were not included as part of the unemployed and were due to enter the old VTS. Those, of which there was something like 90, I believe, from memory, are included in this list.

Hon. D A Feetham: Could the hon. Gentleman explain why there are 29 placements with companies and there is no contract between ETCL and that company, bearing in mind that the Government's policy is to require a repayment of the training of... effectively, the training subsidy, if that individual is not taken on at the end of the training?

Hon. J J Bossano: The answer is quite simple, that the people in the system that should have made sure that the partnership agreements were signed overlooked these cases and that is now being put right. There is no reason why they should not and if they do not, they will have the trainees removed.

Future Job Strategy scheme Waiting list

Clerk: Question 851, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state whether his Department keeps a list of people waiting to go on to the Future Job Strategy scheme and if so, what is the number of people waiting to do so?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, there is no separate list.

Hon. D A Feetham: Mr Speaker, how does the Hon. the Minister and his Department actually decide who goes onto the Scheme in any particular month, and who does not? There must be a system for actually determining who are the meritorious cases or... either it must be done by some merit based on the amount of time that person may be on an unemployment list or some other method.

I am just asking, how does he determine it?

Hon. J J Bossano: Well, I do not determine it, obviously Mr Speaker. This is something that... I am not sitting there, sifting who gets on the list – and who does not get on any list. **(A Member: [inaudible])** I employ people to do that.

I take it that the laughter is that the hon. Member does not believe me, but then I never believed anything he ever said, when he was in Government, so I will not recriminate him for it.

Mr Speaker, the methodology is quite simple, it is demand led. I have explained that to him before, that is to say, when somebody comes into the system requiring labour, we approach him on the basis of meeting his future labour requirements. We are going to be doing this in different areas. Predominantly, it is still the construction industry, because this is where the greatest opportunity exists, but we want to do it in retailing and in other areas.

We therefore talk to the employers. That is, we the Department, the employment officers in the Department, talk to the employers about the possibility of taking on trainees and send them suitable candidates – that is, candidates that the Department... When somebody comes and registers as unemployed, the procedure that has always been followed is that they give an indication of the area of work in which they consider that they would like to work, and we also take into account the area of work in which they have worked previously, so a combination of three factors operate: the previous history of employment of the person; the area of interest of employment of the person; and the selection by the employer. Sometimes we will get approached by employers who may know of unemployed people that they would be willing to take on as trainees, to the extent that it is possible, we try and encourage employers to give an opportunity to people that have been either unemployed for a long time or that have come out of having had convictions or that have got... So we try, but we cannot in fact force employers to do [inaudible] but we do try to persuade them to take those on, wherever it is possible, as trainees.

Hon. D A Feetham: Yes, I wish the hon. Gentleman all the luck in the world in relation to the placement of these individuals within the construction industry, and I hope that the construction industry will be buoyant in the future, because I am told that at the moment, it is rather flat.

But there must be some form of – perhaps not, but there must be some form of list that the ETB must keep that effectively lists individuals with... for example, in relation to the construction industry, the majority of people that you would place in the construction industry are probably people who are interested in training in construction skills. They may have no skills, a lot of them may have no qualifications in terms of O-Levels. There is a profile to those kinds of individuals.

But does that list exist, so that the people within a particular profile, one chooses them off a list in accordance with how much time, for example, they are spending or is this effectively done rather less systematically than that, by some official who may say, ‘Well, look, I remember that there is this individual here that we have got and we interviewed last week’? What is the system that is in place?

Hon. J J Bossano: The case of the construction industry, which is the one on which, as I have mentioned in the past, we are putting greater emphasis on and when we make progress there, we hope to move to other areas, there is a dedicated officer, who was previously in the construction industry training centre, who keeps the list of everybody that has either worked or is interested in working in the construction industry. He sends a number of people from that list and the employer then picks the person that they want. So we may send 10 and they take one, as a trainee. That is the way it is done.

**Gibraltar Development Corporation
Board meetings since 1st January**

Clerk: Question 853, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment please state how many times the board of the GDC has met since the 1st January 2012, with the dates of those meetings?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Yes, Mr Speaker, the board of the GDC has met on six occasions since the 1st January, on the following dates: 21st May, 16th July, 31st August, 17th September, 28th September... I will read that again. I had not switched it on!

The board of the GDC has met on six occasions since 1st January 2012, on the following dates: 21st May, 16th July, 31st August, 17th September, 28th September, 9th October.

Hon. D A Feetham: Did you just say 19th October?

Hon. J J Bossano: *Ninth.*

Hon. D A Feetham: I notice on the *Gazette* that the composition of the board has recently been changed and that now the position is that there are four or five Government Ministers on the board. What I did not notice from the actual *Gazette* is, who is the secretary of the board, which is a statutory requirement. Is the hon. Gentleman able to help me with that?

Hon. J J Bossano: Yes, the secretary is the Acting Head of the Employment Service.

Hon. D A Feetham: Which is who?

Hon. J J Bossano: Well, it is the senior civil servant in the Department, Denise Chipolina.

**Guaranteed Superannuation Fund
Number of employees opting in**

Clerk: Question 854, the Hon. D A Feetham.

Hon. D A Feetham: Has the Government now set up the Guaranteed Superannuation Fund and how many (a) public service employees and (b) private sector employees have opted to take advantage of it?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

1620 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, the Guaranteed Superannuation Fund has been in place since 1st January 2012.
Up to 30th September, 464 public service employees and seven private sector employees have joined it.

1625 **Clerk:** That completes answers to Oral Questions.

Questions for Written Answer

1630 **W178/2012 withdrawn**

Clerk: Answers to Written Questions, the Hon. the Chief Minister.

1635 **Hon. D A Feetham:** Mr Speaker, before the hon. Gentleman rises to give the answers to Written Questions, may I withdraw Written Question 178.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I am grateful.

1640 **Answers to Written Questions tabled**

1645 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to Written Questions numbered W143/2012 to W179/2012 inclusive, except for W178/2012 which I have removed from the bundle after the withdrawal of it.

1650 **Adjournment**

Clerk: The Hon. the Chief Minister.

1655 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House do now adjourn *sine die*, and congratulate you on your first sitting of this Parliament as Speaker.

Mr Speaker: I now propose the question, which is that this House do now adjourn *sine die*.
I now put the question, which is that this House do now adjourn *sine die*. Those in favour. (**Members:** Aye.) Those against. Passed.

1660 This House will now adjourn *sine die*.

The House adjourned at 11.35 a.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.20 a.m. – 12.40 p.m.

Gibraltar, Thursday, 15th November 2012

The Gibraltar Parliament

The Parliament met at 9.20 a.m.

[MR SPEAKER: Hon. A J Canepa GMH, OBE *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

PRAYER

Mr Speaker

Order of the Day

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Thursday, 15th November 2012.

(i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament which was held on 18th and 19th October 2012.

5 **Mr Speaker:** May I sign the Minutes as a correct record of the proceedings of the last meeting?

Members voted Aye.

10 *Mr Speaker signed the Minutes.*

Clerk: (iii) Communications from the Chair; (iv) Petitions; (v) Announcements; (vi) Papers to be laid; (vii) Reports of Committees; (viii) Answers to Oral Questions.

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Questions for Oral Answer

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TOURISM, PUBLIC TRANSPORT AND THE PORT

GibiBikes Further roll out of scheme

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Clerk: Question 927/2012, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Public Transport advise the House whether the Government is now committed to the further roll out of the GibiBikes scheme?

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Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker.

The Government is committed to making a success of the GibiBike scheme, as being both environmentally friendly and as part of the general plan for traffic management.

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This Government identified certain problems with the scheme as originally envisaged under the previous administration, but has now resolved these problems so that the scheme can go ahead to the advantage of everyone.

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It is expected that the remaining bike stations will be in place within the next few months and it is intended that the whole scheme will then be transferred so that it is under the full control of Her Majesty's Government of Gibraltar.

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Hon. D J Bossino: Mr Speaker, if you would permit me to be slightly party political in what I am about to say, I obviously welcome the Government's commitment to the scheme. Given that it was started by us, we always thought it was a good scheme and even though I think on the first occasion that we raised questions in relation to the scheme, we got the sense that the Government was not really behind it, but I am very glad that matters are now afoot.

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If the Minister would recall, I think the last time that we, as an Opposition, posed questions in relation to this matter on 21st June, the Minister did say that one of the areas in respect of which he said was making progress was in relation to addressing the concern which the Minister had, Mr Speaker, as to any further problems that the scheme may encounter. Does he have these assurances at the moment?

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Hon. N F Costa: Well, Mr Speaker, in the first place, let me start by replying to the preface to the question, which is to say that, at the time that I answered the original question on GibiBikes, what I told the House was that the Government had some serious concerns on the scheme and, in fact, in answer to Question 352/2012, I set out, for instance, the number of stations that were out of action – there were five – and I also listed the many other myriad issues that arose from a product essentially, Mr Speaker, which had only been rolled out on 27th November, so one would have expected that, during the very first year of its first phase having been rolled out would have worked perfectly well.

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I therefore proceeded to list the fact that there were 45 locks which were broken; that out of a bike availability of 130, that had decreased significantly; that anti-tilt tags had been broken; and that the spares to make them roadworthy had not turned up in Gibraltar.

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I also made the point, at the time, Mr Speaker, that the original contract entered into by the previous Government was just for the provision of the scheme and it did not include a contract for maintenance – as a result of which, I am told by the UK company, some of these issues arose, with all due respect and without wishing to agree with the hon. Gentleman, one would have thought that a product in its first year would not have had any of the issues, without the need for maintenance or otherwise. So I am not in any way putting the blame there on the hon. Gentleman, but certainly given that the scheme had so many problems, one could not then throw even further taxpayers' money without properly considering whether or not this was a product which should be rolled out. That is in answer to the first part or rather to the preface of the question.

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The reason why, Mr Speaker, it has taken all of this time to be able to come to a position where the Government is happy to roll out the second phase is precisely because we have been – well, me and my officials – locked down in very detailed negotiations, until we have been satisfied that the issues that have arisen on the roll out of the first phase will not happen again. We now have those written assurances. Whether or not they do arise in practice will remain to be seen, but as I have also told the hon. Gentleman in the last part, when answering his question, what we intend to do is to source locally the maintenance of

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the bikes and the repairs of the bikes, so that we will not have to endure the delay of time, for instance, that it has taken for spares to arrive in Gibraltar or indeed to have a situation where, because there is a commercial dispute with the UK company, we cannot progress on other fronts.

Hon. D J Bossino: Mr Speaker, in his first answer the Minister made reference to the... I cannot remember exactly the word he used, but I think basically the running of or the ownership of the scheme was going to be transferred into Government's hands. Can he expand on that?

Hon. N F Costa: Mr Speaker, as the hon. Gentleman knows, the scheme is operated by the Gibraltar Bus Company Limited. It is hoped that... (*Interjection*) Well, what is intended is that as part of the transfer of the operation of GibiBikes to Gibraltar, the Gibraltar Bus Company would be able to train employees within the Gibraltar Bus Company to be able to carry out the repairs and the maintenance, rather than have to rely on an overseas operator, which of course has within it (*Interjections*) its inherent problems.

Hon. D J Bossino: Mr Speaker, in terms of a further roll out, can I ask him a specific question. Can he tell this House how many bike stations remain to be installed? Does he have that information or am I being unfair in posing this question now without any notice?

Hon. N F Costa: Mr Speaker, I do not have the information before me. I will get it for the hon. Gentleman, but we will roll out the exact number of stations that was foreseen in the original contract.

I hope that answers the question, but if he wants the specific number or the location, I will be happy to provide it to the hon. Gentleman.

Hon. D J Bossino: Yes, Mr Speaker, and I am very grateful for that. I take this opportunity now, Mr Speaker, given that we are posing questions in relation to GibiBikes, I have been approached only recently by a part owner of a gaming company, who tells me that his employees are very fond of this scheme and the one issue that they are finding, the one problem that they are finding is the unavailability of bikes. Is that also an issue which is being addressed, given the popularity of the scheme?

Hon. N F Costa: Well, yes, Mr Speaker, in my first answer, I reminded the hon. Gentleman of the series of problems that the scheme was experiencing when we inherited the same, when we came into office. Because we have been in commercial discussions – to describe it in one particular way – because we have been in such discussions, we have not been able to progress on a critical matter, such as the repairs because of this commercial negotiation that has been ongoing.

We have now come to a satisfactory resolution of all of these issues and we are now waiting for the spare parts to arrive in Gibraltar, to be able to fix the bikes so that there are more bikes available.

Hon. S M Figueras: Mr Speaker, would the Minister be able to confirm whether there is going to be an increase in the number of bikes available as you roll out to the remainder of the stations as planned?

Hon. N F Costa: Yes, Mr Speaker, that is the intention.

Mr Speaker: Next question.

Gibraltar Bus Company Limited
Employees' promotions, demotions and earnings

Clerk: Question 928, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Public Transport provide details of the individuals employed by the Gibraltar Bus Company Limited, as at 9th December 2011, and what the position is now, with details of the promotions or demotions since 9th December 2011, and the earnings of the individuals, both before and after the promotions?

Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, I now hand over to the hon. Gentleman a schedule with the information requested as at 8th November of this year.

The hon. Member should note that the schedule does not include the salaries of the employees, but that I am happy to provide these details in confidence to him.

ANSWER TO QUESTION NO 928/2012

Gibraltar Bus Company Employees

Surname	Name	Position	Week/Mon	Promotion
Ahakam	Mohamed	Driver	Weekly	
Alvarez Garcia	Marco	Driver	Weekly	
Andrades Tellez	Alberto	Driver	Weekly	
Barea	Yvette	Driver	Weekly	
Bates	Mark	Driver	Weekly	
Beilo	Judah	Inspector	Monthly	
Ben Messaoud	Mohamed	Driver	Weekly	
Ben Youssef	Abdel	Driver	Weekly	
Benhakim	Abdel	Driver	Weekly	
Benyunes	Richard	Driver (FJS)	Weekly	
Bonavia	Michael	Driver	Weekly	
Boulaich	Abdel	Driver	Weekly	
Caravaca	Catalina	Driver	Weekly	
Casciaro	John	Driver	Weekly	
Chacon	John	Driver	Weekly	
Codali	Joseph	G/Operative	Weekly	Admin
Costa	Paul	G/Superintendent	Monthly	
Cosquieri	Peter	Driver	Weekly	
Dalmedo	Julie	Admin	Monthly	Senior Admin
Debono	Michael	Driver	Weekly	Chargehand
El Yettefti	Mohamed	Driver	Weekly	
Fares	Karim	Painter	Weekly	
Flores	Juan	Driver	Weekly	
Garcia	George	Driver	Weekly	
Gonzalez	Miguel Angel	Driver	Weekly	
Holland	Douglas	Driver	Weekly	
Jalarbi	Mohamed	Driver	Weekly	
Lahouiri	Mohamed	Driver	Weekly	
Leto	Edward	Painter(FJS)	Weekly	
Lyons	Thomas	Driver	Weekly	
Lane	Cairon	Driver	Weekly	
Lozano	Juan	Driver	Weekly	
Macian	Jose	Driver	Weekly	
Maldonado	Juan	Driver	Weekly	
Marakchi El	Said	Driver	Weekly	
Martinez	Clive	Chargehand	Monthly	Manager
Mauro	Pepe	Driver	Weekly	
Mesa Ruiz	Rafael	Driver	Weekly	
Munoz	Manuel	Chargehand	Weekly	
Parker	Janet	Admin	Monthly	
Peach	Kevin	Driver	Weekly	
Porro	Alfred	Driver(FJS)	Weekly	
Perez	Derek	Driver	Weekly	
Olivera	Manuel	Inspector	Monthly	
Rocca	Antonio	G/Operative	Weekly	
Rodriguez	Clive	Driver	Weekly	

CONT. ANSWER TO QUESTION NO 928/2012

Surname	Name	Position	Week/Mon	Promotion
Rodriguez	Eddie	Driver	Weekly	
Ruiz Naraez	Juan Antonio	Driver	Weekly	
Salgado	Jose	Driver	Weekly	
Snape	Martin	P/T Driver	Weekly	
Tarraf	Mohammed	Painter	Weekly	
Traverso	Alfred	Admin	Monthly	Manager
Tiron	Gigi	Driver	Weekly	
Trujillo	Alfred	Driver	Weekly	
Usquieri	Derek	Labourer	Weekly	
Villanueva	Felix	P/T Driver	Weekly	
Vinales	Ivan	P/T Driver	Weekly	
Yome	Pepe	Chargehand	Weekly	
Zarb	Joseph	Driver	Weekly	
Gibibikes				
Cosquieri	Paul	Bike Mec	Weekly	
Kirk	Suat	Bike Mec	Weekly	
Victory	Emerson	Bike Mec	Weekly	
Pizzarello	Mark	Bike Mec	Weekly	
Casey	Aiden	Bike Mec(FJS)	Weekly	

Hon. N F Costa: Mr Speaker, I also take the opportunity to advise the hon. Gentleman that, on the last occasion, he specifically asked me about the –

Mr Speaker: Will the hon. Member please pay attention, because this is referring to a matter that was left outstanding at the last meeting.

Hon. D J Bossino: I am paying attention, Mr Speaker, whilst I read a rather lengthy schedule.

Hon. N F Costa: Well, Mr Speaker, the hon. Gentleman on the last occasion asked me specifically for qualifications of the new managers, and I promised the hon. Gentleman that I would provide that to him.

I have now a sheet to hand over to him which sets out exactly that and I would be grateful if the kind lady would –

Mr Speaker: It has to be photocopied, does it or – ?

Hon. N F Costa: I can provide that copy to the hon. Gentleman. I have got a copy in the office.

SUPPLEMENTARY TO QUESTION NO 833/2012

Qualifications of New Managers

Alfred Traverso

Spanish O Level Grade B

French CSE Grade 1

City & Guilds Shipbuilding/Fabrication & Welding Shipwright Apprenticeship Indentures

Steelworker/Welding Retraining Course

ISO 9002 Quality Manager Accreditation (awarded by EMAS Consultants)

Excel

Excel Advanced course

Word processing Stage 2

Word processing medical Stage 2

Word processing legal Stage 2

9 years experience as Operations Manager of a Security Company

8 years experience as Office Admin of the bus company working closely to the then Director of Operations

Clive Martinez

Vast experience in dealing with the public in the Tourism Trade having undertaken

British Airways Load Control B737/B737-236 courses

Airline System Operations SITA, SABRE & BABS

3 years experience as Office Manager

3 years experience as Managing Director of a Travel Agency

3 years experience as Sales & Marketing Manager of a Travel Agency

8 years as Chargehand of the bus company very much involved with the daily operational side of the daily running of the company.

(these persons applied for the post as they felt they could meet the requirements of the internal vacancy's expectancy as laid down by the then Director Mr Paul Martinez –see page 3 – vacancy as directed by Paul Martinez)

Mr Speaker: Does the hon. Member have any supplementaries?

Hon. D J Bossino: Mr Speaker, *[inaudible]* (Interjections)

Mr Speaker: That is a separate issue.

160 **Hon. D J Bossino:** Mr Speaker, by way of clarification, this is a rather long... or rather, the information contained in the schedule is quite lengthy. I am trying to get my head round this as quickly as I possibly can.

Now, as I understand it, Mr Speaker, this is basically a snapshot of the employee situation as at 8th November 2012. I did ask as well, Mr Speaker, in the first limb of my question, what the position was as at 9th December, with the idea that I would also get information not only of promotions and the movements, but also of any new employees that have come in.

If I look at this now, I am not sure what the position was, as at 9th December 2011, unless I have misread or am not reading the schedule in its entirety. Perhaps the Minister can explain?

170 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman asked me to provide details of the persons employed in the Bus Company, which I have set out in a page-and-a-half schedule. He has asked me for the details: the positions are also listed on the third column. (**Hon. D J Bossino:** Yes.) He has asked me about promotions: those that have been promoted have, on the fifth column, a citation to the new positions to which they have been promoted. He has also asked me for any demotions. There are no demotions; therefore, he will find none in the schedule. He has also asked for earnings, which, as I told him in my original answer, I will not provide across the floor of the House, but that I will provide it to him in confidence.

180 **Mr Speaker:** If you look at the question again, it is about... He is asking initially for details of the individuals employed as on 9th December 2011. Were all these people employed (**Hon. N F Costa:** Oh, I see.) on 9th December 2011 or were they not?

Hon. N F Costa: Oh, Mr Speaker, I would not have the answer to that. I will have to go back and find out. I see the point that the hon. Gentleman is making.

185 I do refer him to a previous answer that I gave, when I noted the number of people that had been dismissed, but I will have to go back and obtain that information for him. I see the point.

Hon. D J Bossino: I am grateful for that clarification, Mr Speaker. That was precisely the intent of the question.

190 Mr Speaker, if I had an opportunity to read the schedule which has been handed over to me in respect of the supplementary to Question 833/2012 and ask supplementaries in relation to that?

Mr Speaker: I am going to allow you to ask any question for clarification as if this were a statement that has been made. Clarification only.

195 **Hon. D J Bossino:** Mr Speaker, I am not sure whether what I am now about to ask is a clarification but no doubt, Mr Speaker, you will no doubt reprimand me accordingly or stop me.

200 Mr Speaker, the question I was going to ask in relation to the answer to supplementary to Question 833/2012 is: is the Minister satisfied...? He has given me a list of qualifications which are held by Mr Alfred Traverso and Mr Clive Martinez, who are the recent appointees, but really the point I was driving at, at the last sitting, but I was not permitted to continue by yourself, Mr Speaker, was whether he is satisfied that these qualifications are the qualifications required pursuant to the Transport Act 1998. I am not sure whether I can ask that question, Mr Speaker.

205 **Hon. N F Costa:** Mr Speaker, I have already answered the question, which was that the board that selected these candidates were satisfied.

Mr Speaker: Next question.

**Gibraltar Bus Company Limited
Provision of advertising**

215 **Clerk:** Question 929, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Public Transport advise the House which company, and if not a company, the individual who now provides advertising on the bus fleet of the Gibraltar Bus Company Limited?

220 **Clerk:** Answer, the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, advertising on the bus fleet of the Gibraltar Bus Company Limited is now being undertaken by Big Publications Gibraltar Limited.

Hon. D J Bossino: Mr Speaker, I am not sure what process was carried out before this particular company was able to secure this contract. Can I ask the Minister that specific question: what process was carried out before this company was chosen?

Hon. N F Costa: Yes, of course, Mr Speaker. The process was carried out by the former Head of Procurement, Ms Cynthia Eagle, who is my Principal Secretary. The way that it worked was that Ms Eagle requested for the Bus Company to obtain proposals from different companies and therefore different companies were approached. These companies – four in total – provided proposals to the Gibraltar Bus Company Limited. The persons involved in discussing and reviewing the proposals were Ms Cynthia Eagle, another civil servant and the two managers of the Bus Company. Out of the four proposals received, the most favourable proposal and the one recommended to me was Big Publications.

Hon. D J Bossino: Can I ask the Minister whether the choosing of the new company... I am assuming Big Publications did not previously enjoy the benefits of this particular contract and, if that assumption is correct, I will predicate this question based on that assumption.

Mr Speaker, can the Minister tell me whether the requirement to appoint a new company arose as a result of the previous company's contract having finished?

If I can assist, was the company which was the beneficiary formerly of this contract... was that contract terminated as a result of Government action or did it just reach the end of its contractual life?

Hon. N F Costa: Mr Speaker, I do not know exactly the answer, but I doubt that the former Head of Procurement would have advised me that they had to initiate a process to procure the services of advertising for the buses without the contract having expired, but because I do not know the answer, I do not want to say that that is the answer.

I can check and revert to him, either in writing or at the next session of the House.

Mr Speaker: Next question.

Hon. D J Bossino: Mr Speaker, I have a further supplementary. (**Mr Speaker:** Yes.)

The Minister, Mr Speaker, has said that he has relied on this, if I can put it in those terms, 'board' which has dealt with the procedure. Is the Minister who is politically responsible for this company satisfied that this company which is called Big Publications Limited has a required pedigree and requisite experience to deal with advertising?

Hon. N F Costa: Mr Speaker, the hon. Gentleman always prefaces by saying 'they do have political responsibility for these responsibilities'. I always accept that I do have ultimate political responsibility for my constitutional responsibilities and therefore am answerable in this House.

I did not personally either interview or review the proposals. I accepted the recommendation that was made to me by the selection board that advised me.

I do have, however, a chart that explains to me the reasoning why this particular company was chosen and in the first place, it sets out that the printing will be carried out in Gibraltar; that the Board did themselves attend to make sure that the printing would be carried out in Gibraltar; and it proposes to generate net revenue for the Gibraltar Bus Company, through the advertising, of £60,000.

The proposal in terms of artwork, etc was seen as the most exciting and dynamic, and because the hon. Gentleman knows that I have been very keen to stress in the past that we need to start to knuckle down on costs, the fact that this company did provide revenue generation for the Company is obviously something that would have been looked at favourably by the Board.

Hon. S M Figueras: Mr Speaker, is the Minister able to confirm whether there was a net revenue arrangement with the previous contractor? As far as I have been made aware, I was certain there was such an arrangement in place.

Hon. N F Costa: Well, Mr Speaker, I would need specific notice of that question, but the table that has been prepared for me says that the offer of revenue to be generated for the Bus Company of the other companies stands as zero pounds, and this company stands as £60,000.

Hon. S M Figueras: Zero pounds versus £16,000?

285 **Hon. N F Costa:** Six zero – net six zero – sixty.

Hon. S M Figueras: For the new company – sixty?

Hon. N F Costa: For the new company, sixty.

290 **Hon. S M Figueras:** I am grateful for the answer, just one final supplementary, certainly from me in this respect.

Is the Minister satisfied and I suspect that he will say that he has because he has already said that he has accepted the Board's recommendations. Is he satisfied that the quality of the product offered by the new contractor will match the quality of the work that was produced by the previous contractor?

295 I say this because, as a user of the bus service, Mr Speaker, I have become concerned about the appearance of the publications on board and the general state of the buses. I was wondering whether perhaps he is satisfied that that will indeed be the case?

300 **Hon. N F Costa:** Mr Speaker, as I just answered to my other hon. Gentleman, Mr Bossino, the Board did personally inspect the quality of the production, as I said before. I was only shown the artwork once the Board had made their recommendation and it looked quite vibrant, modern and dynamic to me. But I did not physically go to inspect it, as I keep repeating.

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**Trade licensing for supermarkets
Government policy**

310 **Clerk:** Question 930, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Mr Speaker, advise the House whether it is the Government's policy to continue with the Direction issued by the previous Government in relation to the trade licensing of items sold at supermarkets other than foodstuffs, domestic consumables, beverages and tobacco?

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Clerk: Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, no, it is not our policy to continue with this Direction and the Authority has been accordingly advised.

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Hon. D J Bossino: Mr Speaker, that is a very clear answer.

Can I ask the Hon. Minister why that is the case? We took a view, when we were in Government, that in order to protect particularly businesses in our main commercial thoroughfare, which is Main Street, and in other areas of Gibraltar, it is important, Mr Speaker, that this Direction ought to have been followed, pursuant to the provision in the Trade Licensing Act which basically requires the Trade Licensing Authority to consider, in connection with the public interest consideration, which they have to take into account before coming to the decision, the public interest in Gibraltar plc or Gibraltar inc, in having the commercial entities in Main Street protected.

325

This really arises, Mr Speaker, because it has come to my notice, it has been advertised in the *Gazette*, that there is an application by a company, I think it is Rotunda Holdings Ltd, to sell items which include things like televisions and radios, all kinds of audio and video equipment, DIY goods. The ambit of the application is indeed very wide and in fact overlaps in respect of those items which we, when we were in Government, were very concerned to protect.

330

So I appreciate, Mr Speaker, it is a long preamble. I normally do not like to give them, but it is a really short question and the question is why?

335

Hon. N F Costa: Mr Speaker, I am a little surprised about the supplementary, not least because the hon. Gentleman, before he asked me the question in this House, in fact called the Trade Licensing Secretary to ask that very question, and there was an answer provided to him by e-mail, which was:

340

'Good morning Damon.

Sorry for the delay. I have attached the Direction in question and I have confirmed that the Direction was issued *ultra vires*.'

345 That answers the question straightly and simply, so he does already know the answer. It is interesting he should have asked me the question after he had asked the same question to the Trade Licensing Authority (TLA).

Hon. D J Bossino: Mr Speaker, I appreciate if that is the reason why, presumably if I can interpret the answer, it is because the Government has received legal advice and it is *ultra vires*.

350 I appreciate that I would be breaching, I think, the Rules of the House, if I would ask him for his view as to whether that is in fact the case. Certainly, my view as a professional – and not only as a politician; as a professional – I do not think it is *ultra vires*. I think the Government does have the authority to do so under... I can take him to the precise section. It is in relation to the matter we will hopefully be dealing with in this sitting of the House, the amendments to the Trade Licensing Act. I do have a copy of the substantive Act and there is a provision, Mr Speaker, which allows the Government to issue Directions in order to assist the Trade Licensing Authority, in relation to public interest matters.

355 I personally do not think it is *ultra vires*, the provisions of the Act.

Hon. N F Costa: Mr Speaker, without wishing to make this into a legal submission in reply, may I answer my hon. Friend by saying that, of course, I did receive legal advice from Peter Rodney, who is the legal adviser to the Trade Licensing Authority on all matters. He in fact sits with them at hearings and his view was that the Ministerial Direction that the hon. Gentleman describes, the one that we are talking about, was issued in good faith by the previous Government, but in his view, it appears, on consideration, that it may have been issued wrongly, in that the correct legal powers to issue it were not used.

360 That was the advice that he gave the TLA and, as a result of that advice, it was the TLA that decided to disregard the Direction, since the problem was brought to its attention. So, in other words, it is not that the Government took a look at the Direction, decided that it was *ultra vires* and directed the Licensing Authority; it was that, as a result of a hearing, advice was asked for, advice by Mr Rodney was proffered, the advice being that he did not think it had been issued appropriately; and it was the TLA which is entirely independent that took the decision that, as a result of the advice, it would disregard that Direction. Of course now we, the Government, are considering whether or not we have any Direction in relation to supermarkets.

370 I hope that clearly sets out the sequence of events that led to this Direction being disregarded by the Authority, rather than by the Government deciding that it was not to follow that Direction.

375 **Hon. D J Bossino:** Mr Speaker, I am not sure whether I am able to ask this question and no doubt –

Mr Speaker: I will allow you one last supplementary.

380 **Hon. D J Bossino:** Not just because of, perhaps, the length of the exchange; it is simply to ask for your advice, Mr Speaker, across the floor of the House, as to whether I can ask the Minister –

Mr Speaker: I think there is a limit to the extent to which you can get involved in purely debating legal questions. There is a limit to that.

385 **Hon. D J Bossino:** Yes, the question is whether the Minister would be able to provide me with details of... If the advice has been proffered in writing, whether he would be able to provide me with that advice.

390 **Mr Speaker:** Very well.

Hon. N F Costa: With your indulgence, I could give him the answer in one sentence, to avoid the need for me to have to write later and we can finish this legal argument.

395 **Mr Speaker:** Do so and then we will leave it at that.

Hon. N F Costa: The specific advice given to me by Mr Peter Rodney was that section 48 of the Gibraltar Constitution notes of the delegation from the Governor to the Government of certain powers, but that through oversight or otherwise, the powers were not properly delegated from the Governor to the Government and that therefore the Direction was not properly issued, as a result of this.

400 **Mr Speaker:** Next question.

**Old Ice Box building
Resurfacing works progress**

410 **Clerk:** Question 974, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port advise us as to progress of the resurfacing works being undertaken at the site of the old Ice Box building?

415 **Clerk:** Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, as the Government announced by way of Press Release 314/2012 on 23rd May, the works to carry out repairs and improve the condition of the surface along several areas of the Western Arm were completed in June of this year.

SPORTS, CULTURE, HERITAGE AND YOUTH

425 **Fire station
Installation of new smoke extractor system**

Clerk: Question 931 the Hon. Mrs I M Ellul-Hammond.

430 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister with responsibility for the City Fire Brigade inform this House when the new smoke extractor system for the fire station was installed and if not yet done, when it will be installed?

435 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the extractor system installers, Independent Air Conditioning Ltd, have advised us that the installation works commenced last Tuesday, 13th November, two days ago and estimate that the system will be fully installed and operational by mid-December.

440 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, could the Hon. Minister advise when did this service go out to tender?

445 In January's Parliament, he said that it would not be going out to tender because there were only two companies that could provide the service, i.e. Nederman from Sweden and Ecovent from Germany. When did the service go out to tender and why were those two companies that he mentioned back in January then not considered?

Hon. S E Linares: Mr Speaker, I would need notice of that question, because as I understand it...

450 **Mr Speaker:** But have you not said that it did not go out to tender?

Hon. S E Linares: No, it did not go out to tender

455 **Mr Speaker:** It did not go out to tender, because there were only two –

Hon. S E Linares: Right, that is the first thing but yes, I understand what she is saying, because it seems that it is the name of a different company than the two stated.

460 I will go back to the City Fire Brigade and ask them whether they have any relationship. Maybe some of the companies are subsidiaries to the two that I mentioned, but I will give her the answer, Mr Speaker.

**City Fire Brigade
Full audit costs and findings**

465 **Clerk:** Question 932, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister with the responsibility for the City Fire Brigade state when the full audit of the City Fire Brigade was completed, how much it cost and what the findings from it were?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the full audit of the City Fire Brigade will commence on the 25th November, therefore the costs and fundings are not yet available.

Mr Speaker: Next question.

**New Fire Station
Commencement and location**

Clerk: Question 933, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister with responsibility for the City Fire Brigade state when Government will be starting work on the new Fire Station and where it will be located?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the answer to this question is the same as the reply given to Question 354/2012. Government is not in a position to state where the new Fire Station will be located.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. Minister confirm that this is because a decision will be made after the audit is completed?

Hon. S E Linares: Yes, as has been stated before. I have mentioned that before in the House, that we are waiting for the audit, but not necessarily just straight after the audit will we have a location. What we are looking at is the whole thing holistically.

Clerk: Question –

Hon. Mrs I M Ellul-Hammond: I am grateful for that. I just only ask the question because you did state in the manifesto that within three months of the Election, as a priority, would commence work on the new Fire Station. I just wanted to establish the answer.

Hon. S E Linares: Was that a question, Mr Speaker?

Mr Speaker: She can rephrase it as a question.

Hon. Mrs I M Ellul-Hammond: Is that so?

Mr Speaker: ‘Did the Hon. Minister not say –?’

Hon. Mrs I M Ellul-Hammond: Yes, exactly – did the Hon. Minister not say that?

Hon. S E Linares: Yes, Mr Speaker.

**Gibraltar Cricket Association and/or Gibraltar Rugby Football Union
Discussions re renewed facilities**

Clerk: Question 934, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Sports and Leisure state if he has, since his answer to Question 843/2012, held discussions with the Gibraltar Cricket Association and/or the Gibraltar Rugby Football Union, in respect of providing renewed facilities for the playing, teaching and development of their respective sports and if so, provide details of any agreements reached?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, since my answer to Question 843/2012, barely a month ago, I have had the pleasure of meeting the Gibraltar Rugby Football Union, where we discussed the provisions for the renewed facilities for the playing, teaching and development of their respective sports.

No agreement has been reached.

Sports Grants Details of payments

Clerk: Question 935, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sports and Leisure provided details of payments made since his answer to Question 844/2012 in respect of Sports Grants for the following: (a) Grants to Sporting Societies; (b) International Competitions; (c) Sports Development Projects and (d) Hosting of special Sports and Leisure events?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, I now hand over to the hon. Member opposite the details requested in relation to the payments made since my answer to Question 844/2012 in respect of the Sports Grants.

ANSWER TO QUESTION No: 935/2012

(22) Grants to Sporting Societies

Pool – Competition UK	£7,250.00
Tenpin Bowling – World Cup	£1,053.22
Darts – Pro Players Grants	£6,000.00
Athletics – Competition in Barcelona	£ 264.74
Darts – Competition UK	£1,725.00

(23) International Competitions

Nil.

(24) Sports Development Projects

Triathlon Association Electronic Systems	£2,500.00
Athletics – Congress Malta	£ 595.00
Pool – Professional Coaching	£ 872.96
Rowing – National Rowing Champs	£4,809.90
Triathlon – Congress New Zealand	£ 389.50
Football National Squad Competition	£7,500.00
Climbing – Competition UK	£1,169.50
Badminton – Schools development	£2,363.63

(25) Hosting of Special Sports and Leisure Events

Gibraltar Masters Darts - Deposit	£30,000.00
Tenpin Bowling Rock Masters	£10,000.00

Hon. E J Reyes: Mr Speaker, does the Hon. Minister have slightly more information on the penultimate item listed here, the Gibraltar Masters Darts? I see there is £30,000 allocated as a deposit. Would he perhaps expand a bit further – a deposit in respect of what event?

Hon. S E Linares: Mr Speaker, this is about a European circuit darts competition that will be held in June next year. The organisers want us to commit ourselves to doing that, therefore they have asked for a

565 deposit of £30,000. They will be bringing all the world champions to Gibraltar, a very exciting... I am
very excited about the tournament they are doing. They will be bringing television in. It will not be
beamed live, but it will be another programme like we did with the Strongman Competition, in which a
570 50-minute programme will be beamed on Sky Sports. As everybody knows, darts is becoming an up-and-
coming sport. We are then bringing them over here and this will be one of the European circuits. That
means that they are developing a circuit where they already have a championship in Vienna, they have
one in Berlin, they have one in Ireland and Gibraltar will be part and parcel of that European
championship. Therefore, because it is important that we are part and parcel of this ranking tournament,
they ask for a deposit of £30,000.

575 **Hon. E J Reyes:** And Mr Speaker, if the deposit is £30,000, does the Minister have any sort of
estimated figures of what are the further payments that will be made, ending up in which grand total?

Hon. S E Linares: Not at this stage, because it is a thing that we need to evaluate with production and
all that, so it is a deposit of £30,000. Obviously, it will be more, but I cannot, at this stage, give the hon.
580 Member an exact figure. But I can tell you it is not a bottomless pit.

Hon. E J Reyes: I was going to say, Mr Speaker, we have made a deposit of £30,000. Surely
somewhere within the budget, there must be a figure saying, 'Look, more or less, with a 10% or 20%
margin up or down.' Is this going to be a £100,000 contribution at the end of the day or just £50,000? Can
585 I at least have some sort of indication of what figure we are aiming towards?

Hon. S E Linares: We are talking about the range of £100,000.

Mr Speaker: Next question.

**Victoria Stadium, Pitch Number 1
International Rugby Board approval for use**

595 **Clerk:** Question 936 the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sports and Leisure confirm if the new playing surface recently
installed at Pitch Number 1 at the Victoria Stadium also enjoys or will very soon enjoy, full approval and
600 certification by the International Rugby Board (IRB) for the playing of international rugby matches?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Yes, sir, I can confirm that
the new playing surface installed at Pitch Number 1 at the Victoria Stadium will enjoy full approval by
605 the International Rugby Board for the playing of international rugby matches.

Hon. E J Reyes: And just for the sake of clarification, Mr Speaker, may I ask the Minister to confirm
that that means that if it carries the full approval, therefore scrums and so on will actually be permissible
on the new playing surface, as opposed to that having been curtailed in the previous version of the pitch
610 that was available?

Hon. S E Linares: Well, Mr Speaker, I am not an expert in rugby but if the International Rugby
Board is happy that an international rugby match can be played there, I am sure they are not going to now
abolish the scrums. So I am assuming that is the case.

Hon. E J Reyes: Would it at some stage be possible for the Minister to be able to confirm to me...? I
accept the honesty that all he can say at the moment is that he assumes, but I would like to know as a
reality whether it will or will not.

Hon. S E Linares: Well, Mr Speaker, in the answer I say I can confirm that the new playing surface
installed on Pitch Number 1 will enjoy *full approval* by the International Rugby Board. Now, what I am
saying is that if the International Rugby Board is happy that international rugby matches can be played
there, it would have to be a change of the rules in rugby that scrums are now allowed.

So that is why it is an assumption, because I doubt very much that any rugby international match will
625 not have a scrum.

**Victoria Stadium, Pitch Numbers 1 and 2
Gibraltar Rugby Football Union use**

Clerk: Question 937, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sports and Leisure explain why no allocations have been offered to the Gibraltar Rugby Football Union at either Pitch Number 1 or 2 within the Victoria Stadium Complex during weekdays after 6.00 p.m. so that adults can attend to coach junior players or train in the sport themselves?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the Gibraltar Rugby Football Union (GRFU) has not, in past years, ever been granted allocations after 6.00 p.m. in either the Victoria Stadium Main Pitch or Pitch Number 2.

Allocations for junior rugby coaching are made available to the GRFU in Pitch Number 2 on Wednesdays at 3.30 p.m. and on Sunday mornings and in the range area, during the week after school hours.

An allocation in the Westside School synthetic turf area was offered during the weekday evenings, as in previous years, but this was rejected by the GRFU, as they considered that the surface was not suitable for their current needs.

Hon. E J Reyes: Mr Speaker, thank you for the analysis of previous allocation and so on. My question was specific for this time round based on information that the Hon. Minister has provided me in the schedule in his answer to Question 845.

What I am asking for is weekdays, that is Monday to Friday, after 6.00 p.m. there is no allocation for example Pitch Number 2, which in the past there had been. So I am asking why this year that is not provided, because that curtails then the ability for the coaching of junior players and so on.

Hon. S E Linares: Mr Speaker, the question has been answered. It has not in the past ever been granted allocations and therefore if it has not been granted, I am assuming again that the GSLA will not grant those allocations this year.

Hon. E J Reyes: Mr Speaker, can I propose that the Hon. Minister actually checks and he will find that in the past, on weekdays after 6.00 p.m., the Rugby Union has enjoyed the use of Pitch Number 2, and then perhaps we can carry on the discussion of that, because at the moment he thinks, given the information he has, that has not come across, and I recall that allocations have been granted. So otherwise we will just be talking at cross purposes. I think the Minister deserves an opportunity to check on the information.

Hon. S E Linares: Well, I will check with the person who has answered the question!

**Sports, Culture, Heritage and Youth
Trainee placements and accredited qualifications**

Clerk: Question 938, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, further to his answer to Written Question W144/2012, can the Minister for Sports, Culture, Heritage and Youth state the following: (a) until when will the training periods in which the various trainees placed within his Ministries last; (b) what training has been provided within the 'Job Description' undertaken by the trainees; (c) what accredited qualifications, if any, will the trainees attain at the end of the training period/placement?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, further to my answer to Written Question W144/2012, the answer is (a) the training period for the trainees with different Ministries will last as and when the Employment and Training Board notifies us that they will be moved to acquire further skills; (b) the training provided depends on the trainee, department and job

description; and (c) the trainee will obtain experience on the job that will serve for their personal CV and their future job applications.

690 **Hon. E J Reyes:** In reply to section (b), he has given me a very general type of answer, without specifically saying what training is being provided, just saying that training is being provided. I have asked *what* training is being provided within the job description. I was expecting at least a bit of meat on the bone.

695 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, I think I need to remind the Member that the people who are in the public sector are not being trained for public sector jobs. They are being trained to... because we have got them placed there pending an opportunity to move them to the private sector, when there is a provider, in line with the answer that I gave before.

700 So really, (*Interjection*) they are used in the public sector in many cases, because there were people from the VTS on 1st February. We gave everybody the commitment that we would take them on and when employers who had them placed with them said they did not need them, they would not sign a partnership agreement and would not give them employment, since we were paying them anyway, we have shifted them somewhere else, where we would get some return on the investment we are making in their skills. But they are all available to be moved at any time. (*Interjection*)

705 **Hon. D A Feetham:** Yes, the Hon. the Minister for Sports says that is the answer that he has given. May I ask the Hon. the Minister for Employment: so therefore the answer that the Hon. the Minister for Sports gave me a few months ago, that in fact placing them in the public sector was designed to actually give them an edge in case any vacancy arose in the public sector, that is not the case and that is inaccurate.

Hon. J J Bossano: Well, Mr Speaker, I think if the hon. Member remembers the answer and the question, he remembers the comments that were made at the time.

715 In case he has forgotten them, which apparently it suits him to forget, the reality is that it is not an unreasonable assumption that, when people go for an interview and they have been in a department, they will have some knowledge of the work with a department, which may assist them, but as he knows from other questions that he has put, when people are selected, that is a factor that may or may not be taken on board by the interview board. That is the decision of the interview board.

720 **Clerk:** Question 939, the Hon. –

Mr Speaker: The Hon. Mr Reyes.

725 **Hon. E J Reyes:** Thank you, Mr Speaker.

I just wanted to ask one other small matter. On part (c) of my question, I asked about accredited qualifications. I know that in the past – and I hope that it still continues to do so – that the GSLA offers courses that allow both members of GSLA and other sports lovers to attend and get accredited qualifications, in respect of sports development, introduction to coaching and so on. Is the Minister in a position to confirm if any trainees who may be within the Sports and Leisure Authority, of which in the past he has confirmed that there are, are they attending these courses and therefore he could fall under the category that he has reason to expect that they will attain accredited qualifications?

735 **Hon. S E Linares:** Mr Speaker, as I understand it, there is only one trainee in the GSLA and that trainee is doing administrative work – or at least administrative *training*.

Hon. D A Feetham: Yes, I looked at the answer that you gave during the last session of the House –

Mr Speaker: ‘*Mr Speaker*, I looked at the answer that the Hon. Minister gave.’

740 **Hon. D A Feetham:** Mr Speaker, I looked at the answer that the Hon. Minister gave last month to the questions of how many trainees were receiving training within his Department. Now of course, we have now heard the Hon. the Minister for Employment say the policy of the Government is to actually hopefully shift those trainees from the public sector, where they are receiving training, into the private sector.

745 May I ask him what relevant training is a 64-year-old trainee receiving within his area of responsibility, his Department, as a librarian to be shifted into the private sector?

750 **Hon. J J Bossano:** Well, Mr Speaker, I think we would need to look into it, but I can tell the hon. Member opposite that probably no more sophisticated training than was being received when the GSD was in power and they had somebody in the Home who was 65 and was a trainee in the VTS –

A Member: On the Youth Training Scheme?

755 **Hon. J J Bossano:** As part of the Youth Training Scheme.
So I suppose a young 65 was probably being treated no differently from a young 64 – and the question is being answered by a young 73!

Mr Speaker: Next question.

760
**International Symposium on ‘History of the Spanish Masonry’
Breakdown of expenses**

765 **Clerk:** Question 939, the Hon. E J Reyes.

770 **Hon. E J Reyes:** Further to his answer in reply to Question 836/2012, is the Minister for Culture now in a position to provide a full and detailed breakdown of expenses in respect of his Ministry’s £28,000 sponsorship of the International Symposium on the ‘History of the Spanish Masonry’, which was held in Gibraltar during the month of October 2012?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

775 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, full details of payments have not been finalised. Government will be in a position to do so, once the organisers of the International Symposium have received all invoices appertaining to the said event.

780
**Gibraltar Music Festival 2012
Payments to Axel Media and Word of Mouth**

Clerk: Question 940, the Hon. E J Reyes.

785 **Hon. E J Reyes:** Further to his answer in reply to Question 838/2012, is the Minister for Culture now in a position to provide a full breakdown of payments made, or committed to make, in favour of Axel Media and Word of Mouth in respect of the production and organisation of the 2012 Gibraltar Music Festival?

790 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, payments in respect of the production and organisation of the 2012 Gibraltar Music Festival are: Axel Media, £25,000; Word of Mouth, £30,000.

795 I must add that these payments appertain to two individual invoices only.

Mr Speaker: ‘To two individual invoices only’.

800 **Hon. E J Reyes:** Does the Minister have any breakdown of how the £25,000 adds to that total and likewise for the £30,000?

805 **Hon. S E Linares:** No, Mr Speaker, that is why I said that there were two individual... This was the fees that they were asking for the organisation of the Festival, and that is one payment. There is no breakdown as such; it was the whole works that they did.

Hon. D J Bossino: Mr Speaker, just to clarify one question I have in my own mind, is the Minister expecting to receive more invoices, or would that be an incorrect interpretation of his answer?

810 **Hon. S E Linares:** I think there are a few invoices still left, but I would need a little bit of notice for that. But I think nearly all of them have come in already, but there might be one or two still pending. I am talking about different issues of maybe somebody who has covered the surface or some other small invoices that need to come in.

815

**Cultural Grants
Details of awards**

820 **Clerk:** Question 941, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Culture provide details of further Cultural Grants awarded, if any, since his answer to Question 839/2012?

825 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, there have been no further Cultural Grants awarded since my answer to Question 839/2012.

830 I must add that this information is posted on the statistics page of the H M Government of Gibraltar website, and updated as and when required.

Mr Speaker: Next question.

835

**Clarendon Fine Art Gallery, Mayfair, London
Government's financial contribution**

Clerk: Question 942, the Hon. E J Reyes.

840 **Hon. E J Reyes:** Can the Minister for Culture state what financial contributions, if any, Government has made towards the exhibition held recently at Clarendon Fine Art Gallery in Mayfair, London?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage And Youth.

845 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the only contributions made by Government towards the exhibition held recently at Clarendon Fine Arts Gallery in Mayfair, London are: (a) the cost of air freighting the artworks to London, £2,534.25; (b) flights for a Clarendon representative to visit Gibraltar, which was £465.48.

850 Mr Speaker, I would like to take this opportunity to thank all those involved in this venture and helping in fulfilling the Government's policy of exporting our artworks abroad.

855 **Hon. E J Reyes:** Mr Speaker, when the Minister said that he paid towards the flight of a representative from Clarendon to come over to Gibraltar, for what purpose did that person come to Gibraltar?

Hon. S E Linares: Mr Speaker, the person who owns the Clarendon had to view the artwork before taking it over. She did not know what type of artwork she was going to take over, so she flew to Gibraltar in order to assess the artwork, before she packed them to take them over.

860 **Hon. E J Reyes:** To choose the...?

Hon. S E Linares: To choose them.

865 **Hon. E J Reyes:** Mr Speaker, for the sake of clarification, can the Minister then confirm that those artists whose works were chosen and therefore were so proudly shown at the Clarendon Gallery, those who attended did so under their own financial resources, without any grants in any respect being offered?

870 **Hon. S E Linares:** Mr Speaker, apparently most of them attended the opening and were there and they went of their own accord. The Government did not sponsor anybody to fly over for the opening or for the duration of the exhibition. As I understand it, the only expense was the one that I have just stated.

Hon. E J Reyes: Thank you for the clarification, Mr Speaker.

875

HEALTH AND ENVIRONMENT

New power station Progress made

880

Clerk: Question 943, the Hon. S M Figueras.

Hon. S M Figueras: Yes, Mr Speaker.

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Can the Minister for the Environment provide details to this House about progress, if any, made in relation to the building of a new power station and any steps it is taking to provide Gibraltar with a stable and predictable source of power for the future?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

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Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, an interim solution has been devised which will not only instantly improve local air quality, but will also provide security of supply during the coming winter months. This was announced publicly last week.

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To this end, the Government has entered into a two year-arrangement (with the option to extend to three) with Energy International Inc of the United States, for the supply of temporary, electrical power using rental turbine power, dual fire generating sets which will allow the servicing of existing generating plants to be undertaken, whilst increasing the resilience of the installed generating capacity. The units will be fuelled with diesel.

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The turbine units will be installed at the north-western end of the North Mole, away from residential areas. These units operate on proven technology and are extremely reliable. They also incorporate 'SoLoNox Low Emission Technology', which is considerably more environmentally friendly compared to the diesel engine technology that has been used in Gibraltar for power generation for the last 80 years.

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The new temporary units will each provide up to five megawatts of generating capacity and are designed to run 24 hours a day. The 12 skid generators imported by the previous administration (eight rented and four bought outright) were capable only of one megawatt generating capacity each and were not designed to be run continually. These skid generators may soon become surplus to requirements.

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The Government envisages that the new temporary power plant will be fully operational by mid-December this year. This is just before the winter peak demand. The new facility will enable Government to improve security of supply during peak demand periods when power cuts have previously occurred as a result of a lack of generating capacity.

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The advent of the new temporary power station will also, importantly, permit for variations in the operating regimes of all three existing power stations in Gibraltar, resulting in an overall lowering of emissions. In particular nitrogen oxide (NOx) emissions are predicted to reduce by 40% immediately.

The aim is also to reduce the operational running of the power stations in the South District and in the Waterport area, whenever demand allows during the silent hours, without the security of supply. This will immediately massively lower the emissions and reduce the noise levels in these areas during these periods.

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The Government is also continuing to identify alternative ways of further reducing the emissions arising from the production of electricity in Gibraltar. To this effect, Government is already working with Energy International on the fitting of catalytic reduction technology (known as 'scrubbers') to these turbines. The fitting of such scrubbers will further reduce emissions by another 97%.

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The Government's first priority, however, has been to secure the reliability of electrical supplies for the winter peak demand and to service the existing engines to improve their reliability and performance, which in turn further increases security of supply and reduces emissions.

Mr Speaker, I must state at this point that this does in no way suggest that we are, for one moment, not giving the long-term solution its due attention. We, the Government are all too aware of the fact that investing in a sustainable power solution for Gibraltar needs a long-term solution and we are working hard to ensure this is achieved as quickly as possible. Unfortunately, due to the seriousness of the situation, we had to provide an interim solution, something that was not being contemplated by the last administration.

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The Government of Gibraltar also continues to engage with main players in the energy industry, exploring alternative technologies to determine a permanent solution to Gibraltar's electrical needs. This

solution must provide secure supply and reduce Gibraltar's carbon footprint. To this end, reduction of consumption, or at the very least reduction of the rate of increase in consumption, remains our aim.

As stated by the Chief Minister last week – and I quote:

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'The next step is to finalise our determination on the long term solution by the decision on what permanent power solution is to be chosen. Again environmental, noise and cost issues will be relevant alongside security of supply in the final determinations we have to make in this respect. At the same time, we are at a very advanced stage in the introduction of renewable energy sources from different types of technologies. These are the right decisions for our community and I am delighted to have led the Committee in its deliberations to date and going forward to the stage when we announce the permanent solution for power generation for the future.'

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I am of course quoting the Chief Minister, and I end the quote there.

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Hon. S M Figueras: Mr Speaker, I am grateful for the reply.

Might I suggest – I do not know how appropriate it is – that the Minister consider answering Question 951, which is in relation to alternative energies, perhaps, to deal with this whole matter together, if he feels it is appropriate. If he does not, then... It is just because, obviously, the conversation will take us naturally in that direction and it may well be – (*Interjections*) Well, there is obviously going to be a conversation on as important a matter as this.

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Hon. Dr. J E Cortes: Mr Speaker, I am happy to answer the question put to me; that is your prerogative, not mine.

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Hon. S M Figueras: Mr Speaker, I will just carry on and I will just ask the supplementaries in respect of this particular Question.

Does the Government consider...? In the first place, actually, I should say that, obviously I welcome the statement. It is a statement which the Opposition notes with some satisfaction, certainly, because a temporary solution is one that we are all very keen on... Well, the issue of power generation in Gibraltar is a very important one and the announcement of this temporary solution is, certainly in our view, a positive one.

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In respect of the temporary power plant, the Minister has said that the agreement is for two years, with an option to extend to three. Is the Government satisfied that three years, at the long end of the agreement, will suffice for the delivery of a permanent solution for power generation for Gibraltar?

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Chief Minister (Hon. F R Picardo): Mr Speaker, I lead the Inter-Ministerial Committee on power generation. This question has been prefaced to the Minister for the Environment, assuming that the main issue that the hon. Gentleman is concerned with, given his shadow portfolio, was the Environment, but I rise to answer this question, which deals with the detail of the agreement entered into.

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Mr Speaker, of course we consider that, in three years, we should be in a position to have a permanent solution, otherwise we would have done a temporary deal for longer.

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Hon. S M Figueras: Mr Speaker, before I ask my next question, just to clarify that power generation and environment, frankly, go so hand in hand that it is a matter that I am dealing with. I do not see that there is any controversy in that whatsoever, Mr Speaker.

Further, in the Government's answer to the Question, the Minister has referred to the new generators incorporating SoLoNox technology, which reduces emissions significantly. Is this technology, however, in the diesel-fuel context to which it will be applied, in the specific Gibraltar application, as effective in delivering those emissions savings as well?

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Hon. Dr. J E Cortes: I have no reason to think it is going to be any less efficient in Gibraltar than it would be anywhere else in the world. As I said in my answer, it is proven technology and we are satisfied that this is what will be delivered.

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Hon. S M Figueras: Mr Speaker, perhaps I will clarify for the Minister: I was referring to the SoLoNox technology being known to be very effective in reducing emissions in the context of gas powered turbines; obviously the Minister has made reference to the fact that these turbines will be powered by diesel. I am asking the question – he may or may not have the answer, but I am just keen to understand.

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Hon. Dr. J E Cortes: Mr Speaker, the details were given to us and the calculations and the figures given were based on diesel being the fuel.

Hon. S M Figueras: I am grateful for that answer, Mr Speaker.

995 Is the Government satisfied that the proposed location of the temporary power plant is appropriate in the context of existing infrastructure, which we are told is currently in that area?

Hon. Chief Minister: Obviously, Mr Speaker.

1000 **Hon. S M Figueras:** Grateful, Mr Speaker.

How many sets, perhaps the Minister can provide me, are being installed as part of the temporary power plant?

1005 **Hon. Chief Minister:** That matter has been fully set out in the press release, that dealt with the matter, Mr Speaker, that they are five.

1010 **Hon. S M Figueras:** Mr Speaker, I reviewed the press release and I asked the Question in Parliament – obviously, a Question that was asked before the press release was issued and therefore a matter that I certainly feel should be discussed, or should be the subject of questions in this House, simply because our question preceded your release. (*Interjection*) Yes, it may be public, but it was made public after I asked the Question in this House. If the Chief Minister wants to take that issue...

Mr Speaker: Has it not been made public now, that it is five that we are talking about? (*Interjections*)

1015 **Hon. S M Figueras:** Yes, yes, yes. I am grateful. Yes indeed.

Hon. Chief Minister: [*Inaudible*] before the supplementary.

Hon. S M Figueras: Mr Speaker, I am grateful for the answer.

1020 **Mr Speaker:** Fine.

Hon. S M Figueras: In relation to the temporary power plant again, Mr Speaker, does the Government have a total amount of the cost of this project?

1025 **Hon. Chief Minister:** Mr Speaker, the total amount of the cost of the project has also, I think, been set out publicly, but if the hon. Gentleman wants me to repeat it, I am not going to simply rely on the fact that it is public. It is £4 million, over the period of the contract, from which the hon. Gentleman would be wise to deduct the cost of rental of the skid generators and the capital value of the generators bought – or the realisable value of the generators bought – which will mean that the difference between the temporary solution that *did not* work and the temporary solution that we hope – I hope, across the floor of the House – *will* work, is £200,000 in the period of the contract, in the two-year period, and that is without including the fact that these engines, or these turbines, are so much more efficient in the way that they burn fuel, that it is very likely, although an actual figure cannot yet be provided, that we will save well in excess of those £200,000 because of the fuel efficiency that these turbines will bring.

1035 **Hon. S M Figueras:** Mr Speaker, whilst I of course disagree with the premise that the solution brought in by the previous administration in the shape of the 12 skid generators failed to do the job it was designed to do, I am grateful for the answer in respect of the other aspect of the question.

1040 Is the Chief Minister able to provide this House with a net cost of this project for the community, bearing in mind what he has said in relation to the savings of the rental of those eight skid generators which were rented and the capital return on the four bought outright?

1045 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman cannot have it both ways. He cannot get up and say, 'We're very happy that you have done a temporary solution, because we are all very concerned about the security of supply' and tell us that the temporary solution that they did was working, now in the preamble to his paragraph; but I will not dwell on that in trying to deal with what the hon. Gentleman has asked at the tail end of that intervention.

1050 The answer is very simple and it is again to refer to him exactly the figures I have given to him. The *net saving* – *not* the net cost, but the net *saving* – to this community, as a result of the temporary solution that we have now brought, cannot yet be calculated, because the fuel efficiency of these engines has not yet resulted in a calculation. In fact it could not, other than on hedged fuel prices as at today, because we have not yet started to see the efficiency in action and we would be working on somebody else's figures and we have not yet done that calculation.

1055 But from what I am telling him, we should be able to work out that there could be here a net *saving* for our community, not a net cost.

Hon. S M Figueras: Mr Speaker, again I disagree entirely with premise the Chief Minister raises in the first part of his answer, that I cannot do both – that I cannot welcome this solution and also say that we had a solution that had worked at the time when it was brought to Gibraltar. I entirely disagree with that premise.

The Chief Minister is now saying that that saving cannot be calculated; yet he has been perfectly happy to say that we are going to have savings and he mentions figures. I would be grateful if the Chief Minister... Well, the Chief Minister *has* indeed confirmed that he is satisfied that there will be a saving; the extent of that saving he cannot offer this House, and I acknowledge that.

Moving on from this particular issue, have any consultants been taken on in respect of the planning of this temporary power plant? Can the Chief Minister provide further details as to how the arrangement with Energy International has come to pass, how they were identified and the process in the build-up to entering into the agreement with Energy International Inc?

Hon. Chief Minister: The hon. Gentleman runs the risk of falling into ridicule. He cannot say in the premise to his supplementary a moment ago that he shared the concern about power generation and was therefore very happy to see that we had done a temporary solution and then tell us that the temporary solution that we inherited was working perfectly well. He can *say* it – of course he can – because we believe in freedom of speech, but he cannot be consistent in his understanding of the issue, if he does that.

Mr Speaker, as to what I have said about potential net savings here, I have already given an answer and my answer is that reflected in *Hansard* and not the way that the hon. Gentleman has chosen to paraphrase it – in case that needs to be said.

As to the other issues, as I understand it – and this is a matter, of course, being handled by the technicians in the Gibraltar Electricity Authority – there is no consultant engaged in respect of engaging these entities. The Electricity Authority has engaged with the number of entities around the world that do these type of solutions, which is not a great number, has brought to the Inter-Ministerial Committee all of the options and Inter-Ministerial Committee has worked with the technicians to choose which is the best option for Gibraltar.

Hon. P R Caruana: Mr Speaker, if I could just ask the hon. Member, for speed and convenience, two supplementaries together, I am sure he will be able to disentangle them.

The first is pursuant to his answer to the hon. and learned Mr Figueras, the concern that the Opposition has about power supplies is the same one as we had in Government and that is that there is a long-term threat to the continuability of power in Gibraltar, which in our judgement – and we think that they will come to the same conclusion, if they have not already done so, when they have finished reviewing the options or re-reviewing our options – which can only be resolved by building a new power station of some sort. Therefore, to that extent, both our temporary solution and their temporary solutions were both *interim*, to tide over until the concerns could be addressed – which could *only* be addressed by building a new power station. We can have a debate – I am not sure how –

Mr Speaker: No, you cannot! You cannot have a debate.

Hon. P R Caruana: We could have a debate at some different time! I could invite the hon. Member for coffee downstairs. I will not suggest we should have it now here, but I could invite him to coffee downstairs and we could there and then have a debate about whether this or that tiding-over solution is the best.

But will the hon. Member firstly share with me the view that, whatever we debate about interim solutions, the *real* concern is the long-term replacement of the electricity generation supply capacity, in one way or another, in one place or another, by one project or another? We had ours; they are reviewing it and others and will come up with their own conclusions.

The other question that I would ask him is this: is he aware that the reason why we bought two of those little machines was that it was part of Gibraltar's accumulation of civil contingency planning resources? In other words, it was thought appropriate that we should have two small and easily transportable generators that could be put anywhere in Gibraltar, that might be temporarily cut off from supply by a landslide, or a rock fall, or a fire, or anything like that.

So when he speaks of the realisable value and netting the realisable value, as he did in answer to my friend, my colleague, Mr Figueras, about... to work out the net cost, it was not the intention that those two purchased units would be dispensed with, once the transitional need for temporary power was over, but rather that they would be retained as physically deployable around Gibraltar, generating capacity when bits of Gibraltar by some, unenvisageable now, civil contingency might be disconnected from the traditional source of supply.

Hon. Chief Minister: Mr Speaker, let me deal with both of those issues.

We have had an exchange across the floor of the House – let us not call it a debate – before, on these issues, and he knows that we agree, Mr Speaker, that the finalisation of a permanent solution in respect of power is one of the most important issues facing our community. I have said it on a number of occasions.

Indeed, Mr Speaker, he will recall that I referred him to the 1999 Manx Report, which I know he had commissioned, which talked about Waterport Power Station and the Gibraltar electricity generation infrastructure generally being seriously doubtful after 2003.

So of course we understand those concerns and as I said before, the review that we are doing, relates both to technology, geography, fuel, emissions and costs of what the new facility should be. We are confident, Mr Speaker, that we will come up with a solution that I hope will be welcomed by Members on both sides of the House, if we are able to deliver on all of those in a more satisfactory manner than the previous proposed permanent solution might do.

Mr Speaker, I hope that, if we do, Members will say, ‘Look, fair enough, you have found a better solution.’ It may be a better solution that was not findable then – technology is changing in these respects in many ways – at the time they entered into the arrangements which they sought to make permanent.

In respect of what he calls ‘the little machines’, my concern about those little machines at the moment is that (a) they are not designed to run 24 hours a day, (b) that they run only for one megawatt, if they were to run to full capacity – and nothing in electricity generation, as he will have learnt in his time and I have now learnt, runs at full capacity, but closer to 80% or 90% capacity – and that where these skids, as they are known, are presently located means that they are not as easily redeployable as they should be for emergency purposes. We are looking, Mr Speaker, at other options for easier-to-deploy generating capacity around Gibraltar.

Some of these skids are in the northern part of Gibraltar in the area of Waterport. I think some of them are also at the New Harbours area – at the entrance to New Harbours – but I am advised, not so easily redeployable as might first have been thought. So we are also looking at how to better deal with those civil contingency issues which – the hon. Gentleman is right – these skids were also designed to deal with and in fact which he referred to in this House, when he explained what the two that were being bought for were essentially being bought for.

Mr Speaker, I hope that deals with the issues that he has raised.

Mr Speaker: The hon. Lady was going to ask a supplementary.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, does the £4 million include recruitment of staff to man the station, the cost of the diesel to power the temporary station and the maintenance of these generators?

Hon. Chief Minister: Mr Speaker, I have already said on a number of occasions, when I got on my feet this morning, it does *not* include fuel. I do not know why the hon. Lady has not picked that up.

Secondly, this is an operation and management contract so it is a contract price that includes operation and management, meaning that we will not have to be involved in paying any individuals, or finding individuals to run the station. It is literally a contract where we buy electricity from the operator.

Hon. S M Figueras: Mr Speaker, I will ask the Chief Minister to forgive me, if he did answer this, but I am not certain I picked up whether there was a tender process, or equivalent to it in terms of the assessment of the options, of the cost of the various options that he did refer to, that he did say the Inter-Ministerial Committee had considered.

Hon. Chief Minister: Mr Speaker, in the sense that I explained to him that there are very few operators in the world that do this business and the GEA went directly to those that they considered to be reputable, received some others and considered all of them and presented the Inter-Ministerial Committee with the options as to price and emissions, which are the two things that were most important to the Committee, as well as the reliability of the technology being provided. The GEA – the Chairman of the GEA and the Government’s Chief Technical Officer as well, with the Financial Secretary – made recommendations to the Government, to the Inter-Ministerial Committee and those are the recommendations that have been accepted.

Hon. S M Figueras: I am grateful for that answer, Mr Speaker.

I wonder if perhaps, the Chief Minister will be able to provide us with some details of how the Government is planning to finance this particular project?

Hon. Chief Minister: Mr Speaker, the financing of a £4 million commitment over two years is not something that causes the Government of Gibraltar any serious concern that requires us to go out to seek funding from third parties. Commercial entities do not have to lend to the Government of Gibraltar for it to be able to afford £4 million over two years.

1180 **Hon. S M Figueras:** I am grateful, Mr Speaker, I just wanted to be sure that we can in fact afford that kind of activity, on the basis of their Election slogan in 2011.

1185 However, I will carry on, Mr Speaker, with another supplementary in relation to the building of the permanent power station. I note that the Chief Minister and my hon. and learned Leader of the Opposition have had a discussion about this. Has there been any progress in the determination of the location of the permanent power station, at this stage?

1190 **Hon. Chief Minister:** Mr Speaker, our Election slogan at the last Election was 'Change'. I did not mean loose change; I meant change of the characters that were in administration and the party that was in administration. I specifically said, during the General Election campaign... although the hon. Gentleman likes to ignore it in all of the material that he puts out, that we were somehow alleging that Gibraltar was bankrupt. I have to remind him that the only person who has ever alleged that Gibraltar was bankrupt, was the now Leader of the Opposition, during the course of the 1996 General Election campaign.

1195 I have specifically said, even when complaining about the levels of net debt and gross debt that Gibraltar was finding itself in, which was the issue that we discussed during the General Election campaign, that Gibraltar was not bankrupt. So if he wants to be honest with the electorate, he should reconsider making statements such as that, which – if he did not already know were untrue, he should have known were untrue, he will after today, no doubt, remember after I have told him – are untrue, because I never said that Gibraltar was bankrupt.

1200 What I said, Mr Speaker, was that we had too much debt and that we were wasting money and what will not happen under this administration is that we will overspend on projects like an airport terminal by £60 million. We will not spend, Mr Speaker, £10 million making a hole in the ground where the Theatre Royal was. Those are the things that mean that when we need money to do things which are necessary, like pay for a temporary generating facility like this one, over a period of two years, Gibraltar has the money to pay for it.

1205 Mr Speaker, as to geography, the hon. Gentleman will know more when we make an announcement on the permanent solution.

Clerk: Question –

1210 **Hon. S M Figueras:** Mr Speaker, I have further supplementaries on the power station.

Mr Speaker: Yes, go on. Make sure that they are relevant.

1215 **Hon. S M Figueras:** Yes, indeed, absolutely, Mr Speaker. I will endeavour to do so and obviously I have seen the famous podcast. I also paid –

Mr Speaker: I am making that point because I am not prepared to allow a debate on the Government's debt situation. Okay.

1220 **Hon. S M Figueras:** I accept that, Mr Speaker and I will be happy to move on.
Is the Government able to offer its view of the anticipated cost to the community of the permanent power station?

1225 **Hon. Chief Minister:** No, Mr Speaker.

1230 **Hon. S M Figueras:** Mr Speaker, the Government said in its press statement to which I am making reference – because I am not certain that the Hon. the Minister for the Environment referred to that specific point when delivering the answer to the Question – Government explained that they were speaking to the unions in order to ensure that current operatives in the current facilities would not be victims of these developments in the new power station.

Is the Chief Minister – or the Minister, indeed – able to provide more details as to how they are working on this and how they are seeking to avoid this from happening?

1235 **Hon. Chief Minister:** Mr Speaker, we are in contact with the union on these matters. It would be inappropriate for me to give more information at this stage.

Hon. S M Figueras: And finally, Mr Speaker, can the Chief Minister confirm that the permanent power station will be delivered within this term of office?

1240 **Hon. Chief Minister:** Mr Speaker, that is certainly our intention, and I trust that, if the permanent solution that my Government proposes to the people of Gibraltar provides for the same or more

megawatts than was planned under the previous administration, at less cost and for less emissions, they will applaud our choice.

1245 **Mr Speaker:** Next question.

Hon. Mrs I M Ellul-Hammond: One final supplementary, Mr Speaker.

1250 **Mr Speaker:** Yes, this is the last supplementary on this subject.

Hon. Mrs I M Ellul-Hammond: Yes. Can the Government confirm that the utility bills will still remain frozen throughout this term of office?

1255 **Hon. Chief Minister:** I am tired of telling them, but delighted to repeat, the Government is committed to all the matters that it committed itself to in the General Election campaign with the general population, including those – although I do note, having been elected, that the solution that was proposed by the Members opposite had they returned would have included, I believe – correct me if I am wrong – in the order of a 5% increase per year for the next 20 years, which even the hon. Members opposite will be able to calculate would have included a 100% net increase in the cost of electricity to the consumer.

1260 **The Speaker:** Next question.

1265 **Commonwealth Park**
Expected completion date

Clerk: Question 944, the Hon. S M Figueras.

1270 **Hon. S M Figueras:** Mr Speaker, can the Minister for the Environment tell this House when the Government expects the Commonwealth Park to be completed?

Clerk: Answer the Hon. the Minister for Health and the Environment.

1275 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, I will answer this Question together with Question 945/2012.

1280 **Commonwealth Park**
Award of works contract

Clerk: Question 945.

1285 **Hon. S M Figueras:** Mr Speaker, can the Minister for the Environment say, in light of the extension of works on the Commonwealth Park to the rest of the Commonwealth Parade, whether the contract for the works has now been awarded?

1290 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, excavations have continued on the southern half of the Commonwealth Parade car park site as part of the work being dealt with by GJBS. No award has yet been made on the other works for the project.

1295 A definitive project completion date cannot be provided at this stage, but the aim is to plant the mature trees in autumn 2013, as this would be the right time of year to do so.

If I may explain, Mr Speaker, the trees have to be planted in the autumn and therefore there would be certain disturbance to the ground, so the laying of lawns and so on would have to follow that, so that the completion should be perhaps several months after that.

1300 **Hon. S M Figueras:** I am grateful for the reply by the Hon. Minister.

I suspect I know the answer to this question, but I am going to ask it anyway, because I think it is relevant in the context of the answer that he has given us.

1305 **Mr Speaker:** It is always advisable to know the answer to supplementaries! (*Laughter and interjections*)

1310 **Hon. S M Figueras:** Can the Minister advise this House of the Government's estimated cost of the Commonwealth Park at its completion, so that we may be better able to assess when that comes to pass, whether in fact this project was delivered under budget?

Hon. Dr. J E Cortes: Mr Speaker, I suspect the hon. Member will realise that he *did* know the answer, because I am not able to provide that information.

1315 **Clerk:** Question –

1320 **Hon. S M Figueras:** Sorry, one more question, Mr Speaker – and perhaps by asking this question, I am going to limit myself in future sessions of this Parliament, and I do not do it lightly – is the Minister happy that at any point...? Thank you. Will the Minister, at any point before the completion of the Commonwealth Park, be happy to provide for this House details of their anticipated cost of that project?

Hon. Dr. J E Cortes: Mr Speaker, when I have that information available, I will certainly be happy to provide it. I do not have it as yet.

1325 **Mr Speaker:** But is the Hon. Minister clear what the question is – *before completion of the project*? At some stage, before completion of the project.

Hon. Dr. J E Cortes: Precisely. If I had that information available, but it is clear that with any project, before completion, there can always be things that happen which do affect the actual final costs.

1330 I could, if we had an actual accurate enough estimate before completion of the project, that is something I will be happy to share, but it is speculation because we do not know where we are with that.

Hon. S M Figueras: And will the Minister ever be able to share with this House and the public what their estimate for the building of the park was?

1335 **Chief Minister (Hon. F R Picardo):** Mr Speaker, *every* meeting of this House, since the Election, the hon. Members opposite... the hon. Member in particular has wanted to get from us what it was that we as Opposition – well, even then, not Opposition Members; as *candidates* – attributed as costs to each project in our manifesto in the offices of the GSLP.

1340 Look, Mr Speaker, he and I can go downstairs and have a coffee and talk about many things. When we do we usually have a right riot of a laugh, because we have known each other for many years and enjoy our company a lot. But what we are not going to do, Mr Speaker, in this House is break the tradition of parliaments around the world and become answerable for things that were not our responsibility as Ministers. Here we answer questions for our Ministerial responsibilities – not for what we thought before the people of Gibraltar saw fit to elevate us to office.

1345 **Mr Speaker:** That is the correct constitutional position, as I understand it.

1350 **Hon. D A Feetham:** Yes, but does the Chief Minister not accept, Mr Speaker, that of course that is true that you are not responsible in this House for something that you may have said before you entered into Government; but of course, once you became the Government of Gibraltar, does he not accept that any prudent Government, deciding whether to embark on a project that had been, according to them, costed before they entered into Government... does he not accept that it would have been prudent for you to obviously conduct the necessary enquiries as to how much this project would cost you as a Government? Did he do so and what is the cost?

1355 **Hon. Chief Minister:** Mr Speaker, I think the hon. Gentleman has taken leave of his political senses. How is it that he gets up to ask me that question, when he sits with a Government which is responsible for perhaps the grossest overspend in history – ?

1360 **Mr Speaker:** No, with respect, I am now drawing this matter to a close.
Next question.

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**Car parking spaces
Provision**

1370 **Clerk:** Question 946, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for the Environment confirm when double the number of car parking spaces which were available at Commonwealth Parade will be made available to residents of Gibraltar?

1375 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, this will be provided during this term of office.

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**Procedural
Ruling by the Speaker**

1385 **Mr Speaker:** Before the next question is called, may I make clear to hon. Members that I am perfectly happy to sit for any length of time that is required for the House to debate any motion on the subject that we were dealing with a moment ago. That is the correct procedure. I invite Members to do that if they want to, but I repeat what I have said previously.

1390 Under the guise of Question and Answer, I am not going to allow a general debate, on what was said in a manifesto or what was not said, to allow a general debate in this House on such issues. If they want to have such a debate, a motion can be tabled and I will sit here until doomsday for that motion to be debated.

1395 **Hon. P R Caruana:** Mr Speaker I am grateful for that which is clearly a statement and an obvious one of the position. That is not the aside comment that the Speaker may have heard that prompted him to make that remark, which was this. My learned colleague, Mr Feetham, asked a supplementary which Mr Speaker obviously did not consider to be inappropriate, because he allowed the Hon. the Chief Minister to get up to answer it. Mr Speaker, therefore, then clearly did not like something that the Chief... or a direction in which the Chief Minister was going and called the Chief Minister to stop, the effect of which was that the supplementary which the Speaker had allowed was not answered.

1400 Instead of saying to the Chief Minister that is not the question that you were asked.

Mr Speaker: With respect to the Leader of the Opposition, he must know that I am prepared to be reasonably liberal, but when matters begin to degenerate, I will put a stop to the situation.

1405 I allowed a supplementary. (**Hon. P R Caruana:** Yes.) It was answered –

Hon. P R Caruana: No, it was not.

1410 **Mr Speaker:** I am not going to allow another supplementary, another answer and then a debate.

1415 **Hon. P R Caruana:** No, Mr Speaker, it is not the most important issue in the world, but a supplementary was asked on a question that had *not* been asked before – namely, regardless of what the position is in terms of responsibility of pre-election position, once you become a Government, is it not reasonable to expect – or words to that effect – that the Government will then have an estimate of the cost of its projects? That was the thrust, if not the wording of the supplementary, a perfectly proper one, since Mr Speaker allowed it. Instead of answering that question, the Hon. Chief Minister went off at a tangent, which the Hon. Speaker, in my humble estimation, rightly stopped – but in stopping him, he in effect prevented the question that he had allowed from being answered. That has got nothing to do with debates.

1420 **Mr Speaker:** The Hon. the Chief Minister said that over a long period of time, no doubt since the last Election and I was not here, this is a matter that has been continually coming up. It was the first time that it has come up, during my time as Speaker. It did not come up at the last meeting. It has come up now. That is why I allowed it.

1425 But if I had been sitting here since January 2012, I would not have allowed any supplementary on that issue, because I would have felt that it had been more than amply vented, and I would have made my position clear beforehand.

I am making it now and that is the end of the matter, with all due respect. We will now proceed to the next question.

1430 **Hon. S M Figueras:** Mr Speaker, I had another supplementary on another line – (*Interjections*)

Clerk: Question 947 the Hon. S M Figueras.

1435 **Mr Speaker:** No, you can ask a supplementary certainly, yes. Please do. I am not going to...

Hon. S M Figueras: I am grateful.

Mr Speaker, in relation to the question of the car parking spaces, is the Minister able to provide the number of car park spaces that have already been provided. Does he have that information with him at this time?

1440 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have a recollection of the number, so if the hon. Gentleman will not hold me to it, I will tell him that it is already 20 more than there were at Commonwealth Parade. Twenty more, from memory – it may be 23, but about 20 more.

1445 **Hon. S M Figueras:** I am grateful.

Just one final supplementary: the Ragged Staff Gates car park – which, I have been observing over the last few weeks, is nearing completion – can the Government confirm that this is part of that provision?

1450 **Hon. Chief Minister:** Mr Speaker, I think that the hon. Gentleman asked another question about Ragged Staff car park last time and he was given an answer, because Ragged Staff car park as far as we know –

Hon. S M Figueras: If he will give way, I will explain.

1455 **Hon. Chief Minister:** Let me just tell him how we answered the question and how I would answer his question now. The car park where what we all know as *El Patio Chico* used to be and that is not included in the calculation and was not up for redevelopment.

1460 **Hon. S M Figueras:** So, just to clarify, I have perhaps unhelpfully referred to the parking I am thinking of as the Ragged Staff car park. There is a new car parking facility nearing completion, from what I can observe, past the Ragged Staff roundabout on the Queensway in the direction of the New Harbours area. Can the Minister confirm whether that is a Government initiative or entirely unrelated to Government activity?

1465 **Hon. Chief Minister:** Mr Speaker, right now I get it. Well, Mr Speaker, that is actually called the Gun Wharf car park. It was a car park which was started during their term in office and it is part of the provisioning for the MOD at Rooke and other areas. So, Mr Speaker, that car park when completed will be handed over to the Ministry of Defence, who will then have this parking area closer to the Tower, which will be their presence in town, so to speak, after they give up Rooke.

1470 **Hon. S M Figueras:** I am grateful for the answer, Mr Speaker.

1475 **Hon. Chief Minister:** And if I may say so, just to answer the reason for his supplementary, as he expressed it, before we got mixed up with names, that is not included therefore in the count.

Barbary Macaque Management Plan Completion and implementation

1480 **Clerk:** Question 947 the Hon. S M Figueras.

1485 **Hon. S M Figueras:** Can the Minister for the Environment confirm, further to his indication in the October session of Parliament of the imminence of its completion, that the Barbary Macaque Management Plan is now in place and provide a date by when he expects its implementation will begin?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

1490 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, the plan is not yet in place. However, aspects of it are already being implemented, such as contraceptive implants in females, procurement of trapping devices to improve management, clearing of vegetation on the Upper Rock to provide greater foraging habitat.

It is likely that for the next few months, aspects of the Plan will be introduced in stages.

1495 **Hon. S M Figueras:** I am grateful to the Minister for his reply.

Can the Minister confirm whether or not it is the plan to publish this Plan any time soon? I note that the Hon. Minister is saying that parts of it are being implemented. I do not understand why it is not at a sufficiently complete stage that they can publish it, but could the Minister perhaps shed some light on why it is not yet public in its revised form?

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Hon. Dr. J E Cortes: Mr Speaker, it is not yet finally completed. It is going through a process which includes consultation with experts outside Gibraltar and which include involvement by experts and universities outside Gibraltar and those arrangements have not yet been agreed. Therefore, it would be premature to publish it.

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I have every intention of publishing the Plan once it is ready, but because these things take time which are outside my control, certain aspects of it, as I said, have already been started in order not to delay things. For example, the implanting of contraceptives in females had to be done now, because this is the mating season. That could not have awaited the completion of the Plan. Also, the opening up of habitat within the Upper Rock to increase the foraging areas on the Upper Rock also was something that did not need to be delayed and therefore the aspects that could have been implemented have been implemented; but the Plan has yet to be finalised.

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Hon. S M Figueras: Can the Minister say how soon... and I will understand if he finds difficulty with the answer. Can he say whether he has a view of how soon this Plan as implemented, whether published or not, will start to have an effect or a reductive effect on the unwanted interaction with these apes? I can just say to this House that my personal observations are that apes are all over the Portland House area, in the Trafalgar Cemetery area now as well, and just yesterday, there was an ape bite incident reported of a passenger from a cruise ship. It is something that is obviously extremely important and certainly extremely urgent, because it can cause not just the physical harm that an ape bite incident might cause to the person who suffers it, but a reputational damage to Gibraltar as well.

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So I would be grateful to understand from the Minister what his view about how soon the success of the plan will be able to be measured in real terms on the ground.

1525 **Hon. Dr. J E Cortes:** Mr Speaker, I clearly share those concerns and this has been a situation that has been ongoing for decades – *at least* decades. There are reports in the 1800s of similar instances.

Some of the effects will be seen clearly if we are implanting contraceptives in females: next breeding season there will be that number of decreased births. The strategy of clearing undergrowth on the Upper Rock to allow the monkeys to have foraging habitat – because now it is so dense that they have very little foraging habitat – will be an ongoing process which will increase. There are other aspects that also have to be implemented.

1530

As to how soon we will see a direct effect, nature is very hard to predict, so I would not like to hazard a guess, but I am confident that certainly, we will see things happening in the coming months.

1535 **Hon. S M Figueras:** Can the Minister say whether he has been in touch or in discussion before with Police authorities in respect of the enforcement of the provisions that make feeding apes illegal?

Hon. Dr. J E Cortes: Yes, Mr Speaker, in fact my diary has a meeting, I believe, next week with the Police and other interested parties, with a view to discussing how we can enforce the law.

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Hon. S M Figueras: Mr Speaker, I am not going to venture down the road that will make them think that, whatever they say, they will be damned if they do, damned if they do not, in respect of the enforcement of it, but it is obviously a provision, the application of which one would expect would have a significant impact on the management of apes generally.

1545 Will the Minister confirm that he will be happy to report on the findings of that or the discussions in that meeting in subsequent sessions or privately with myself?

Hon. Dr. J E Cortes: Privately, certainly. I think discussing a Police Enforcement Plan publicly, depending on what that is decided to be, might not be a wise move. I think we have to see how this discussion develops. I am not going to commit myself.

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**Barbary macaques
Exportation**

1555 **Clerk:** Question 948, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for the Environment confirm whether or not there has been any progress with the exportation of Barbary macaques from Gibraltar?

1560 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, no, sir.

1565 **Hon. S M Figueras:** Mr Speaker, does the Hon. Minister expect that there will be any kind of progress in this context in the short to medium term? Is this in fact an initiative which he considers worth exploring? Does he consider that this is an initiative worth exploring further?

1570 **Hon. Dr. J E Cortes:** Mr Speaker, I am confident that there will be much more progress than there has been over the last 16 years. This is an issue which is complex, but I am convinced that the contacts that we have will deliver a destination for these monkeys within this term.

Hon. S M Figueras: It appears that the Hon. the Chief Minister is unable to get out of his electioneering mode because obviously I disagree with the premise that there was no progress in this matter over 16 years. It is an important matter of interest to the community today and I am seeking to move forward.

1575 In that context, Mr Speaker, do we have the Hon. Minister's assurance that this is a matter, along with other initiatives relating to the management of the Barbary macaques, that he will be pursuing as a matter of priority?

1580 **Hon. Dr. J E Cortes:** Mr Speaker, first of all, I must say that the progress that there was over the past 16 years was progress thanks to the work of yours truly, who was involved in the only successful exportations, (*Laughter and interjections*) but that is something for the past. Certainly, the Government gives great importance to obtaining successful exportation of the Barbary macaques.

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**Barbary macaque population
Details**

1590 **Clerk:** Question 949, the Hon. S M Figueras.

Mr Speaker: Has the hon. Member realised – perhaps we should have realised here – that in the Question, there is a reference to Question 207/2012 and that, in fact, is incorrect.

1595 **Hon. S M Figueras:** It is 507, I seem to recall it as 507/2012.

Mr Speaker: Question 207 was a question from the Hon. Mr Feetham, on the superannuation scheme.

1600 **Hon. S M Figueras:** Yes the number strikes me as odd.

Mr Speaker: The number is wrong.

1605 **Hon. S M Figueras:** Yes in my recollection is that it was 507 when I was drafting it, so unless it was a typo which was not identified.

Mr Speaker: Anyway, just to make the point.

1610 **Hon. S M Figueras:** Yes, yes of course. I am certain it was 507, and I am happy to ask the question in that context. I am happy to concede that there was a typo certainly.

I will ask the question anyway just in case the Minister has in fact spotted that it was not that question and that it was a question further to the discussion of the population.

So can the Minister for the Environment provide details to this House of the population of Barbary macaques in Gibraltar, further to Question *not* 207/2012 – the question relating to the population asked earlier this month?

1615 If he feels uncomfortable answering the Question, then he can just say so, and I will ask it again next month.

Mr Speaker: Let us hear the main answer.

1620 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, Question 207 was in relation to the Guaranteed Superannuation Fund and it was asked by the Hon. Mr Feetham.

1625 **Mr Speaker:** Now, does that mean that the Hon. Minister does not have the information about the population of Barbary macaques?

1630 **Hon. Dr. J E Cortes:** Mr Speaker, I have had to assume what information he wants, but if he wants to be more specific, then perhaps he can ask it on another occasion.

Hon. S M Figueras: Mr Speaker, I think the information I am looking for is rather obvious, although I will concede that the typo has made the Question wrong in content, certainly. But it is an update to the number of apes, as far as the Government is concerned.

1635 **Hon. Dr. J E Cortes:** Mr Speaker, in order to be helpful and to assist, the official tally of the number of monkeys is actually tallied on 1st January, where we summarise all deaths and all births and that is when we officially change the figure.

1640 Clearly, if he asks it again either in December, when we will be closer, or in January, then I can provide that information. From memory, in order to be helpful, I believe there have been about 40 births and probably of those, maybe half a dozen died young and there have been a number of road traffic accidents. That is a general figure, but I will be happy to provide the accurate figures at the next meeting, if he asks the question again.

1645 **Hon. S M Figueras:** I am grateful to the Minister for his helpfulness.

**Feral cat population on Upper Rock
Policy re culling**

1650 **Clerk:** Question 950, the Hon. S M Figueras.

1655 **Hon. S M Figueras:** Can the Minister for the Environment say whether it is extending its policy decision against culling of wide life to the feral cat population on the Upper Rock?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): No, sir.

1660 **Mr Speaker:** Next question.

Hon. D A Feetham: May I?

1665 **Mr Speaker:** Yes certainly.

Hon. D A Feetham: Yes, well, Mr Speaker, can the Hon. Minister then inform this House how he intends to protect the iconic species of the Barbary partridge, which he conceded earlier on this year has been decimated by feral cats?

1670 **Hon. Dr. J E Cortes:** Mr Speaker, I am not certain whether the hon. Member understood my answer. My answer was that the Government is not extending its position to culling of wildlife to the feral cat population.

1675 **Hon. D A Feetham:** Oh, I beg your pardon. So it is culling.

**Alternative/clean energy production
Exploring solutions**

1680 **Clerk:** Question 951, the Hon. S M Figueras.

1685 **Hon. S M Figueras:** Can the Minister for the Environment say whether the Government is currently exploring any large scale alternative/clean energy production solutions for Gibraltar?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

1690 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, Government is currently exploring a number of potential projects for different renewable sources. For reasons of commercial sensitivity, details cannot be at this point revealed.

However... Sorry I have skipped because a line has been repeated.

However, they include solar thermal, solar photovoltaic, marine ocean currents and energy from waste.

1695 **Hon. S M Figueras:** Mr Speaker, can the Minister provide some information as to whether these projects that they are pursuing are large or small scale generation projects?

1700 **Hon. Dr. J E Cortes:** Mr Speaker, some of them are pretty new technology, so we are looking at relatively small scale initially, but if successful, they could deliver potentially a great deal more energy. I think that is about as much as I can say at this point in time.

We are talking about a potential of some of the projects could deliver perhaps 10 to 15 megawatts eventually, but I will not be held to that, because some of them are fairly new technology.

1705 **Hon. S M Figueras:** Mr Speaker, perhaps it might assist the Hon. Minister if I say that, when I refer to 'large scale', I am referring to projects that the Government or other entities invest in the development of to deliver power to the grid for use by the community; and by 'small scale', I am referring, in my mind, to Government initiatives that allow home owners themselves to generate alternative energy from alternative sources.

1710 Allied to that issue, there would be an additional question, which I was going to ask him in the discussion of the power station, and that is whether the permanent power solution will bring with it an enhanced power grid that can take plugging in for solutions such as feed-in tariffs, despite the debate on how useful those are, and whether such solutions will indeed be available on a small scale?

1715 **Hon. Dr. J E Cortes:** Mr Speaker, that is quite a complex question. The answer then is correct, in the sense that my interpretation of 'large scale' was the hon. Member's former interpretation, which means that they will be plugging in to the distribution system.

Micro-generation will also be encouraged in other ways, but that is not the thrust of my answer nor, from his explanation, the thrust of the question.

1720 Regarding the robustness of the grid, that is a fairly technical question, Mr Speaker. Having a new power station in itself would not provide that robustness and that is something that, as I say, is more of a technical question. I would need notice and possibly it would be the Hon. Minister for Utilities who would answer that, if it is asked again.

1725 **Hon. S M Figueras:** I will be happy to ask that question, and since I also shadow Utilities, then certainly there will be no issue there. I will look forward to asking that question in January.

The Hon. Minister makes no reference to wind as a source of alternative energy. Is he able to provide any indication as to why this is the case?

1730 **Hon. Dr. J E Cortes:** Mr Speaker, at the moment, none of the renewable sources that I can recall at this point in time include wind. One of them was going to, but then they changed the technology, so at the moment, we are not looking at wind.

1735 **Hon. S M Figueras:** Is wind turbine technology something the Government would be happy to consider as an option, if proposed by a commercial entity?

Hon. Dr. J E Cortes: Mr Speaker, in the right location, certainly.

Hon. S M Figueras: Are there any locations that the Minister would discount as appropriate locations for the erection of certain wind turbines for the production of that energy?

Hon. Dr. J E Cortes: Mr Speaker, I am not an expert in wind turbine technology, so I cannot answer that question.

Hon. S M Figueras: Yes, Mr Speaker, but you are an expert in respect of migrating sea birds and I suppose you *could* arguably be said to have an opinion on whether there is any particular location in Gibraltar that would cause difficulty in that context.

Hon. Dr. J E Cortes: Mr Speaker, that is partly hypothetical and partly straying from the original question. Therefore, I do not feel I have to answer it.

Hon. S M Figueras: I will be happy to pose a question on this...

Thinking Green Conference
Tickets, sponsorship, transport and business generated

Clerk: Question 952, the Hon. S M Figueras.

Hon. S M Figueras: Can the Minister for the Environment tell this House how many tickets were sold for the Thinking Green Conference, broken down by tickets, class and not including tickets allocated to sponsors as part of the sponsorship arrangements, nor the seats allocated to pupils from schools who attended free of charge, as well as tickets issued by Government to employees in the Civil Service and other community representatives?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, I will answer this Question together with Questions 953 to 959.

Clerk: Question 953.

Hon. S M Figueras: Will the Minister for the Environment now provide this House with details of the extent of the sponsorship of the Thinking Green Conference by the Nature Group and Hassans?

Clerk: Question 954.

Hon. S M Figueras: Can the Minister for the Environment provide a full account to this House of the expenses incurred by the Government in the hosting of the Thinking Green Conference in October?

Clerk: Question 955.

Hon. S M Figueras: Can the Minister for the Environment provide details of those companies which have expressed an interest in establishing or investing in Gibraltar as a direct result of the Thinking Green Conference held in October this year?

Clerk: Question 956.

Hon. S M Figueras: Can the Minister for the Environment confirm the cost of the Gibraltar-registered Toyota Priuses – although there is some controversy about how you say the plural of that word – for the purposes of ferrying dignitaries and guests from and to Gibraltar Airport and the Tercentenary Hall and St Michael's Cave on the occasion of the Thinking Green Conference and Gala Dinner?

Clerk: Question 957.

Hon. S M Figueras: Would the Minister for the Environment please provide details to this House of the deployment of the Gibraltar-registered Toyota Priuses first seen on the occasion of the Thinking Green Conference within the Government's fleet and in what capacity they will be deployed?

1800 **Clerk:** Question 958.

Hon. S M Figueras: Can the Minister for the Environment confirm the tender process through which the Gibraltar-registered Toyota Priuses, first seen in Gibraltar, were acquired and when the acquisition occurred?

1805 **Clerk:** Question 959.

Hon. S M Figueras: Can the Minister for the Environment explain why the Gibraltar-registered Toyota Priuses seen on the occasion of the Thinking Green Conference were emblazoned with the logo of an Algeciras-registered Toyota dealership, namely Automoción Tomax, despite being registered on Gibraltar number plates?

1810 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

1815 **Hon. Dr. J E Cortes:** Mr Speaker, the information on the tickets requested by the hon. Member is contained in a schedule which I will hand over to him now.

I will refer to other schedules, so I will hand them altogether, if that is alright, Mr Speaker. So I will now hand him that, when I have finished my answer, as there are other schedules as well.

1820 **Mr Speaker:** That is in respect of Question 952?.

Hon. Dr. J E Cortes: Question 952 I have a schedule, and I have another schedule for the later Questions, and I would like to hand them altogether, so that the question can be taken together, if that is alright.

1825 **Mr Speaker:** Okay.

Hon. Dr. J E Cortes: In relation to Question 953, sponsors contributed a total of £100,000 towards the event. The sponsors' relationship with the event extended to its financial support as well as agreement with the philosophies behind the subjects that were raised at the Conference – that is, the impact of climate change, the importance of an environmentally sustainable economy and the changing habits towards sustainable living. Once this successful event closed, there were no further links or commitments from any of the parties in this context.

1830 Other sponsors supported by not charging for their services, although preferring to remain anonymous.

1835 In relation to Question 954, the processing of outstanding invoices is still being finalised, so a full account of expenses cannot be provided. It is anticipated that the final accounts will be available as from the first week of December, but I will now be handing over to the hon. Member a schedule of the projection of the total cost.

1840 In answer to Question 955, in relation to companies wishing to set up, invest or extend the kind of activity of services delivered in Gibraltar as a result of the Conference, I cannot disclose these details for commercial reasons. What I can say is that interest has been created from companies local and from abroad from a variety of business sectors. I have a list of 28 companies, ranging from ones already in Gibraltar to those interested in trading here.

1845 In relation to Question 956, Mr Speaker, I can confirm the following costs paid to Bassadone Motors: (a) hire of three Toyota Priuses, £1,125; (b) fuel costs, £28.33; a total of £1,153.33. There were no other costs directly related to this.

To Question 957, the Toyota Priuses in question were rented for the Thinking Green event and will not be deployed for other events.

1850 Question 958, quotes were sought from various local car dealers, namely Mercedes and Toyota, for the renting of hybrid cars for the Thinking Green event. The only car dealer which responded was Toyota.

The final Question, the reason why the Toyota Priuses were emblazoned with an Algeciras-registered Toyota dealership is because these cars were not available locally and had to be rented out for the occasion. They were registered with Gibraltar number plates.

1855 I now hand over the schedules to the hon. Member in relation to those two Questions.

ANSWER TO QUESTION 959

Answer to Question 952

The Ticket sales are as follows:

Ticket Class	Sales
Block A	14
Block B	17
Block C	5
Block D	33
Block E	123
Total ticket sales	192

ANSWER TO QUESTION 959

Answer to Question 954 of 2012

Expenditure	Legal / Contractual	
	Chrand Contractual payment	£166,351.38
	Legal Services	£1,755.00
	Staff Matters	
	Staffing - Overtime	£6,663.84
	Thinking Green Conference/ Trade Fair	
	Conference Costs	£14,456.30
	Gala Dinner (St. Michael's Cave)	
	Gala Dinner Costs	£6,700.00
	PR & Logistics	
	Marketing	£4,191.59
	Transportation	£1,953.33
	Electrical Supply	£5,300.00
	Security	
	Security	£1,711.00
	Misc.	
	Entertainment	£22.10
	Stationery	£6,570.20
	Total	£215,674.74
Income	Sponsors	£100,000.00
	Ticket Sales	£10,000.00
	Exhibition Receipts	£4,400.00
	Total	£114,400.00

Grand Total -101,274.74

Hon. S M Figueras: So, Mr Speaker, perhaps the Minister can explain: if the vehicles were rented and sourced from a Spanish dealership, can the Minister identify whether there was any requirement for them to be registered with Gibraltar plates on a temporary basis? I assume from the answers that the Minister has given that those vehicles are no longer in Gibraltar.

Hon. Dr. J E Cortes: Mr Speaker, the Government has, I believe, three number plates which it uses for special occasions when cars are obtained from abroad. I believe the last time they were used was for the Royal visit and I am informed that, on other occasions, these number plates are placed on cars from abroad. That is information I have been given by the relevant Department.

Hon. S M Figueras: I am grateful for the answer. It is quite intriguing because certainly the previous event which was the occasion of the visit to Gibraltar of the Earl and Countess of Wessex, certainly given my track record as a petrol head and fascination for all things motor cars, I observed were locally sourced vehicles and that in this case, they were foreign sourced vehicles. I have asked the question, Mr Speaker, because, frankly, I simply cannot see the point of re-registering vehicles on Gibraltar plates, when they are already registered.

In relation to the other Questions, Mr Speaker, if I am given an opportunity to review – there were many Questions – the Minister in relation to Question 955 has said that he has a list of 28 companies local and foreign. He has the list, but will he provide it to me, even on a confidential basis, certainly, because I am interested to understand what interest has been generated by the Conference?

Hon. Dr. J E Cortes: Mr Speaker, personally, I would have no problem with that, but I do think it would be fair, as I said in answer to another question on the same lines last time, that I would need the permission of these companies for me to share it. They approached Government in confidence and I feel that there may be commercial reasons. If anybody else finds out, there may be competitors who are interested in coming in. I would be uncomfortable in just giving the list.

I can show him that I have a list, but I would hesitate, without the permission of those companies, so I would have to consult them. Some of them will have been clear and public, because some of them did exhibit in the Trade Fair, but there are others that did not and therefore perhaps they feel that they have commercially private discussions with Government and I do not think I should share this.

Hon. S M Figueras: Mr Speaker, I am particularly interested in those companies from outside Gibraltar that have expressed an interest in investing and trading here as a result of, as the Government themselves have claimed on a couple of occasions, the Al Gore Conference and I think it is a relevant point to make.

I shall not take too much offence at the suggestion that providing me with this information in confidence could cause any jeopardy whatsoever to those companies, because it was handed to me on that basis, and they would certainly be kept on that basis, in the same manner as the fees for Al Gore were shared with myself confidentially and have remained so to this day, despite the account.

Hon. Dr. J E Cortes: Mr Speaker, I was in no way implying that the hon. Member was going to divulge confidential information. I was just expressing my discomfort at sharing it, but I would be happy to have a conversation outside this House and certainly to indicate, certainly at least in broad terms, the areas in which these companies are working. If then the hon. Member is not satisfied with our private discussion, then obviously he can always ask a question again.

Hon. S M Figueras: I am grateful for that. Sorry, *[inaudible]* Yes, I have other supplementaries on the other questions.

Mr Speaker: Yes.

Hon. D J Bossino: With the Speaker's permission? Mr Speaker, in answer to Question 955, the Hon. Minister for the Environment mentioned 28 companies I think he said 'ranging from those already in Gibraltar and those interested in trading here'. What we are interested in to find out as an Opposition is what international interest this Conference has elicited. In those circumstances, is he able to tell this House, Mr Speaker, provide a breakdown, of the 28, which of those are in Gibraltar and which of those are from outside?

Hon. Dr. J E Cortes: Mr Speaker, certainly that information can be provided. I cannot do it now because I would have to go through them one at a time and see which are already trading here and which are not; but I will undertake to provide that information as a breakdown.

What I can say is that some of the companies are actually already in Gibraltar, but are considering bringing in other products or other services as a result of this green initiative and, therefore, the fact that they are already here does not imply that they may not bring other activity to Gibraltar.

Hon. D J Bossino: And can he also say – I am interested to find out, Mr Speaker – of the 28 who have expressed an interest, have any of them entered into any formal contractual commitments?

Hon. Dr. J E Cortes: Mr Speaker, not as yet. We have had discussions and meetings – certainly, I recall on the list, I have personally been involved in two of them, but no contracts have yet been entered into. This is only about a month ago, so it requires a bit more than that.

1935 **Hon. S M Figueras:** Mr Speaker, in relation to Question 953, the Hon. Minister kindly offered the answer that £100,000 was the total sponsorship contribution from Hassans and the Nature Group. Is he able to provide a breakdown of that contribution?

1940 **Hon. Dr. J E Cortes:** Yes, Mr Speaker, if you would bear with me, I have my notes here. Hassans provided £50,000; the Nature Group, £25,000; and an associate of the Nature Group, Burando, £25,000; Gibtelecom provided certain services in kind and another provider of services in kind has requested that they remain anonymous.

1945 **Hon. S M Figueras:** Not to be mischievous, but I cannot help myself: is there any particular reason why they have requested this remain in confidence?

1950 **Hon. Dr. J E Cortes:** Mr Speaker, I offered them acknowledgement in the material and they said that they preferred to make the contribution in an anonymous manner. There were services in kind, but I feel that I have to honour that request. (*Interjection by Hon. S M Figueras*) It was their decision, certainly not mine. I would have only been too happy to acknowledge their contribution, but they preferred that it should not be aired publicly.

1955 **Hon. S M Figueras:** Far be it for me to suggest that the Minister should betray confidence in that manner, though it does strike me as odd that a company that provides services to the Government should do so anonymously, as there are implications and other issues surrounding the general provision of services to the Government.

1960 However, moving on to Question 952, which is in respect of the ticket sales, I note from the schedule that there were 192 total ticket sales. How many were in attendance at the Conference and how many seats were available at the Conference? I know that you may need notice, but just in case.

1965 **Hon. Dr. J E Cortes:** Mr Speaker, it is speculation. I have not had anybody actually count, but from the size of the venue the various estimates that I have been given are between 700 and 900 people present. That is the estimate that I have been given by people who, I suppose, know how to estimate these things.

1970 I am capable of estimating the size of a flock of migrating Honey Buzzards, but I am not as good at estimating the size of people in a hall.

1975 **Hon. S M Figueras:** I am grateful for the offer, but I do not think it will be relevant in this specific context.

1980 I believe there was one more supplementary I wanted to ask – but no, it has slipped my mind. I am grateful for all the answers the Minister has provided.

1985 **Mr Speaker:** Yes.

1990 **Hon. D A Feetham:** Just returning back, Mr Speaker, to the issue of the anonymous provider of services in kind, is there any particular commercial sensitivity on the part of the Government, in relation to this particular company or individual for the non-provision from the Government, or is it just a request by the service provider? That is one supplementary.

1995 And if it is, does he not accept that the Government is obviously under an obligation to provide an account to this House for information, particularly inclusive of service providers that provide services to the Government, and that it is quite improper for the Government to actually agree to anonymity, when of course the Government knows that it is accountable to this House, and therefore that it is likely to have questions of this nature?

2000 **Hon. Dr. J E Cortes:** Mr Speaker, I would need to take counsel on the second part of that question. Certainly, there was never any intention that that should be. If it were that kind of situation, then I feel that I would be obliged to divulge the information and obviously, I would have to do so.

2005 However, I spoke to the Chairman of that particular company and I offered that, because of the contribution that was being made by that company, it should be included in the publicity and he said that he preferred that it should not. So, it was entirely at their request.

2010 I will now take back the comments of the hon. Member and if I feel that it can be seen to have been... there has been any impropriety of any sort, then I will clearly discuss it once again and I am certain, knowing the person that it is that I spoke to, that he would not wish this to cause any embarrassment to the Government and then, obviously, the name would be revealed.

2015 I think we should not make too much of it. I can assure the hon. Member there is nothing that we want to keep from anybody – purely out of respect of a conversation that I had with the Chairman of the company, but I will take advice.

- 1995 **Hon. D A Feetham:** Mr Speaker, I am not for one moment, in fact, suggesting any impropriety nor am I suggesting that there is any improper motive. In fact, I am not concerned about it *personally*, although my hon. and learned Friend, Mr Figueras, has asked the questions. Personally, I am concerned about the principle of someone who is providing services to the Government to then claim, 'I am providing you services, but please do not reveal my name in the House.' That is the principle.
- 2000 Indeed, I go further, if it assists – so that I can formulate it in terms of a question – will he when he goes back to this particular company, if there is no problem after you have discussed it, could he reveal the information on a confidential basis to us, because it may well be that, after you reveal the information outside, we really have no interest in it?
- 2005 It is the principle that concerns me, nothing else.
- Hon. Dr. J E Cortes.** Certainly, Mr Speaker, I accept the concern and, as I say, I will look into the matter formally, but I will have a conversation with the hon. Member and I am sure that we will be able to reach some understanding.
- 2010 **Hon. S M Figueras:** Mr Speaker, working in a very collegiate fashion, I have had brought to my attention another couple of questions which are actually quite pertinent and I had not had an opportunity to assess.
- In the answer to Question 954, the schedule of expenditure, the Hon. Minister will see that in that schedule, there is a reference to the Chrand contractual payment of £166,000. Is the Minister able to confirm now, publicly, what the fee paid to the speakers was?
- 2015 **Hon. Dr. J E Cortes:** Mr Speaker, I did provide that information confidentially to the hon. Member. I do not have my notes here, but I think it was in the region of 140,000 – but I stand to be corrected – and that is for speakers' fees.
- 2020 Let me just say that this company –
- Mr Speaker:** Is that 140,000 pounds, euros, dollars? (*Interjections*)
- 2025 **Hon. Dr. J E Cortes:** That is 150,000 euros. (**Mr Speaker:** Euros.) I need to confirm that, because I do not have that information. That was included in the fee to the company who were the agents of Vice-President Gore and acted also for Mr Juan Verde, and that included everything, which included deployment from the United States. In fact, Vice-President Gore was going to address a conference in Barcelona the day before. That was cancelled because of the situation in Catalunya. It had involvement of the *Generalitat*, and because they were in an electoral process, that was postponed actually. So Vice-President Gore actually flew from the United States exclusively to come to Gibraltar, but we were not charged additionally for that. That was assumed by their agents.
- 2030 So I just wanted to point that out, even though, in a way, we were going to be sharing with the Barcelona event, the fact that that was postponed did not incur us in any additional expense.
- 2035 **Hon. S M Figueras:** I am grateful. I am happy to hear that that was the case.
- Just one more observation that was made by my hon. Colleague, there is a reference to transportation here of £1,953 and the cost of the three Priuses was in the region of £1,125, in accordance with the detail given in answer to Question 956. Now, I am certain £1,953 in the schedule does not cover the costs of the private jet to fly *out* of Gibraltar, certainly, by Vice-President Al Gore. Is the Minister able to explain what that cost was? It is rather insignificant, to be perfectly honest, in the grand scheme of things, but it is a point that was referred to me that I thought worth raising.
- 2040 **Hon. Dr. J E Cortes:** Mr Speaker, this is the breakdown that I have been provided. I would have to look into that. There may have been other transportation costs of other participants or collection, perhaps, from the airport. I am not sure. I would have to seek advice on that and I will do so.
- 2045 **Clerk:** Question –
- 2050 **Hon. D J Bossino:** Mr Speaker, I also have a supplementary in relation to the schedule that we are now considering. There is a fee for Legal Services of £1,755. Can the Hon. Minister tell me which firm provided those fees?
- Hon. Dr. J E Cortes:** Again, I would have to seek the information and I would be happy to provide once I have sought it. I do not have that information.
- 2055 **Mr Speaker:** Yes?

Hon. E J Reyes: Mr Speaker, coming back to Question 952, in supplementaries, I think I understood correctly that the Hon. Minister said that between 700 and 900 people attended. If those were the number of attendees, what were the number of seats that were available?

2060

Hon. Dr. J E Cortes: Once again, I do not know the seating capacity of the Tercentenary Hall. In addition, there were seats on the ground level, but again that is information that has not been specifically requested and therefore I would have to find out.

2065

Hon. E J Reyes: I ask, Mr Speaker, because I do not know if the Hon. Minister is aware, I do recall in my capacity as the then Minister for Culture, I actually issued the licence, because conferences, stage performances and so on, where people have to pay for entrance, that establishment has to be licensed. I remember having issued the licence in favour of the Tercentenary Sports Hall, but there was a clause there that there was a maximum number of people who could attend in that venue, because that had to be certified by the Chief Fire Officer.

2070

Can the Minister, at some stage, find out what certification was given as a maximum number by the Chief Fire Officer, just to make sure that we have not contravened the rules of what has actually been licensed for under my tenure as Minister for Culture?

2075

Hon. Dr. J E Cortes: Mr Speaker, my hon. Friend, the Minister responsible for Sports has just advised me that he can obtain that information and certainly that will be obtained.

Hon. S M Figueras: Mr Speaker, I have absolutely one final –

2080

Mr Speaker: There is a point which I think the hon. Member, if he looks at Question 952, he will realise that, other than in the case of allocations made to pupils from schools, the question dealt with tickets sold, a question of tickets. Therefore, in the supplementary you are not asking about tickets now; you are asking about the number of people actually attending and the capacity of the hall. They are different issues.

2085

Hon. E J Reyes: I accept that, Mr Speaker, and I was asking a supplementary following a reply to a supplementary that the Hon. Minister had given, where he said... I know it is stretching a bit much, but I just asked, in case the Hon. Minister....

2090

Mr Speaker: It is a very straightforward thing to get the information and it will be obtained.

Hon. S M Figueras: Mr Speaker, absolutely one final supplementary. Again, I am grateful and I suspect that the Hon. Minister will need to go back and get more information on this.

2095

It is just that it strikes me that there is an entry under PR and Logistics on the schedule of expenditure. I will give the Minister an opportunity to look at it. Under PR and Logistics, electrical supply, £5,300: it just strikes me as an inordinate amount of money, which I suppose will only be explained if we were... I do not know what we were powering that evening, but it is quite a significant amount of money for that particular event. Does he have any further information on that?

2100

Hon. Dr. J E Cortes: Mr Speaker, I do not. I believe that there was an issue with power supply in St Michael's Cave and there was a back-up generator going to be on site, but I am not certain that that is that.

2105

But again, I will need to go back and get the information and I will. I will write to the hon. Member with all the information that has been requested today, which I have made a note of.

GHA trainees Length of training and qualifications attained

2110

Clerk: Question 960, the Hon. Mrs I M Ellul-Hammond.

2115

Hon. Mrs I M Ellul-Hammond: Mr Speaker, before asking my Question, I would like to through the Hon. the Minister for Health congratulate the Primary Care Centre Staff for an excellent job done on 1st November for managing the new advance appointment system and that there was no repetition of the scenes that we witnessed on 1st October. We are on this side of the House very happy that the new system is working so far.

2120 Now if I turn to my Question 960, Mr Speaker, further to his answer to Written Question 156/2012, can the Minister for Health state the following: (a) until when will the training periods in which the 13 trainees placed within the GHA last; (b) what training is being provided within the type of work undertaken by the trainees; and (c) what accredited qualifications, if any, will the trainees attain at the end of their training period or placement?

2125 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

2130 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, first of all, if I may thank the hon. Lady for thanking my staff, I too am very satisfied and proud of the work that has gone into it. We held a number of inter-disciplinary team meetings, tweaked it after the October difficulties and I must say that I have to pay tribute to them and to the public in Gibraltar for responding so positively to various initiatives. I am very satisfied that the Primary Care Centre is now a place where people can go in the comfort that they can be given an appointment in time and the whole atmosphere has changed. I would like to state that publicly as well. I am very proud of the commitment of the staff there.

2135 Mr Speaker, I will now proceed with the answer to the question and I provide the following information in relation to the 13 trainees: firstly, part (a), there is no fixed training period, the employing company can redeploy the trainees elsewhere at any given point in time; secondly, training is provided on the job; and thirdly, point (c), no accreditation or qualifications will be obtained at the end of the trainees' training.

2140 **Mr Speaker:** Any supplementaries? Next question.

New Mental Health Facility Alterations to former Government plans

2145 **Clerk:** Question 961, the Hon. Mrs I M Ellul-Hammond.

2150 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health provide this House with an inventory of any alterations made to the former Government's plans for the new Mental Health Facility and the cost of these changes?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

2155 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, an early priority for the Government was to review the working plans for the new Mental Health Facility that were in existence with the lead clinicians. The main area of concern related to compromises that had been made because of a requirement to locate all existing and new Mental Health Services within a confined footprint located on four floors in the block allocated at the former Royal Naval Hospital.

2160 Given that the design and enabling works at this stage were advanced, the clinicians consulted were of the view that any benefits to undertaking radical re-design and planning at this late stage would be offset by the significant time delays to the delivery of the project.

2165 The overwhelming advice was that the patients in KGV had already waited far too long for civilised living conditions and this could not be delayed any further. Therefore, by their own choice, some of the improvements they would have wanted could not be affected as a result of their not having been consulted in the past.

2170 Changes to the plans as they were developing that *were* made included a decision not to build a day facility in what was to be a garden area between the blocks and instead provide an area in one of the blocks that had been identified to provide accommodation for staff. That is, *had* been identified; I do not want this to appear that we have provided accommodation for staff. The block that would have provided accommodation to staff will now have the facilities that were going to go in the garden area.

Therefore the garden could now be designed to accommodate needs including therapy and recreation for the uses of the complex. This building would have cost about £500,000.

2175 Further to the drafting of this answer, I am told that the garden will cost about £200,000 to provide in the way that I have described.

Other changes relate to layout of rooms, types of furnishings, etc which are considered largely cost neutral.

Other specific changes include those related to sustainable technology. These are – and they are construction budgets only; they do not include fees, the figures that I am about to give:

2180 Change to LED lighting for the buildings and associated external areas: the benefits of LED lighting are cheaper running costs and longevity. Anti-ligature LED fittings have had to be researched and developed with the lighting industry to obtain a suitable solution. This cost will be £70,000.

2185 A water-heating solution: this is where the generated waste heat in powering the air conditioning condenser is recovered and linked to a hydrobox as the primary heating source for water. Additional system resilience is built in by re-locating one of the two calorifiers that were intended for Block B to C. This is at a cost of £20,000.

Solar panels, 10 in number, linked to the thermal storage circuits, offering additional resilience to the system adopted in item 2 above: that is £54,000.

These will all result in considerably lower running costs for the site.

2190 In addition, following professional advice, a central pharmacy will be provided and created within the existing Block C footprint, having the ability to dispense medication to Block C occupants, visiting community attending Block D and the Dementia Block residents. This is expected to cost around £30,000.

2195 One thing that I have learned from the clinician colleagues is that there is a lot more to plans than merely the building itself, crucial though these are, given the cramped conditions at KGV. Where the Government is making the greatest changes is with respect to the philosophy of care for mental health patients and the crucial work we have to do with respect to de-stigmatising mental illness in our society. With this in mind, there are a number of important alterations to and development of the former Government's plans.

2200 This includes more commitment to work in the community and rehabilitation, including exploring opportunities to encourage employers across Gibraltar to do the same. The GHA will also be working to ensure that the rehabilitation flats, which will house seven residents within the new facility... that the occupants are helped to move out into the community as soon as possible, once the rehabilitation programme is completed.

2205 Finally, the Government is encouraging young people to view careers in Mental Health as rewarding and fulfilling.

Clerk: Question 962 –

2210 **Hon. D A Feetham:** Mr Speaker...

Mr Speaker: Yes?

2215 **Hon. D A Feetham:** The Hon. the Minister... I think there are two areas in relation to changes, as I understand it. One is in relation to the garden area, where effectively, the Government is making a cost saving because it has decided not to go ahead with the building; he said that was £500,000. The cost to the changes to the landscaping, the garden itself is £200,000, so they are making a cost saving in relation to that. Now, in relation to the building itself, am I right in saying – and my maths is not particularly good – that the total cost of the alterations to the mental hospital is £100,000?

2220 **Hon. Dr. J E Cortes:** Mr Speaker, the maths are certainly not good. If we add what I have said, it is more in the region of £170,000, if we go by the list that I have costed, and that is information that I have at the moment.

2225 **Hon. D A Feetham:** And can he confirm that apart from this... I calculated £100,000; he says £170,000. It makes no difference for the purposes of the information that I am trying to elicit.

Can he confirm that, apart from this, the original cost of the mental hospital which was £10 million, that continues to be the cost at present, as far as you are aware?

2230 **Hon. Dr. J E Cortes:** Mr Speaker, the Question specifically asked the cost of the alterations. It did not ask the general cost of the project. I have no information to suggest that it is different to what the hon. Member has said, but I cannot confirm it, either. I will have to have the specific question and then I could come up with the overall cost of the project. I have costed, in reply to the specific Question, the specific alterations.

2235 **Hon. D A Feetham:** Yes. Mr Speaker, does the Hon. the Minister accept that, in the context of a project of £10 million – that was the original cost of this project – that alterations of between £100,000 and £170,000 – the £170,000 is the figure that the hon. Gentleman says that these alterations cost, and in fact given that the alterations, which are fairly minor, in terms of lighting and the like – sit simply does not justify the way that the hon. Member has characterised the project in the past as having been rubbish and subject to a plethora of changes?

2240

Hon. Dr. J E Cortes: I do not think I have ever used the word ‘rubbish’ in this context, Mr Speaker. It is a word that I rarely use anyway, so I think my recollection will be correct.

2245 Mr Speaker, as I have explained, there have been other changes which I said were cost neutral, or largely cost neutral, which includes the alignment of the rooms, the setting out of the rooms, where the furniture is placed, the type of furniture and so on, which has responded more to what the clinicians have said is wanted. The second, very significant part is how Mental Health is going to be taken forward in the new facility and, again, that is a considerable consideration.

2250 So there have been changes. Some of them will be cost neutral, others will not. Remember that we are talking about, if the project is indeed £10 million, we are talking about a large project that regardless of what you do to it, the general enabling works and the general converting the fabric of the building into one that will sustain a mental unit, or any other facility, will be the main cost. Therefore, you would expect that the main cost would be similar. What you do to it inside will usually be less expensive and therefore we cannot use the ratio of £100,000/£170,000 to £10 million as an indication as to the significance of what that money has been spent for.

2255

**St Bernard’s Hospital seafront garden
Opening up for patients and visitors**

2260

Clerk: Question 962, the Hon. Mrs I M Ellul-Hammond.

2265 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health advise whether he will consider the request by the Gibraltar Senior Citizens’ Association to open up St Bernard’s Hospital seafront garden to patients and visitors?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

2270 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, the garden is already open to visitors, patients and staff. What the Senior Citizens’ Association requested was to improve access, for example for the elderly or persons in wheelchairs. This does not need any consideration and was clearly supported immediately.

Plans are being developed to facilitate this and funding has been identified.

2275

**IVF clinic
GHA services and referral system**

2280

Clerk: Question 963, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, is the Minister for Health now in a position to say which IVF clinic will be offering their services to GHA patients and how the referral system will work?

2285

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and Environment (Hon. Dr. J E Cortes): Mr Speaker, the tender for the provision of IVF services to the GHA was awarded to the Medrano Clinic. The details of the referral system and procedures are being finalised with the professionals.

2290

The service is expected to commence on 1st January 2013.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister tell us where the Medrano Clinic is?

2295

Hon. Dr. J E Cortes: Mr Speaker, I believe it is in Algeciras.

Hon. Mrs I M Ellul-Hammond: And, Mr Speaker, will patients be referred through the Sponsored Patients Scheme as part of Tertiary Care?

2300

Hon. Dr. J E Cortes: Mr Speaker, as I say, the actual procedures are being finalised. We are not sure that Sponsored Patients is the correct way; it might well go through that, but as I say it is being finalised, we are talking to the professionals to see what the best way of streamlining this is, but we will be ready to

go – at least we expect to be ready to go – on 1st January. But certainly, when we decide how it is going to work, we will make it public so that everybody is well aware, including the hon. Lady.

2305

**Health records
Tender for electronic health technology**

2310

Clerk: Question 964, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker can the Minister for Health inform this House when the electronic health technology for health records will be going out to tender?

2315

Clerk: Answer, the Hon. the Minister for Health and the Environment.

2320

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, a number of presentations from various suppliers of Health Information Systems have been made to myself, clinicians, managers and staff of the GHA over recent months. These included earlier this week a presentation from representatives on the technology used by the Basque Health Services.

All of these presentations will now be evaluated against the needs of the GHA, with a view to preparing the tender documents.

2325

Hon. Mrs I M Ellul-Hammond: Mr Speaker, have all the clinicians submitted their views on this new project?

2330

Hon. Dr. J E Cortes: Mr Speaker, clinicians were involved in a committee that was discussing the various options and clinicians have been present at the presentations. There was one several weeks ago which included clinicians; and the one by the Basques was in fact earlier on this week and there were clinicians across the range, including doctors, nurses, therapists, laboratory staff, so they have all been involved in the process, yes, sir.

2335

Hon. Mrs I M Ellul-Hammond: Finally, Mr Speaker, when will a final decision be made as to which company to hire for this technology and who will be making that decision?

2340

Hon. Dr. J E Cortes: Mr Speaker, I am not sure when the final decision will be made. Their intention at this point in time is to go into a selection procedure and there will be a board appointed, which will of course include clinicians, which will take the decision and make their recommendations.

Mr Speaker: Next question.

2345

**GHA Board
Next meeting in public**

Clerk: Question 965, the Hon. Mrs I M Ellul-Hammond.

2350

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health advise when the next GHA Board meeting in public will take place?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

2355

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, the next GHA Board meeting in public will take place on Wednesday, 19th December this year.

Mr Speaker: Next question.

2360

2365

**Good wishes to the Minister for Housing and the Elderly,
Hon. C A Bruzon**

Clerk: Question 966, the Hon. E J Reyes.

2370

Hon. E J Reyes: Mr Speaker, if I may, I see from a note here that the Minister for Housing and the Elderly will not be in Parliament today. May I take this opportunity to convey him my best wishes and I hope he recovers well. I take it that he has recently undergone some surgery and he is a very, very old friend of mine. I certainly wish him all the best and I think I speak as well on behalf of all Members on this side of the House. *(Applause)*

2375

Mr Speaker: I would like to associate myself with those remarks.

Hon. E J Reyes: Thank you Mr Speaker.

2380

Deputy Chief Minister (Hon. Dr. J J Garcia): Mr Speaker, can I, on behalf of the Government, also wish our colleague a speedy recovery. We've heard it's gone well and we are hoping to see him soon with us in this House.

2385

HOUSING AND THE ELDERLY

**Housing and the Elderly
Details of trainees and placements**

2390

Hon. E J Reyes: Now, Mr Speaker to the Question: can the Minister for Housing and the Elderly provide details, giving a breakdown by age, gender and nationality, of all trainees and placements with any of the Ministries for which he has responsibility, indicating the Department, Agency or Authority where they are placed and indicating the type of work they are currently undertaking?

2395

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services, on behalf of the Hon. the Minister for Housing and the Elderly.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, I now hand the hon. Member a schedule containing the information requested.

2400

ANSWER TO QUESTION 966

The Ministry for Housing currently has four trainees on placement from the Construction Training Centre, as follows:-

Placement	No. of Trainees	Age	Gender	Nationality	Type of Work
Housing Department	None	-	-	-	
Housing Works Agency	4	19 & 20	Male	British	Carpentry and Masonry

2405

Hon. E J Reyes: Mr Speaker, I wonder if the Hon. Minister can clarify something for me. I gather from the schedule that there are four trainees. Between the four of them, they are the ages of 19 or 20 – it does not really matter all that much if three are 19 or only two – but when it says the type of work is carpentry and masonry, does he happen to have any information whether these individuals are actually, for example, enrolled within the construction training centre and are therefore carrying this out as placements working towards their NVQs or are they not in any connection to the Training Centre?

2410

Hon. P J Balban: Mr Speaker, the former is in fact the case: they are actually placements from the Construction Training Centre.

Hon. E J Reyes: Working towards the NVQs?

2415

Hon. P J Balban: Mr Speaker, that is correct.

Hon. E J Reyes: Thank you for the clarification, Mr Speaker.

Housing and the Elderly
Trainee placements and qualifications attained

2420

Clerk: Question 967, the Hon. E J Reyes.

2425

Hon. E J Reyes: Can the Minister for Housing and the Elderly state the following in respect of all trainees, if any, currently in a placement within any Ministries for which he has responsibility: (a) until when will the training periods in which the various trainees placed within his Ministries last; (b) what training is being provided within the 'Job Description' undertaken by the trainees; and (c) what accredited qualifications, if any, will the trainees attain at the end of the training period/placements?

2430

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

2435

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the trainees currently in placements with the Ministry for Housing will: (a) be in training with the Housing Works Agency for a period between three and six months, as requested by the Training Centre; (b) The trainees are being trained to undertake the complete range of duties associated with their chosen trade with adequate supervision. They are being jointly supervised by members of the Housing Works Agency and their instructors from the Training Centre; (c) The trainees are training towards obtaining a National Vocational Qualification in a building construction trade and their placement in the Ministry forms part of their programme of studies.

2440

Government rental accommodation buildings
Scaffolding

2445

Clerk: Question 968, the Hon. E J Reyes.

2450

Hon. E J Reyes: Mr Speaker, can the Minister for Housing provide an updated list of all Government buildings used for rental accommodation which currently have scaffolding, including dates when the scaffold was first erected, the cost incurred to date and estimated date of dismantling?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

2455

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

ANSWER TO QUESTION 968

Location	Date Erected	Estimated Removal	Cost to Date
Wilson's Ramp	12/12/2009	Completion Date Pending	£386.25
Bado's Building	12/01/2010	Completion Date Pending	Cost Included In Contract
Naval Hospital Hill (26)	23/04/2012	Completion Date Pending	Cost Included In Contract
South Barrack Road (10)	27/04/2012	Completion Date Pending	Cost Included In Contract
Sandpits House	Being Erected	Completion Date Pending	No Cost to Date
Danino's Ramp (14)	31/10/2012	Completion Date Pending	No Cost to Date
Calpe House	31/08/2012	Completion Date Pending	£2,850.00
Renown House	28/09/2012	Completion Date Pending	£480.00
Flat Bastion Road 62	24/10/2012	Completion Date Pending	£420.00

2460

Alameda House, Alameda Estate
Lift breakdown and repairs

Clerk: Question 969, the Hon. E J Reyes.

2465

Hon. E J Reyes: Mr Speaker, can the Minister for Housing say how many times any of the two lifts at Alameda House within Alameda Estate have broken down since 1st October 2012 and provide details of how long the repairs have taken to be fully completed since the report was first lodged?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

2470 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, during the period 1st October 2012 to 9th November 2012, the lifts at Alameda House required to be attended nine times as follows: the north lift on six occasions; and the south lift on three occasions.

However, due to the rainwater penetration, the north lift has had to be stopped on 30th October 2012 and is awaiting spare parts.

2475 **Hon. E J Reyes:** Mr Speaker, is he able to offer me any information towards the latter words of my sentence, how long the repairs have taken to be fully completed since the reports were first lodged?

2480 **Hon. P J Balban:** Mr Speaker, unfortunately, I have not been provided with the information requested by the hon. Member, so I am happy to pass this information to him at a later date.

Hon. E J Reyes: I will be very grateful, I accept, Mr Speaker, if the hon. Member can write to me as soon as possible with the information.

2485

**Bow Wave House, Mid-Harbour Estate
Lift breakdown and repairs**

2490 **Clerk:** Question 970, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Housing say how many times any of the two lifts at Bow Wave House, Mid-Harbour Estate, have broken down since 1st October 2012 and provide details of how long the repairs have taken to be fully completed since the report was first lodged?

2495 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

2500 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, during the period 1st October 2012 to 9th November 2012, the lift at Bow Wave House required to be attended on four occasions: both lifts on three occasions; and one lift on one occasion.

All corrective action is undertaken within the time the lift is attended by the service provider, which is OTIS.

2505 **Hon. E J Reyes:** Sorry, Mr Speaker, I did not quite catch the last words, something, whatever preceded...

Mr Speaker: OTIS.

Hon. E J Reyes: What preceded OTIS?

2510 **Hon. P J Balban:** I will repeat, Mr Speaker: all corrective action is undertaken within the time the lift is attended to by the service provider, who is OTIS.

Hon. E J Reyes: I do not quite understand, 'within the time' – what length of period is that?

2515 **Hon. P J Balban:** Mr Speaker, what it is saying is that when the lifts are reported, obviously the problems need to be reported, the service provider comes down and they are repaired there and then.

2520 **Hon. E J Reyes:** May I, Mr Speaker, perhaps I need a bit of your guidance. I am very conscious sometimes when I ask these questions that some information is provided by the Government on the website. If I can refer to Table H.28, which is on the website, that was last updated on 2nd November and referred to the breakdown of lifts and so on. Therefore it did not mean that I had to ask a very long question: most information was there.

2525 Just for future reference, Mr Speaker, at the top of Table H.28, under the heading of 'Lifts and Government Estates 2012', it lists in one column the estates and then it says 'faults reported up to October 2012'. Unlike other tables, where in other tables it says if it is 31st October or whatever – there is a specific date, that then allows me to clarify whether 'October' means the beginning or the end of the month – may I humbly ask the Minister to convey to whoever compiles these details that, to allow me to even reduce the number of questions asked that when we have tables like this that say 'faults reported', like the Hon. Minister has so nicely done today – he has given me a period 1st October to 9th November,

2530 I can actually home in on the number of days or weeks – that likewise the published tables say whether it is 31st October or 1st October. Therefore it could save me a lot of future questions.

2535 **Hon. P J Balban:** Mr Speaker, that message was in fact conveyed to the Ministry for Housing and in fact, in the future, you will notice that the statistics will be for the complete month. So it will be for the whole month of October, whole month of November, etc. At the moment, the questions are being asked and they include part of one whole month and part of another month; but the way they will be represented in the future is as whole months, and I will convey that message to the Housing Ministry.

2540 **Hon. E J Reyes:** I am grateful for that and will look forward to the future.

Mr Speaker: Next question.

2545 **Harbour Views Estate
Extension of lifts**

Clerk: Question 971, the Hon. E J Reyes.

2550 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state when the works to extend the reach of lifts within each block of flats at Harbour Views Estate into the parking garages will commence, together with estimated completion dates?

2555 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, this matter and all matters relating to Harbour Views are being discussed with the Management Company.

2560 **Hon. E J Reyes:** I am grateful to know that they are being discussed, Mr Speaker, but does he have any indication of when the works will commence and any possible indication of completion dates?

Hon. P J Balban: Mr Speaker, unfortunately not. An announcement will be made in due course, when this information is available.

2565

**Government rental homes
Maintenance/repairs to lifts**

2570 **Clerk:** Question 972, the Hon. E J Reyes.

2575 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing provide details in respect of the number of times lifts pertaining to Government rental homes have required corrective maintenance/repairs since the information provided at Table H.28 on the Government's website updated 2nd October, indicating who carried out the maintenance/repairs, together with a full and detailed breakdown of costs?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

2580 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the information the hon. Member is requesting is updated on a monthly basis.
I now hand over the schedule containing the information.

ANSWER TO QUESTION 972

Estate	Faults reported	Number of times the lifts required corrective maintenance/repairs
Alameda Estate	72	72
Penney House	6	6
Varyl Begg Estate	54	54
Glacis Estate	94	94
St John's Court	2	2
Mid Harbour Estate	82	82
Knight's Court	1	1

2585 **Mr Speaker:** I think that for the sake of accuracy, the schedule I think really, strictly speaking, is a Table – for the sake of accuracy, because there is then including who carried out maintenance repairs together with a full and detailed breakdown of cost.

I think that the hon. Minister should read out the other two sentences, which will then form part of the main answer.

2590

Hon. P J Balban: Mr Speaker, I will do. In attendance –

Mr Speaker: All attendance.

2595

Hon. P J Balban: Oh sorry! All attendance, maintenance and repairs, when required, have been carried out by OTIS, who is the service provider.

OTIS submits invoices on account on a quarterly basis. Therefore, a full breakdown of costs will not be available until the end of December 2012.

2600

Mr Speaker: Any supplementaries.

Hon. E J Reyes: No, Mr Speaker, I think the Minister has already sort of hinted: what he is saying is 'Wait until the end of December'. That is the only time when he can legitimately provide an accurate picture of cost.

2605

I will take that on board and pose it after December.

2610

**Affordable homes
Agreements with developers**

Clerk: Question 973, the Hon. E J Reyes.

2615

Hon. E J Reyes: Mr Speaker, can the Minister for Housing provide details of any agreements Government may have entered into with developers in respect of building affordable homes, on a scheme of purchases guaranteed by Government, as previously signified it is their intention to do, and stated through Press Release No. 530/2012, dated 22nd August 2012.

2620

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the Government has not entered into any agreements with developers in respect of building affordable homes.

2625

Hon. E J Reyes: Mr Speaker, I take it that the Government has still not entered... Can he clarify, are they in the process of discussion, with a view to entering, or is he able to enlighten me with any pertinent information?

Hon. P J Balban: Mr Speaker, tender documents are being prepared.

2630

Mr Speaker: Yes.

2635

Hon. D A Feetham: Mr Speaker, can the hon. the Minister – I know it is not part of his portfolio, but there are others perhaps who can provide the information if he cannot – can he assist the House in relation to the nature of the guarantee that the Government is providing these developers? Can he provide us with more information in relation to that, please?

Hon. P J Balban: Mr Speaker, this is actually one of the issues that is being finalised at the moment.

2640 **Hon. D A Feetham:** I accept that – ‘finalised’ – but does he have an idea of what we are talking about, when one talks about a guarantee? Is the Government looking at a guarantee that the developer will receive the contractual price? For example, if a developer tenders £30 million for a particular project, is the Government considering guaranteeing that the developer will receive that £30 million, bearing in mind that we are talking about flats that are going to be sold to members of the public. Is that what is meant by the guarantee or does the guarantee mean something else?

2645 **Mr Speaker:** Given that the hon. Minister with responsibility is absent and that another Minister is answering on his behalf, there is no need to channel the answer through him. If one of the other Ministers knows the answers, then it is perfectly proper that he should stand up and give the information, if he so wishes.

2650 **Deputy Chief Minister (Hon. Dr. J J Garcia):** Mr Speaker, it is difficult to elaborate at this stage. The Government is still negotiating. When we have a clearer picture, it will be easier to come back to the House and to answer the hon. Member’s question.

2655 **Hon. D A Feetham:** The Government has come out with a press release saying that they are going to out to tender on these particular projects, and they have said that it will be backed up by a Government guarantee. I am not asking for a huge amount of detail; just the outline of the policy. The Government must have had a policy, when it actually issued a press release saying that this would be backed up by guarantee. I am just asking for an idea, a general picture of what that guarantee entails – not the detail.

2660 **Mr Speaker:** Would hon. Ministers like to check on the details and perhaps, if they are not in a position to do so now, whether they are able to do so later today and then provide the answer?

2665 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, we do not need to check. The position is that the documents are being finalised. The whole issue is being discussed at Government level at the moment before it goes out to tender. A press release has been issued announcing the matter and referring to the issue of a guarantee.

The hon. Member is now seeking details –

2670 **Mr Speaker:** No, he is saying that in the press release, there was an indication given that the purchases would be guaranteed by Government. I think what he is asking is: what is the nature of that Government guarantee?

Hon. D A Feetham: In general terms.

2675 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, it should be self-evident that what the press release is is what our intention is, in terms of the successful tenderer coming up with a number of properties at the sort of prices that we consider is within reach of people as affordable housing. When that materialises and if it materialises in the quantities and the prices that we want in order to meet the commitment to have everybody rehoused, it means that the developer will not be told, ‘If at the end of the day you cannot get people to buy the property, that is your problem, or we will go on the open market.’ These are properties that we do not intend should go on the open market, and therefore the Government would guarantee to step in, if the time comes.

2680 But we do not know whether it will or it will not, because that is the *intention* at the moment, and therefore, until we see what is available, at what prices... and in what numbers and sizes, because the whole idea is geared to the market that will be made up of people on the waiting list or people who release existing rented accommodation.

2685 But the final picture will not emerge until we see what is on offer.

2690 **Hon. D A Feetham:** I am very grateful to the hon. Gentleman. That answers my question.

2695

TRAFFIC, HEALTH & SAFETY AND TECHNICAL SERVICES

**Dudley Ward Tunnel
Opening to the public**

2700

Clerk: Question 975, the Hon. D J Bossino.

2705

Hon. D J Bossino: Mr Speaker, just before I formally pose the Question –

Mr Speaker: Question 975 or 974?

Clerk: It is 975, because the Hon. Mr Costa answered 974 at the end of his batch of questions.

2710

Hon. D J Bossino: That's right.

Clerk: I recall the matter clearly.

2715

Mr Speaker: Okay.

2720

Hon. D J Bossino: Mr Speaker, before I formally pose Question 975, after I submitted the Question to Parliament, there was a press release issued in the *Gibraltar Chronicle*, which states that the Dudley Ward Tunnel is, in fact, open. I will nevertheless have supplementary questions. Shall I pose it, Mr Speaker, formally?

Mr Speaker: Yes.

2725

Hon. D J Bossino: Can the Minister for Traffic advise the House when the Government expects that Dudley Ward Tunnel will be open to the public?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

2730

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the Dudley Ward Tunnel was re-opened on Tuesday, 13th November 2012 at 13.00 hours.

Hon. D J Bossino: Yes, Mr Speaker, as indeed I stated a few moments ago and that was reported in the press, but after I had filed the Question in the House.

2735

I ask this supplementary, Mr Speaker: can the Minister advise this House what remedial works were undertaken in order to ensure the opening of the tunnel?

2740

Hon. P J Balban: Mr Speaker, what happened in this case, is that the engineers actually went on site to have a look at whether they could actually see where the rock had come from, to try to assess whether there were any further hazards of further rocks falling. They declared to make safe, once they saw where the rock had come from. They cleared up and ensured... they, obviously waited until the bad weather ended – because obviously, living in a place like Gibraltar, with 400-odd metres of rock face, anything close to the rock face is obviously a hazard – and then decided it was prudent to reopen the tunnel.

2745

Hon. D J Bossino: Mr Speaker, I take it from that answer that no works were undertaken and therefore there was not any cost to the Government?

Hon. P J Balban: The removal of rubble was carried out and that was the end.

2750

Hon. D J Bossino: Mr Speaker, is the Government and the Minister, in particular, satisfied as to the safety of the area now? I know it is probably implied by the fact that the tunnel has been opened, but I will ask him to confirm that he is absolutely satisfied, and we can all lay our minds to rest in respect of that particular issue.

2755

Hon. P J Balban: Mr Speaker, as I mentioned earlier in the previous supplementary, a rockfall hazard will always exist, when we have a 450-metre-high rock, which is Gibraltar, so obviously it is impossible to state. It is something within reasonable... it is reasonable to suggest that it is as safe as can be.

Hon. S M Figueras: Mr Speaker, can the Minister say, whether in future instances of bad weather, the Government will be required to close Dudley Ward Tunnel again, as a precautionary measure at all?

2760 I ask it simply because the Minister has said that, on review, it was declared safe and the bad weather had passed. I am merely asking the Minister to exclude the possibility of this happening again as a *precautionary* measure.

2765 **Hon. P J Balban:** Mr Speaker, no, the closure of Dudley Ward tunnel will not recur just because there is bad weather.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, could the hon. Minister confirm who conducted a risk assessment of the area and said that the area was now safe?

2770 **Hon. P J Balban:** Mr Speaker, it was Technical Services engineers, who were on site and actually went to see where the actual rock had fallen from. It was Technical Services staff, in conjunction with one of the consultant experts who they work with, and they are pretty certain they have found where the rock came from. They assessed as to what the probability was that that could recur, and obviously results show that it was okay to do so.

2775

**Solar powered lamps by the frontier
Costs**

2780 **Clerk:** Question 976, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Traffic provide details of the cost of the installation and any other related costs of the solar powered lamps in the area by the frontier?

2785 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

2790 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the solar lighting project in the area of the frontier was led by the Gibraltar Electricity Authority. I have, however, obtained the information that the hon. Member is requesting, which I will now provide.

The cost of the units was £27,216.90 and the installation costs were £4,800.

Hon. D J Bossino: Sorry, the £27,000-odd figure that the Minister has given, is that in relation to all the units or is it for each unit?

2795 **Hon. P J Balban:** Mr Speaker, the figure quoted is for all the units.

2800 **Hon. D J Bossino:** I am not sure how this actually works in practice, Mr Speaker. He did say that it was handled by the Gibraltar Electricity Authority. I am not sure, whether, in that context, there is a tender process. Was this a subject of a tender process? That is my question.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): As Minister for Utilities, this Question was directed to the Minister for Traffic. It should have been directed to me, so I will answer the Question.

2805 There is no need for a tender process for this amount of money and this project anyway. What happened was that we decided, because it is a Government authority which did the works themselves, it does not need to go out to tender. The fact is that if it had been outsourced, then yes.

2810 The thing is that the cost was much less than was envisaged, had they needed to... because the lights were needed to be put there and all the infrastructure work to put the lights there, putting solar powered lamps was cheaper and the running cost is zilch, because it is only the maintenance and the batteries.

So at this point, what I am saying is that it was decided to do this because it was more cost effective.

2815 **Hon. D J Bossino:** I have not fully understood. That is the argument that was put to me in connection with the other sort of lamps at the other car park. (**Hon. S E Linares:** Yes.) But Mr Speaker, is the Hon. Minister saying that... or can he tell me which – if there was a company... The Minister is saying it was not outsourced, but can he tell me which company provided the infrastructure?

Hon. S E Linares: Mr Speaker, GEA did the infrastructure. What you are probably asking is, who is the company that sold the solar panels, not the infrastructure. The infrastructure was done by GEA. *(Interjection by Hon. D J Bossino)* I need notice of who exactly they bought the lamps from.

Hon. D J Bossino: To see if my maths are correct, how many units were there, Mr Speaker?

Hon. S E Linares: I understand there were four.

Hon. P J Balban: Mr Speaker, if I may come in there, in fact, the units installed: there were seven units were bought and six were actually installed.

**Procedural
Question 977 deferred**

Clerk: Question 977, the Hon. D J Bossino.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, may I interrupt? In view of the next Question, if we recall the next question will be posed by the hon. Member, back in Question 890/2012, this Question's supplementaries led to discussing the actual issue of King's Wharf. In fact, that is actually dealt with by the Office of the Chief Minister with the Chief Technical Officer, so I am suggesting that if that is where the Question will lead, if we could maybe pose this Question again in the presence of the Chief Minister later on?

Hon. D J Bossino: I am not sure where the Question necessarily will be leading until I get the answer from the Government, but I am happy to delay this until Chief Minister's Questions, given that, in fact, I think the majority of the answers were indeed supplied by the Chief Minister on the last occasion, so I am happy to oblige, Mr Speaker.

EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS AND JUSTICE

**Department of Education
Training placements and qualifications attained**

Clerk: Question 989, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Further to his answer to Written Question No. 177/2012, can the Minister for Education state the following: (a) until when will the training periods in which the six trainees placed within the Department of Education last; (b) what training is being provided within the 'Type of Training' undertaken by the trainees; (c) what accredited qualifications, if any, will the trainees attain at the end of their training period/placements?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the trainees receive familiarisation with administrative procedures whilst deployed to the Department of Education. Their training will last until the company that employs them requires them to be deployed elsewhere.

Training is provided on the job. No accredited qualifications as such will be issued at the end of the training period.

**Teachers
Process for handling underperformance**

Clerk: Question 990, the Hon. Mrs I M Ellul-Hammond.

2880 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education advise how the Department of Education streamlines the process for handling teachers who underperform or are inadequate?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

2885 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the underperformance of teachers is addressed by using a staged approach going from the informal to the formal. The informal stage is addressed at an internal school level and will be directed by the school's senior management who will identify areas for development. If required, the headteacher will invoke a more formal stage in conjunction with the Department of Education's Advisory Service, who will provide support and mentoring for the teacher in question, examine all of the factors and circumstances of the case, including the teacher's expertise, experience and appropriateness of the present placement.

2890 If this process does not result in improvement, then the case is reviewed by the Director of Education and the advice of the Government's Human Resources Department will be sought. The GTA would be consulted at all stages.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, would the Minister consider the setting up of an independent unit like Ofsted, to provide assessment to monitor progress and to offer support?

2900 **Hon. G H Licudi:** Mr Speaker, as the hon. Lady will know, from a recent television programme in which we both appeared, one of the issues we are considering is the whole issue of school inspections. That is a matter that is actively being considered and discussed and we are not at the stage where we are in a position to announce where that will take us. If the school is inspected, then all these procedures will be looked at by the independent inspector – it would be an independent inspector, not an internal inspection – and this is an area which would be included in the whole area of procedures for such an inspection.

2905 **Mr Speaker:** Any other questions?

2910 Well, I think this is a convenient moment to recess until 3.00 p.m. this afternoon, when we shall be dealing with Questions addressed to the Chief Minister.

The House recessed at 12.40 p.m. and resumed its sitting at 3.00 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 5.45 p.m.

Gibraltar, Thursday, 15th November 2012

The Gibraltar Parliament

The Parliament met at 3.00 p.m.

[MR SPEAKER: Hon. A J Canepa GMH, OBE *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

SUSPENSION OF STANDING ORDERS

5

**Standing Order 7(1) suspended
to proceed with Emergency Statement**

10

Clerk: Suspension of Standing Orders, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with an Emergency Statement.

15

Mr Speaker: Those in favour. (**Members:** Aye.) Those against. Carried.

EMERGENCY STATEMENT

20

**British Gibraltar territorial waters
Incursions by Spanish naval and customs vessels
Emergency Statement by Hon. Chief Minister**

25

Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the House will want to know that today Simon Fraser, the Permanent Under-Secretary of the Foreign and Commonwealth Office summoned the Spanish Ambassador to the United Kingdom, His Excellency Federico Trillo, in order to underline the British Government's concerns regarding recent incursions into British Gibraltar Territorial Waters.

A statement has been made by the Foreign Office in London setting out what the Ambassador was told in no uncertain terms by the Permanent Under-Secretary. The statement reflects a quote from the Rt Hon. David Lidington MP, the Minister for Europe, who states:

'The UK has repeatedly made diplomatic protests to Spain over attempts by Spanish state authorities to exercise jurisdiction in British Gibraltar Territorial Waters. Yet on 13 November there were two further serious incursions. A large Spanish naval ship conducted a prominent patrol through British Gibraltar Territorial Waters lasting several hours. Later on the same day a Spanish customs vessel sought to apprehend a Gibraltarian civilian boat in British Gibraltar Territorial Waters, forcing the Royal Gibraltar Police to intervene in order to safeguard the welfare of the four occupants.'

Mr Lidington says:

'I condemn these provocative incursions and urge the Spanish Government to ensure that they are not repeated. We believe that it is in the interests of Spain, as well as Gibraltar and Britain, to avoid any incident that may damage the prospects of developing a harmonious and collaborative relationship between Gibraltar and Spain. It is also in all parties' interests to avoid incidents which could put at risk the safety of those operating in British Gibraltar Territorial Waters. We remain confident of UK sovereignty over British Gibraltar Territorial Waters and fully committed to protecting the interests of the people of Gibraltar and their wish to remain under British sovereignty.'

Mr Speaker, Her Majesty's Government of Gibraltar considers that calling in Mr Trillo reflects the seriousness of these attempts by agents of the Spanish state to exercise jurisdiction in what are *indisputably* British Gibraltar Territorial Waters. (A Member: Hear, hear.) It is appropriate that the diplomatic response to these belligerent acts should have been upscaled as it has. It is equally important for Gibraltar, as much as it is for the credibility of British diplomacy, that these diplomatic steps should be backed up by actions designed to usurp the indisputable British sovereignty of the waters in question.

There will therefore, no doubt, be unanimity across the floor of this House in the call for the Ministry of Defence to be able to deploy in Gibraltar as soon as possible the assets necessary to ensure the defence of these waters against the armed vessels and agents of the Spanish state. Throughout the past days, as previously when two Gibraltarian fishermen in Gibraltar Waters were illegally detained and transferred to a Spanish port, the Deputy Chief Minister and I have been in contact with the Minister for Europe and His Excellency the Governor and members of the Foreign Office staff in London and Gibraltar.

It is important that the House and the public should know that all have been *hugely* supportive of Gibraltar, not just in their attitude but in their actions, leading to the public call of the Spanish Ambassador today. It is just as important that their support for Gibraltar now be followed up by those with whom responsibility lies for the deployment of the assets necessary to ensure the perimeter of our nation is safe and secure and not susceptible to the illegal activities we have recently been witnesses to. Insofar as these state agents of the Kingdom of Spain are attempting to take executive action in our waters, the fact is that they are not only in breach of international laws, but also of Gibraltar laws.

The House knows and will welcome that one of the larger vessels being acquired for the Royal Gibraltar Police will soon be arriving at our shores. Our Police will therefore finally have the resources to be able to deal with such acts of criminality, as well as any other.

Finally, Mr Speaker, I want to add, and I am sure that the whole House will want to thank the officers of the Royal Gibraltar Police for the work that they do in these very difficult circumstances. The House will also want to recognise the work being done by members of the Gibraltar Defence Police and the naval ratings aboard the Royal Navy patrol boats presently stationed in Gibraltar, as well as the individuals up at Windmill Hill and the Port Department that help us reflect that these actions are occurring within what are co-ordinates of British Gibraltar Territorial Waters.

The time to back up their work with the necessary assets is now. Gibraltar has taken the steps necessary; others must also do likewise. (Applause)

Clerk: Answers to –

Hon. P R Caruana: Yes, Mr Speaker, I rise to support and endorse the Hon. the Chief Minister's remarks in welcoming the upgrading of the diplomatic reaction of the British Government by calling in the Ambassador and presumably communicating to the Ambassador in strident terms the same robust message that UK Ministers have been giving us over the last few months.

I also wish to join and add the Members of this side of the House to the congratulations to the RGP and other law enforcement agents in Gibraltar and also the GDP that assists in generally dealing with this provocative behaviour.

Particularly, I think the RGP is to be congratulated for its rapid and courageous intervention on Tuesday afternoon in risking an unforeseeable Spanish reaction by actually *boarding* the boat that they were about to unlawfully arrest and cutting it loose from the Spanish Customs boat. I think that those are noteworthy acts of courage that deserve the praise and recognition of this House.

This House will wish to note and record the fact, I am certain, that welcome as the upgrading of the diplomatic representations are in the form of summoning the Spanish Ambassador into the Foreign Office, it cannot be the end of the line should these unacceptable incursions persist.

There are incursions of two types: simple presence in our waters, which are serious enough; and then of the sort we saw on Tuesday where they actually tried to carry out executive action, which is a wholly different type of incursion, namely *usurping* the actual powers and authorities that are the manifestations of sovereignty, law enforcement, judicial etc. That is wholly unacceptable and I can but express the view from the Opposition Benches that I used to express from the Government Benches, when I occupied the job now done by my hon. Friend across the floor, and that is that whilst the Opposition does not believe that a recourse to *physical* engagement on the waters is in anybody's interests, nevertheless the deployment by the Royal Navy of more senior, larger, permanent assets on the water will serve to act as a deterrent to Spain from engaging in these incursions in the first place. Therefore, we support for deterrent purposes the deployment by the UK of the Navy in vessels that can more effectively serve as a visible and effective, if I can repeat the word, 'deterrent'. We will see.

We have to balance the desire that I am sure we all have in Gibraltar for peaceful co-existence with our neighbours, upon which everybody's quality of life depends on the one hand, with upholding our vital sovereignty interests on the other, and that peace and stability cannot be purchased by turning a blind eye to the most outrageous and damaging usurpation and therefore damage and violation to our sovereignty.

So therefore, whilst Spain persists in these unlawful and politically unacceptable acts, the Government will stand... the Opposition rather – old habits die hard – will stand shoulder to shoulder with the Government in the Gibraltar position that these things must stop, without losing sight of the fact that it is the United Kingdom and not the Gibraltar Government or any Gibraltar agency that is responsible for defending and upholding Her Majesty the Queen's sovereignty of British Gibraltar Territorial Waters and that they are *legal* obligations as set out in the Constitution of Gibraltar, which is a piece of United Kingdom law that binds the UK as much as it does the Government of Gibraltar.

I am grateful to the hon. Member for bringing this news to the House. I think it is welcome, as indeed is welcome the news that broke, I think at the tail end of last week, that the Petitions Committee of Parliament in Europe had thrown out the ex-Mayor of La Línea's petition in relation to the waters and the East Side reclamation. (*Applause*)

Questions for Oral Answer

TRAFFIC, HEALTH & SAFETY AND TECHNICAL SERVICES

Queensway Quay car park Solar powered lamps; payment of costs

Clerk: Answers to questions continue.
Question 977/2012, the Hon. D J Bossino.

Hon. D J Bossino: Following Question 890/2012, is the Government now in a position to advise this House whether the payment of £41,242.44 made in respect of the setting-up costs of the solar powered lamps at the Queensway Quay Car Park was made by the Government?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the cost of the lamps and the installation has been included within valuation payments made for works carried out on the first phase of the car park. The issue of who will be responsible for the cost of the car park is presently the subject of negotiation.

Hon. D J Bossino: Mr Speaker, that is precisely one of the issues which vexed us at the last sitting of the House. I think the Chief Minister was not sure and was going to be providing information the following day; but for whatever reason he did not, and there was uncertainty as to whether the payment of the £41,000-odd had in fact come out from Government coffers. The point being that if it had, then we were entitled to scrutinise the Government further in relation to that payment and if it had not, then presumably the matter would remain there. I think that was the issue.

I can refer the Hon. the Chief Minister to the particular points in *Hansard*, where he said that he was going to revert to us and get back to us the following day in relation to whether the payment had in fact been made from the public purse.

Chief Minister (Hon. F R Picardo): Sorry, Mr Speaker, I thought I had said that we were going to provide the information in this House, but it may be that we said the following day.

As far as I understand it, the payment has been made by the owners of the site and the issue is whether that will be included in any amount paid by the Government or not, and that is still to be negotiated.

Hon. D J Bossino: Given that, Mr Speaker, he starts the answer with 'as far as I understand it', presumably there is no certainty as yet. Is that correct?

Hon. P R Caruana: [*Inaudible*] You must be certain –

Hon. Chief Minister: No, the certainty is that the Government has been *invoiced* for it, but there is no certainty that the Government has paid it because any payments that have been made do not relate, in my view, to that particular expense. The whole expense of that car park, which involves a lot more than has yet been invoiced, is still a matter that is being negotiated. There are issues as to premium there and on other sites in respect of that consortium.

Hon. D J Bossino: Mr Speaker, I am not sure, the Hon. the Chief Minister may recall, but there was another sort of line of questioning which I was posing as to whether there was Government involvement in respect of the choosing of the corporate entity that would have provided the solar lamps. I think he was also going to check that and revert to me in relation to that. Is he able to enlighten the House in relation to that?

Hon. Chief Minister: I am able to enlighten the House in that respect. The lamps were not chosen by the Government; they were chosen by the party that own the land.

Hon. D J Bossino: That own the land.

Hon. Chief Minister: That own the land.

Hon. D J Bossino: More than the structure themselves, what I was concerned about is to which company the contracts had been given and presumably the answer is in the same vein, is it?

Hon. Chief Minister: Not a company to which the Government gave any contract. The Government has seen this land developed as a car park. That development has been dealt with by the parties that own the land and they have determined who does the work, whether it is the asphaltting, the painting of lines or the installation of lamp posts.

CHIEF MINISTER

Chief Minister's official car Details of use

Clerk: Question 991, the Hon. S M Figueras.

Hon. S M Figueras: Yes, good afternoon, Mr Speaker.

Can the Chief Minister say whether the Government is willing to publish details of the use of the Chief Minister's official car, registration plate G1 and provide details to this House in respect of same?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker I can confirm that the Chief Minister's official car, the G1, continues to be used for exactly the same purpose as by all previous Chief Ministers. I am advised that publishing any such details would create serious issues of security.

**Referendum on the 2006 Constitution
Act of self-determination**

Clerk: Question 992, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, does the Chief Minister accept the United Kingdom's publicly expressed position that the referendum on the 2006 Constitution constituted an act of self-determination?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, my position remains exactly as set out in paragraph 8 of the Motion unanimously passed by this House on 30th October 2006 which I had the pleasure to support.

Hon. D A Feetham: So I take it that the position is that you do agree with the United Kingdom's position that the referendum on the Constitution was an act of self-determination?

Hon. Chief Minister: Mr Speaker, I agree as set out in paragraph 8 of the Motion as follows: that subject to the final paragraph of paragraph 7, the House noted and welcomed the statements made by the British Government publicly in Gibraltar in the House of Commons on 4th July 2006 and in the United Nations on 5th October 2006, that the referendum, being the referendum to which that Motion related, in which the draft new Constitution was put to the people of Gibraltar for their decision, will be an exercise of the right of self-determination by the people of Gibraltar in the context set out in those statements.

That is the end of the paragraph. Mr Speaker, I know he was not in the House then, but that is what all of us who were here then supported.

Hon. D A Feetham: Yes, but the reason why I have asked this question is because it struck me as very curious use of language, which I thought perhaps could not be coincidental, when he actually referred to, before the United Nations, that it is the UK's view that the referendum on the Constitution constituted an act of self-determination. He appears to be drawing the same distinction there. In other words, on the one hand it is the UK's view and you welcomed the UK's view, but I am not asking whether you welcome the UK's view or about the UK's view; I am asking whether you *agree* that it was an act of self-determination. That is the question, really. It requires no more than a yes or a no, if it is one or the other.

Hon. Chief Minister: Well, Mr Speaker, it might, but I am not going to answer in the terms that the hon. Gentleman wishes me to answer; I am going to answer in the terms that I think are appropriate. *(Laughter)* There is a lot of law here. *(Interjections)* **(Mr Speaker: Order! Order!)**

The hon. Gentleman may not know enough about self-determination to know that there is a lot of doctrine in international law that deals with when an act of self-determination is occurring and what are the pre-requisites of that and he may have forgotten enough of the issues which are relevant in Gibraltar to know that, at the time of that referendum, whilst in the House of Commons, these statements were made which were very clear and unequivocal, there were also some comments made outside the House of Commons with which all Members of this House were not so happy and which might have suggested that the exercise of the right of self-determination by the people of Gibraltar were somehow curtailed by the Treaty of Utrecht.

I am delighted by the statements that Mr Hoon made in Parliament in relation to these matters and those are, in my view, the statements that matter the most, but there were other statements made by Mr Hoon at the time, which called into question exactly what rights the people of Gibraltar enjoy and I am sure that there is unanimity across the floor of this House that the people of Gibraltar enjoy an *unfettered* right of self-determination.

Hon. D A Feetham: Again, I am not asking about whether the people of Gibraltar enjoy an unfettered right to self-determination. I accept that in fact the UK, whilst recognising that the referendum on the new Constitution was an act of self-determination, may say that the right of self-determination of the people of Gibraltar is constrained by the Treaty of Utrecht and therefore independence is out of the question. I understand all that. That is not the question. What I am asking is whether the Government accepts that the referendum – the act of the people of Gibraltar adopting and agreeing to the new Constitution – was an act of self-determination. It is a very simple question.

I am not going to ask it again, save to sit down and invite the Hon. the Chief Minister to answer it.

Hon. Chief Minister: Thank you very much, Mr Speaker.

I am grateful to the hon. Gentleman saying that he is not going to repeat the same question for a third time. I refer him to my original answer and to paragraph 8 of the Motion approved unanimously by this House.

Hon. P R Caruana: Mr Speaker, the Hon. the Chief Minister prefixed his last but one answer to my hon. Colleague here by saying he may not know enough about self-determination. Assuming that means that he does, knowing what he knows about international definitions of self-determination, can he then say whether in accordance with what he knows about self-determination, the referendum was 'an act'? The question is very specifically phrased not to be a political trap. We are not saying it is *the* act; we are not saying it is the definitive act; we are not saying it is the act of self-determination that delivers de-colonisation or any particular form of de-colonisation. The question is whether the referendum is *an* act of self-determination.

Even if the Hon. the Chief Minister is wanting – for reasons that I do not understand – but even if he were wanting to be cagey about not wanting to be drawn on that question, it is not the question he is being drawn on. The question is whether a referendum, convened by the Government of Gibraltar, in which it asks the people of Gibraltar 'Do you support, do you want this Constitution, yes or no?', whether that is an act of self-determination.

The question is not as deep and as wide as he may have assumed it was at the time that he put together the answer that he did.

Hon. Chief Minister: Mr Speaker, I am grateful I should not have assumed that the question had depth or width of knowledge, then.

Well, Mr Speaker, put it this way: what he and I know about the international doctrine of self-determination is that for an act of self-determination to be in keeping with the United Nations doctrine on de-colonisation, all relevant options have to be put to the people of the territory that are being asked, to determine in a referendum which choice they make.

I do not want to say anything in this House which in any way damages the position of Gibraltar and therefore I will limit myself to say that the referendum in 2006 asked people whether they wished to adopt a Constitution or not; the referendum in 2002 asked people whether they wished to proceed down the road of considering joint sovereignty; and the referendum in 1967 asked people whether they wished to remain British or not.

By the hon. Gentleman's definition that each of those is an act of self-determination (*Interjection by Hon. P R Caruana*) by the definition of the United Nations on what constitutes an act of self-determination, which can lead to de-colonisation, it is very likely that the definition of self-determination is not made out by the referendum of 2006.

The hon. Gentleman will know that there was an issue as to legal advice then from an Attorney General, as to whether even some Gibraltar referenda might or might not be binding.

So, Mr Speaker, I do not believe this is a question that is susceptible or wise to answer with yes or no, because there is a lot more depth to it than might be appreciated.

Constitutional development Chief Minister's vision

Clerk: Question 993, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, what further devolution, if any, did the Chief Minister envisage when he said in an interview with *Canal Sur* that Gibraltar can take further steps down the road of constitutional development?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I did not envisage any particular model when I replied to the question.

Hon. D A Feetham: Well, there must be some model that he had in mind, when he made the statement. It may well be that he had a number of models in mind. Is he in a position to at the very least enlighten the House in relation to that?

Hon. Chief Minister: Mr Speaker, once again, I can enlighten the House as to what the very many options available might be. One of them, for example, Mr Speaker, is the result of the Select Committee on Constitutional Reform of the House of Assembly, as this House then was, dated 2002, which in a report set out what this House believed the new Constitution to be negotiated with the United Kingdom should be, which was not exactly what came back from London, when the team returned with the Constitution that we have today.

So this model, Mr Speaker, signed by those who were members of that Committee, is one such status and there are many others. I do not want to stand here and give the hon. Gentleman a tutorial in international law.

Hon. D A Feetham: I did not think the hon. Gentleman is in a position *ever* to give me a tutorial on any aspect of the law.

Does the Chief Minister think that there is an inconsistency with the statement that he gave to *Canal Sur* in the statements that he has made in the past, and indeed to this House? I will just read the statements he has made, for the benefit of the Chief Minister. On 19th January 2012 in this House, he said this, on page 3 of the Report in *Hansard*, line 110:

‘The important thing is that we believe’

– in other words you, the Government –

‘that we have achieved the maximum possible level of self-government...’

– end quote. He then drew the distinction between that and delisting, which I agree is a separate issue. He then said in an interview with *La Razon* – and I am quoting the translation that the Government itself provided of that interview – he then said this:

‘Gibraltar has achieved in its Constitution a self-government which is very close to independence whilst we remain under the British Crown. Since 2006 the internal battle has been for the United Nation to recognise that Constitution.’

Now does he not accept that there is an inconsistency between the statements that he gave to *Canal Sur* and those statements that I have just read to the Chief Minister?

May I also ask him this – can he deal with this supplementary as well: is his new position – because I do believe it is a new position – as expressed to *Canal Sur*, a reaction to our statement that the Government appear to be converging with the Opposition’s view in this area?

Hon. Chief Minister: Well, Mr Speaker, first supplementary no, second supplementary no, for this reason.

Let me start by saying this Mr Speaker. There are some universities that have very high entrance grades and requirements. If I had a university, it would have such high grades and he would never get the chance to be tutored in law by me, as a result!

Mr Speaker, the hon. Gentleman has spent the past six months, I assume, in an attempt to try and ingratiate himself with those in Gibraltar who have never been able to identify with his party, trying to pretend that he can represent Nationalists and those who are not Nationalists at the same time. I think that he felt – and I am not imputing any motive; I am just giving him my thoughts as to what I thought he felt – when he saw Casemates brimming full of proud Gibraltarians, that he needed to do everything possible to ensure that if he ever becomes the Leader of the GSD – and we know what chances deputies in the GSD ever have of becoming Leaders of that Party – that he should be able to sit on that stage and see the crowds of people before him.

He is therefore, Mr Speaker, trying to achieve that which he accuses me of: namely, he is trying to converge with us. Our position, Mr Speaker, has been consistent and clear for many years. The GSLP’s position, under the leadership of Mr Bossano and under my leadership now has been consistent and clear, and the position of the Liberal Party with us in coalition has been consistent and clear.

I believe, Mr Speaker, that of all people in this House, the last one to get up and give lessons in consistency is the Hon. Mr Feetham.

Hon. D A Feetham: Mr Speaker, I am afraid that his position is as clear as mud, with respect to the Hon. the Chief Minister, as to the university that I attended. It is the same university that our senior partner from our firm, Mr Levy attended, Manchester University.

Mr Speaker, he also, in an interview with GBC – if he requires notice of the question, I will provide it next time round – he said – which was after we had come out with a press release saying that their

position appeared to be converging with ours – that there was ‘an opportunity for further slicing of the salami in constitutional terms’.

Can he tell us what he meant by ‘further slicing of salami in constitutional terms’, because certainly on this side of the House we are interested in real progress for the people of Gibraltar’ not the exercise of self-determination to slice salami?

Hon. Chief Minister: Well, Mr Speaker, they did very well when they let James Levy in, but I do not know what they were thinking when they let him in.

Mr Speaker, there are clearly many statuses between where we are today and independence. This was the issue that, in a clearly co-ordinated step between him and Mr Xiberras who lives beyond our shores and perhaps one other individual, they were trying to corral into different articles in different places in the past few weeks.

How is it that he does not know that there can be many different shades of political status between where we are and independence? There are *thousands* of possible permutations, each of them a step forward for the people of Gibraltar. Indeed, Mr Speaker, I have no hesitation in saying that no sooner was the ink dry on the existing Constitution than one of the things that his present Leader, then Chief Minister was accused of doing, was trying to take the Constitution further by what is not written in the Constitution – and quite right that he should have done that too, and hasn’t every Chief Minister under every Constitution always tried to go further?

If there is any nuance in any Constitution, Mr Speaker, in our view, it must be resolved in favour of the people, in this case the people of Gibraltar. I think the position is *crystal clear*. There are thousands of potential steps forward, different permutations of how the Royal Prerogative is exercised.

Mr Speaker, it is so clear that I think it would be impossible for me to sit down and give him every possible permutation which would make up the slices that I mentioned in that salami. There is just too much and in legal theory, it is sometimes impossible to cover every possible permutation. Would some of those permutations be in the interests of the people of Gibraltar? Of course they would. Would some be not in the interests of the people of Gibraltar? Well, they might not be or we might disagree as to whether they are or whether they are not. But this is not a place to debate legal theory, Mr Speaker. This is a place for information to be provided to the Opposition.

If they want to debate with me what are the possible next steps for Gibraltar constitutionally, let them bring a Motion and let us have the debate.

Hon. D A Feetham: But does the Hon. Chief Minister not accept – and he thinks that I am trying to catch him out but I am not, I am *genuinely* trying to see whether it is possible... and we were genuine when we came out with the press release welcoming what we felt was a change of position. We are trying to establish whether it is possible to have common ground and unity across the floor on this particular issue. Now, does he not accept that there is a distinction between saying on the one hand, as he did in *Canal Sur*, that there is potential for further constitutional models – by which any reasonable person would understand, what by constitutional models, you are dealing with, either free association or independence or something else – and slicing of salami in constitutional terms, which I understand as tweaking the Constitution, for example, trying to claw back some of the residual powers that the UK Government has in constitutional terms. I am just trying to get to the bottom of what is Government policy? Is Government policy the salami or is Government policy looking for a new model, by which I understand, a new model to mean, a new status from what we have today?

Hon. Chief Minister: Mr Speaker look, the hon. Gentleman – I am going to forgive him – just obviously does not understand. He does not understand these issues and, therefore, he does not see that there cannot be a conflict between those two positions that he has put. But of course, I do not accept anything that he has said, even the quotes that he attributes to them, unless I read them myself and he has not seen fit to give me the material and I have not had the opportunity to research it.

So just based on the premise that he puts and assuming that he is actually reading the quotes that are there, I do not accept that there is conflict. If he cannot see the way out of that dead end that he has got himself into by saying there is a conflict, then look, he is either not wanting to understand it or not understanding it.

But Mr Speaker, I have to address the premise of the question. If he wants common ground and unity in the interests of Gibraltar, all he needs to do is pick up the phone and let us have a chat about it. Let us write to each other about it, but let us not debate it across the floor of the House, because Mr Speaker, anybody who says, ‘I am trying to find common ground in the interests of Gibraltar’ and does it across a parliamentary floor is not really interested in doing anything other than scoring political points and pretending that he is the man for unity, when in fact, all he is trying to do is to shimmy his way into the political ground that, by being in that political party, he has lost.

Mr Speaker, there is a huge advantage to be gained by Gibraltar having, on the important political issues, real unity between its political leaders. If he ever becomes one of our political leaders, I will open the door to him to have the debate or pick up the phone from him to have the discussion; but if he is serious about it, he would not do it across the floor of the House. This is just a cheap attempt to score political points with those that he thinks he needs to impress.

If he wants to do that, my view is that he should do it by way of Motion, not by way of a pretend question.

**Potential investors to Gibraltar
Details**

Clerk: Question 994, the Hon. D A Feetham.

Hon. D A Feetham: Is the Chief Minister in a position to provide details of the potential investors to Gibraltar which he said prior to the Election he was in discussions with, together with the investment they will be making, bearing in mind that in answer to Question 81/2012, he said that those discussions had already borne fruit?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the answer remains as set out in answer to Question 81/2012.

Hon. D A Feetham: Is there any particular reason why, having said to me earlier on this year – in fact I think it was the beginning of this year – Question 81 must have been January, latest February – that those discussions had borne fruit, that he is not in a position to provide some further information to this House about those investors?

Hon. Chief Minister: Well, Mr Speaker, because although they may have borne fruit and discussions may be ongoing, it is not yet appropriate for the Government to make a public statement. I also told him that we would make a public statement when the time came.

**Census Act (2012 Census) Order 2012
Constitutionality**

Clerk: Question 995, the Hon. D A Feetham.

Hon. D A Feetham: Did the Chief Minister obtain advice as to whether the Census Act (2012 Census) Order 2012 was constitutional before enacting it?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, indeed, I sought advice on the constitutionality of the Census Act (2012 Census) Order 2012 and was advised that the Order was constitutional.

The 2012 Order only differs from the 2001 Order in that certain further particulars are to be stated in the returns. The Member seems to be concerned in particular about the new questions being asked on a person's health and that these may infringe a person's right to privacy contrary to sections 1 and 7 of the Constitution.

I say that, Mr Speaker, because in a statement issued by the hon. Member, he explained that this was why he was asking the question.

The Member should note, first of all, that virtually every question and not just those on health asked in the Census may constitute an interference with a person's right to privacy. It is the very purpose of the Census to ask 'intrusive' questions of such nature.

Unsurprisingly, therefore, the matter has come before the European Commission of Human Rights in complaints filed under Article 8 of the European Convention of Human Rights. Strasbourg has ruled that:

'where the information gathered by the means of a census is treated with care and confidentiality, the interference thereby occasioned with the applicant's rights to respect for his private and family life is necessary in a democratic society.'

Mr Speaker: Next question.

525

**Civil Service jobs
Details of AA grade vacancies**

Clerk: Question 996, the Hon. D A Feetham.

530

Hon. D A Feetham: Can the Government please state out of the 40 AA vacancies advertised in the Civil Service (a) how many have been employed in that grade; (b) of those employed in that grade, how many were on the unemployment list and for how long and/or employed by Employment Training Company Limited under the Future Job Strategy scheme?

535

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the position remains as stated in my answer to Question 852/2012. The selection process has not yet been finalised.

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Hon. D A Feetham: Yes, in answer to that particular question, the Hon. the Chief Minister said 40 vacancies had been advertised, one new AA vacancy has been created within the Civil Service. Is that because the other 39 have been created within the GDC? Is that the position?

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Hon. Chief Minister: Mr Speaker, the hon. Gentleman's question is just completely out of the ball park. How can Civil Service vacancies be for the GDC? These vacancies are for the Civil Service.

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Hon. D A Feetham: Absolutely, look, the Hon. the Chief Minister... I have been very, very patient this afternoon. He seems to think, he seems to take offence to me standing on my feet and asking him a question. I am going to be here for a very long time (**Hon. Chief Minister:** Absolutely!) (*Interjections*) and he had better get used to answering questions! (**A Member:** Hear, hear!) (*Interjections*)

Mr Speaker: Order! Order!

555

Hon. P R Caruana: Three years is a very long time!

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Hon. D A Feetham: The answer that he gave me was 40 vacancies had been advertised, one new AA vacancy had been created within the Civil Service. My understanding of the position was that the grade AA has been created... is a grade that has actually been revived by this Government, hence why I have interpreted the answer in this particular way.

If the answer is no, all 40 have been created within the Civil Service, that is the answer. It is just that the answer that he gave me last time was actually quite confusing.

565

Hon. Chief Minister: Mr Speaker, I will pass that on to the Head of the Civil Service.

Mr Speaker, if it is of any assistance, for however long he may be there – and I trust it will be very long indeed and after many elections – I can tell him that by the next Parliament, I will have more information about those vacancies, if he wishes to ask again.

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Hon. D A Feetham: Am I right that all 40 vacancies have therefore been created within the Civil Service? Is this the revival of the AA grade, with all those 40 vacancies being created within the Civil Service? Why did he, on the last occasion, say one new AA vacancy has been created in the Civil Service? This is what I do not understand.

575

Hon. Chief Minister: Mr Speaker, because there are other posts that AAs fill, Mr Speaker, and there are vacant AO posts that may be filled by some people who hold AA or equivalent vacancies today in the Civil Service, Mr Speaker. It may have been that no AAs have been recruited for some time, that the entry grade was not AA for some time, but there were still people within the Service who were at AA or equivalent grades. I am assured that that is the position, Mr Speaker.

580

Hon. D A Feetham: Well no, Mr Speaker, there were no AA grades; it was AO. We abolished the AA grade.

Now unless, of course, the Government... The answer has been written obviously by a civil servant: the Chief Minister does not understand the answer that has been written by a civil servant. It has two

interpretations: either they have created an AA grade and all 40 vacancies are within the Civil Service; or alternatively, as he appears to indicate, one of them was in the Civil Service, 39 were in the GDC, because... Indeed there is another question in the Order Paper about this, I do not know what the answer is going to be, but the answer could be that, in fact, there is going to be an attempt by the Government or a policy of the Government of actually equalising the grades between the GDC and the Civil Service. Therefore the AAs – those other 39 – are within the GDC, hence why I have asked him.

What I would like to know is what the position is.

Hon. Chief Minister: Mr Speaker, it is not that I do not understand the answer; it is that apparently the hon. Member cannot read and understand what has been given to him, even when he reads it for a month in *Hansard*. One new AA vacancy has been created. It could not be clearer, Mr Speaker. The position is very clear. (*Interjection by Hon. D A Feetham*) Mr Speaker, there are, whether the hon. Gentleman likes it or not – and he needs to listen to what I say and not hear what he wants to hear – AA equivalent grades still in the Government. There are people who are holding those posts, like word processor typists. Mr Speaker, therefore some of them may fill up other grades of employment in the Service and people who are recruited now fill those grades at the equivalent of AA.

Mr Speaker, I have tried to be helpful by saying that there will be more information available in the next Parliament, which is what I am told by the Head of the Civil Service. If he is genuinely interested in the information, if he asks then – sorry?

Hon. P R Caruana: The next Parliament, so the next meeting?

Hon. Chief Minister: The next meeting of Parliament, yes. I know before there used to be very few meetings of Parliament, but by the next meeting of Parliament, which is in the next month, it will be available.

Hon. D A Feetham: So the answer is, so that I understand it, that when I asked about the AA grades, and indeed there were no AA grades in the GSD Government, (*Interjection*) what you are saying is that there were typists or other people occupying certain posts that were the equivalent of the old AA grade, because they were not AOs, and when you answered last time round, 40 vacancies had been advertised, one new AA vacancy has been created within the Civil Service, what you are telling me is that you are treating those posts as if they were AA. Is that what you are saying?

Hon. Chief Minister: Mr Speaker, what I am saying is what I have said. I am not going to... This is not about me getting up and saying the same things all over again in the way that the hon. Gentleman may find more appropriate. I think I have been as clear as crystal, he will think the opposite and Question Time is about eliciting information. I have given him the information that I have and I have told him I will have more information at the next meeting of this Parliament.

Mr Speaker: Next question.

Public debt Details as at 30th September and 31st October 2012

Clerk: Question 997, the Hon. P R Caruana. (*Interjections and laughter*)

Hon. P R Caruana: I have been waiting here patiently for a while now.

Now, Mr Speaker, will the Chief Minister say what was (i) the gross public debt; (ii) the cash reserves; and (iii) the net public debt at each of 30th September and 31st October 2012?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Questions 998 and 1000.

Clerk: Question 998.

Hon. P R Caruana: Mr Speaker, will the Chief Minister give a breakdown, by bank and amount, of that part of the aggregate public debt which comprises bank debt, as at each of 30th September and 31st October 2012?

Clerk: Question 1000.

Hon. P R Caruana: Yes, Mr Speaker, will the Chief Minister give a breakdown, by debenture issue, of that part of the aggregate debt which comprises Government debentures, as at each of 30th September and 31st October 2012?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I will now hand the hon. Member a statement with the information requested.

Answer to Question 997/2012

Figures for October 2012 are not yet finalised by Treasury. The gross public debt, cash reserves and net public debt position for September was as follows:

	30-Sep-12
	£'M
Gross Public Debt	487.69
Cash Reserves (tentative)	197.14
Net Public Debt (tentative)	<u>290.55</u>

Answer to Question 998/2012

The aggregate public debt position which comprises bank debt was as follows:

Bank Loan Revolving Facilities	30-Sep-12	31-Oct-12
	£'M	£'M
Barclays Bank	150.00	150.00
Natwest Bank	50.00	50.00
	<u>200.00</u>	<u>200.00</u>

Answer to Question 1000/2012

The aggregate public debt position which comprises Government debentures was as follows:

Government of Gibraltar Debentures

Summary of the Public Debt as at :	30-Sep-2012	31-Oct-2012
Pensioners' Monthly Income Debentures (3.5%)	£46,785,700	£46,631,700
Monthly Income Debentures (2%)	£7,180,700	£7,046,800
Special Issue of Monthly Income Debentures 2008 (3.5%)	£47,424,200	£47,145,700
Limited Issue of 3-Year Fixed Monthly Income Debentures (31/12/2012)(4%)	£32,988,900	£32,985,900
Limited Issue of Fixed Monthly Income Debentures (31/12/2013) (4%)	£15,058,000	£15,058,000
Limited Issue of Fixed Monthly Income Debentures (31/12/2015) (5%)	£70,006,600	£70,001,600
Limited Issue of Fixed Monthly Income Debentures (28/02/2017)(5%)	£68,246,800	£68,246,800
Total of the Public Debt comprised of Government Debentures :	<u>£287,690,900</u>	<u>£287,116,500</u>

Hon. P R Caruana: Ah, the figures for October are not yet final. Mr Speaker, can the hon. Member offer an explanation why the Government is not able to say, 16 days after the date that I have asked for, what the gross public debt in the cash reserves are?

Hon. Chief Minister: Well, Mr Speaker, because the Treasury does not yet have the information to give. It is not a figure that we have ever resisted providing, neither did he, I think, so it is a Treasury –

Hon. P R Caruana: But it is unusual, 16 days. Normally you can.

Hon. Chief Minister: Fourteen days, isn't it? (*Interjection by Hon. J J Bossano*) The hon. Gentleman may know that the Financial Secretary has been away: I do not know whether that might be one of the issues.

Hon. P R Caruana: Mr Speaker, can the hon. Member say, given that he is aware from the General Election campaign and subsequent exchanges that, in our view, the real measure of indebtedness is the net public debt. The gross public debt can be reduced simply by transferring cash from the cash reserves and paying it back to the lenders and indeed, when the Government was issuing debentures in its own name, the gross public debt would rise every time somebody went in and bought a debenture from the Government.

So it is really the net public debt that measures the uncovered debt liability of the Government. Can the hon. Member say in respect of the net public debt, therefore, whether the Government has any target for its reduction or is its target limited as he has said in the past...? Well, I will restructure that question to make sure it is not leading.

We know that there is a target in the manifesto for the reduction of the gross public debt. Does the Government have a target for the reduction of the net public debt during this term of office or in any period within it?

Hon. Chief Minister: Mr Speaker, I think we have dealt with this issue before. In fact, I think we dealt with it just after the General Election in the *Hansards* for January and February, when we had some debates on this issue.

Mr Speaker, our position has been that both need to be reduced.

Hon. P R Caruana: Yes, but you have a target?

Hon. Chief Minister: We have not given a figure. That is the debate we have had before.

Hon. P R Caruana: I am asking now whether you have a target.

Hon. Chief Minister: No, Mr Speaker, not a cash figure.

Hon. P R Caruana: Given that I was never able to persuade the hon. Member that affordability of debt was a product of its percentage of the size of your economy, which I am sure the previous leader of that party understood, when the hon. Member says it should be reduced and therefore, although he has not got a number target, a cash target for the reduction of net public debt, he has expressed the view that it should be lowered or lower, is that in absolute terms or as a percentage of GDP?

Hon. Chief Minister: Mr Speaker, there is a lot of material on this in the manifesto, and I am sure that we have had this debate in this Chamber before about this figure. I think we have said more than once that there is no figure in absolute terms that we are looking at which is connected in any way as a ratio to the GDP, so not a percentage figure.

Hon. P R Caruana: Well, Mr Speaker, the reason why I am asking is this: that he says in this House that he thinks that the net public debt should be reduced. Well, of course, it is always better to owe less money than to owe more money, but of course most people would interpret a reduction as being, 'I used to owe £290 million – owing less means that I owe less than £290 million' – £270 million; £250 million or £230 million. But in economic terms, you can lower the net public debt as a proportion of GDP whilst actually raising the number. In other words, £290 million may be a proportion of GDP and that a higher amount – £320 million – may be a lower percentage of a higher sized economy, of an increased GDP figure, so that is the relevance of asking.

Three years from now, is he going to hopefully be able to boast that he has reduced the figure of £290 million to some lower figure than £290 million; or is he going to say, 'When I came into office, net public debt was 21% of GDP and it is now 19% of GDP', even though it is a higher figure in cash terms?

Hon. Chief Minister: No, Mr Speaker. The position I think is clear. We are going to come to this House, hopefully, to say – no doubt to say – that it is a lower figure in cash terms. Mr Speaker, there is a very clear statement about what we think the definition of net debt should be and how it should be changed, actually, to be more prudential on page 27 of the manifesto. It was around that definition, I think, that we had the debate previously.

Mr Speaker: Any other supplementaries?

Next question.

**Cash balances of Government Agencies
30th September and 31st October 2012**

Clerk: Question 999, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, will the Chief Minister say what were the cash balances held in each Government Company, Agency or Authority as at each of 30th September and 31st October 2012?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, Government Agencies and Authorities have no cash balances as their expenditure is funded by way of contributions from the Consolidated Fund as and when required. Similarly, the annual current net expenditure requirements of Government Companies are funded by way of contributions from the Consolidated Fund, as and when required.

I am therefore advised by the Treasury that details of cash balances held by each Government Company or Agency are currently not available, as these depend on capital inflows and outflows, the allocations of which will not be finalised by the Treasury until the financial year end, when I assume they can be published.

Hon. P R Caruana: So there are cash balances but we cannot work them out at the moment, or the net figure of money in, funded in or funded out.

I will tell you the reason why I am asking, Mr Speaker – perhaps I will phrase it by way of a supplementary. The hon. Member will recall that at the time of the Budget debate, we argued about whether the real surplus was around £50 million or around the £30-odd million that was reported. I said to the hon. Member that he had artificially reduced the size of the Budget from what I thought it should have been reported at, nearly around the £50 million –

Hon. Chief Minister: The surplus.

Hon. P R Caruana: The surplus. Sorry what did I say? I beg your pardon.

Hon. Chief Minister: The Budget.

Hon. P R Caruana: The surplus, thank you, the surplus – and that he had artificially reduced this I challenged by what subsequently transpired, which I think he accepted, which was that they had charged to *this* year's expenditure account provisions in respect of *previous* years' deficits in the Companies. Now, given that previous years' deficits in the Companies did not mean that the Companies had an overdraft at a bank; the Government had funded... Those deficits from the Company for previous years arose because they were doing projects and the Government was funding that expenditure.

Well, if the Government was funding that expenditure, the Companies have no liability. There may have been a book-keeping entry between the Government and the Companies, where the Companies owed the Government, or a suspense account of the Government, money.

So when the Government says 'in this year's Budget' or last year's Budget, basically for the year ending 31st March 2012, I am charging £17 million for previous year Company expenditure, that capital, that expenditure... Well, that is what I said happened and that is what I think you accepted. I think you accepted that the capital expenditure involved for Companies involved more than one year. (**Hon. J J Bossano:** No.) Yes, he did. This is common ground, Mr Speaker. This is common ground by what the Chief Minister said in this House.

The Chief Minister said in this House, and he gave me a breakdown of the figure of what was... yes. (*Interjection by Hon. J J Bossano*) Yes, yes what was capital. That capital had already been funded and therefore, where is that capital now? Did it stay in the Consolidated Fund? Was it just a book-keeping entry so that it was not really money that the Government was spending this year – which was the point that I was trying to make in the Budget?

Either the Government was spending that £17 million or so – I do not remember what the net figure was between the £50 million and the £30-odd million... Either the Government was *not* spending that money out of the Consolidated Fund, in which case it should have been reported, it had not spent that money out of the Consolidated Fund and therefore, it should have been in the Consolidated Fund as at 31st March, and therefore reported, as part of the surplus; or the Government was in settlement of some deficit or some advance account liability or whatever the Companies owed, paying it out of the Consolidated Fund, in which case he was right to debit it. But then that money has to be paid somewhere, there has to be a recipient of the money and given that the Companies had already been funded in the expenditure – (*Interjection*) Yes, the Companies did not owe a contractor £17 million in respect of

previous year profits. It had already been paid for by the Government and therefore that £17 million, I would expect to be sitting, if it has left the Consolidated Fund as of 31st March – remember we are talking about expenditure sitting in the Companies.

So the hon. Member is saying to me now, as I understand his answer to my question, there is no cash. There are no cash balances in any of these Companies because they do not maintain cash balances. What happens is that when they have liabilities, the Government sends money in and when they have revenue, the Companies send the revenue up to the Government, so there is never any *cash* balance in any of the Companies or Agencies. That is the tenet of what the original answer to my question has been. There are no cash balances because it is all funded by the Consolidated Fund.

I am asking the hon. Member, first of all, to confirm that there are no cash balances in the Companies and if there are no cash balances in the Companies, what happened to that part of the charge on the Consolidated Fund that was reported, in our view, to reduce the surplus for last year by a figure which included not that year just ending's expenditure by the Company, but by the hon. Member's admission, previous years' expenditure by Companies which had already been funded by the Government.

(Interjection)
Yes, Mr Speaker, the hon. Member... Let us at least agree that if the facts as I... If the Hon. the Minister for Employment is suggesting that my factual explanation is incorrect, well fine. Let us at least agree that if my factual explanation is not incorrect, which can be established later, then those £17 million have got to be somewhere, and I am asking whether they are in the Companies?

Hon. Chief Minister: Mr Speaker, we had, he is right to say, a very lengthy debate about these issues and I want to say that this was a debate which involved very detailed consideration of the figures that were before the House at the time, which is reflected in *Hansard* and which I do not recall led us to agreeing on anything.

So, Mr Speaker, the position of the Government is as set out in my reply to his Budget address then. I think the figures reflect very accurately what the position is and there are today, as I have said in my first answer, no cash balances in these Agencies or Authorities for the reasons I have set out.

Despite the length of the question, which I accept was intended to help us understand why it is that the hon. Gentleman wanted the information, I do not recognise that he is right in what he is saying. But Mr Speaker, if he wishes, Mr Speaker, I will review the *Hansard* of the reply to the Budget debate and his points, and see whether it is possible to distil from that and this question, some information which is available and which he *can* have and which may enable him to have what he wants to have, to do the calculation that he wants to do.

Hon. P R Caruana: Okay, Mr Speaker, I accept that offer, but what the hon. Member is saying to me now is that there is not... I have mentioned the figure of £17 million, but I am not suggesting it is £17 million. I cannot remember how much was in dispute. I thought it should be around £50 million and he reported £30-something million. So it is... Whatever that figure is of around about £17 million, the hon. Member is saying to the House today that there is no Company, Agency or Authority that has that degree of money available to it outside of the control of this House. In other words, that there is not a Company or Government Agency with an equivalent amount of cash, sitting in it which is available to be spent by those Companies outside of the appropriation mechanism of this House.

That is really the question that I am asking.

Hon. Chief Minister: Mr Speaker, and I have answered it, I believe, *(Interjection by Hon. P R Caruana)* as clearly as I have. I have set out, Mr Speaker, *(Interjection by Hon. P R Caruana)* and I will repeat it, if the hon. Gentleman wants, that Government Agencies and Authorities have no cash balances, as their expenditure is funded by way of contributions from the Consolidated Fund and then went on to read the rest of it and especially, Mr Speaker, the issue about when the information will be available to the Treasury about allocations, etc, which are made in respect of these Companies, which will not be until the financial year end.

Hon. P R Caruana: I accept that as the answer then, if that is what he means to say –

Hon. Chief Minister: Yes, Mr Speaker, if what he is saying is, 'Is your answer, your answer?' then yes, Mr Speaker, my answer is my answer.

Hon. P R Caruana: Yes, but Mr Speaker, this is why I wanted clarification. The answer is the Companies have no cash balances, and if he had stopped there, it would have been clear. If he had stopped at 'the Companies have no cash balances because they are funded by the Consolidated Fund' – full stop – that would have contained the answer to my supplementary as well. But he then went on to say about the Treasury not having the figures and I want to know if that derogates from the part of his answer

860 which is clear. In other words, is he saying the companies have no balance because they have got no cash or are they saying, 'It is all about reconciling figures and we will not know if they have got any balances until the Treasury does some work, which it has not been able to do yet', which is the second part of his answer, which is less clear than the first.

865 **Hon. Chief Minister:** Well, Mr Speaker, the first part is the position that accurately and succinctly reflects the position.

Hon. P R Caruana: Then that gives the answer to my supplementary.

Mr Speaker: Next question.

870

Gibraltar Savings Bank
Details of debt security and investments

875 **Clerk:** Question 1001, the Hon. P R Caruana.

880 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister give a breakdown by nominal value and issue of the debentures or other debt security issued by the Gibraltar Savings Bank and outstanding as at each of 30th September and 31st October 2012?

Clerk: Answer, the Hon. the Chief Minister.

885 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Question 1002.

Clerk: Question 1002.

890 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister give a breakdown of the investments, including cash advances, if any, of the Gibraltar Savings Bank as at each of 30th September and 31st October 2012?

Clerk: Answer, the Hon. the Chief Minister.

895 **Hon. Chief Minister:** Mr Speaker, I will now hand the hon. Member a statement with the information requested on the value of debentures and the debt security issued by the Gibraltar Savings Bank.

As regards the breakdown of corresponding investments, these have not yet been finalised by the Treasury.

ANSWER TO QUESTION 1002 OF 2012

Answer to Question 1001

Summary of nominal value/issue of Debentures and other Debt Security issued by the Gibraltar Savings Bank as at:

	<u>30-Sep-12</u>	<u>31-Oct-12</u>
Gibraltar Savings Bank Debentures		
3 Year Fixed Term Monthly Income Debentures (Maturing 1/8/15)	£3,131,200	£4,906,800
5 Year Fixed Term Monthly Income Debentures (Maturing 1/8/17)	£15,474,400	£22,229,600
3 Year Fixed Term Monthly Income Debentures (Maturing 1/5/15)	£3,055,000	£3,055,000
5 Year Fixed Term Monthly Income Debentures (Maturing 1/5/17)	£29,840,000	£29,840,000
3 Year Fixed Term Monthly Income Debentures (Maturing 1/2/15)	£1,993,300	£1,993,300
5 Year Fixed Term Monthly Income Debentures (Maturing 1/2/17)	£25,044,800	£25,044,800
Monthly Income Debentures (Issued 17/1/12)	£1,915,900	£2,310,200
Monthly Income Debentures	£8,865,400	£8,745,400
Pensioners Monthly Income Debentures	£6,694,300	£6,587,300
Other special Debenture Issues @ 2%	£2,316,584	£2,340,595
	£98,330,884	£107,052,995
Gibraltar Savings Bank Bonds		
10-Year Accumulator Bond (Issue date 01/08/12)	£593,200	£862,200
10-Year Pensioner Accumulator Bond (Issue date 01/08/12)	£1,843,200	£2,133,300
10-Year Accumulator Bond (Issue date 01/05/12)	£2,956,400	£2,866,400
10-Year Pensioner Accumulator Bond (Issue date 01/04/12)	£1,575,000	£1,575,000
10-Year Accumulator Bond (Issue date 01/02/12)	£897,300	£897,300
Guaranteed Superannuation Fund Bond	£4,850,884	£5,616,252
8% Provident Trust Fund No. 2 Pension Scheme EX Bond 1	£572,244	£573,806
8% Provident Trust Fund (Bond 1)	£2,628,485	£2,636,772
8% Pension Rights and Gratuity Transfers (Bond 2)	£4,465,725	£4,433,246
8% Provident Trust Fund No. 2 Pension Scheme - EX JMH	£87,033	£232,584
Gibraltar Provident Trust (J.M.H.) Pension Scheme	£257,811	£113,547
GSL 11% Bond	£14,624	£14,624
	£20,741,916	£21,745,031
Gibraltar Savings Bank Ordinary Deposits	£50,542,922	£51,322,555
Investment Call Accounts		
Non-Government	£1,331,948	£1,334,211
Government (tentative)	Not yet finalised by Treasury	Not yet finalised by Treasury
	Not yet finalised by Treasury	Not yet finalised by Treasury
Total Gibraltar Savings Bank Deposits:		

900 **Hon. P R Caruana:** How is it possible for the Treasury not to know, as at a date nearly three weeks ago, where its money was invested?

If you said to me that they had not had time to type out the list, I could understand it. There is nothing for the Treasury to finalise. As at the date, which has passed some days ago, the question is, where was the Government's money invested in or the Savings Bank's money invested in. I do not see that there is anything for the Treasury to have finalised or not finalised.

Hon. Chief Minister: Mr Speaker, that is the answer which I have been provided by the Treasury, so I will be very surprised if they had been able to finalise things and had not been ready to provide it to me.

910 **Hon. P R Caruana:** Mr Speaker, is the Government able to say whether all the monies representing debentures issued by...? (*Interjection*)

The question is a bit technical, so I thought I would wait until I was certain that he was hearing it.

915 Mr Speaker, is the Hon. the Chief Minister able to confirm that all the money represented by the issue of these debentures by the Savings Bank is held either in cash or in near cash by the Savings Bank, either in floating rate notes or in debentures, market instruments of that sort?

Hon. Chief Minister: Mr Speaker, that is what the Savings Bank Act provides that the investment must be held in. So unless somebody is in breach of the Savings Bank Act, then yes, I can confirm that.

920 **Hon. P R Caruana:** Mr Speaker, these questions are designed – I do not mind telling the hon. Member what the questions are designed to establish – whether, and if so when, the Government should ever – and they are designed to see whether it has happened already and if the answer is no, then to see if it happens in the future... It is designed to establish whether the Government is procuring that the Savings Bank – which is nothing more than a special fund of the Government – whether the Savings Bank is lending money to the Government, either directly in cash or through the investment by the Savings Bank in Gibraltar Government debentures. That would just be a way of lending Savings Bank debenture holder monies to the Government.

930 In other words, if I go to the Savings Bank and I buy £100,000 worth of Savings Bank debentures and the Savings Bank uses that money to buy £100,000 of Government debentures, as an investment for the Savings Bank, then my £100,000 has been lent by the Savings Bank to the Government. I make no comment about what view one should take on that; I am just trying to find out whether it is happening or not happening.

935 **Hon. Chief Minister:** Well, Mr Speaker, given that he was the one that removed the 10% buffer in respect of the Savings Bank, on the basis that it was a Government bank underwritten by the Government in the Consolidated Fund, I would expect him to make no point about that.

But Mr Speaker, my position remains exactly as I said a moment ago. As far as I understand it, all investments of the Bank are in cash or near cash, which is what the Savings Bank Act requires.

940 **Hon. P R Caruana:** And therefore have not been used either to lend cash to the Government or to purchase Government debt instruments, like Government debentures.

Hon. Chief Minister: No, Mr Speaker, if those things are neither cash nor near cash, they have not.

945 **Hon. P R Caruana:** Well, Mr Speaker, look this is an important enough issue for me to be entitled to a clear answer. (*Interjection*)

950 *Either* the Government allows and procures... Given that it controls the Savings Bank, either the Government allows the Savings Bank to lend its money to the Government, so that Savings Bank's debentures are subject to the financial viability – thankfully, healthy – of the Government; *or* the Savings Bank debenture monies are ring fenced, kept in separate accounts in the Bank of England and not ever subject to the Government's ability to repay public debt.

Mr Speaker, I am not making a comment that it would be right or wrong, or how right or how wrong it would be. I am simply asking a question which I think is important enough just to attract a simple yes or no answer from the Government.

955 Is the Government allowing debenture Savings Bank monies, which represent monies paid to the Savings Bank in exchange for Savings Bank debentures by savers... is the Savings Bank allowed to use that money to buy Government debentures or to cash lend to the Government, both of which would represent using Savings Bank debenture holders' money to fund public debt? As they do in England, by the way – there are lots of countries where this is *exactly* how the public debt is funded.

960 **Hon. Chief Minister:** Mr Speaker, I think this *is* a very important point and I think it is very important that I deal with the point that the hon. Gentleman first made. Are the Savings Bank's investments in cash or near cash? Yes, they are. Does that investment include the Government's debentures or lending to the Government? Well, Mr Speaker, I have, a moment ago, answered the question as to what Government debt is. The answer is that Government debt is going down, he has seen it and he has seen what the revolving facilities are and he will see that there is there, not disclosed, the Government Savings Bank as a lender to the Government. It would have to be disclosed there, if there were any Government lending or any Government debt to the Gibraltar Savings Bank. It is not there.

970 So if he says it is that important, well, Mr Speaker, so be it that he thinks it is that important and if he looks at the answer in respect of Government borrowing, he will see that there is no lending from the Gibraltar Savings Bank, either to the Government directly or through debentures.

975 **Hon. P R Caruana:** Well, Mr Speaker, that is the answer to my question, which he could have given me, without adding the inaccurate preamble. His preamble is inaccurate, because the answer to the previous question tells me not what he has just said it tells me.

If I look at the total amount issued by the Government in Government debentures, I have not got a list of the debenture holders, I do not know who the investors in those debentures are. (*Interjection*)

980 Well, Mr Speaker, there is churn. A lot of people may have sold those debentures, bought Savings Bank debentures and the figure is the same or a little bit lower because others may be buying it and those others could include us. It does not tell me – knowing that the Government has £x million in outstanding Government debentures – anything about whether any of those debentures are held by the Savings Bank or whether they are all held by citizens who are still in the Government debentures, because they have not yet had an opportunity to be migrated or to migrate in due course to the Savings Bank.

985 But I have now had the answer to my question, which is no. No Gibraltar Savings Bank debenture proceeds are used to lend to the Government directly in cash or through the medium of the investment in Gibraltar Government debentures. That is all I was asking for and I am grateful to the hon. Member.

Mr Speaker: Next Question.

990 **Hon. Chief Minister:** I answered, I think, not trying in any way to steer the hon. Gentleman away from the information that he wanted. I think I have set out clearly in my answers what the position is.

Mr Speaker: Next question.

995

**Government staff
Employment costs**

1000 **Clerk:** Question 1003, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, further to Written Question 128/2012, will the Chief Minister say what is the cost in one full year of the employment since 10th December 2011 of the following persons – then the Hon. Chief Minister will recognise the information that he gave me in that question, in that 128:
1005 (a) 58 civil servants; (b) 35 GHA staff; (c) 9 GDC staff; (d) 23 Care Agency staff; (e) 6 Gibraltar Bus Company staff; (f) 3 Gibraltar Defence Estates & General Services Ltd staff; (g) 3 Gibraltar Cleaning Services Ltd staff; (h) 54 Gibraltar Research and Development Co. staff; and (i) 531 Employment Training Co. staff.

1010 Now, I recognise that items (h) and (i) are the employment training scheme things and the graduate schemes, which are in a different category to (a) to (g).

Clerk: Answer, the Hon. the Chief Minister.

1015 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the requested information is of a hypothetical nature and can therefore not be provided, not least of all because the full year has not yet elapsed. In some cases, the employees were engaged seasonally and the cost of one full year is not applicable and in others, employees will have moved on and are therefore no longer in post.
The full year cost is therefore not a real one.

1020 **Hon. P R Caruana:** Mr Speaker, that answer I think is typical of the obtuseness that the –

Mr Speaker: Will the Hon. Leader of the Opposition... When I saw this question, I was myself somewhat perplexed. 'The following persons: 58 civil servants' – 58 civil servants in what grade? Is it 58 hypothetical civil servants that the Hon. the Leader of the Opposition is talking about or is it...? I hope –
1025

Hon. P R Caruana: Well, Mr Speaker –

Mr Speaker: Just a moment. I hope he does not get exasperated with me, because I think that when I received the question, I was perfectly entitled, if I had so wished, to find out, to endeavour to find out from him whether these 58 civil servants were real, who they were, what grades were they; or were they just 58 hypothetical civil servants?
1030

If they are just 58 hypothetical civil servants, an answer cannot be provided. If eight of them are EOs on the maximum of the scale and another 50 are HEO at the bottom of the scale, perhaps figures can be given.
1035

So perhaps he might care to clarify what the exact position is, before we proceed any further.

Hon. P R Caruana: Mr Speaker, with respect to him, the Hon. Mr Speaker should have been perplexed only to ensure that the question was within Standing Orders. It is not a requirement of the Opposition in asking questions that the Speaker understands the political significance.
1040

Mr Speaker: Well yes – because otherwise the persons referred to are hypothetical.

Hon. P R Caruana: Mr Speaker –

1045 **Mr Speaker:** Of course there exists in Government employment 58 civil servants, but who are they? What 58 civil servants are we talking about?

Hon. P R Caruana: Mr Speaker –

1050 **Mr Speaker:** And therefore unless I were to know, I cannot properly give a Ruling.

Hon. P R Caruana: Well, Mr Speaker, you have given a Ruling: you have allowed the question to enter the Order Paper, so the question is perfectly in order. What we are discussing is his answer, not my question. The fact that the question is in this Order Paper after Mr Speaker has considered it, before today, means that he has already decided that it is in order. So why I am now being cross-examined about whether my question is in order or not is beyond me.

But Mr Speaker, I do not know why Mr Speaker gets the impression that I would waste my time concocting questions around hypothetical non-existent people! These are the numbers that the Government, the Hon. the Chief Minister or some Minister, provided in answer to a question last time in Parliament as to the number of people that had been employed in new additional jobs in the Government since 10th December. I am simply regurgitating the information that the Government has given me in answer to a previous question, where I have asked how many new people – not people being transferred from other jobs – how many people have been *newly employed* in the Government or in any Government Agency since 10th December, and *this* is the list that the hon. Members gave me.

Having given me the list, I am now asking, ‘Well what is the *cost* of employing these people that you have told me you have employed?’ to which the answer appears to be from the hon. Member opposite, ‘I do not know’, and from the Hon. the Speaker is ‘Are these hypothetical?’

Well, I do not know if they are hypothetical or not; I only know of their existence because the Government has informed the House that they exist!

Hon. Chief Minister: Well, Mr Speaker, I have not said I do not know; what I have said, Mr Speaker, if the hon. Gentleman cares to look at his question – and this is what makes it impossible to... This is what makes his question... (*Interjections*) Is he interested in the answer, Mr Speaker?

What makes his question impossible to answer is that he has asked what the cost –

Mr Speaker: Just a moment. (**Hon. Chief Minister:** Sorry.) When the question was first received, there was no reference to ‘Further to Written Question No. 128/2012’. The question that I saw started, ‘Will the Chief Minister say what is the cost’. There was no reference to... I did not see any question with reference to Written Question 128/2012 – (*Interjection by Hon. P R Caruana*) – that I could then have reference to myself.

Hon. P R Caruana: Well I am sorry, Mr Speaker, (**Mr Speaker:** That is what happened.) The question was amended to read that at the request of the Clerk, after you had made that point to him and he had made it to me, and this is how we agreed it would be corrected. Hence my surprise when the matter is raised by you again!

It reads ‘Further to Written Question 128’ at *your* suggestion, put to me through the Clerk!

Mr Speaker: I asked the Clerk that the matter should be clarified with you. That is what I did.

Hon. Chief Minister: Mr Speaker, the issue for us is that the way that the uncontroversial part of the question, if I can put it that way, is worded, assumes one full year of employment since 10th December 2011 in respect of these individuals. Therefore, there is nobody – I know we were quick off the mark, Mr Speaker, but there was nobody here that we could identify employed on 10th December 2011, and in any event the full year has not expired.

So if what the hon. Gentleman wanted to know is what is the cost going to be of a full year of employment of these individuals from the relevant date in which each of them have been employed, then Mr Speaker that is something that I suppose we *could* provide –

Hon. J J Bossano: But not in a week.

Hon. Chief Minister: But just to take the point that Mr Speaker has taken and develop it, so that the hon. Gentleman can understand what the next issue may be – (*Interjection by Hon. P R Caruana*) What the next issue may be, Mr Speaker, and I think it is an important point, is that these 58, we will need to find their level in the Service and we will need to identify where it is that they finally are deployed and then trace forward if he wants, what salary it is that they are going to enjoy for that year, Mr Speaker – for the year from the date when they start. It is not information that we would have been able to provide within a week.

If he gets the point and he understands what I am saying, Mr Speaker, then perhaps he can put the question in a way that enables us to give him the information. For example, it may be easier if he asks us what is going to be the yearly salary for each of them, and then he can work out for himself, Mr Speaker, what the relevant totals may be.

Hon. P R Caruana: Mr Speaker, I know the hon. Gentleman has it as a policy and a tactic to try and belittle and ridicule everybody on this side of the House, but I have been doing the job that he has been doing for eight months for 16 years. The chances of him understanding anything about the affairs of Government that I do not grasp or understand are worse than zero.

Mr Speaker, that is precisely the question that I have asked. That is precisely the way that I have formulated the question. I have not asked him how much has it cost and I have not asked him any of the things that he has told me he could not answer. I have said, 'What is the cost in *one full year*?' It is a perfectly normal way to economically analyse the cost of something: you have done something, what is the annualised cost of what you are doing?

If you employ 47 teachers what is the annualised cost of those people – not in *this* year, because there is not a full year for them all, unless you employed them all on 1st April. That is why the question is precisely worded as he is recommending to me: what is the annualised cost? What is the cost in one full year, not what is the cost this year – in one? In any year, what is the annual tally of the monthly salaries? You get the salary for the first month of their employment and you multiply it by 12, and that is the cost in one full year of that employee – and you could not have done that for these people! How can the Government employ –

Hon. Chief Minister: You need to ask me a question.

Hon. P R Caruana: Yes, I am asking, several. How can the Government employ people without knowing what the cost is going to be?

Hon. Chief Minister: Mr Speaker, I really think that he needs to go back and see what I said to him because I have not attempted (*Interjection*) – because when I attempt, I usually achieve – to belittle him at all. In fact, I have been quite careful in the way that I dealt with the issue, because I know that Mr Speaker had taken the point in relation to the question, and I wanted simply to assist.

In fact, Mr Speaker to people who have fulfilled the post that he fulfilled for 16 years and that you fulfilled and that the Hon. Mr Bossano filled, I am, where possible, courteous to a fault. It is only when he – previously, usually – provokes me by kicking me in the parliamentary proverbials that I have to react and try and put him in his place. So this question of trying to belittle him (*Interjection by Hon. P R Caruana*) is really otiose.

Second, Mr Speaker: look, he thinks that my chances of understanding employment or anything else are less than zero, because he seems to have much less regard for me than I have for him, and all I am trying to do, Mr Speaker, in answering this question, in being generous in the way that I am putting to him we might be able to answer the question, is to say that the way it is set out is wrong.

So first of all, Mr Speaker, of course the Government knows what the annual cost of every person it employs is. It is not just the Government that knows it, Mr Speaker; it is actually set out in the Estimates Book, Mr Speaker.

Second, the problem is, Mr Speaker, that the way he has phrased his question... and there are two ways of answering it, and one in particular which would be very problematic is to ask us what is the cost in one full year of employment, which is the part of the question he quotes, but then he does not quote this bit – 'since the 10th December 2011, by the following persons'. Now many of these people Mr Speaker were not employed by the 10th December 2011; they were employed *afterwards*.

Some of them, Mr Speaker, additionally, were employed seasonally so there is no full year of cost, so we would have to give him in that respect, Mr Speaker, the total salary charged by that individual, say for example, lifeguards that may be some of the people set out in the list that he is referring to.

It is for that reason, Mr Speaker, that I have given him the answer that I have given him. I know that what usually happens to the hon. Gentleman is that when he sees he is wrong, he gets upset and hopes that by the bluster, he will be able to hide his mistake. But I think we have all seen through it today.

Hon. P R Caruana: Mr Speaker, the Hon. the Chief Minister is a master at the waffling of rubbish in order to cover his plain ignorant – (*Interjection*) Yes, Mr Speaker, and I am going to demonstrate it. Even to the point of pretending that the question reads something which it does not read, in order to try and wriggle out of the room.

Look, Mr Speaker, the reference to the 10th December is a reference to the date as from which people were employed in respect of which I want the cost of for a full year – *not*, as he has just tried to pretend to everyone listening in this House and everybody listening, that he cannot give me one full year's cost because not everyone was employed from the 10th December.

Look, Mr Speaker, it is perfectly simple English. The question reads: 'Further to Written Question No. 128/2012' – in which he gave me all this information of the number of people they had employed since 10th December – 'Further to Written Question No. 128/2012, will the Chief Minister say what is the cost in one full year since 10th December 2011 of the persons employed?'

1175 In other words, we know they were not all employed on 10th December but they have all been employed *since* 10th December, and because they have all been employed at different dates, obviously they will each have, their costs in a year will not be 12 months between now and March 2013, because they will not have served for 12 months between now and 2013.

1180 So I have said, never mind when they were employed, what is the cost *in one full year*? I doubt that there is anybody listening to this debate inside or outside of this House who does not understand the simple purport of my question, which is (a) that the Government has informed this House that since 10th December, it has employed 58 additional civil servants, 35 additional GHA staff, nine GDC staff, 23 Care Agency staff, six Gibraltar Bus Company staff, three Gibraltar Defence Estates... 54 Gibraltar Research Assistants who were presumably graduates, 531 Employment and Training Co. staff; and I am asking what is the cost of all that payroll in one full year to the Government. If the Opposition is not entitled
1185 even to *basic* information about accountability of public finances, as obviously relevant as the cost of the employment of public employees, and even to such simple questions, we have to be put off and fobbed off with obfuscation and insulting answers from the hon. Member opposite, I do not know what he thinks this Opposition is in this House to do!

1190 The question is: will the Government tell me what these people would cost in a year, yes or no? If he does not know, I will have it from him in writing at his convenience.

Hon. Chief Minister: Mr Speaker, I am very sorry to say that this is what often happens in this House and I am sorry that you are having to see a display of it this evening.

1195 **Hon. P R Caruana:** Get on with it! For God's sake. (**A Member:** You are the one who started it today!)

Hon. Chief Minister: I have not said anything to the hon. – Sorry, Mr Speaker, the hon. Gentleman is using some unparliamentary language from a sedentary position. Perhaps he wants to share it with us.
1200

Hon. P R Caruana: I am perfectly entitled to address myself to my neighbour in unparliamentary language.

1205 **Hon. Chief Minister:** Well you do what you like, but I think it demeans this Parliament when you do.

Mr Speaker: I think that matters are beginning to degenerate and I may soon have to move on.

Hon. P R Caruana: Again, without my getting an answer.

1210 **Hon. Chief Minister:** Mr Speaker, there is no question –

Mr Speaker: There may be no answer, whether he gets it or not, but if hon. Members are going to degenerate in making this what they have been doing for a hell of a long time, I am then going to bring matters to a head and go on to the next question! I think I am entitled to do that – or am I not?
1215

Hon. P R Caruana: *Of course* you are entitled –!

Mr Speaker: Right then, sit down and let us carry on.

1220 **Hon. P R Caruana:** The question is whether I get an answer or not.

Mr Speaker: Sit down and let us carry on.

1225

Mr Glyn Ford
Engagement by Government

1230 **Clerk:** Question 1004, the Hon. P R Caruana.
Question 1004.

Hon. P R Caruana: Well, Mr Speaker, if the hon. Member can filibust until Mr Speaker's patience is exhausted, he will not have to answer this question either.

1235 Mr Speaker, can the Chief Minister say whether Mr Glyn Ford, previously a Labour MEP for the South West and Gibraltar region, has been or is engaged by the Government or any Government entity, for any consultancy or other work?

Clerk: Answer, the Hon. the Chief Minister.

1240 **Chief Minister (Hon. F R Picardo):** Mr Speaker I will answer clearly and straightforwardly, as I have every single other question asked in this House, (*Laughter*) and I will remind the hon. Member that this Government is putting publicly on its website more information than his Government ever provided even in this Parliament.

1245 I answer him, Mr Speaker, by saying that Mr Ford is engaged by the Government for lobbying activities in Brussels.

Hon. P R Caruana: Mr Speaker, can the hon. Member say whether this has been made publicly known by the Government before?

1250 **Hon. Chief Minister:** Mr Speaker, much as was the case in respect of the expenditure under the Lobbying Head at No. 6, this has not been made public before and neither did he make public a number of the things that he entertained under that Head.

1255 I have information if he wants it about the cost of Mr Ford per month and the details of his contract, which I am happy to share with him privately.

Hon. P R Caruana: Mr Speaker, I am going to ask for it publicly. The difference between the lobbying engagements that I did and the lobbying engagements that he does out of public funds is that I never employed somebody who campaigned for me at the General Elections.

1260 Mr Glyn Ford MEP campaigned for the GSLP at the last Gibraltar General Election, or the second one, I cannot... Yes, the last and the previous, the one before that. That is the relevance of the matter and I am not prepared to accept the information from him privately. I think that the public is entitled to know how much Mr Glyn Ford MEP, member of the GSLP and campaigner for the GSLP at the last Elections, has been paid by the Government out of taxpayers' funds, for lobbying for the Government of Gibraltar in Brussels. And if he is not willing to provide me with that information publicly, I do not want it in any form.

1270 **Hon. Chief Minister:** Well, then Mr Speaker, he is not going to get it, for this reason: the hon. Gentleman knows that the Lobbying Head which he introduced in the Estimates Book is designed to enable the Government of Gibraltar to achieve the purposes of the people of Gibraltar through lobbying and other campaigns. He has spent in one year up to, I believe, £1 million or £2 million in respect of that Head. When we asked him to provide that information, he would not provide it, so if he was funding – (*Interjection*) That is *exactly* true. He can go back and look at every *Hansard* and he would not give us one piece of information as to what was being spent, what the money was being spent on and if he does not remember, it is because he is having selective amnesia.

1275 Mr Speaker, it is fundamentally important that he should understand –

Hon. P R Caruana: May I raise a Point of Order?

1280 **Mr Speaker:** Yes, which Point of Order?

Hon. P R Caruana: Well, Mr Speaker, there is no need for you, Mr Speaker, to lose patience – it may be a very good Point of Order for all he knows.

1285 Mr Speaker, I want the hon. Member to just confirm to me whether he is asserting in this House, that he has asked me when I was Chief Minister, or the Government, questions about the expenditure by the Government on lobbying and that he is saying that I refused to give him the information. Is that what he is saying?

1290 **Hon. Chief Minister:** That is not a Point of Order, Mr Speaker, but I will deal with it, simply by saying that although he used to give us a general breakdown of the Head, he would not give us what the detailed expenditure was and therefore, if he had been funding people who had been campaigning for him – not that that is relevant – then we would not have seen it in this House and therefore he is now accusing us of doing exactly what it was that he did.

1295 And what he likes to do, Mr Speaker, because he is trying to re-run the 1996 General Election campaign with all of his lieutenants, is to throw aspersions as widely as possible in an attempt to persuade people that something untoward is going on.

What is going on, Mr Speaker, is that somebody who is very well connected in Brussels is doing a job for the people of Gibraltar and it has achieved some results already. And if he thinks there is something wrong with that, then he has lost his compass and he does not want to achieve the best for the people of Gibraltar; he just wants to score cheap and basic political points.

Mr Speaker, the fact is that Glyn Ford was recognised for many years as representing not the GSLP, but Gibraltarians in the European Parliament, even before we had the right to vote there. He is widely recognised as a friend of Gibraltar. He has recently found that he was not returned to the European Parliament, but is still very well connected with people there. Therefore, Mr Speaker, he is a resource that we believe it is right to retain for the people of Gibraltar and we are delighted to be working with him.

What he needs to understand, Mr Speaker, is that for us as a Government, whether somebody was a GSLP supporter before the Election or a GSD supporter before the Election or a PDP supporter before the Election, whether they remain of that political persuasion after the Election or not, the only issue for this Government is how well can they do the job for which they are going to be retained, what value do they add for Gibraltar? That is what every Government should have been about.

But remembering – because memories are not as short as he might want – what life was like before 9th December 2011, people will be forgiven for thinking that if he is putting his question in this way, it must be because that was exactly what was going on before, when he had control of the purse strings and he used to refuse to give us the detail of the Head in respect of Lobbying and some of the million-pound contracts which we have seen and made public since we were elected reflect exactly that sort of behaviour in respect of that Head and others.

Hon. P R Caruana: So, Mr Speaker, we shall simply have to assume that Mr Glyn Ford, campaigner for the Government at the last Election, is just by coincidence... It is just a coincidence that all the early beneficiaries of the hon. Members alleged even-handedness amongst all Gibraltarians all happen to be people who prominently helped the GSLP at the last Elections. We have debated, we have discussed, asked questions about other situations in the past and now Mr Glyn Ford.

My supplementary is this, Mr Speaker: the question is not whether Mr Glyn Ford is qualified or unqualified. The question is not whether he won or lost the last European Parliamentary Election. The question is how much taxpayers' money has he been paid?

I would have thought that if Parliament is not entitled to know that information, then the rules of parliamentary accountability are being re-written in front of our very eyes. Mr Speaker, the question is apparently the hon. Member's position appears to be, 'I will not tell you because I alleged' – wrongly, I charge him – 'that when I asked you similar questions in Parliament you never answered me.' So where is this alleged greater transparency?

What the hon. Members do is publish on their website the innocuous Government financial information, whilst refusing to give in this House the uncomfortable inconvenient financial information that we ask. That is the game that the hon. Member is playing or why has he not put in his transparent Government website (a) that he was employing Mr Ford at all, which it has required an Opposition question to elicit – I would have thought it was a matter of public interest given that they put out five press releases a day on almost everything else that moves – and (b) how much he is being paid? Why has he not put that information on his Government website, if his commitment to transparency and accountability is everything that he claims that it is?

Hon. Chief Minister: Mr Speaker, I really think that the hon. Gentleman is past his prime.

Hon. P R Caruana: I am past my prime! Of course I am past my prime! *(Laughter and interjections)*

Hon. Chief Minister: Absolutely right. It is time that you recognise it, get up and go. *(Laughter)*

Hon. P R Caruana: The question is not whether I am past my prime; the question is whether you are hiding information from the people. That is the question.

Hon. Chief Minister: There is no question, Mr Speaker, of this Government hiding information from the people. *(Interjections)* This Government is providing **(Mr Speaker: Order!)** – and I know that it is uncomfortable for them, Mr Speaker – without *them* being needed to elicit the information for the public to have access to it, all the information that we sought from them. We are providing, Mr Speaker, in those 'five press releases a day' that the hon. Gentleman pejoratively refers to, the narrative of excellence and the magnificence of a year in Administration that deserves to be writ large and brought to the attention of the public. **(A Member: Hear, hear.)**

That a man has been contracted – not employed, but contracted – to work for Gibraltar in a place where he has huge influence and contacts –

Hon. P R Caruana: How much are you *paying* him?

1360

Mr Speaker: Order! Order!

Hon. Chief Minister: – is not something, Mr Speaker, that would make sense to advertise if what we wanted him to do was advance our cause. (*Interjection by Hon. P R Caruana*) But of course, Mr Speaker, the hon. Gentleman has asked a question and we are now having this debate.

1365

But to go into further detail, in our judgement, is not going to advance the interests of Gibraltar. That is why we are not providing the information. Have we rewritten the rules on parliamentary debate and transparency? Absolutely, we have, Mr Speaker: he is right to give me the opportunity to score this goal, straight, without a keeper.

1370

The fact is that the public now have at their fingertips at home, all the information that they can want access to in respect of Government spending, in respect of Government activity... (*Interjection by Hon. P R Caruana*) (**Mr Speaker:** Order, please.) ...in respect of just about everything that it is prudent for Government's to disclose.

Have we rewritten the rules on parliamentary debate? Absolutely. Now there is a debate whenever the hon. Gentleman wants to put a Motion, once a month and there is a Question Time once a month.

1375

Have we rewritten the rules on openness and transparency? Well, Mr Speaker, you just have to look at how open and transparent the debates even of the Development and Planning Commission are, where anybody can turn up and see what is going on.

The secrecy is *over*, Mr Speaker. Government behind the curtain for the privileged few that enjoyed his largess before 9th December is over, Mr Speaker.

1380

Mr Speaker: If the hon. Chief Minister would... I think the matter is getting completely out of hand. This is a convenient moment to have a short recess.

1385

The House recessed at 4.40 p.m. and resumed its sitting at 5.05 p.m.

GBC's funding Becoming self-sufficient

1390

Clerk: Question 1005, the Hon. P R Caruana.

Hon. P R Caruana: Yes, Mr Speaker, can the Chief Minister say how the Government expects that GBC's funding will become 'entirely self-sufficient'?

1395

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, by the profits of the joint venture it has created, namely Gibraltar Entertainment Network Ltd.

1400

Hon. P R Caruana: Well, Mr Speaker, I hasten to say that if GBC can fund itself from any legitimate commercial activity or advertising in any way that reduces the charge on the Consolidated Fund for its annual operating budget, that is to be welcomed.

1405

In return, would the Hon. the Chief Minister accept that it would be undesirable that GBC's funding should be from private commercial interests that are able to exert editorial influence over it?

Hon. Chief Minister: Absolutely right, Mr Speaker, and there is no question, in respect of what is being planned, that anybody would have any editorial influence over GBC at all; it is quite the opposite. The Gibraltar Entertainment Network is a subsidiary of GBC, not in any way above GBC.

1410

Hon. P R Caruana; So that if, contrary to all our hopes, this commercial venture subsidiary should not be profitable or sufficiently profitable, the Government would continue to fund in accordance with its annual budgetary decisions.

1415

Hon. Chief Minister: Yes, Mr Speaker, that is the position and in fact it may be that we do not... I imagine that everybody would wish that the profitability of the subsidiary should be such in the early years, that when it dividends up any profits to the GBC, those will be sufficient to extinguish the subsidy. I do not think that is going to happen.

1420 I think what is going to happen is that slowly the subsidiary is going to start coming into profit and it will reduce the amount of the subsidy. One of the things that I am very clear about is that, if the time comes when GBC becomes commercially viable by its subsidiary's activities, then GBC should stop competing in advertising with other entities that may be in the advertising space, like other television stations.

1425 The hon. Gentleman knows that there is now a digital network being established which will allow other television stations to be licensed, other media, newspapers etc, so that the entity that enjoys public funding or has enjoyed public funding to set itself up should not then, once it is becoming a commercial actor, also through its subsidiary, enjoy competition in the advertising space with those that have not enjoyed that largess.

1430 So in a moment or at a time in the future when the subsidiary is making profits sufficient to dividend up the amount of the subsidy, the subsidy disappears.

1435 **Hon. P R Caruana:** And those commercial activities, can the hon. Member say, in summary and in broad brush, what are the nature of those activities? Are they programme production? Are they hosting other people's broadcasts to their infrastructure? What sort of things.

Hon. Chief Minister: Mr Speaker, I think I gave an indication of what they would be when I gave my Budget address.

1440 Gibraltar Entertainment Network Ltd will produce either music, television or film productions in Gibraltar. That will mean that those are owned in Gibraltar with the commercial advantages those will give the people who produce them, namely Gibraltar's corporate structure, Gibraltar's treatment of royalties etc. So they will be producing programmes for other networks in the world or for private production companies. So in effect, it is a studio in Gibraltar to do much as studios do elsewhere in the world, with the production agents here making profit from that work and, in some instances, perhaps enjoying a share in the royalties that are paid in respect of what is produced. That should produce the profits to minimise the subsidy.

Hon. P R Caruana: But producing programming for GBC or always for third parties?

1450 **Hon. Chief Minister:** Producing programming for third parties. It may be that part of the contract to produce the film or the serial may also involve, in some instances, an opportunity for GBC to put that programme on, at some stage in the future, usually not as the first party to transmit it. That would be the commissioning station and it may be possible, by negotiation, for GBC to obtain rights to transmit that programme at lower cost than if perhaps they went and bought those in these media fairs where they buy TV series and TV films.

1455 But the idea is to use Gibraltar to produce for third parties and to give GBC an opportunity to be part of the company that does that.

1460 **Hon. P R Caruana:** So they are not doing any of the things that GBC does now – not producing local programming, not taking over responsibility for example for news production *à la* ITN in England, which then sells it out to other broadcasters?

1465 **Hon. Chief Minister:** No, Mr Speaker, but what I would say and only as a result of his question, is that it is possible that GBC may use the studios in some instances for its own productions. So if there is a splendid studio which is not being used on a particular night and GBC want to film something, a viewpoint for example or an audience participation programme which they might not have room to do where they are, they may use the studio – but that would be GBC itself, happening to use the studios that belong to GEN and there might even be an agreement in respect of an internal accounting procedure for that and it may be that GEN is commissioned by GBC to produce something for it, but in those instances, I would imagine it would have to be at arm's length.

Internet photographs of Spanish policemen Request for removal

1475 **Clerk:** Question 1006, the Hon. P R Caruana.

1480 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister say if the Government has requested of those that posted them, the removal from the internet of photographs of Spanish policemen on duty at the Spanish side of the frontier and if it has not, does it intend to do so?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have personally made the request.

1485 **Hon. P R Caruana:** Mr Speaker, two supplementaries: firstly, was that, as reported in the Spanish and local press, at the request of Campo Mayors and things; and has his request been heeded?

1490 **Hon. Chief Minister:** Mr Speaker, it was not as a result of a letter which the Mayor of Algeciras, I have read, says he has sent me, although I have read the letter that he purports to have sent me in the media and no such letter has arrived at No. 6 Convent Place.

1495 But before then, I had taken the step of writing to one of the members of the group and asking for this. I am not yet aware of whether or not all of these pictures have disappeared. I think some of them have, but given the nature of the internet, I think there has been a proliferation of them and even if the main source picture is now pixelated, others may not be, so I cannot give him any certainty in that respect.

**Dispute with Spanish fishermen
Matters relevant to resolution**

1500

Clerk: Question 1007, the Hon. P R Caruana.

1505 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister say what matters, other than (i) the supposed re-establishment of the rule of law and (ii) environmental sustainability, does the Government consider relevant to the resolution of the current fishing dispute with Spanish fishermen?

Clerk: Answer, the Hon. the Chief Minister.

1510 **Chief Minister (Hon. F R Picardo):** Mr Speaker, those are the two issues to which we will have primary regard.

1515 **Hon. P R Caruana:** Yes, Mr Speaker, the hon. Member will of course recognise his last answer to me in my question, in which he said that he would take into account the supposed – no, the ‘supposed’ is mine, of course – the re-establishment of the rule of law which he believes to be at stake and also environmental sustainability. Then he went on to say, ‘and such other considerations as the Government considers to be relevant’. So I am asking him what those other relevant considerations are. Obviously, these two are the primary ones, but since he chose to add the limb ‘and other relevant considerations’ to his last answer to me, I think it is legitimate to which I asked for a written answer because I was away from Gibraltar, I am now asking him what they are.

1520 He should not assume that I do not believe that there are others that he should take into account. I believe there *are* others that he should take into account.

1525 **Hon. Chief Minister:** Mr Speaker, what I said in my written answer was that the Government would also have regard to such other matters that it may consider appropriate. Now, the fact is, Mr Speaker, that, as the hon. Gentleman may know we are awaiting any day now the report from the expert in fisheries that was commissioned by the Government some time ago, which will address the issue of environmental sustainability. We do not need much more to persuade us of the importance of re-establishing the primacy of the rule of law and other matters may become relevant, Mr Speaker.

1530 At the moment, although there are issues which may appear to be relevant, we are not yet at decision point, because we do not yet have the report. A number of other issues may of course be relevant.

1535 I will tell him what will *not* be relevant, Mr Speaker, because I think it is important that we set this on the record. What will not be relevant will be the length of the frontier queue. What will not be relevant will be the belligerence with which Spanish politicians decide to address their remarks to Gibraltar. I think it would be common ground across the floor of the House that the incumbent of the office at No. 6 Convent Place and his Ministers in Cabinet should be making decisions about what they think is in the best interests of Gibraltar, with all of the considerations that are relevant to that – and we may disagree on that, on what those are, but certainly with those considerations in mind – not under any pressure, actual or ostensible, from people who may be sitting in Madrid, fiddling their fingers and deciding that there should be a longer queue or otherwise.

1540

Hon. P R Caruana: Well, Mr Speaker, I entirely agree. Leaving to one side our difference of opinion about how this issue arose and whether it should have arisen, having arisen I accept that there is no

question of the Government of Gibraltar being dictated to under pain of border queues. That is unquestionably correct.

But Mr Speaker, can I recommend to the hon. Member that when they have found a solution to this, they should not underestimate the importance to Gibraltar in the past, as a by-product of good cross-border relations, of the support that a large body of Spanish citizens in the Campo area have been to Gibraltar on many issues even with their own government. There have been issues like border queues and things of that sort and other issues, where the degree of support for the Gibraltar position, because it coincided with their interests, was important to Gibraltar. He ought not to overlook that fact, when he comes to implementing a solution – because as he must be aware, to the extent that this is being sold in a certain way in Spain, or this is being projected in a certain way in Spain, the victims are from that very community that has, in the past, been the most helpful one to us, namely the Campo and they are reading that as lack of friendliness from Gibraltar to the Campo population – which I do not say it is, but that is how it is coming across.

So one of the relevant factors that he may take into consideration, in addition to allegedly establishing the rule of law and environmental sustainability to the extent that arises, is a desire which I think is in Gibraltar's interests to re-establish good will with the people of the Campo area at the earliest opportunity.

Hon. Chief Minister: Can I tell him, Mr Speaker, that actually there is a lot of good will for Gibraltar in the Campo, despite what it may appear in some pages of newspapers that may have their own agenda to fulfil with the government that is finally paying the amount that was due in respect of historic debts of advertising. So it is not everything that one reads in the newspapers in the Campo area that reflects the feeling of people in the Campo; there is actually a large constituency of people that are in touch with us who reflect that actually we are doing a very good thing in respect of fishing. That may be not the majority.

There is also a very large number of people in the Campo who consider that whatever the issues between Gibraltar and Spain, they should not be resolved in the manner that the Madrid Government appears to want to try and resolve them. He will know, and I think it is no secret, that I enjoy a very strong relationship even with the Mayor of the town most purportedly affected by the issue of fishing and who is able to see beyond that issue and the common interest between Gibraltar and the Campo. The figures speak for themselves, whether there are 7,000 or 10,000 Spanish cross-frontier workers in Gibraltar – because of the numbers of non-registered workers being something that we can only ever guess at – the fact is that there are many more than 53, and there are only 53 fishing boats in La Línea that are purportedly affected by this. I am reliably informed that of those 53, there are actually only 10 in operation and not all of those 10 have ever wanted or needed to come to Gibraltar.

Setting it in its proper context like that, as some of the people across the way who are mature and look at this carefully and understand the issue, is not one simply for rhetoric but one for co-operation in everything where it is possible to work together, then I think one comes to the conclusion that there are opportunities for understanding well beyond those that the emptiest and loudest vessels across the way may suggest.

Length of Questions Ruling by Mr Speaker

Clerk: Question 1008, the Hon. –

Mr Speaker: Before the Hon. the Leader of the Opposition asks this Question, I want to draw the attention of hon. Members to the Rules and in particular Standing Order 17(1)(i), where it is stated that a Question shall not be of excessive length.

In my view, this particular Question is *not* of excessive length. I repeat it is *not* of excessive length, since it contains a lengthy preamble. However, I would not want this to be cited as a precedent, should any hon. Member in the future wish to ask a Question of similar length.

Gibraltar's interests, rights and responsibilities 'New ways' of co-operation with UK

Mr Speaker: The Hon. the Leader of the Opposition.

1605 **Hon. P R Caruana:** I am obliged, Mr Speaker.
Mr Speaker, the United Kingdom Permanent Representative at the United Nations recently told the Fourth Committee that:

1610 'The United Kingdom therefore stands ready to explore new ways of taking forward dialogue and co-operation on issues of mutual importance by any means that fully reflects the interests, rights and responsibilities of the people of Gibraltar'.

1615 The question: will the Chief Minister confirm that it is the policy and position of the Government that to be acceptable to the Gibraltar Government such 'new ways' would have to be (i) trilateral, in the sense that the Gibraltar Government would have to be present in its own right, (ii) not expose Gibraltar to the possibility of agreements being reached against the Gibraltar Government's wishes, and (iii) not be pre-determined on any issue of Sovereignty?

Clerk: Answer, the Hon. the Chief Minister.

1620 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I can confirm that (i) and (ii) are among those that we would consider a '*sine qua non*'.

1625 As for (iii), the policy and position of the Government is that we will not engage in *any* negotiation, dialogue, discussion or co-operation on *any* issue of sovereignty, whether or not pre-determined or otherwise. The policy and position of the Government is that we will only ever discuss the sovereignty of Gibraltar with the UK Government.

I would also remind this House that the United Kingdom has also repeatedly stated that it remains strongly committed to the Trilateral Forum for dialogue. That is also the position of Her Majesty's Government of Gibraltar.

1630 **Hon. P R Caruana:** Well, Mr Speaker, I accept that the first two are the important ones and the third, which is an important part of the architecture of the trilateral process, reflects what the trilateral process came out of, in terms of succeeded, which is a process that was said to be about sovereignty and not so much the Hon. Chief Minister, but certainly the Hon. the Deputy Chief Minister will recall that in those days the complaint about Brussels was that it was pre-determined about sovereignty. The position then was not that we would never talk about sovereignty, not that we said that we would, but Gibraltar's position was certainly we will not take part in any pre... That is why that language persists, that it was a policy of the Government not to discuss sovereignty in any architecture of dialogue and regardless of the purpose even if...

1640 The danger with that position of course is that you forfeit the opportunity to persuade Spain to drop its sovereignty claim, because of course that would require you to get too involved in a discussion about sovereignty. But still, I get the drift and it is I think a position on (i) and (ii) and, subject to my last quip, also on (iii) across the House.

1645 Can I just ask a supplementary about the United Kingdom's choice of words, 'that fully reflect the interests, rights and responsibilities of the people of Gibraltar', which I think first emerged at the United Nations, if I am not mistaken.

1650 Mr Speaker, the 'interests' is a careful choice of word, as opposed to the 'wishes', because the United Nations language, at Spain's insistence is 'interests', whereas we think that what needs to be reflected is our wishes, not just our interests. The second is 'rights'. These are things which would have to be present, reflected in the architecture of this new way as far as the UK is concerned. The second is 'rights', so I urge the hon. Member to exercise caution with the use of that word, because we do not know what 'rights' means. 'Rights and responsibilities', if they mean constitutional rights and responsibilities, then of course we do not have a constitutional responsibility for external affairs; but that is not to say that it will be acceptable that the new way of dialogue should leave the UK and Spain free to discuss between themselves, for example, sovereignty because it is an issue of external affair for which Gibraltar is not responsible.

1655 Thirdly, 'rights' is a matter of course that is rights as per the Constitution presumably, which is a less controversial one. The difference between us and the UK on that is limited to the question of whether Utrecht curtails the right to independence or not.

1660 But specifically, the UK's decision to use the word 'interests' and not 'wishes', and 'responsibilities', which exclude external affairs for which the people of Gibraltar are not responsible, I think is something that we need to just keep an eye on, to make sure that no process of dialogue... Of course we have the overarching and very valuable commitment never to discuss sovereignty against our consent, which is a pretty important block, but that there should be no question that a new way could be found and implicitly acceptable to the UK which was bilateral in respect of those matters that were not the responsibilities of the people of Gibraltar, because that is precisely what we do not want them to talk about.

Hon. Chief Minister: Well, Mr Speaker, I think that we have all taken the view in this House and I am sure it is common ground that any contact between the United Kingdom and Spain on any matter which relates to Gibraltar is a matter on which there must be consultation with the people of Gibraltar, even if it is tangential. There can certainly be no bilateral engagement on anything meaningful, but because of the European Union being as it is, you cannot say to the United Kingdom, 'You cannot have a bilateral engagement with Spain on any matter involving Gibraltar,' because every EU matter involves Gibraltar. Therefore, there is that element of nuance, with the very clear caveat that anything that is going to affect Gibraltar must be consulted with the Government of Gibraltar and Gibraltar must lead on all the aspects that relate to that issue.

But I think we have said on a number of occasions across the floor of the House – and it is important to say it as often as we can – that bilateralism is dead. That does not just mean in relation to sovereignty; it means in relation to all matters which are relevant.

Now, the hon. Gentleman has not referred to the word 'aspirations' and I will come to that in a moment because it is going to be relevant when I answer his next Question, but it is also going to be relevant to this. The fact is that I think he said that sovereignty is an external affair. Did he say that? Did he say sovereignty is an external affair? Because if he did, I do not agree that sovereignty is an external affair; I think that sovereignty is actually a very internal affair, because it affects the architecture of the state and therefore the idea –

Hon. P R Caruana: It is vested in the UK.

Hon. Chief Minister: That is right. It is vested in the United Kingdom, but as we have discussed earlier today and people will see us say –

Hon. P R Caruana: Do they agree?

Hon. Chief Minister: – the Queen in this set-up is the Queen of Gibraltar, as our coins reflect, and therefore nobody would be able to do anything in relation to the sovereignty of Gibraltar without consulting the people of Gibraltar, however spurious the argument they might be able to come up with, that it is a foreign affair.

I recognise the need to be careful with these three words. They are very important words and they are not put there by the United Kingdom for nothing. There is a more important word than 'interests' and that is 'aspirations', and that is a different word for 'wishes'. That word has made its way into the consensus decision that was put in the full Committee. I think it made its way into that wording post the Trilateral. The hon. Gentleman will recall that the consensus decision has really been the same for many years; the Trilateral was the thing that changed it, after the 1984 Brussels Declaration.

That change into the wording imputed the word 'aspirations' into the consensus decision and that is really a very, very important reference because 'aspirations' means 'wishes' and therefore the General Assembly, since 2007 I believe, has been talking about 'wishes' by using the word 'aspirations'. That is the overarching principle and I think nobody will ever be able to persuade any Member of this House, current, past or future, that anything other than the wishes and aspirations of the people of Gibraltar were going to be relevant to the future of Gibraltar and if anybody thinks in London or New York – and I do not think that there are such officials nowadays in the Foreign Office – but if anybody thinks that by introducing words like 'interests, rights and responsibilities', that it might be possible in some way to conjoin a doctrine that allows anything to go on without the Government and the people of Gibraltar being involved, then they are, in my view, taking a long walk off a short pier, because the people of Gibraltar are the ones who are going to determine who is the Sovereign in Gibraltar. That is very much an internal constitutional matter in Gibraltar and now even the United Nations in its consensus decision is imputing the word 'aspirations', which is to bring in, finally, the concept of the wishes of the people of Gibraltar into the equation.

That is in my answer to his next Question. If he likes, if I answer that, then we have got that language in and we can carry on... I was going to say the debate, but I had probably say the questions and answers.

Mr Speaker: Yes.

Hon. P R Caruana: Well, Mr Speaker, my concern is not... Clearly, current ministers in the United Kingdom would not countenance any outcome based on the clever interpretation and use of these words, but because they are now enshrined in the United Nations, we just do not know what governments of what political colours, advised by officials different to the ones that are in post today, might make and it is very important that it should not be said in the future, by a different set of ministers and a different set of officials, that this formula of words allows, for example, the United Kingdom and Spain to restore a bilateral process of dialogue, because they are limited to things that are not the constitutional

1730 responsibility of the people of Gibraltar. I accept, by the way – as I always did to the UK and it is obvious – that the Foreign Secretary is responsible for our external affairs and, therefore, there will be many occasions on which, in the margins of other bilateral ministerial meetings between the UK and Spain, the question of Gibraltar will arise and the Foreign Secretary cannot be prohibited from talking bilaterally to Spain about Gibraltar.

1735 But this statement is not about casual ministerial amongst many other issues... It talks about:

‘the United Kingdom therefore stands ready to explore *new ways of taking forward dialogue and co-operation* on issues of mutual importance by means that fully reflect...’

1740 In other words, they are willing to do it by any means that fully reflect the interests, rights and responsibilities of the people of Gibraltar, so that in the future, someone might seek to interpret that to mean that in respect of something that is not the responsibility, we do not need to... we are not constrained into what architecture of dialogue the UK might agree.

1745 I agree with the hon. Member’s assessment that any such concern is completely premature and unfounded today, but in establishing this new doctrine, doctrinal language, I think it would be good that we record in Parliament and, perhaps, as the Government of the day, record that this interpretation would not be available and is not what these words should be thought to mean.

I hope it is of some help to him.

1750 **Hon. Chief Minister:** Mr Speaker, I think it *is* important to record the unity of this Parliament in that respect. I think it is fundamentally important that whoever came up with that phrase understands that if they did intend that it could ever give rise to such an eventuality, they are absolutely wrong to think that the Government and people of Gibraltar and this House united would not seek to prevent them from doing so.

1755 And can I also say, Mr Speaker, that the hon. Gentleman has said that, of course, there are instances when the Foreign Secretary may find himself speaking to the Spanish Foreign Secretary in the margins or during the course of a European meeting and cannot be expected to not be able to engage to that extent with his counterpart; but when he does so, Mr Speaker – and I am sure this was his position – he does so as *our* Minister for Foreign Affairs in the same way as the Minister for Defence engages on all matters also as *our* Minister for Defence, with responsibility for the United Kingdom *and* Gibraltar, etc.

1760 That is the constitutional position. It is not that we do not have a Minister for Foreign Affairs or Defence; it is that those matters and Ministers are people who advise Her Majesty. On those matters Her Majesty is advised by Mr Hague and Mr Hammond today. Now –

1765 **Hon. P R Caruana:** If the hon. Member will give way. If he will allow me to interpret him, that that was one of the points that we were unable to succeed on in the constitutional negotiation. In other words, we wanted the Constitution to reflect that the Foreign Secretary would conduct our foreign affairs in accordance with the instructions, or words to that effect, or wishes of the Government of Gibraltar and they said no, no, no. So that was one of the few failures on things that we were unable to obtain. So they are unlikely to agree now on the basis that the hon. Member is in effect saying the same thing now!

1770 **Hon. Chief Minister:** Well, Mr Speaker, that demonstrates one of the important steps there still could be for us to take constitutionally of course which brings us to an earlier debate but Mr Speaker, whether or not it is enshrined in the Constitution that that is the position, that is actually the position because what a Minister does, of any Crown, is advise the Crown in respect of the matters for which he has responsibility. So the Foreign Secretary would be advising Her Majesty directly and I think we see it in the way that Warrants are done for Judges etc where in the old days, I do not know whether it is still the position, the Foreign Secretary would sign a Warrant on the advice or as a delegated power from Her Majesty. So that constitutionally must fit into this framework but there is no question, Mr Speaker, of anybody being able to pretend that this language is going to advance the cause of those who might be able to wind a way round the double lock that has already been secured or the Trilateral Forum that has already been secured and which the United Kingdom, Gibraltar and the principal party of opposition in Spain remains strongly committed to. I tell you one party, one of the principal parties in Spain that does remain strongly committed to the Trilateral Forum.

1785 **Hon. P R Caruana:** And Mr Speaker, if I can just conclude by saying that that last articulation by the hon. Member which I will not repeat, is the position around which this House and Gibraltar’s politicians should unite as being our common position. And I think that is a position that fully fits into the policies of both parties and I think is a strong position for Gibraltar to stand on and defend together.

1790 **Hon. Chief Minister:** Well, Mr Speaker, I think it is something which has been clear for some time. It is not anybody having to change their position for us to achieve that convergence, so I am delighted that it is possible to now distil from our position (*Interjection by Hon. P R Caruana*) (*Interjections*) a prominent position, because of course when a position is common, it is possible to do it across the floor of the House and distil it, but when it is stretched and trying to serve a party political purpose, you know people who try and do that should really at least take the precaution of picking up the phone to try and do it.

1800 **United Nations consensus decision on Gibraltar**
Text this year

Clerk: Question 1009, the Hon. P R Caruana.

1805 **Hon. P R Caruana:** Yes, finally, Mr Speaker, will the Chief Minister say what has been the text of this year's consensus decision on Gibraltar in the United Nations and will he lay a copy of it in this House?

1810 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Well, Mr Speaker the text of this year's consensus decision on Gibraltar in the United Nations is as follows – and I am going to read things that I do not like, so nobody should think that this is my position or the position of anybody in this House, but here we go:

1815 'The General Assembly, recalling its decision 66/522,
(A) Urges the Governments of Spain and the United Kingdom of Great Britain and Northern Ireland, while listening to the interests and aspirations of Gibraltar, to reach, in the spirit of the Brussels Declaration of 27 November 1984, a definitive solution to the question of Gibraltar, in the light of the relevant resolutions of the General Assembly and applicable principles, and in the spirit of the Charter of the United Nations;
1820 (B) Takes note of the United Kingdom's desire to continue with the Trilateral Forum for Dialogue on Gibraltar;
(C) Takes note of Spain's desire to replace this Forum with a new mechanism for local cooperation in the interests of social wellbeing and regional economic development, in which the people of the Campo de Gibraltar and Gibraltar are represented.'

That is the text of the decision.

1825 Mr Speaker, I believe that this has been aired publicly in New York. (*Interjection*) No, I agree. I even believe there might have been an article in one newspaper that reflected it. We have not been able to find it in the source material of the United Nations and therefore making it publicly available by laying it in this House is an option I considered at the invitation of the questioner, but I have no document to lay in this House other than simply the text of this which is now in *Hansard* because I have read it out and is therefore available for anybody who may want to have regard to it. (*Interjection*) Absolutely. Anybody who may want to have regard to it.

Hon. P R Caruana: Mr Speaker... Sorry, did he finish there? (**Hon. Chief Minister:** Yes.)
1835 Mr Speaker, I presume the consensus decision has now been adopted at the United Nations. Is it not most unusual? Is he aware what the reason might be? I know it took much longer to negotiate this year, for obvious reasons – the spat about the Trilateral Forum and the references to it – but it is most unusual that it is just *not* available... I have not been able to find it on the UN sources; it is not reported in the Gibraltar press, by which normally it has been. (*Interjection*) Yes, in other years, it has been reported and I just wonder whether the hon. Member can cast any light on what might be the reason for the lack of visibility about the decision this year.

Hon. Chief Minister: Well, Mr Speaker, he may find this peculiar, but in the time available, I have not been able to get a clear indication of what the failure of publication relates to.

1845 One can speculate with a thousand different reasons why this may be the case, but if it is any consolation, I am endeavouring to find out why this is not already available on the UN website, as would usually be the case, and I am quite happy to share with him that information when I have it, because I think our common experience has been that, in the week after we have returned to Gibraltar, there is usually a press release from New York that deals with a lot of the representations made and the consensus decision is usually carried in that press release and is then accessible, as are all the previous years' consensus decisions accessible. So as soon as I know why this has happened, I will share that with him.

1850 I know that the United Nations itself has had a difficult time with shut-downs because of storms and you know that there is a refurbishment now going on in the building, etc. I do not know whether that is

the issue because the Security Council still continues in operation, but whatever it is, we need to know why this has not been published and whether in fact more of the work of the Fourth Committee has not seen the light of day.

Hon. P R Caruana: And my final supplementary with your indulgence, Mr Speaker, is this: when I was doing the job that he now does, I used to be intrinsically involved, not always getting my own way, but certainly heavily consulted and participated in the negotiation with the UK of the language of this whenever any change was produced, or when Spain wanted change and proposed it to the UK. In other words, the UK, by smokes and mirrors, would involve us.

Can I ask the hon. Member whether he has been involved in the re-jigging of the language this year, following the PP's unilateral withdrawal from the Trilateral Forum? Can he say that – aside of his disagreement, which I share, with the continuing reference to the Brussels Declaration which I was never able to obtain the removal of – that he is satisfied with it? Clearly, it does not reflect the Gibraltar Government's position, which is that the Trilateral Forum is still extant, even if one party of it is refusing to approach its Chair and therefore cannot be convened.

Was there an attempt to continue to leave the reference to the Trilateral... or did Spain simply refuse? Can he say something about the degree and extent of his involvement in the language that has ended up on this piece of paper?

Hon. Chief Minister: Mr Speaker, the position has not changed. The United Kingdom has continued to consult the Gibraltar Government on these issues.

These are issues which leave a very bad taste in the mouth, because one is asked one's opinion and one's opinion is clear and then that is not reflected, of course, in what emerges. From what I am about to say now, please, nobody should for one moment read any happiness with the text as it is, because it has so many hostages to fortune in it – not just the reference to the Brussels Declaration, but simply the structure of the whole thing, the contradictions between references to aspirations and then the letter of the Brussels process and then just talk of the spirit of the Charter etc. This is not a document that any Gibraltarian would draft or would want to see drafted. It is the product of diplomacy.

I can tell him that we were consulted on it. I can tell him that one of the issues was – and I imagine this could have been the subject of conjecture, it does not require me to confirm it in this House – that Spain no longer wanted there to be a reference to the Trilateral, but of course the United Kingdom's position in respect of the Trilateral has been made very clear and is exactly the same position as the position of the Government of Gibraltar, as our continued strong commitment to it, and there was the benefit as he will know, of the previous consensus decisions that already referred to the Trilateral and which the General Assembly had adopted.

Therefore, our view expressed to the United Kingdom was that if Gibraltar and the United Kingdom felt strongly about something and Spain felt strongly about something else which might be contradictory, then the best way to deal with it might be by way almost of having preambular paragraphs that set out the position of each of the parties.

To an extent, that is what is reflected there by, in (B) and (C), setting out the position of the UK and the position of Spain. But even the position of the UK is not as he and I would have drafted it, because we would have liked to have seen it drafted in much more trenchant terms and I am sure that they could not stop us if they gave each of us a red pen, writing in the unqualified right of the people of Gibraltar to self-determination, etc.

This is unfortunately not that sort of document, but it reflects consultation with us and, despite that, does not reflect what we would have liked to see, even in a diplomatic compromise.

Adjournment

Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House do now adjourn to tomorrow at 4.00 p.m.

Mr Speaker: I will now propose a question that this House should now adjourn to tomorrow at 4.00 p.m.

I will now put the question, which is that this House do now adjourn to tomorrow at 4.00 p.m. Those in favour. (**Members:** Aye.) Those against. Carried.

1915

This House will now adjourn to tomorrow at 4.00 p.m.

The House adjourned at 5.45 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 4.00 p.m. – 6.50 p.m.

Gibraltar, Friday, 16th November 2012

The Gibraltar Parliament

The Parliament met at 4.00 p.m.

[MR SPEAKER: Hon. A J Canepa GMH, OBE *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Questions for Oral Answer

5

ENTERPRISE, TRAINING AND EMPLOYMENT

10

Defence Transfer Advisor Advertisement; academic qualifications

Clerk: Sitting of Parliament, Friday 16th November.
Answers to Questions continue. Question 978/2012, the Hon. D A Feetham.

15

Hon. D A Feetham: Mr Speaker, can the Minister for Employment state why the vacancy of Defence Transfer Advisor was advertised externally to the GDC and why no academic qualifications were a necessary requirement for the applicants?

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Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, I will answer this Question together with Questions 979/2012 to 984/2012.

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**GDC employees
Vacancies; grades, terms and conditions; HR Manager
Question 984/2012 withdrawn**

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Clerk: Question 979.

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Hon. D A Feetham: Mr Speaker, can the Minister for Employment confirm that a selection board interviewed candidates and made a recommendation in relation to the vacancies advertised earlier on in the year in the GDC in respect of four information officers, one vacancy in accounts and one of coach park attendant?

Clerk: Question 980.

40

Hon. D A Feetham: Will the Minister for Employment state whether the Government has made a decision on whether GDC and former GDC, Civil Service, ring-fenced staff will be able to apply for each other's vacant posts?

45

Clerk: Question 981.

Hon. D A Feetham: Can the Minister for Employment state whether GDC employees working in the Housing Department will be offered the same package as civil servants have been offered for surrendering their status if the Department or parts of it transfer into an agency?

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Clerk: Question 982.

Hon. D A Feetham: Is there any intention on the part of the Government to replace GDC grades with the same grades that are currently used within the Civil Service?

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Clerk: Question 983.

Hon. D A Feetham: Can the Minister for Employment please state when the GDC is likely to appoint a Human Resources Manager for the GDC?

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Clerk: Question 984.

Hon. D A Feetham: Can the Minister for Employment explain why he refuses to recognise... In fact, Mr Speaker, I am withdrawing this particular Question, so it is only until Question 983.

65

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

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Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, existing posts are normally filled by internal promotion. The practice over the last four years has been to advertise vacancies both internally and externally. Newly created positions are recruited externally when there is a specific requirement, which in this case was previous experience of dealing with MOD transfers of assets and services. To my knowledge there is no academic qualification on such MOD transfers. The recommendation of any selection board that interviews candidates is an internal matter for the GDC.

75

As regards GDC staff, the situation remains as communicated to them in a meeting held at the John Mackintosh Hall on 30th January 2012. The GDC employees deployed to the Housing Department do not have Civil Service status. The grades have been the same in the GDC and the Civil Service since the GDC was reinstated on 9th December 2011.

No decision has been taken in relation to the position of a GDC HR Manager.

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Hon. D A Feetham: Mr Speaker, just dealing with Question 978 and the answer that the Hon. the Minister for Employment has given me in relation to that Question, can the Minister please confirm that, in fact, he undertook, to a meeting in the John Mackintosh Hall of GDC employees, that all advertising for vacancies within the GDC would be advertised internally and that it would not go externally to any high flyers? Can he confirm that that was an undertaking that he gave to the GDC employees?

85

Hon. J J Bossano: Well, not as the hon. Member has expressed it, because as far as I am concerned, I do not know anything about high flyers or low flyers.

What I did tell them was that the policy was that all internal vacancies that are promotions... That is to say if we have a job in the GDC and the person who is there goes, and we decide that that post is

required, then provided the number of posts at that grade remains the same, before anybody is brought in from outside to fill such a post it will be advertised internally.

Of course, the GDC does not have and has never had an existing establishment like jobs in the Civil Service have, nor do any of the agencies or authorities created by the former administration, as has been stated by them publicly in this House. So the position is that, for example, if somebody who is occupying a position in the GDC is placed in another Department, it is not that the position has become vacant; it is just that the person takes the post to somewhere else. So there are, for example, persons who were in the Employment Service now somewhere else and the post is still filled, but somewhere else. That is not a vacant post that would be advertised, but if the person were to leave the service a decision would be taken as to whether we require that number of people at that grade, and if it was required, initially it would have to be filled internally, and I would expect it to be the case that there will be sufficiently experienced internal applicants to fill it.

Hon. D A Feetham: Mr Speaker, I think I have understood the answer, but so that I understand it, by way of clarification, is the Hon. the Minister for Employment drawing a distinction between a vacancy that arises as a consequence of an internal post, an existing post that becomes vacant, and a vacancy that is created as an additional post? Is he saying that, effectively, in relation to the former, that goes internally to the GDC, and in relation to the latter, that will be open to applicants from the outside, depending on the nature of the post? Is that what he is saying?

Hon. J J Bossano: For example, there are a number of posts that have been added to the GDC. I think the hon. Member has to remember that the GDC itself is a supplier of labour. That is to say there are people who are employed in the GDC but do not carry out a function *for* the GDC; they carry out a function either in the Tourist Office or in the Treasury or in the Education Department or the Financial Services.

So a number of posts have been created recently in the GDC, which are to do with regulatory work in relation to gaming, and the people who have been brought in have been brought in filling those posts, but not from internal recruitment in the GDC. I would expect that the people in the administrative structure – where effectively they are generic skills and you can move somebody who is an HEO from one area to another area, doing HEO work, and basically there should be no problem in the work being done – that if one of those posts became vacant, you would expect that the next level up, of EOs, throughout the GDC can apply, independent of where the HEO is. We have an example in the Tourist Office, where the person who took the job was an EO in the Employment Service, but it was a GDC HEO which was open to GDC EOs only. I would expect that it would be extremely unusual that for any of those posts we could find nobody internally, because I am told people act up all the time and they are experienced and they know the job.

Hon. D A Feetham: Mr Speaker, can the Hon. the Minister confirm that, in fact, there is a minimum entry requirement to the GDC of a couple of O-levels or GCSEs?

Hon. J J Bossano: I cannot confirm that. I do not think that, when we recruited AAs recently, we put a minimum entry requirement.

Hon. D A Feetham: Mr Speaker, my understanding – and of course I am not going to push it if he is not aware of it – is that, for Grade 1s within the GDC, the minimum entrance requirement is a couple of GCSEs or O-levels. But the question is this: if there is such a requirement – I would say there is; the hon. Member is not aware, but if there is –

Hon. J J Bossano: I am saying more than that: I am saying I do not think there is. I can certainly say with certainty that there has not been, because I know a lot of the people they have got in the GDC who have not got them, who were there already when I arrived.

Hon. D A Feetham: If there is a minimum entry requirement for Grade 1s within the GDC, does he not agree with me that it makes very little sense indeed for there to be a minimum entrance requirement for Grade 1s of a couple of O-levels, but then no minimum entry requirements, in terms of academic qualifications, for somebody for a post such as this, as Defence Transfer Advisor?

I take the point that you have made, that Defence Transfer Advisor may have... one was looking for other (Hon. J J Bossano: Skills.) skills, but the point that I am making is if you have a minimum entry requirement for Grade 1s, shouldn't it also apply across the board, or certainly higher than Grade 1s?

Hon. J J Bossano: I do not think it necessarily follows. It depends on the nature of the content of the job. If you had a guy who was an excellent musician but had no O-levels, then you would not say, 'Well, I am not taking him,' and therefore he cannot enter into the Culture Department without O-levels, even though you may have somebody else who does not know how to touch an instrument but has the O-levels. It depends on what you are looking for, because what you are paying for is the work that is required of the incumbent of that post.

In any event, I have not introduced a requirement for two O-levels or two GCSEs, and I know beyond doubt that of the 160-odd persons who were there, there were very many who did not have them. They managed to get in before without them, so clearly it has not been the case that between 1996 and 2011 there has been such a requirement; otherwise, those people should never have entered into employment. I have not introduced them, so it is not an irrational deduction that if they were not there and I have not introduced them, then they do not exist.

Hon D A Feetham: Mr Speaker, I think that there were O-level equivalents – HND or NVQs.

Mr Speaker, I do not know whether the hon. Gentleman was in fact here when I asked a Question about the Defence Transfer Advisor to the Chief Minister, and asked him– this was before there had been a public announcement that the individual had been chosen – whether he was aware of the talk about town that an individual had already, even before the selection process had concluded, been earmarked for that particular job and that, in fact, that talk was rife about town. His answer to me was, 'Well, I am aware of the rumour, but you have just elevated it to the House.' Is the Hon. Minister satisfied that the recruitment for the Defence Transfer Advisor was undertaken completely and utterly transparently and properly?

Hon. J J Bossano: I was not involved in selecting the person, nor appointing the board that selected them. All I can tell the hon. Member is that I imagine it is no less transparent and accountable than what has been happening in the last 15 years when similar rumours were rife every time somebody got a job in the Government.

Hon. D A Feetham: Moving on, Mr Speaker, to the Answer that the hon. Gentleman has given me to Question 979, where I asked him about whether a selection board had interviewed candidates and made a recommendation in relation to the vacancies advertised in the GDC in the Tourist Office in respect of four information officers, accounts and also the coach park, his Answer, as I understood it, was that recommendations of the board are an internal matter. With respect, does he not agree with me that there is an inconsistency in the approach that the hon. Gentleman is adopting before this House today, and the approach that the hon. Gentleman, the Minister for Tourism, adopted certainly a month ago in relation to the recruitment of other officers within the bus service company, where he had absolutely no qualms in saying, 'This was a recommendation of the board and it was all done transparently, and all I was doing was, in fact, accepting a recommendation of the board'?

How does he correlate the approach by the Hon. the Minister for Tourism, which I commend, and the attitude or the response that the hon. Gentleman has given me today?

Hon. J J Bossano: I can tell him that the fact that he commends one approach as opposed to the other will have no influence on me, except to think that mine is probably the right one if he commends the other one. But I do not see any contradiction anyway, because as far as I am concerned, if I choose to make public something that is internal to the GDC, I will do it, and if I choose not to, I do not.

So what I am telling him is he is not entitled to that information, and I choose not to give it to him.

Hon. D A Feetham: Can I put this to the hon. Member, Mr Speaker, that in fact what happened was this. The selection board interviewed over 200 candidates. The board made a recommendation to the Hon. the Minister for Tourism in relation to the four vacancies for information officers. The Hon. the Minister for Tourism endorsed that recommendation, sent it to you, to the Minister for Employment at the ETB, and you, as Minister for Employment, overrode that recommendation and insisted that only one information officer would be recruited from the recommendation of the board and three of them had to be Future Job Strategy trainees. That is what I am putting to the hon. Gentleman. What does he say about that?

Hon. J J Bossano: I say, Mr Speaker, that that is a hypothetical question, which under the Rules I do not have to answer.

Hon. D A Feetham: Mr Speaker, Point of Order.

Hon. P R Caruana: No, just rephrase it.

Mr Speaker: You can rephrase your question, surely.

Hon. D A Feetham: Did it or did it not happen in that way? That is the question.

215 **Hon. J J Bossano:** The question is, Mr Speaker, that he is making an assumption about something
happening, and that assumption is based on hearsay, unless he tells me that he has a mole inside the
system who has told him that story. Therefore, I do not have to tell him what goes on in the
220 recommendation of a board, and I am not telling him. If tomorrow a board recommends that I employ 20
people and I choose to employ one, it is my prerogative, as Chairman of the GDC, to do that, and he is
not entitled to question me why the 19 were not selected or why they were not appointed.

Throughout their 15 years, the policy of the previous administration was that they were here to give
answers for the things that they did and not to give explanations of every detail of the internal machinery
of the workings of the Government, and now they seem to have moved from a very clear concept of what
the limits were, to trying to say there is no limit.

225 You can ask me what is [*inaudible*] in the estimates, what is approved, what is rejected, who applies,
who does not apply, but the answer is they are not going to get any more information from me than the
one they were prepared to provide themselves.

230 **Hon. D A Feetham:** I could not help but... One of the points that you made was that you are perfectly
entitled to override the recommendation of a board, that that is a recommendation – (*Interjection by Hon.*
J J Bossano) No, I understand that. The point that you made was, ‘I am perfectly entitled not to accept a
recommendation that a board makes.’ (**Hon. J J Bossano:** Yes.) Indeed, I would not disagree with that.
All I am asking is is that what happened in this particular case?

235 He seems to be implying that that is what happened, and I am just trying to get to the bottom of what
the facts are.

Hon. J J Bossano: Mr Speaker, I am entitled to do two things – I am entitled not to accept the
recommendation, and I am also entitled not to tell the Member whether I accepted it or I did not – and
that is what I am doing.

240 **Hon. D A Feetham:** Mr Speaker, does he not think that again there is an inconsistency in the
approach adopted by the Hon. the Minister for Tourism before this House on the last occasion, and the
approach that the Hon. Minister is adopting today, where the Hon. the Minister for Tourism actually
defended the selection of the recruitment of the managers and... well, certainly of the managers, on the
245 basis of, ‘Well, look, I am sorry, but it was the recommendation of the board. I am the Minister, I am
accepting the recommendation of the board, and it is not a political appointment.’ Now you today come to
this House and you say, ‘I am not giving you that information.’ So, when it suits the Government, it is
alright to say that it is the recommendation of the board, but when it does not suit the Government,
because of course the Government has something to hide, the hon. Member obfuscates and confuses the
250 situation.

Does he not believe that there is an inconsistency in the approach between yours and the Hon.
Minister?

255 **Hon. J J Bossano:** No. The only inconsistency, Mr Speaker, is in the approach of the Member when
he was in Government and the approach that he has in Opposition, but that should surprise no-one given
the dramatic shift in his approach to politics in general, public debt in particular, and a thousand other
things when he moved between 2003 and 2007. So he is the expert of inconsistency in the entire 300-year
history of Gibraltar and that may mean that he feels he is qualified to determine what is an inconsistency
and what is not.

260 What I am telling him is if I have the discretion to give him information as to what a board
recommends or not, then I am entitled to exercise that discretion in either providing it or not providing it.
If he thinks that when I do not provide it I have something to hide, he can well think what he likes; he is
not going to change what I am going to say.

265 **Hon. P R Caruana:** Mr Speaker, does the hon. Member accept that his lucid statement a few
moments ago – that he is not willing to provide any information that the previous Government were not
willing to provide him when the boot was on the other foot – finally betrays what we have been saying
from this side of the House, that the pretence of the hon. Members opposite to have transformed the
degree of transparency and openness in Government is the *farce* that we have been saying that it is,
270 because if all they are willing to do... if their measure of transparency is simply to match and not exceed
the measure of transparency which they allege afflicted the previous Government, then they, by
definition, cannot have any inclination to be more transparent.

Hon. J J Bossano: Mr Speaker, in this particular case that analysis is flawed, (**Hon. P R Caruana:** Oh, I see.) and I will tell him why: because in the 16 years that I was there I never attacked him for being untransparent when he said, 'This is an internal matter and I am not prepared to share it.' I never attacked him once in 16 years, so I am not being inconsistent at all. There might have been attacks in other areas of inconsistency, but certainly I can tell the hon. Member my judgement in whether I should say or not say something, or do or not do something will not be determined by wanting to be more transparent than him.

Hon. P R Caruana: Mr Speaker, everybody in Gibraltar knows that there is a government within a Government, and that the Government is led by the Hon. the Chief Minister and that the government within the Government is led by him, which he has just demonstrated by saying, 'I am not subject to the Government's transparency policies because I, Joe Bossano, in the 16 years that you, Peter Caruana, were Chief Minister, I never accused you of not giving me information.'

Mr Speaker, the question is not what I did to him or what he chooses to do now. The question is that he is a Minister of a Government that pretends and asserts to have hugely elevated the instinct and willingness and transparency, and all I am saying to him is whether he thinks that he is complying with that policy by saying, 'I am not willing to give you any information that you were not willing to give me,' because that is the *same* degree of transparency, for good or for bad, and ergo, by definition, does not equal and cannot equal a greater degree of transparency, which is the policy of his Government.

I would have thought, Mr Speaker, the hole into which he has dug himself is self-evident, but no doubt he will try and bluster his way out of it.

Hon. J J Bossano: I do not need to bluster. It is self-evident that it is not a hole. (*Interjection by Hon. P R Caruana*) It is only evident to him because he would like it to be so, and therefore the hon. Members opposite spend their lives inventing things and then questioning why their inventions do not conform to reality, and this is one example.

Of course, the policy of the party in the Election campaign was to improve on the level of transparency or to reduce the lack of transparency in the performance of the previous administration, but if in 16 years I never considered what he was doing to me untransparent, then clearly in this particular area that was not one of the areas that we had identified. There are so many other areas that there is no reason to stick to this one. There are *many many* more areas where the transparency has been transformed overnight, and in all those areas we are all doing the same thing.

In this area, where I accepted the legitimacy of the argument from the hon. Member, I only asked him then to be consistent and accept the same legitimacy to me, and they should be consistent with their previous position and accept that we should be accorded on this side with the same discretion that we accepted from them, because I do not remember... I certainly did not do it, and I do not remember other people saying, 'Well, you should be telling us what goes on inside the Government,' whenever that Government was paraded by the hon. Member. The hon. Members were transformed shortly after the Opposition... not at the beginning, because they could not get over the shock of not being in Government, but once they had realised they were in Opposition, they were transformed –

Hon. P R Caruana: Not years, that's for sure.

Hon. J J Bossano: Well, I do not think it took me years to be transformed. If the hon. Member accuses me of the fact that... of not being transformable –

Mr Speaker: Can we try to make matters relevant, please, to the questions?

Hon. J J Bossano: Yes. Well the relevance to the question, Mr Speaker, is that I believe they ought to be consistent with the level of information that they thought was reasonable, and therefore not seek more. But in any way, if they seek it they will not get it.

Hon. P R Caruana: On a wholly different dimension now, going back to the original answer, Mr Speaker, I think I correctly understood the hon. Member to say that he was free, if 12 people were recommended, to choose to accept only one, and I think that is the proposition to which my hon. and learned Friend, Mr Feetham, agreed. But was this a case of not having had 12 recommended and having chosen to accept one, or any other number less than 12, but rather of having employed people *different* to the people who were recommended; in other words, employing people who were *not* recommended by the board?

Hon. J J Bossano: No, Mr Speaker. Only three jobs were filled and therefore only three people were employed, so it is not a question of employing them differently or employing different people.

335 **Hon. D A Feetham:** Yes, that in fact is –

Hon. P R Caruana: Not the people recommended by the board.

340 **Hon. D A Feetham:** Exactly. Isn't it the case that the board recommends four for the information officer vacancies, another one for accounts and another one for the coach park, and you in fact –

Mr Speaker: No – and the Minister.

345 **Hon. D A Feetham:** – and the Minister only accepts the recommendation in relation to one information officer and the other two, because what he does is he says, 'No, the other three information officer vacancies, we are not going to fill them because I am going to have three Future Job Strategy trainees working there'? That is what has happened, and in fact all the answers that he has given us during the course of this afternoon, anybody listening to this debate will have come to the conclusion that that is precisely what actually happened.

350 **Mr Speaker:** Anybody listening to this *question and answer session*.

Hon. D A Feetham: Question and answer session.

355 **Mr Speaker:** If you say that it is a debate, I will step in!

Hon. D A Feetham: So he might as well just simply confirm that that is the position.

360 **Hon. J J Bossano:** Mr Speaker, the position was that three jobs were filled. The GDC is free to fill one job, two jobs, three jobs, or however many jobs it wants, and it has to give no explanation to the hon. Member as to how many more we would have filled had we taken a different decision. It is as simple as that.

365 The fact that there are existing trainees deployed there, like they are deployed in many other parts of the Government... are people who were there before the vacancies existed and people who can be moved tomorrow to another area of employment, and people who eventually will finish up in the private sector, not in the public sector, (**Hon. P R Caruana:** I understand.) so his analysis is incorrect.

370 **Hon. P R Caruana:** Wait a minute. So what the hon. Member is saying, in fact, is that the two or three jobs that were being covered – let's put it that way – by trainees, were not filled at all. They ceased to exist as posts because the trainees could move on, and if they move on either the jobs are not filled, or they would then be filled permanently by a recruit.

375 **Hon. J J Bossano:** No, Mr Speaker, they do not cease to exist as posts, because as the hon. Member ought to know, since he is the one who created the system, there are no posts in the GDC or in the agencies or – (*Interjection by Hon. P R Caruana*) Yes, posts. There is no structure of posts in the way that there is in the establishment of the Civil Service, and that indeed was one of the arguments that *he* used to persuade *me* of the greater flexibility of what was being done with this idea of employing people outside the Civil Service.

380 Therefore, whereas the Civil Service structure is cast in tablets of stone, and every time there is... We are now filling posts in the Civil Service that have been empty for 10 years. The fact that somebody leaves a job empty for 10 years, one would think normally would be an indication that perhaps there is not a need for it. He knows as well as I do that in the Civil Service a post stays there for however long it is. In the GDC and in all the agencies and all the authorities, this is not the case because there is not an agreed complement of posts. So tomorrow you can have five information officers and the day after you can choose to have one or to have 10, and at the moment we have chosen to have three.

385 **Hon. P R Caruana:** Yes, Mr Speaker, I understand that and I understand that the Government has got management discretion to decide whether to fill posts or not fill posts, but doesn't he understand that we are premising our questions on the fact that the Government made the governmental executive decisions to *advertise* these posts, and therefore the Government had *made* the decision that it wanted to fill four information officer posts?

390 The Government did not say, 'I advertise for the job of information officer – I will decide later how many I want, or one'; the Government said, 'I want four information officers.' Somebody in the Government, presumably the Minister for Tourism, made the decision that the Government needed and wanted four more information officers and *advertised* for four more information officers. So the board then considers applicants for four posts, it makes a number of recommendations, and the hon. Member

only puts one of those people into those four posts, and the other three it fills with trainees who had not been recommended by the board, and all we are saying is...

400 Look, he may want to defend it as being perfectly okay – that would be a different debate – all we are saying is that four advertised posts have been filled, as to one from amongst the people recommended by the board for that post, and as to three by trainees who had neither applied for the posts nor been recommended for them. That must be an incontrovertible statement of fact.

405 That the hon. Member may wish to say, ‘Well, so what? I reserve the right to assist trainees into real jobs in their... and covering for real...’ That is a policy decision which he is perfectly free to take, but at least let’s agree on the basic facts of what has happened.

410 **Hon. J J Bossano:** No, we cannot agree on the basis facts. He is wrong and it is not a fact, but for me to agree on the basic facts I would have to tell him what I do not want to tell him, because he is not entitled to have that information, which is to say to him exactly what was recommended, and that is what he is trying to get me to say and he is not going to succeed in that, Mr Speaker.

Secondly, these are generic posts. You may title it ‘information officer’, but if it is a grade 1, it is a grade 1 that tomorrow I can switch with a grade 1 anywhere else in the GDC, so it is not the case that you can go in and say, ‘I am an information officer and you cannot move me from here.’

415 **Hon. P R Caruana:** They have a separate job description.

420 **Hon. J J Bossano:** No. People are graded in grades. There is a question about the grading structure and either they are in a grading structure or they are not in a grading structure, and are people in grading structures interchangeable or are they not. So, either the hon. Member is saying somebody can be a grade 1 or an AA, working as an information officer, which is true; or he is saying no, an information officer is a job that requires specialist skills, which is not transferable, like the MOD land transfer. Well, he is wrong, they are not the same thing.

425 **Hon. D A Feetham:** Just finally on this part and I will move on, does the Hon. the Minister for Employment have anything to say to those three individuals who were selected by the board and that he has effectively vetoed from employment as information officers?

430 **Hon. J J Bossano:** No, I do not have anything to say, because I do not accept any of the statements that the hon. Member makes here, for which he is making himself responsible on the basis of hearsay and on things that they have told him in the street.

But I can tell him one thing: if those three were unemployed, they would have a far better chance of getting another job now than they had before 9th December. That, I can tell him.

435 **Mr Speaker:** Is the hon. Member asking now supplementaries on –

Hon. D A Feetham: On a different point.

Mr Speaker: On others?

440 **Hon. D A Feetham:** Yes.

Mr Speaker: Please do.

445 **Hon. D A Feetham:** Mr Speaker, I apologise, but of course he has answered –

Mr Speaker: No, carry on.

450 **Hon. D A Feetham:** Mr Speaker, the Hon. the Minister for Employment appeared to say that the Government has taken the decision not to have a situation where GDC employees will be able to compete for Civil Service posts that become vacant that are occupied by former GDC employees. Can he confirm that is a Government decision as a whole? Can he confirm that?

455 **Hon. J J Bossano:** Mr Speaker, I do not know what he means by ‘a Government decision as a whole’. If any Minister takes any decision, then effectively the Government supports the decision of the Minister. I do not know if it was any different when he was there.

Hon. D A Feetham: Yes [*inaudible*].

Hon. J J Bossano: Then let me explain the situation. When the hon. Members decided to discontinue the existence of the GDC, they sent a list to the Public Service Commission of all the people who were in the GDC, and the Public Service Commission was asked to uphold the Civil Service status without the normal requirements of the academic qualifications, vetting, or anything else – just a list, rubber stamp it – and the Public Service Commission rubber stamped it. (*Interjection by Hon. P R Caruana*) I am assured –

Hon. D A Feetham: They made a recommendation to Government.

Hon. J J Bossano: I am assured they rubber stamped it because they did not say... It was not that the GDC said to the Government, 'Would you do this?'; it was the Government saying to the GDC, 'We want you to do this.' I have it from high authority and it is not anybody in the GDC.

When we came in, we found that there were a large number of GDC employees who had refused to sign the letter accepting the transfer, even though in fact they were told, according to them – I do not know whether it is true; the Members opposite may know better than me, but they were told by Unite – that either they signed or they were without a job, that's what they claim. I do not know if it is true or not. I do not make a habit of saying it is true because it is in the street. I am telling him that is what I was told before the Election, and what I was told after the Election by people who came to see me with letters.

When they came to see me before the Election what I said to them was, 'Look, I believe that if they sack you that will be an unfair dismissal in breach of the TUPE rules, but there is a problem because if the GDC is discontinued and you say, 'I do not want to go to the Civil Service,' your employer has ceased to exist.'

Immediately after the Election, the same people who had not wanted to move came to see me and I said, 'Well, look, I think to be fair to everybody, on the premise that the people who signed and accepted transfer might have done it because it was a no-choice position – that is to say the GDC is going to be closed down – either you are a civil servant with better conditions, or you have not got a job because you have not got an existing employer.'

If that is the story that I was told before, as a Member of the Opposition, and the story that I was told afterwards, as the Minister responsible for the GDC... I said I think it is only fair that not only those who did not want to move should be able to stay in the GDC, because now the position is that there are two options: there are those who said they did not want to move, who are staying; and there are those who said they wanted to move but they might have wanted to move in the scenario where there was no alternative.

Therefore, I explained everything to them and I convened a meeting in Mackintosh Hall, which lasted three and a half hours, to give them the opportunity of discussing this. I told them, 'Look, you are free to continue with what was offered to you before and we will respect you. What you had was ring-fenced Civil Service jobs and you can stay there – all of you can stay there, if you all want – or all of you can stay in the GDC if you all want, or some of you can go one way and some of you can go the other. Those who go into the ring-fence will have the monopoly of the ring-fenced jobs, and those who stay in the GDC will have the monopoly of the GDC jobs.'

That is the offer that I made to them and it was an offer that was accepted by the majority. There were some people who said they needed more time, and I said, 'Look, you have had several months on something that before you were given 24 hours, and I think you know we have been reasonable with you.'

They then went to the union, where in fact I think they had a letter signed by the Hon. the Leader of the Opposition, in which he said that the legal position was that they were civil servants on 1st October, whether they liked it or they did not and whether they had accepted or they had not. So, on the basis that that was the legal view given to the union and which the union put to me, I said, 'Well, in that case, you are all in the Civil Service, ring-fenced, according to this legal opinion of the Leader of the Opposition, accepted by Unite. So now any of you that want to come out of the ring-fence and come back into the GDC can do that, but once you come out you cannot go back.'

That is where we are today and that is where we were when the decision was made, and the decision was made on the basis that people were given the opportunity to keep everything that they were given by the previous administration, or to have an alternative, but it was a decision that they had to make one way or the other once, and we could not have people changing their minds because, obviously, in a situation where different people have different retirement ages and so forth, you could have people doing numbers and saying, we are [*inaudible*] now, the chances of promotion are greater on this side, so now we will go to the other one,' and then, if the odds change, then 'I want to go back to the other one.' Therefore we thought once the decision is made then that is the decision that you make. I actually said to them, 'Look, in my view, you have got better prospects for the future in the GDC because the ring-fenced jobs are finite.' The ring-fence can only shrink and eventually disappear because eventually all those jobs will go back to the normal non-ringfenced Civil Service.

Hon. D A Feetham: Yes, Mr Speaker, in fact, in fairness to the hon. Gentleman, you had explained this in the past, but of course the hon. Gentleman will recall – again in exchanges that I had with the Chief Minister and, I think, with yourself – that the GDC, through their union, were seeking meetings with the Government in order to discuss precisely this system of cross-fertilisation between the GDC and the Civil Service, and what I am trying to get at is whether the Government has actually now made a decision in the light of the representations that were made to the Government.

I take it, therefore, that in fact the Government is not for changing its position and its decision on what the Hon. the Minister has explained this afternoon to me – that the position will stay the same; having heard those representations, the position will stay the same and no cross-applications will be allowed, despite those representations. Or is the matter still open for discussion with the Government?

Hon. J J Bossano: No, as far as I am concerned, it is not open. I have made that clear. It is not open, and indeed I think, in my view, if it were open it would be in breach of the whole concept of the ring-fence, because the ring-fence would never shrink, it would constantly be replenished from the GDC side because the GDC is not ring-fenced. So, if there are new people coming into the GDC, and from the GDC they can go into the ring-fence, then the ring-fencing would be meaningless, in my estimation. But it is not an issue, as far as I am concerned, that has been re-addressed since the lines were drawn in my original meeting, when frankly, to be honest with the hon. Member, I think he should understand that, as far as I am concerned, we had no obligation to do any of this. We were perfectly entitled as a Government on 9th December to say, ‘Well look, that is what was negotiated by your union with the previous administration on 1st October: you were all made civil servants and you were all made ring-fenced and therefore you stay like that.’

It was because people made representations to us that they did not wish to be in the Civil Service that we gave them the option to get out. Now, clearly, if anybody of the people that came to me and said, ‘I now want to go in’, I would say, ‘Well, look, you were in and what you cannot do is be coming out when you think you are better off out and then wanting to be in, when you think you are better off going in’! Otherwise, no public administration can operate on the basis of people changing their minds.

I think the only justification that there was for giving them the option was that the previous administration had decided – as they had a right to do – that they did not want to keep the GDC. Therefore, they could not give people the option of staying in something that was bound to disappear. If we decided tomorrow, for example, that we did not want to have a Culture Agency, then clearly, you could not say to people, ‘Who wants to go into the Civil Service and who wants to be in the Culture Agency?’ because there will be no Culture Agency to be in.

That was the position on 1st October. That was the position on 8th December. People between October and December made representations and I agreed that when we came up, we would give them an opportunity – because I did not think it was a good idea anyway to have people in a situation... People unhappy about being in an organisation are likely to be less useful. After all, at the end of the day, they are really working in the same places doing the same work, whether you call them ring-fenced or civil servant and they are on the same pay and on the same conditions.

Hon. D A Feetham: That is what they say, yes.

Hon. J J Bossano: They are.

Hon D A Feetham: Thank you very much for that. I will not push the point. It is loud and clear from the Hon. the Minister that the Government is not going to change its policy in relation to it.

Just in relation to the next question about the Housing Department transferring, if it converts into an Agency. I did not quite catch the answer, but the supplementary is effectively this –

Mr Speaker: The answer was that the GDC employees deployed to the Housing Department do not have Civil Service status.

Hon. D A Feetham: Yes, exactly. Thank you very much, Mr Speaker.

They do not have Civil Service status, absolutely not, of course; but will they be offered the same terms and conditions if there is a transfer? Of course, there are GDC employees that are working in this particular Department. Will they be offered the same package effectively, if the Department actually converts into an Agency or is it the intention of the Government to just simply offer that package to civil servants and not the GDC?

Hon. J J Bossano: Well, the reason why the answer is that they do not have GDC status is because the package that was offered to people in the part of the Housing Department that was responsible for the maintenance, the Government chose to split the two and then they said, ‘Half of you are going to go into

the Housing Maintenance Agency, which is not part of the Civil Service and because you give up Civil Service status, I will pay you 12%.'

To my knowledge, no GDC employee in any other Department has ever been told, 'If you give up Civil Service status, we will give you 12%', because they do not have the status to give up. The people who are in the GDC in the Housing Department are deployed there and tomorrow I can take them out of there and put them in the ETB or anywhere else in the Government where people are deployed.

This is a situation which I think it would be desirable to correct over the passage of time, so that eventually all the people who are GDC are all in one area and we do not have the kind of mixture we have got together which complicates... like sometimes, in some places there is a majority of GDC with a minority of civil servants and in other places, a majority of civil servants, with a minority of GDC. Now, at the very least, they are all graded the same and paid the same, so that is one area of friction that has been removed. It is still, I think, an untidy situation but it is not something that can be corrected overnight.

In this area, there are a couple of GDC clerical officers in the Housing Department, but they are not civil servants; they are GDC employees and therefore they are removable from there and deployable anywhere else because their employer is the GDC, not the Housing Department.

There is a great deal of discontent and resentment in areas of the Housing Department at the division that was made, because clearly, if people are sitting at one desk as opposed to another and they do not know that that desk is going to get 12% and this one is not, then when it happens, they say, 'Well if I had known that, I would have gone for being at that desk where the 12% was going to be.' That is the source of the problem.

I do not know exactly how or when the possible re-merger – because that is what we are really looking at... It is not a question of a third Agency; it is a question of bringing the two bits back together and then, inevitably, you have to offer to those who did not get it before what you offered to the first group of people.

But it is in that scenario that there is a problem affecting those who are not civil servants, because the element of the package that says, 'If you give up your Civil Service status, we will pay you so much', obviously requires that you should have the status in the first place to give up.

Hon. D A Feetham: Mr Speaker, yes, in fact if we had been returned to Government, of course, this would not have been a problem, in relation... I am just talking about GDC Civil Service because they would have all been civil servants and being civil servants, they would have been able to take advantage of any package the Government offered civil servants. But in fact the hon. Gentleman is right: he has alluded to friction, but there is, of course, a friction between the GDC employees that chose not to move to the Civil Service and those that moved to the Civil Service, effectively within one organisation. Now does he not accept that there is that friction and that, effectively, you are dealing with a situation where – and I realise that in fact the way that it panned out, usually those that chose to remain in the Civil Service of the GDC were in blocks, effectively. So for example, Human Resources went to the Human Resources Department, etc.

Does he not accept that there is this friction and that it is unfair, in circumstances where you do have GDC employees working within the Department and really all that distinguishes them is a policy decision that the Government took of reinstating the GDC, but that they are not offered the same terms as their brothers and sisters within the Civil Service – former GDC employees – when the time comes of transferring to the Agency?

Hon. J J Bossano: No, Mr Speaker, if the people in the GDC had been previously in the Civil Service, they would have not have been able to give up their status, because it would have meant moving outside the ring fence.

The people in the ring fence are frozen where they are. They cannot move in and they cannot move out. As far as I am concerned, that is what they accepted because the hon. Member must understand the number of anomalies that they created, when they were in office, with this negotiation. First of all, they promised everybody that they would integrate them unconditionally into the Civil Service and then the civil servants rebelled. Then because the civil servants rebelled, the Government changed their conditions and in order to seek the support of the clerical union and their members, they made this concession by saying, 'Well look, okay, all the people from before will not be able to move outside the jobs that they have got at the moment and therefore, this is not the only anomaly we have got.'

There are many areas with these Agencies, where the hon. Member must understand that – I do not know whether he had anything to do with any of this, but I would have thought anybody with a background of negotiations and working conditions and so on would know that the moment you start tampering with conditions and you give people more money than others, you are creating problems for the future and there is a lot of that. You have paid people to leave the Civil Service a premium in one area, and you have paid another group of people a premium to come into the Civil Service in another

area. Well, unless you try and introduce some order into this chaos, you finish up with a leap-frogging exercise for which there is no end, because every time you try to correct one anomaly, you create another anomaly. It is not an easy problem to solve, I can assure the hon. Member. If it was easy it would have been done.

Hon. D A Feetham: Mr Speaker I accept some of it; I do not accept the way that he characterises what we did.

Hon. J J Bossano: Well, I would not expect you to.

Hon. D A Feetham: Indeed, I would like to remind the hon. Gentleman that in fact the union took the unprecedented step of writing to the hon. Gentleman and also to the Chief Minister and the Deputy Chief Minister, actually accusing the Government of having forced these individuals under duress to transfer out of the Civil Service into the GDC. So in fact, I could make exactly the same point that the hon. Member has made, but in reverse: (**Hon. J J Bossano:** Yes.) that the problem has been created by this Government, not by the previous Government.

But moving on to the answer that he has given to the question about the grades, in answer to some of the previous questions – it was not in answer to the original question, but in some of the supplementaries – he mentioned the AA grades. Yesterday, we had a conversation or an exchange about the AA grades and the hon. Gentleman today has said that, effectively – by my understanding and correct if I am wrong – that the grades for the Civil Service and also for the GDC –

Hon. J J Bossano: Are the same.

Hon. D A Feetham: – are the same. Are the AA grades something that the Government has now introduced, this year? Of course, my understanding of the position – and in fact, I have gone back, having heard the Chief Minister yesterday – is that we abolished the AA grades in the late 1990s or certainly the now Leader of the Opposition, then Chief Minister did. Is that something that has been introduced now, this year?

Hon. J J Bossano: No, Mr Speaker, there are still people in grades, because... Well, the hon. Member, in his questions, put that there are 40 AA vacancies. Well, how can he say that there are 40 AA vacancies, but there are no AA grades?

Hon. D A Feetham: Well, can he give way? I will tell him.

In fact, I had drafted two questions. I had drafted the question, ‘Has the Government decided to create an AA grade?’ and then I thought, ‘Well actually, I know that they have created an AA grade, because here is the advert.’

But simply because there is an advert advertising 40 AA vacancies does not mean that the Government has not decided to create those AA vacancies this year. There were not any AA vacancies prior to... well, certainly when we were in Government. What there was was AO at Civil Service level and then below that – or quite a different job, actually, and perhaps it is even improper saying ‘below that’ – you had Personal Assistants and also Secretaries.

Now, unless what the Government has done here is that it has decided that all those –

Mr Speaker: Why don’t you ask: what is it that the Government...?

Hon. D A Feetham: Yes, what is it that the Government has done? Has it decided to bung... to effectively rename all those people? What has it done because I do not recognise this AA grade from the time that I was a Government Minister.

Hon. J J Bossano: First, I would like to deal with the point the hon. Member made about whether one can say, and the union wrote to me saying, that we had forced them to do something and that that was in fact a parallel to the criticism that I have made of the fact that they forced the employees into accepting Civil Service status on 1st October. The difference is that, before, people were given the choice and given a general meeting; on 1st October, they were informed that from the 1st October, they were no longer in the GDC which was no longer going to exist and there was no alternative.

Now, the same union that accepted being told, ‘Whether you like it or you do not’ and saying so to me in writing... The position is that the Public Service Commission made everybody a civil servant on 1st October and therefore, whether they had agreed to it by returning the letter signed or not, they are civil servants. Right? That same union says when three months later, I give people the choice of remaining like that or having something else if they wanted, then that is forcing them.

710 So giving them an option is forcing them and forcing them is okay. If we had told them, 'You cannot move, you are stuck', the union would have accepted that, according to the hon. Member opposite. Well, it is a very strange way – but then, the union became a very strange animal, just before 9th December. (Hon. D A Feetham: Ooh!) Yes, a very strange animal. I think it is now recovering some of its former consistencies! (*Interjections and laughter*)

A Member: [*Inaudible*] Exactly!

715 Hon. J J Bossano: As regards his latest point, can I remind him, Mr Speaker, that his question is in one area, dealing with the grades in the Civil Service and the GDC being the same. Well, perhaps he can ask himself – because I cannot ask him a question! – if indeed he supports and believes that the grades should be the same as they are – and I have told him they are – then the Grade 1 is an AA in the Civil Service. If the Grade 1 is an AO, then the Grade 2 must be an EO, the Grade 3 and so on and beyond
720 Grade 5, there is nothing except Senior Officer, and then we have got people up the Rock who will be Senior Officers on £70,000.

Hon. D A Feetham: With respect, Mr Speaker, he has not answered the question.

725 Hon. J J Bossano: I have.

Hon. D A Feetham: Has the AA grade been introduced by the Government this year?

730 Hon. J J Bossano: No. Mr Speaker, I have just informed him that in the letters sent to people on 1st October, informing them that they were now civil servants and not GDC employees, there were people who were told they were AAs on 1st October 2011. That is what I am telling him.

735 Mr Speaker: But I think the hon. questioner is referring to the adverts that came out for 40 vacancies at AA, advertised by the Gibraltar Government. Do I understand the position correctly? Nothing to do with 1st October.

740 Hon. D A Feetham: Nothing to do with 1st October. In fairness to the hon. Gentleman, I understand that the answer that he has given. I do not accept it, but I understand it. What he is saying is that, effectively, we re-introduced somehow the AA grade. Now, I take issue with that, but let me ask him this: is the re-introduction of the AA grade an attempt to dumb down entrance requirements into the Civil Service?

745 Hon. J J Bossano: Well, Mr Speaker, he uses 'dump down' methodology in his speeches in this House, in his questions in this House. It is not 'dumping down'. Is he saying then that since time immemorial civil servants were 'dumped down' because they were allowed to enter the Civil Service at the grade of Clerical Assistant?

Several Members: *Dumbing down!* (*Laughter and interjections*)

750 Hon. J J Bossano: The entry grade of AA in my view is a very competitive rate at which to recruit, given that for one vacancy we have 603 applicants, which includes bank managers from the private sector. So if the hon. Member is saying we are going to have to reduce the qualifications or reduce the... We have got people with masters degrees applying to be AAs, *dumped down!* (*Laughter and applause*)

755 Mr Speaker: Does the Hon. Mr Feetham have any supplementary on the question of the GDC HR Manager? Then, next question.

760 **Future Job Strategy trainees
Termination of training since 1st February**

Clerk: Question 985, the Hon. D A Feetham.

765 Hon. D A Feetham: Mr Speaker, can the Minister for Employment state how many Future Job Strategy trainees placed with the private sector since 1st February this year have had their training terminated by those businesses?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Yes, Mr Speaker: 86.

Hon. D A Feetham: Mr Speaker, can he inform the House as to what happens to those 86 when there is a termination?

In other words, what I am trying to extract from the hon. Gentleman is information as to whether they are placed in any Government Department or alternatively whether their contracts are held effectively on freeze until they are placed in another private company on placement?

Hon. J J Bossano: Of the 86 that had their training terminated, it was terminated because it was completed and they then entered full-time employment on higher wages, in the businesses where they were being trained. So 51 of them were... That is to say, they ceased to be trainees on the Friday and they became full-time employees of the employer on the Monday: 51.

Of the 35 remaining, they were removed from the training, because the employer was not willing to guarantee employment, because there was no such requirement when they were taken on before 1st February. They have now been provided with a new employer who has signed an agreement and who will give them employment at the end of the training.

Hon. D A Feetham: Well, Mr Speaker, I am surprised by that, because I have had a gentleman who has come to see me this week. He did not mind my telling you the name across the floor of the House, but I think it is inappropriate and I will tell the hon. Gentleman in the lobby of the House. After three months, his contract was terminated by the company and now he has effectively been told, 'Well look, we cannot do anything for you until there is another private company that is willing to take you on.'

I am asking the hon. Gentleman – there is certainly one that I know of – how many of these cases are there that the hon. Gentleman knows about?

Hon. J J Bossano: Well, Mr Speaker, the cases that I have quoted are the cases of the termination of the training. (**Hon. D A Feetham:** Yes.) Yes, and the cases of the termination of the training are where the training is either discontinued because there is no guaranteed job or there is a situation where the training has been completed for the period that was agreed with the placement provider.

The people are employed by ETCL; they are not employed by the business. The business agreed to take them on before, without any commitment and therefore, when the six months were up, they were just told 'Goodbye and send me another one.' That is no longer the case and therefore people who breach the agreement have to repay the money. That so far has not happened, because so far the ones that have reached the agreed period have been taken on.

There were 35 which we could not persuade to take on a commitment which they had not entered into originally and there was no way that we could force them to do it, and frankly, practically all of them argued that it is not so much that they did not want to be helpful; it was that they had really taken on somebody they did not need, because at the time, in 2011, they thought they were being 'good businesses' in helping to take on young people to get some work experience, but they did not have a slot to put them into, so they told us, 'Look, it is not that we are being difficult, because we did not sign an agreement; it is that had we been asked previously to take somebody on for a job, we would not have been able to take them on on this basis, because there is no job for them to go to.' They have been doing sort of chores in the office or in the shop or whatever, but they are extra to what the requirements of the business are, and that is where the 35 come in.

That does not mean that there have not been other people whose employment has been terminated for reasons that are... that they did not turn up for work or that they just disappeared and did not give any explanation or that they went off to study to the UK. We do not think they fall into the category of termination of training, because it is really like any employer: if there is a misconduct reason, then there is a dismissal.

I will certainly look. There are 500 people in the system: that does not mean that I have got an accurate explanation of each one of the 500, much as I try to keep my eye on the ball. But certainly, I am happy to investigate the case that the hon. Member has or any other that may come his way.

Hon. D A Feetham: Yes, well, I am grateful for that answer.

Perhaps if I may, Mr Speaker, ask the Hon. the Minister for Employment, what is the policy of the Government in respect of a situation whereby a company terminates the placement? They are not terminating the employment because these individuals continue to be employed by ETCL. (**Hon. J J Bossano:** Yes.) It is the termination of the placement. Is it the Government's policy that, where that happens, the Government will assume responsibility for these individuals and either continue to pay them, ETCL, or alternatively continue to pay them with a placement somewhere in the public sector?

Obviously, there are only two choices. Well, in fact there are three choices: either ETCL terminates the contract, because there is no longer a placement; ETCL continues to pay, but there is no placement or no training anywhere; or ETCL continues to pay and the Government undertakes to actually place them within a Government Department. I just wonder, as a matter of principle and policy, what the Government's position in relation to this is.

Hon. J J Bossano: I have actually given him that information before, Mr Speaker, because I told him that most of the people that were distributed throughout the public sector were distributed precisely because the business where they had been placed would not commit itself to taking them, and since we were already paying them, rather than pay them to be not very useful in a business that did not want them, it was better to put them in a Department where at least we would be getting some return for the money we were paying them, until we obtained a place for them in the private sector – and I am using practically the identical words that I used in the last meeting of the House to give that explanation.

Hon. D A Feetham: Yes, well, I am grateful and I will in fact provide the Hon. the Minister for Employment the details of this particular individual, because this particular individual was told that he will have to wait without pay until he is placed. I do not chastise or criticise the hon. Member or the Government in relation to this, because it may well be that there is somebody at the ETB that is giving out the wrong information.

**Employment Training Company Limited
Contracts with companies having trainees**

Clerk: Question 986, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment confirm that those companies who had not signed contracts with ETCL, despite having trainees placed with them, have now signed such contracts?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Yes, Mr Speaker.

**Future Job Strategy trainees
Employers with Government contracts**

Clerk: Question 987, the Hon. D A Feetham.

Hon. D A Feetham: Further to Question 848/2012, is the Government now in a position to identify the employers who have signed contracts with Employment Training Company Limited in respect of the Future Job Strategy trainees and have the benefit of a contract with the Government, any Public Authority or Government-owned company for the provision of goods and/or services with a value in excess of £2,000?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, I am informed by the relevant bodies that the following companies have contracts with the Government in excess of £2,000: El Ouahabi Butchers; Saccone & Speed; Globe Travel; Caterpac Gibraltar; EWMS; Euroship Supplies; MiniMarkets; Bonmilk Ltd; Restsso; Gibmaroc; Fastafod Ltd; Gibtelecom; Gibraltar Chronicle; ITMS; Rock Cool; Ambrosio Edery; Upsmeier; Thomas & Betts; Gib Oil; Versetec; Austco; Schneider; Mifsud Electrofreeze; Braithewaite; British Gas; Emblem Strategy; Europort; Medsys Ltd; Monteverde; GOHNS; Animal Welfare Centre; Environmental Agency; Land Property Services; Detective & Security; Greenarc; Wildlife; Aquagib; Master Service; Gibraltar Vet Clinic; Amco; LC Groundworks; In Line Framing; Leed Transport; Wastage Products Ltd; ABC Services Co. Ltd; Gibsun Club; Icon; A to Z Supplies; TTS Group; Charnwood; Midtown Books; MCS; Newton Systems; Pageant Media; Portman Ltd; ESSL; Group 5; 501 Construction; W&N Work Company Ltd; Clive Chichon Services; SFA Interior Refurbishment; SA Construction; Koala Construction; Proseal.

Of these companies, the following five have raised no objection to being identified as training providers: Acehoba Ltd; Hammonds Music Copyright (Gibraltar) Services Ltd; SFA Total Refurbishment; A&K General Builders.

A further three are willing for the information to be given to the hon. Member opposite, as long as he treats it in confidence, as stated in the answer to Written Question 226/2012.

Hon. D A Feetham: So, the number of companies that enjoy those contracts and have subsidised labour via the Future Job Strategy by my reckoning is eight, not 10, as the hon. Member indicated on the last occasion.

Hon. J J Bossano: No, there are five that have said they have raised no objection (**Hon. D A Feetham:** Yes.) and there are three that say, 'You can have the information if you treat it in confidence' – and that is what the hon. Gentleman has got in the Written Answer.

Mr Speaker: Are there another two?

Hon. J J Bossano: There are another two that have said that they will not agree with this.

Hon. D A Feetham: Have they not agreed or is it that they have not responded?

Hon. J J Bossano: I cannot be 100% sure, but they have not written in saying yes, because then I would have it here. (*Interjections*)

I think, perhaps, the hon. Member will realise that what he calls subsidised labour is not in fact a factor in the position of being a Government contractor. That is to say, I want to make it crystal clear that all these companies that have contracts have got contracts which they had before they had what we call subsidised labour. (*Interjections*) Well, only the ones that are coming into existence since. Presumably, the fact, Mr Speaker, that the policy has been introduced, which I hope they will see as a welcome development and support, that there are unemployed people made redundant who are being helped by the Government to set up their own little business is a good thing and is a way of dealing with the unemployment situation, which I think myself is a very good thing, because it gives people an opportunity to have a future and those people have entered into the list of contractors since we have been in and were not there before because they did not exist before. I think there are three or four of them, out of several hundred. (*Interjection by Hon. D A Feetham*)

Gibraltar Savings Bank Regulatory oversight

Clerk: Question 988, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, will the Minister with responsibility for the Gibraltar Savings Bank please state whether in considering the proposed extension of activities of that institution, it has taken into account the relevant EU Directives and does the Government consider that those Directives impose an obligation in respect of independent regulatory oversight or licensing?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, the EU Directives are not relevant to the activities of the Gibraltar Savings Bank.

Hon. D A Feetham: Well, Mr Speaker, they are not relevant to the Gibraltar Savings Bank at the present moment, but is the hon. Member saying that when the Gibraltar Savings Bank actually extends its activities, for example becomes a credit institution for the purposes of the Capital Requirements Directive, that still it is not covered by the Directive? Is that the Government's understanding of the position?

Hon. J J Bossano: The position is that it will not be a credit institution as defined in EU law and therefore the Directives will not apply and that, in any event, given the level of the liquidity of the bank, it is well in excess of all the requirements and all the ratios of the Basel II, Basel III and all of them.

Clerk: And with that, we come to the end of Answers to Oral Questions.

Questions for Written Answer

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Clerk: Answers to Written Questions, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the Answers to Written Questions Number W180/2012 to W238/2012 inclusive.

SUSPENSION OF STANDING ORDERS

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Standing Order 7(1) suspended to proceed with Government Statement

Clerk: Suspension of Standing Orders, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with a Government statement.

Mr Speaker: Those in favour. (**Members:** Aye.) Those against. Carried.

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GOVERNMENT STATEMENT

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Sum paid to former CEO of Gibraltar Health Authority Statement by the Minister for Health and the Environment

Clerk: The Hon. the Minister for Health and the Environment.

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Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, following discussion consequent to the reply given by me to Question 877/2012, the Chief Minister undertook to consider making a statement in relation to the sum paid to Dr David McCutcheon, former Chief Executive of the Gibraltar Health Authority, at the time of his resignation in September.

The matter having been considered, I am now able to make the following statement.

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Dr McCutcheon was originally engaged on 19th October 2004 on a three-year contract that was signed on 6th August 2004. This contract included a number of specific performance indicators with time limits setting a number of targets that had to be fulfilled during the term – that is by 18th October 2007.

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A second three-year contract was signed on 18th July 2007 to run from 19th October 2007 to 18th October 2010. The performance indicators were largely the same as in the 2004 contract, except that most of the time limits for the target were removed, except one that set the limit at April 2006, even though the contract ran from 2007 – clearly a typographical error. Aspects such as the elimination of waiting lists and the introduction of electronic patient records remained as targets.

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A further contract was entered into on 9th November 2010, with retrospective effect from 19th October 2010, this time for five years, due to expire on 18th October 2015. Once again, performance indicators remained, including the typographical reference to April 2006, and those requiring the elimination of waiting lists, now with the added condition of being, and I quote, ‘subject to the resources provided’, and introducing the electronic health record.

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At the time of Dr McCutcheon’s resignation, effective from 11th September 2012, his salary, inclusive of tax-free gratuity and on-call allowance, was approximately £204,000 per annum. Given that the contract had approximately three years and one month to run, he would have been paid around £629,000 to end of term.

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The contract signed by the last Government provided for the following payments to be made on termination before term: six months’ notice – approximately £79,240; six months’ pay – approximately £79,240; 50% of the remaining pay due to the end of the contract to October 2015 – £204,704; Repatriation Allowance on arrival from Canada to Gibraltar – £8,000; Repatriation Allowance on termination of contract – £8,000; Outplacement Allowance – £8,000; full gratuity payable to end of term October 2015 – £124,728 which makes a total which would have been payable of £511,912. This would have been in addition to adjustments of outstanding pay reviews, gratuity payments for time already worked and other outstanding allowances.

1015 The payment made to Dr McCutcheon, excluding these adjustments, was £243,498.34, which is about a quarter of a million pounds less than it could have cost and £380,000 less than would have been paid to him, had he stayed to the end of the contract term.

1020 **Mr Speaker:** That being a statement, I will allow Members of the Opposition to ask any questions that they may wish, for clarification.

Hon. P R Caruana: Is the Minister able to say anything as to the reason why the contractual relationship was terminated? In other words, I think the essence of his statement is that it was cheaper to terminate than to pay him through to the end; but of course that ignores the fact that if he had stayed to the end, you would have had the benefit of his services.

1025 So is the hon. Member able to say why it became necessary to be discussing severance pay in the first place?

1030 **Hon. Dr J E Cortes:** Mr Speaker, Dr McCutcheon made a statement at the time of his resignation and I feel that I do not want to add to that. I think that is all I have to say, at this point.

Hon. P R Caruana: Well, Mr Speaker, that is a very awkward answer for the Opposition to be able to accept.

1035 If what the hon. Member is saying is that Mr McCutcheon *resigned*, then he is not entitled to anything and it begs the question why they paid him half a million pounds of taxpayers' money! Presumably, it was an agreed termination on terms, because if the man simply resigned, which is implicit in his last answer to which I will not hold him unless he repeats it... If he resigned and what Mr McCutcheon said is true, then he is not entitled to compensation because his contract has not been terminated; *he* has terminated it.

1040 **Hon. Dr J E Cortes:** Mr Speaker, it was a resignation. I think I have to add that, clearly with a resignation, there would have needed to be a time of notice, which I do not think would have served the organisation and, therefore, these terms were agreed.

1045 **Hon. P R Caruana:** Mr Speaker, whilst the Opposition is therefore grateful for the hon. Member coming back to the House with the information that they agreed to consider coming back to the House with, I have to tell him that much as he makes it sound like a saving, assuming that it was a genuine resignation and not the sort of resignation that you are left with no option but to do – which is, in effect, a constructive dismissal – unless that is the case if it is a genuine resignation, then much as the hon. Member makes this sound as money saved, it is actually properly to be assessed as money unnecessarily paid.

1055 **Hon. Dr J E Cortes:** Mr Speaker, I think I should reply by saying that Dr McCutcheon was recruited at the time in order to implement a Clinical Governance Review that cost the Government at the time over £2,080,000 to prepare. His contract was renewed on two occasions, despite the review and the related indicators not having been implemented or fulfilled. I think that is a relevant point to bear in mind.

Hon. P R Caruana: I will read... I will listen between the lines to the hon. Member's Statement. I am grateful anyway for the Statement.

1060

BILLS
FIRST AND SECOND READINGS

1065

Income Tax (Amendment) (No. 2) Bill 2012
First Reading approved

Clerk: Bills – First and Second Readings.

1070 A Bill for an Act to amend the Income Tax Act 2010, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker I have the honour to move that a Bill for an Act to amend the Income Tax Act 2010 be read a first time.

1075 **Mr Speaker:** I now put the question which is that a Bill for an Act to amend the Income Tax Act 2010 be read a first time. Those in favour. (**Members:** Aye.) Those against. Carried.

Clerk: The Income Tax (Amendment) (No. 2) Act 2012.

1080

Income Tax (Amendment) (No. 2) Bill 2012
Second Reading approved

1085 **Chief Minister (Hon. F R Picardo):** I have the honour to move that the Bill be now read a second time.

Mr Speaker, this Bill amends the Income Tax Act 2010, to extend the current deadlines relating to payment on account of future liabilities by self-employed individuals and companies.

1090 Clause 2(2) extends the deadline from 31st December to 31st January for payment on account of future liabilities by self-employed individuals.

Clause 2(3) extends the deadline from 31st August to 30th September for payment on account of future liabilities by companies.

Clause 2(4) amends Schedule 9 of the Income Tax Act 2010 to reflect the extension of the deadlines mentioned above.

1095 The current deadlines in respect of self-employed individuals and companies are being extended in order to relieve administrative pressures on the Income Tax Department during particularly demanding periods. As a result of these changes, receipt of payment on account of future liabilities will not conflict with receipt of Employers' Annual PAYE returns and individual's tax returns.

I commend this Bill to the House.

1100

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

1105 **Hon. P R Caruana:** Mr Speaker, now that I have become a self-employed taxpayer and therefore a beneficiary of the provisions of the Bill, the Opposition is delighted to support it. (*Laughter*)

Mr Speaker: I now put the Question which is that a Bill for an Act to amend the Income Tax Act 2010 be read a second time. Those in favour; (**Members:** Aye.) Those against. Carried.

1110

Clerk: The Income Tax (Amendment) (No. 2) Act 2012.

Income Tax (Amendment) (No. 2) Bill 2012
Committee Stage and Third Reading to be taken at this sitting

1115

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

1120 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

Court of Appeal (Amendment) Bill 2012
First Reading approved

1125

Clerk: A Bill for an Act to amend the Court of Appeal Act, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1130

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Court of Appeal Act be read a first time.

1135 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Court of Appeal Act be read a first time. Those in favour. (**Members:** Aye.) Those against. Carried.

Clerk: The Court of Appeal (Amendment) Act 2012.

1140

Court of Appeal (Amendment) Bill 2012
Second Reading approved

1145

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker this Bill provides for the ability for the Court of Appeal to sit with two judges where there is a certification to that effect by the President or the Chief Justice. It follows a proposal made by the President of the Courts, transmitted to me by the Chief Justice.

The Bill introduces a new section 3A to the Court of Appeal Act. By the new section 3A(1), the Court may sit with two judges.

1150

By the new section 3A(2), section 61(4)(a) of the Constitution is stated not to apply to an appeal which is certified under subsection 3A(1).

The section of the Constitution which is referred to which is 61(4)(a) states as follows, Mr Speaker:

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‘(4) Save as may be otherwise prescribed by any other law, for the purposes of any determination of the Court of Appeal –
(a) an uneven number of judges shall sit, which, in the case of any final determination by the court other than the summary dismissal of an appeal, shall be not less than three...’

1160

So by that provision there shall be an *uneven* number of judges and that number shall be not less than three. But section 61(4) provides ‘Save as may be otherwise prescribed by any other law.’ This is the law – the one we are introducing today – which prescribes now that the court may sit with less than three judges and where it sits with two, it will sit with an *even* number of judges.

I should say, Mr Speaker, that the intention is not that the court as a matter of normality should sit with two judges; indeed, on the contrary, the norm should continue and will continue as at present, with a Court of Appeal sitting with three judges. But I am advised that there may be exceptional circumstances where this new provision may be used.

1165

An example which has been given to me is a case where Sir Murray Stuart-Smith was still the President of the Court and he was taken ill whilst the court was in session in Gibraltar and taken to hospital in the early hours of the morning. Yet at 10 o’clock in the morning he had to sit in court, because this provision did not allow... or rather there was no provision which allowed the court to sit with less than three judges.

1170

So I have to say and I have to stress that it would be very exceptional and only clearly in cases... and I do not want to say cases which are of less importance to others, because clearly for appellants all cases will be important, but clearly where cases which could be considered of not significant jurisprudential importance, where there are not significant points of law to be determined, it is right that in those cases and it is right that it should be the norm that the court should continue to sit with three judges.

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What the amendment simply provides is a safety net, in appropriate and exceptional cases for an appeal to be able to proceed with less than three judges, in this particular case, with two judges. The Government considers and I am advised the judiciary considers that that is in the interests of the administration of justice in Gibraltar, and it is also in the interest of appellants in particular cases who would want their cases to be heard.

1180

I commend the Bill to the House.

Hon. D A Feetham: Well, before he does so, can he give way so that perhaps he can then answer just a query –

1185

Hon. G H Licudi: You can ask a supplementary (**Hon. D A Feetham:** Yes.) that I can answer subsequently.

Hon. D A Feetham: No, I know, but then obviously, I have no right of reply if that happens!

1190

The hon. Gentleman appears to be suggesting that, effectively, this would operate in a situation – correct me if I am wrong – where, for example, you have exceptional circumstances, that there are three judges to start off with, one is taken ill and the other two can continue. That is what appeared to be indicated by the hon. Gentleman.

But of course, section 3A(1) is wider, because it says:

1195

‘...the Chief Justice may certify that a particular appeal may be heard, or continue to be heard...’

So it is both and I just ask the hon. Gentleman, what kind of situation would a Court of Appeal...?

1200 **Mr Speaker:** Where the judge is taken ill the day before.

Hon. D A Feetham: Yes, the judge may be... well exactly, yes.

A Member: The provision goes further.

1205 **Hon. D A Feetham:** But the provision goes further.

Hon. P R Caruana: [*Inaudible*] the Chief Justice that certifies –

1210 **Hon. D A Feetham:** And of course, what happens in circumstances where those two judges do not actually agree on the verdict? Of course, if this were in a criminal case, juries do not agree, then the defendant is acquitted. In a civil appeal, you can have a two-to-one majority and then the appeal is allowed, but if you have a one-and-one, what happens in that kind of situation?

1215 **Hon. G H Licudi:** Mr Speaker, what I mentioned earlier about a particular judge being taken ill was an example, and what I said was this was an example which was given to me as the kind of case that might be appropriate. It is not the only case where it might be appropriate, but certainly where a judge is taken ill in the middle of a sitting that might be an appropriate case in which this might be used.

1220 What it is not possible to do... and that is given as an example and I have made a statement in this Parliament that this is intended by the Government to be used in very rare and exceptional circumstances and not where the case is one of clear jurisprudential importance. What is not possible to do is simply set out in the legislation all the examples where this can be used. The provision provides for a certification to be made by the President or the Chief Justice, and I have no doubt and I am confident that that discretion given to the President and the Chief Justice will only be used in appropriate cases, rather than run-of-the-mill cases.

1225 But I hope the hon. Member agrees... and I did consider when I got a draft of the Bill, whether it was possible to say ‘in the following circumstances a certification may be made’. It was simply not possible and I had in mind, in fact, a debate that we had, which is relevant to the other Bill that we have before Parliament today, the amendment to section 12A of the Supreme Court Act, where I asked the hon. Member in terms of the priority of cases to be listed, and the hon. Member actually says, ‘One cannot legislate for every single eventuality, it is simply impossible’. I agree with that particular statement and that is why, following consideration, whether it is possible at all to set out any criteria. I certainly felt that it was best to leave it as it is, leave it in the hands of the President or the Chief Justice.

1230 The other point that the hon. Member makes is the question of the majority and that is actually provided for in, well the relevant point is made in section 61(4)(b) of the Constitution, which provides that:

‘any determination by the court on any matter (whether final or otherwise) shall, where more than one judge sits, be according to the opinion of a majority of the judges who sit to determine that matter.’

1240 That is simply, in our view, a permissive situation. It does not always require a majority. In other words, you can have unanimity – which is not a majority because you do not have a dissenting view – but it is permissive, in that where you have got more than... What it does is envisage the situation where more than one judge sits and therefore it envisages the possibility that you may have two judges.

1245 Clearly, two judges cannot come to a majority verdict and therefore the only possible decision that could be made, where there are two judges, is a unanimous decision, otherwise there is no decision of the Court of Appeal. Therefore, in practice, this does not give rise to a problem. Where there is an uneven number of judges, we have a permissive situation under the Constitution, where a majority decision can be given; but where you have an even number of judges and it is possible to have an even number of judges with more than three – not under the present position, but clearly where it says where more than one judge sits – but clearly you either have a majority or you have unanimity to have a valid decision, otherwise there is no decision at all.

1255 **Hon. P R Caruana:** Mr Speaker, I fear we have distorted the debate. The hon. Member is still on his speech on the Second Reading and I was not going to rise to speak when it comes, so I wonder if Mr Speaker would let me just contribute to this point, at this stage.

I think we are still in the stage of giving way, aren't we? So I do not know where we are now in the proceedings. I can wait until later.

1260 **Mr Speaker:** Well, if you will allow me, does any hon. Member wish to speak on the general principles and merits of the Bill? That gives them –

Hon. P R Caruana: Alright, obliged, Mr Speaker.

Well, Mr Speaker, I would ask the hon. Member whether he happens to know – we are all lawyers, I suppose we all should know, those of us who are lawyers – whether... I have a feeling that in the UK the Court of Appeal also sometimes sits with two judges, I do not know. But in terms that, I think it is... I do not know what basis or what the strength of feeling was amongst the judiciary that this was a good idea, but I am frankly pleased that the hon. Member has emphasised that it is exceptional and that if it ceased to be used exceptionally, it perhaps ought to be reviewed.

I think that there are serious constitutional issues – which perhaps do not arise in the UK, because they do not have a constitution – about this business of the section that he has just read out – I did not pick up the number –

Hon. G H Licudi: Section 61(4)(a).

Hon. P R Caruana: Section 61(4)(a) – in other words, there is no determination, unless it is by a majority. Well, if there are two judges –

Hon. G H Licudi: Or unanimous.

Hon. P R Caruana: Well no, he must not confuse the question of majority with unanimity. There is no resolution of the court, unless it is by a majority. When two judges sit, the majority can only be two, which happens to be unanimity because there are only two; but it would require the two of them to agree.

If the two of them do not agree, there is *ipso facto* no possibility of constitutional adjudication. It raises all sorts of questions about what happens next. Is this an appeal right that is lost? Does the case get reheard? What happens to the costs of that appeal? Can it be awarded to one side or to the other, given that neither has won and neither has lost?

It seems to me that there is a whole series of permutation of consequences. This is why I asked whether he knew off-hand whether there was any sort of precedent for this in the United Kingdom. I can think of a number of practical considerations arising from the fact... Of course, what would actually happen in practice, I fear, is that because the court will want to avoid the problems that I am now highlighting, there will be pressure on the dissenter not to dissent. In other words, the judges will sit in the room and one will try and persuade the other and one will yield in circumstances, where if there was a majority, if there were three judges sitting, he would not allow himself to be persuaded and would simply deliver a dissenting judgement. Both judges will now know that a dissenting judgement is not a possibility because it will gridlock the court, with all the consequences that I have just described.

I do not doubt that there are circumstances in which this is a good idea – for example, the one suggested by Mr Speaker – if there could be a very expensively convened court full of barristers from all over the world, witnesses – the hon. Member knows the sort of trial that I might be thinking of – a judge falls ill, there is not another judge available, and you have to collapse that appeal hearing. In those circumstances, it is good that it is able to continue, but it is good that it is able to continue with a number of undesirable potential consequences, which means that that ‘goodness’ – if I can just call it that quite inappropriately – should be resorted to as exceptionally as the hon. Member has indicated in his address he hopes and expects will be the case.

Mr Speaker: Does any other hon. Member wish to speak on the general principle? I will then...

Hon G H Licudi: Mr Speaker, can I, as the mover of the Bill, respond to the hon. Member?

Mr Speaker: Yes, you have a right to reply.

Hon. P R Caruana: The reason why, if you will give way to me –

Hon. G H Licudi: I will.

Hon. P R Caruana: – there is one aspect which I would ask him to express a view, if he feels he can on his feet – if not, we will just have to leave it for another day – and that is what would happen in a case where the judges are unable to come to an agreement, despite their best effort, and one votes yes and one votes no?

Litigants have to know whether... The appellant then has to know that his appeal rights remain intact and that the matter will be re-listed for hearing. He cannot be defeated without adjudication, because there would not have been adjudication.

Could the hon. Member at least express the parliamentary view – if he shares it, if it is indeed his view – that in those circumstances the legislature expects that the appeal right would remain intact and the matter would have to be re-listed for re-hearing?

1325 **Hon. G H Licudi:** On that last point, Mr Speaker, I can express a personal view as to what might be desirable, but I do not know whether that view coincides with the Rules or any particular provision which might say – (*Interjection by Hon. P R Caruana*)

1330 But if I may be permitted to deal with the points that the hon. Member has made and hopefully, within that answer, the concerns that the hon. Member has had: I do not know what the position is in the UK, whether they sit with two judges and I can confirm, the hon. Member has just repeated, that certainly from the Government's point of view, and I as mover of this Bill in this Parliament consider that this is something that should be used only in those exceptional circumstances that we have mentioned.

1335 The main point that the hon. Member makes, the issue – which is a valid point to consider – what happens if the two do not agree? That is something that clearly I have given some thought to and have considered.

1340 In practice, what I would expect to happen – this is a view that I am setting out as the view of the Government's side – and what I would firmly expect because of discussions that I have held, if there is a possibility of the two remaining judges, who are going to either sit or continue sitting in an appeal, if there is a possibility of the two judges not agreeing, the appeal would simply not be heard or the appeal would not continue until it can be re-constituted or constituted again with the three judges.

1345 The hon. Member knows from his practice that judges receive papers in advance and receive skeleton arguments in advance. Whilst I would expect, and certainly I would expect as a lawyer, that everyone is given a fair crack of the whip and you go and you present your case in court and the judges hear you and you can persuade the judges one way or the other. The judges will clearly have papers and if this sort of situation arises, in those exceptional cases, where there is a possibility of two judges continuing or having to sit on any particular matter and if a possibility, even a remote possibility exists – well, not a 'remote'; a possibility exists – of the two judges not agreeing, there is no question, I would expect, of any pressure being put on any judge. Who is the dissenter, if there are only two? Who puts pressure on the other? There is no possibility of that happening in practice, because what we would expect is that the hearing simply would not proceed and would be adjourned or would be re-listed – in other words, it would not start at all, if it has not started. It would be re-listed until the three judges can constitute the full court.

I am not sure whether that answers fully the hon. Member's question.

1355 **Hon. P R Caruana:** Would the hon. Member give way?

Hon. G H Licudi: I will.

1360 **Hon. P R Caruana:** The important thing is that, under the Constitution, there will not have been an adjudication.

Hon. G H Licudi: There would be a hearing.

1365 **Hon. P R Caruana:** No, no no. The hon. Member is saying that he hopes that, in practice, judges will look at the papers in advance, see that there is high-end prospect that they will not be able to agree and therefore agree that it is not a case suitable for hearing between two. But that is a pretty hit-and-miss and a pretty *ad hoc* sort of arrangement.

1370 The fact of the matter is, Mr Speaker, we do not need to legislate against the possibilities of things that might only happen exceptionally. In other words, the possibility of having this possibility or rather having this possibility of a two-judge court may be so useful in the cases where it really is useful that it outweighs the cases in which it creates problems and therefore on balance, it is a good idea and it should be available, which does not mean that you do not legislate for the consequences of the minority of cases in which the worst feared happens.

1375 The important point is – and I am not expressing a view; I am simply relying on the provisions of the Constitution that the hon. Member read out, which said, if I correctly heard him reading – he will confirm it to me or not – that under the Constitution, unless a majority of the court, which there would not be in a two-man court which disagreed... there is no adjudication, because an adjudication requires a majority. I think that is the essence of what he read from the Constitution. So therefore, constitutionally, the case will not have been disposed of. In other words, the appeal necessarily and constitutionally remains extant, because it is an un-adjudicated appeal.

1380 In those circumstances, I *assume* – but I am not sure that this is an area that we should be leaving to assumptions – assume that because constitutionally it is an un-adjudicated appeal, the appellants' constitutional right to appeal – because the right to appeal is itself a constitutional right – remains un-

used. And as it remains un-used, he must have the right to go before a differently constituted court and re-argue his appeal. That could usefully have been said in the Bill, just as a matter of clarification, *and* the Bill could usefully, however remote or however exceptional or however unusual, however infrequently we think this is going to happen, the Bill might also have usefully provided for what happens to the costs entitlement which are said to follow the event. Well, there has not been an event, therefore there is nothing to follow and therefore what? Each party bears their own costs of that hearing? Do the whole costs of the failed hearing get carried forward, so that they get paid by whoever loses the next hearing? Is the loser then exposed to a double-whammy of two sets of costs?

These are some of the issues and this is why I started off by asking whether he knew whether this happened in England, because if there are two-man courts of appeal or two-judge courts of appeal in England, all of these questions *must have* been addressed. There *must* be an answer to them. There must be jurisprudence on the question, *save* the fact that here it is part of our written Constitution which is primary law and cannot be the subject of court practice or of court rules or things of that sort. None of that can override the consequences of the constitutional provision that there is not an adjudication under the terms of the Constitution – which is the only thing that would complicate the matter beyond that, which might have received clarity in the UK, in the case of a two-man or two-judge hearings in the UK.

Mr Speaker: May I make one thing clear. The hon. Member, the Hon. Minister, strictly speaking, you have been exercising your right to reply. (**Hon. G H Licudi:** Yes.) Just before the end, you gave way to the Hon. the Leader of the Opposition, but this question, when we are on the general principles of the Bill, the question of prolonging artificially the right to reply is not proper, in my view. I think there ought to be a limit to the extent to which you ought to be doing that. More so, since this Bill is down to go into Committee and if it does, there and then, all hon. Members can debate each particular clause in detail.

I am being liberal because the extent to which the Hon. Minister satisfies the Opposition could determine whether they wish to allow the Bill to go into Committee today or not. Therefore, what I am going to suggest and ask the Hon. Minister, in the light of all that I have said, is: does he prefer that the Bill should not go into Committee, give consideration to the matters that have been raised by Members of the Opposition, and then bring the Bill at a later stage?

Hon. G H Licudi: No, Mr Speaker, that is not our preference. Our preference is that this matter should go to Committee and should be fully determined.

In respect of the first point of prolonging the debate, my understanding is this is actually a debate on the Second Reading, on the general principles of the Bill.

Mr Speaker: Which allows you to make an introductory speech, which allows each and every other Member to make a speech, and which allows you halfway through, or near the end, of your exercising your right to reply, it allows you to give way to a Member of the Opposition in this case. (**Hon. G H Licudi:** Yes.)

What is does not allow you is, once you have finished and sat down, in my view, is to say, 'I am giving way to an hon. Member.' That is not proper procedure. I am prepared to be liberal and allow it once or twice, but not indefinitely.

Hon. G H Licudi: I understand the point that Mr Speaker makes.

Mr Speaker: Okay.

Hon. G H Licudi: It is not an issue really for us, because if I finish my speech, my contribution and then the hon. Member wants to get up and ask that I give way, before I sit down, and I accommodate that –

Hon. P R Caruana: Which is a condition of parliamentary rules –

Hon. G H Licudi: – which is traditional that –

Hon. P R Caruana: – that before the hon. Member sits down... Mr Speaker, whilst I am grateful for whatever degree of liberality that you bring to the Chair, I think when constructive debate is taking place, this is not a question of Rules or Standing Orders. Hon. Members – and this is the case in Westminster, too – give way to each other as often as they please. There is not a rule about not giving way and not –

Mr Speaker: No. But I was making the point because I thought there might be a possibility, since the Hon. Minister seemed to have some doubts about what the procedure in the United Kingdom was, that he

might wish to have time in order to find out, and therefore I suggested that perhaps Committee Stage should not be taken today.

Hon. G H Licudi: Well, I note the point that Mr Speaker makes, but that is not something that we want to take away and consider, particularly because the hon. Member has quite rightly...

Let me just say as an aside, in respect of whether we could do this at Committee, this is more about the general principles which relate to the Bill and possible problems which the hon. Members suggest might arise and, certainly, from the Government's side, we consider these matters are properly debated at Second Reading, rather than at Committee Stage.

But, having said that, the point that the hon. Member makes in relation to the UK, the Hon. the Leader of the Opposition has alighted to the fact that we have a written Constitution and we have specific provisions here in relation to the Constitution of the Court of Appeal and the determination of decisions by the Court of Appeal. Let me deal with the point that the hon. Member makes in terms of the consequences.

The hon. Member uses the term 'adjudication': that there is no adjudication, therefore the matter can simply be re-listed and adjudicated – not *re*-adjudicated, because there would not be an adjudication. The Constitution uses the words 'determined' – 'any determination of the Court of Appeal'. It is more or less the same thing, but if there is not a majority decision or a unanimous decision, one way or the other, when there are two judges, I agree with the hon. Member that, constitutionally, the appeal would not have been determined and therefore still falls to be determined by a court constituted in accordance with the rules. So I agree with the point that the hon. Member makes.

As regards legislating in respect of costs, we do not believe that that would be the appropriate way. Parliament does not normally legislate in respect of costs. Costs are generally left to the discretion of the judges and we are confident that the judges will do whatever is right in the particular circumstances and will take into account the necessary considerations in determining what, if any, cost liability should arise. On that basis, it is our position that this Bill should proceed.

Hon. D A Feetham: May I, Mr Speaker?

Mr Speaker, I have actually appeared... Just listening to the hon. Gentleman and also listening to the Leader of the Opposition. I do remember that I have actually appeared in a Court of Appeal in England and Wales in a two-man Court of Appeal. I have.

But, I *think* that a two-person Court of Appeal panel is limited in England –

Hon. P R Caruana: To interlocutory matters.

Hon. D A Feetham: To interlocutory matters.

Hon. P R Caruana: Exactly, that is my recollection.

Hon. D A Feetham: That is my recollection of the position –

Hon. P R Caruana: And to leave.

Hon. D A Feetham: And indeed, also to leave.

Now, what I *cannot* remember and what I do not know is what the situation is in terms of determination of an appeal, if effectively both of them do not agree.

My *own* view, for what it is worth, is actually that probably the appeal fails.

Hon. P R Caruana: Yes, that is my –

Hon. D A Feetham: That is my view. But of course, yes, if the appeal... If you do not satisfy a majority of a Court of Appeal and it is one and one, the appeal fails. Therein lies the problem that exists with this Bill: that here we have two silks and a number of other lawyers and nobody really has the answer to all these, quite frankly, rather pertinent questions. Therefore, certainly for my part, I think that perhaps the hon. the Minister ought to adjourn the Committee Stage to sometime in the future and perhaps just bring those answers to Parliament, because those answers must be available.

Hon. P R Caruana: Could the hon. Member, before he rises, so he can answer me, with Mr Speaker's indulgence, if the position were as the hon. Member has just described to me, can he –
(*Interjections*)

If we could be absolutely clear that the position was as the hon. Member just explained to me, when he last spoke to what I had said, namely that we were absolutely certain that the appellants' rights had not been disposed of and this was just a question of coming back again to another court, and we were absolutely clear of that question and the Government was not willing to legislate on the question of costs, I would settle, I would accept that. The Court of Appeal would make proper rules as to costs, I imagine, for those circumstances and that would be fine.

The difficulty is the risk that there is a judgment of a lower court – of the Supreme Court usually – who has found in favour of one party or another and the appellant is saying, 'Court of Appeal, overturn that judgment'.

If the Court of Appeal is gridlocked, it fails to make a determination. The effect of that failure to make a determination is that it has declined to overrule the lower court for any number of reasons, either because it did not like the arguments or because it did not have a sufficient majority. Now, that is the risk, so in considering – although he will not want to take advice from me across the floor – whether it is better to adjourn or not to adjourn, really the question that he has got to ask himself is whether he is certain that the position is as he explained to me, because otherwise we are in the realms of both injustice and potential unconstitutionality.

In other words, it may well be that the court in England takes the view... I am speaking from ignorance of what the position is in the UK. It may well be that the court takes the view that, if a two-man court is split one/one, there has been a determination: the determination is the court has declined to reverse the lower ruling. That could amount to an...

Now, the hon. Member is shaking his head. I am delighted that he is shaking his head and I am not arguing against it. That is what I want the outcome to be too. The question is not whether I agree with him or not; the question is whether we are clear if, on this Friday at five past six, that is in fact the case – what we both think is the case.

Hon. G H Licudi: Well, Mr Speaker, what I can give is the Government's view and our position, as Minister for Justice. What I cannot say is if this matter was ever referred to the court and determined by the court that the court would necessarily rule in a particular way. *(Interjection by Hon. P R Caruana)* Neither the hon. Member nor myself will ever be able to say how laws which are –

Hon. P R Caruana: But Mr Speaker, that is an answer that *does* cause us difficulty, because the Government must not legislate without understanding the purport of the legislation. What the hon. Member is saying is, 'I am bringing this legislation to the House: I think it means this, and that is what I intend it to mean', but it is up to the courts to decide whether it actually means what the legislature intends it to mean, and otherwise it is basically the Court of Appeal legislating, not the Parliament.

Hon. G H Licudi: No, Mr Speaker, that is not the position.

The position is that the Government's intention is quite clearly what I set out when I presented the general merits of the Bill.

The example that the hon. Member says about a lack of determination under the Constitution because there is not a majority, that amounts to a lack of determination and therefore that amounts to declining to overrule the decision *and therefore* a decision not to overrule: well, we do not believe that is a plausible interpretation of this and therefore we are not willing to leave this up in the air, simply on the basis of a hypothetical argument that could present – *(Interjection by Hon. P R Caruana)* Well –

Hon. P R Caruana: Neither of us know what the position is. They are both *[inaudible]*.

Hon. G H Licudi: What I am saying is it is a hypothetical argument with which we do not agree. We do not agree that argument holds water.

Hon. P R Caruana: It is an interpretation.

Hon. G H Licudi: It is an interpretation, as there could be many interpretations of many provisions.

What I can say is this, Mr Speaker: we believe that this Bill ought to proceed in its current form because it is appropriate that, in those exceptional circumstances that I referred to earlier, we *should* have the ability for the Court of Appeal to sit or continue to sit with two judges, because that we consider is in the interests of the administration of justice, as I said earlier, and also in the interests of the appellants, who would want to have their cases determined.

But what I cannot rule out is if the hon. Member is suggesting that this creates a hypothetical problem, that we might have to deal with an issue, by bringing a Bill to amend further the provisions of the Court of Appeal. But that there is a necessity for these provisions is absolutely certain, from our point of view, and therefore we propose to proceed.

The hon. Member talks of ‘potential unconstitutionality’: we do not believe there is any potential unconstitutionality. The provisions of the Constitution are very clear: they allow for a law to prescribe a position whereby less than three judges appear and determine a particular case. That must be for a reason. If the Constitution allows the possibility of less than three judges, it must allow the possibility of two.

Hon. P R Caruana: There is usually one.

Hon. G H Licudi: But it could be one. It could be one, but Mr Speaker, the other provision that I referred to, which is also part of section 61(4) of the Constitution...

So section 61(4)(a) deals with the possibility of less than three judges, if it is prescribed by law and 61(4)(b) deals with the possibility of the court sitting where there is more than one judge. So on the one hand we have (a) with the possibility of less than three, and on the other hand we have (b) with the possibility of more than one. So this clearly envisages the possibility that there should be a determination by two judges.

And for all the reasons that I have set out, and I hope I am not asked to give way any more, I commend the Bill to the House.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Court of Appeal Act be read a second time.

Those in favour. (**Government Members:** Aye.) Those against.

Hon. P R Caruana: The Opposition is abstaining, Mr Speaker, on the grounds that we do not think the House *knows* what it is doing. We do not understand it.

Mr Speaker: Carried by Government majority.

Clerk: The Court of Appeal (Amendment) Act 2012.

Court of Appeal (Amendment) Bill 2012
Committee Stage and Third Reading to be taken at this sitting

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do Members of the Opposition agree that Committee Stage be taken today?

Members: Aye!

Hon. P R Caruana: No. Well, look, Mr Speaker – (*Laughter*)

Mr Speaker: Is the position clearly understood by Members? If *all* hon. Members agree. If the Members... If *one* Member does not agree that the Committee Stage be taken today, it has to be deferred.

Hon. P R Caruana: I think that is correct.

Chief Minister (Hon. F R Picardo): Until after midnight, Mr Speaker.

Mr Speaker: To another day.

Hon. P R Caruana: Yes.

Mr Speaker: To another day. It is to determine whether the Second Reading of a Bill and Committee Stage can be taken the same day.

Hon. P R Caruana: Yes. Mr Speaker, I am going to resist the temptation to change what I was going to stand up to change, simply in reaction to the Chief Minister’s quip, which could only have meant that he is willing to convert this non-giving of consent into a sort of meaningless parliamentary technique by saying, ‘Look, it is ten past four. If you do not consent, I am only going to make you come here at one o’clock in the morning or tomorrow, Saturday’ – which is what, by the way, I think the GSLP did last

time when they were in Government, the previous ones, one Government, one Opposition said –
(*Interjections*)

1630 If that were the case, I think that would be a great pity. (*Interjection by Hon. S E Linares*) Sorry, if the Hon. Mr Linares wants to speak, I am very happy to give way to him.

1635 **Hon. S E Linares:** Mr Speaker, he kept us here until two o'clock in the morning once, and Mr Corby had to buy some takeaways! (*Laughter and interjections*)

Mr Speaker: Just a moment! Just a moment!

It is not infrequent for this House, over the years, to have been meeting at two in the morning and at three and at four in the morning, because I have been here –

1640 **Hon. P R Caruana:** Yes, Mr Speaker –

Mr Speaker: – but that is not the point. The point is also whether the Chairman, to what extent the Chairman of the Committee will be willing, after dining at the MRC tonight, to come at 12.30 –
(*Laughter and interjections*)

1645 **Hon. P R Caruana:** Mr Speaker, and when you have been in this House for longer, you will recognise interventions like that by the Hon. Minister Linares as typical of the fact that he rarely grasps fine points when they are being made. (*Interjections*) Mr Speaker, if the Hon. Mr Linares does not understand the difference – (*Interjections*) If the Hon. Mr Linares does not understand the difference between a question and answer or a legislative session of Parliament simply sitting late into the night – as happens frequently in parliaments around the parliamentary world – if he does not understand the difference between that and what I am, half tongue-in-cheek, berating the Chief Minister for, if he does not understand the difference between that, then I feel entirely vindicated for what I have said about him!

1655 I am sure the Chief Minister was not meaning to threaten the House that if the Opposition did not give its consent, we would be back at midnight. However – you were threatening? I said 'of course not'.

Hon. Chief Minister: I would have thought, Mr Speaker, that the House would not feel threatened by an invitation to work hard, even –

1660 **Mr Speaker:** May I tell hon. Members what the spirit in this House has always been, regarding a Bill that the Government considers to be taken to Committee Stage and Third Reading. If it is an urgent Bill, the Government is perfectly entitled to ask that the Committee Stage be taken that day. If it is not an urgent Bill, then Committee Stage can be taken another day.

1665 It is for the Government to decide whether they want to give further thought to the matter or not, and take advantage of the fact that if the Opposition or any Member votes against Committee Stage being taken today, it has to be done another day.

If we come back at midnight or just after midnight, I do not know whether we will have enough time to consider whether the points made by the Opposition are worth bearing in mind or not.

1670 **Hon. P R Caruana:** Alright, Mr Speaker, I am very grateful for that, because I think that is the spirit that I was trying to...

1675 In any case, having heard the Hon. Minister for Justice and having a degree of confidence or at least respect for his views, even when I do not agree with them, I do not think that this is a matter in which his mind is going to be changed on the substance by having two or three more days to reflect on it – *although* I think that the question is not reflecting to change his mind. I would hope that, for me, the principal advantage of an adjournment – it could be an hour now – would be so that we could support the Bill. In other words, so that we could have confidence in being able to support the Bill because we could go out and find out what the position is and why the concerns that we have expressed are not warranted. That would be the virtue for us of an adjournment: not to change the Government's mind on the Bill, because we would support the Bill, if our concerns could be [*inaudible*].

1680 We have said, Mr Speaker, what our position is. I think that this Bill cannot be so urgent that it needs to be taken through its three stages today. I think that the prudent thing would be, on a Bill where we are interfering with issues affecting the administration of justice, that the House should clearly understand not only what it is doing, but the consequences of what it is doing.

1685 But look, we have expressed our views and if the Government wants to proceed with the Committee Stage today, we are not going to withhold our consent to that, simply to make a further statement. Our view has been stated: coming back again on Monday or after midnight or tomorrow at three o'clock is neither here nor there.

1690 So we will, at least I do not think any Member of the Opposition has dissented from the Committee Stage being taken today – and Third Reading.

Mr Speaker: Committee Stage and Third Reading of this Bill will be taken later today.

1695

**Supreme Court (Amendment) Bill 2012
First Reading approved**

1700 **Clerk:** A Bill for an Act to amend the Supreme Court Act, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I have the honour to move that a Bill for an Act to Amend the Supreme Court Act be read a first time.

1705

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Supreme Court Act be read a first time. Those in favour. (**Members:** Aye.) Those against. Carried.

1710

Clerk: The Supreme Court (Amendment) Act 2012.

**Supreme Court (Amendment) Bill 2012
Second Reading approved**

1715

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I have the honour to move that the Bill be now read a second time.

1720 Mr Speaker, this Bill amends section 12A of the Supreme Court Act. Section 12A, as the hon. Members opposite will know, was introduced by the Supreme Court (Amendment) Act 2010, which was debated in this Parliament on 18th February 2010.

1725 Section 12A, which is the section we are amending, deals or dealt with the jurisdiction of the Family Judge. It provided for family proceedings to be referred to a judge who was to be known as the Family Judge. It provided for other matters to be allocated to the Family Judge by the Chief Justice in certain specific circumstances and it introduced a statutory duty to the Family Judge to give priority to family proceedings over and above any other work which may be allocated to him by the Chief Justice.

The Bill which is currently before Parliament, as I have already indicated during question/answer session last month, follows discussions that I have had with the Chief Justice.

1730 What the Bill does is remove the restrictions on the Chief Justice to allocate work to the Family Judge, so that the Family Judge may be allocated any matter by the Chief Justice and as a consequence of that, the Bill removes the duty in relation to the priority of the work, so that in an appropriate case, it is the Chief Justice who decides what priority should be given to any particular matter. In other words, it gives the Chief Justice the power to manage the work of other judges without the constraints of a statutory duty which applies only to one judge in one particular area.

1735 That is not to say, Mr Speaker, and I want to stress this from the Government's side, that family matters will not or should not be given any less importance. There will still be provisions in section 12A of the Supreme Court Act which deal with the jurisdiction of a Family Judge. There will still be a Family Judge to whom family proceedings will be designated. However, the Bill gives the Chief Justice the appropriate level of flexibility in allocating matters to any other judge.

1740

I commend the Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

1745 **Hon. D A Feetham:** Mr Speaker, yes.

The Opposition unfortunately will be voting against this Bill. Before I elaborate on the reasons for that, may I remind this House... or place those arguments into their proper context.

1750 Mr Speaker, prior to the 2007 General Election, there was significant concern within this community in relation to the justice system as it applied to family law. Indeed, the issue became an electoral issue and Members may in fact recall that Richard Martinez did a sterling job, during the 2007 Election, actually highlighting some of the flaws in the system, which included the way that fathers were treated by the

system; the delays that were being experienced in family cases; the fact for example that a number of different judges were dealing with family cases and therefore there was a lack of consistency in dealing with those cases, because a case may come before one judge who takes one attitude, may then be adjourned and go before a different judge who may take a different attitude.

1755 We took a decision as a Government that when one looks at family law and decisions in family cases, and how these disputes are resolved, there is very much a human story in these cases, because behind every divorce, behind every battle or custody battle in relation to children, there are fathers, there are mothers and there are of course, children. We took a decision that we would appoint a third judge, recruit a third judge who would specialise in just dealing with family law.

1760 That was a decision that we took unprompted. In other words, it was not a decision that was prompted by the judiciary, 'We need a third judge, a family judge' or 'We need a third judge' and the Government of the day took the decision to 'Yes, we will recruit the third judge, but it will be a Family Judge' – no. We took a decision off our own back, off our own initiative to recruit a third judge but specialising in family law. Indeed, the position was advertised by the JSC and Mr Justice Butler was recruited on that very basis.

1765 We accepted that, in a jurisdiction as small as Gibraltar, what you could not have was a situation where a Family Judge was just simply doing family law and perhaps just simply spending 60% of their time doing family law and twiddling their thumbs for the other 40%. Clearly, in my discussions with the judiciary at the time, it was accepted that whilst the Family Judge was going to be prioritising family law, that judge could deal with other cases if the position was that the judge had spare capacity. That is why we introduced section 12A of the Supreme Court Act on 29th April 2010, which was, in our respectful view, a very carefully crafted provision, which attempted to place on a statutory footing that position as we had effectively discussed with the judiciary at the time.

1775 And what subsections (3) and (4) of section 12A say is this:

'(3) Notwithstanding the other provisions of this section, the Family Judge may be allocated any matter, other than family proceedings, by the Chief Justice, in the following cases—'

1780 So they *can* be allocated in the following cases –

'(a) where he has spare capacity; or
(b) during the vacation, illness or absence of another judge of the Supreme Court.'

1785 And then subsection (4):

'The Family Judge shall have a duty to prioritise the work of family proceedings.'

1790 So the architecture that we would introduce, which was a cornerstone of our policy on our reforms of the entire spectrum of family laws, was effectively Family Judge: prioritise family work; if he has spare capacity, the Chief Justice can allocate him work or indeed where it is required that that person effectively muck in with the other judges, because of illness or absence of another judge of the Supreme Court.

1795 What the Government of the day obviously wanted to avoid was a situation where we recruited a Family Judge – which was very much needed at the time and, indeed, from what the hon. Gentleman has said in his own speech, I do not think that he dissents from that, even now – very much needed, but what we did not want was a situation where we recruit a Family Judge, everybody is agreed we are recruiting a Family Judge for that purpose, he is placed in post and then the Chief Justice effectively says, 'Well no, you are doing this, that and the other', and by a process, over a period of time, that Family Judge becomes a generalist judge – no specialisation in family or not really prioritising family work, but dealing with everything else. That of course then drives a coach and horses through the clear intention of what it was that we were recruiting this particular judge to do.

1800 And Mr Speaker, we still have those concerns, that effectively what the hon. Gentleman is actually doing by making these amendments and reversing the position that we introduced in section 12A, is effectively potentially turning that Family Judge into a generalist judge. Sooner or later, the Government will then have the same problems that we were facing prior to 2007, in terms of inconsistency of decisions, in terms of delays of family cases.

1805 Can I say this: I know the hon. Gentleman has consulted the Chief Justice and, indeed, although I had consulted the Chief Justice and the President of the Court before on how it would work, in terms of how the Family Judge would actually prioritise the... and section 12A actually reflected what had been discussed with them. It is certainly true that the Chief Justice – not the President of the Court; I had discussion with the President of the Court – but the *Chief Justice* was not too enamoured with the idea that we reflect the position that we had agreed with him and place it on a statutory footing. Presumably, that is why the Government comes today and is reversing the amendments that we made in 2010.

We have great concerns that what will happen is that we are going to be returning to a position certainly pre-2010, but 2007. When I was Minister for Justice, I would consult, I would talk to the Family Judge on a regular basis, because I wanted to know from the Family Judge directly whether these provisions were working, whether he had spare capacity and whether he was doing other work. The view that he always expressed to me – and I have not spoken to him since I left the office, I did not think it was proper for me to talk to the Family Judge about this, once the Bill had been advertised – but his view to me was that in fact there was a lot of family work and that he needed to prioritise family work, and of course, he did do other work, but that a reversal of the position contained in the section would be a retrograde step.

I do not know whether that continues to be his position, or whether it is not his position. It is certainly the position that was expressed to me when I was Minister for Justice. Our concern here is that, effectively, what you are doing is converting, in the short term – it will not even be in the medium term – a Family Judge into a generalist judge and that undoes the very careful work that we did in this area. Indeed, I will read to him what I said during the Second Reading, the debate on the Bill, I said this:

‘It is a reflection of the Government’s commitment to ensuring family proceedings, which include proceedings under the Children Act, the Maintenance Act, the Matrimonial Causes Act and, amongst others, the Adoption Act’

– all of which we amended in our time in Office –

‘are dealt with expeditiously and effectively by a dedicated judge. It is a major part, indeed, it is a cornerstone of the Government’s architecture in this area and, of course, involves an increase in the number of judges of the Supreme Court from two to three.’

This undoes that careful architecture, that cornerstone and therefore we cannot support it.

Mr Speaker: Does any other Member wish to speak on the general principles of the Bill? No. Well, I will call on the Minister to reply.

Hon. G H Licudi: Mr Speaker, I very much regret that the Opposition will not be supporting this. Although I regret it, I have to say I am not surprised, because what we are amending is something that the hon. Member himself, when he was Minister for Justice, introduced.

The hon. Member expresses the Opposition’s lack of support, on the basis of a concern of a possibility of the Family Judge being turned at some point in the future to what he describes as a generalist judge. He does not say that that will happen, he does not say that he has any reason to believe that that is imminent, that that is what the purpose of this legislation is. A concern but it is simply based on hypothesis, it is simply based on speculation. We consider that it is wrong for the hon. Members to take a view...

I can understand them abstaining, because we are amending their legislation, legislation that the hon. Member introduced, so I could understand him abstaining and say, ‘Well we do not know how this is going to work in practice – whether in fact the Family Judge is going to be turned into a generalist judge – and because we do not know and we have a concern that it *might* happen, then we are abstaining and we will see what happens.’ But the hon. Member says, ‘We will vote against on the basis of a hypothetical and speculative concern.’

What the hon. Member has described is true: there were issues with family proceedings, but those issues preceded the engagement of a Family Judge and preceded the enactment of section 12A dealing with the jurisdiction of the Family Judge. We are not changing that. As I have said earlier, we will still have a Family Judge and we are not changing section 12A(1) which says there will be a puisne judge to whom shall be designated family proceedings. So on what basis does the hon. Member believe that we will not have a specialist Family Judge, when that is what the legislation says and we are not changing that at all? So of course that will continue to happen.

The hon. Member also refers to a possible lack of consistency, when you have got more than one judge dealing with a particular type of case. Well, it happens in chancery work, it happens in commercial work, it happens in contract work, it happens in all areas of the law, except in family law.

But it can happen, in any event, in family law in Gibraltar, because the legislation that the hon. Member enacted, section 12A(7) says:

‘Where a judge other than the Family Judge deals with a family proceedings reference in any other legislation to the Family Judge shall be a reference to the judge that has dealt with those proceedings.’

So the hon. Member himself, when he introduced this, legislated for the possibility that there would be other judges who could deal with family matters. It is right that there has to be the possibility of other judges being able to deal with family matters.

The hon. Member comments from across the floor that there may be circumstances where a particular judge is absent, but where a particular judge is absent and you have got another judge dealing with family cases, you would expect that judge to apply the law as it is, to apply jurisprudence as it is or as that judge understands it to be, in the same way as different judges apply jurisprudence as they believe it to be, in contract and court cases and other areas of law, and in the same way as happens in the Family Division in England. In the Family Division in England, you have specialist judges, as we have with the Family Judge in Gibraltar. They do not have one judge in the Family Division. So where is the argument of consistency or lack of consistency? It is simply not a valid argument, in our view, with the greatest respect to the hon. Member, because you do have a Family Division in England with a number of judges dealing with the same type of cases – all specialists.

So we do not believe that those concerns arise and we believe that, for the reasons that I set out earlier, this is the right thing for us to pass.

Mr Speaker: I now put the question which is that a Bill for an Act to Amend the Supreme Court Act be read a second time. Those in favour. (**Government Members:** Aye.) Those against. (**Opposition Members:** No.) Carried by Government majority.

Clerk: The Supreme Court (Amendment) Act 2012.

Supreme Court (Amendment) Bill 2012
Committee Stage and Third Reading to be taken at this sitting

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

Trade Licensing (Amendment) Bill 2012
First Reading approved

Clerk: A Bill for an Act to amend the Trade Licensing Act, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Trade Licensing Act be read a first time.

Mr Speaker: I now put the question which is that a Bill for an Act to amend the Trade Licensing Act be read a first time. Those in favour. (**Members:** Aye.) Those against. Carried.

Clerk: The Trade Licensing (Amendment) Act 2012.

Trade Licensing (Amendment) Bill 2012
Second Reading approved

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, I have the honour to move that the Bill be now read a second time.

Mr Speaker, this Bill has three purposes. In the first place, the Bill enables the Trade Licensing Authority to refuse a transfer of a business where the business in question is to remain on the same premises, if the transferor owes tax and rates in respect of the business or if the transferor has been charged with an offence in relation to the business he is running.

The second change relates to the composition of the Authority. In this respect, two additional members will be appointed, after consultation with the Gibraltar Federation of Small Businesses.

The final amendment, Mr Speaker, delegates various powers from the Governor to the Government.

As hon. Members are aware, I am currently reviewing the entirety of the trade licensing system and I hope to be able to bring proposals to the House by way of a Bill, after the New Year, which will bring about fundamental changes.

1940 The Government is considering, in accordance with its manifesto commitments, to set up an Office of Fair Trading, which will oversee all matters to do with trading and have appropriate enforcement powers. One of the drawbacks, Mr Speaker, of the present system is that enforcement is somewhat haphazard. Before, Mr Speaker, I present an entirely new legal architecture to this House, this Bill will correct the present system in a small way, immediately.

1945 In respect of the first mischief intended to be rectified by the amendments, I note that the Authority has limited powers to refuse a transfer, where the business is to remain on the same premises. I am advised that this has meant in the past that the holder of a trade licence has disappeared and transferred the licence to a new company. It may well be that the new company, although a different person in law, is controlled by the very same people who controlled the old company. This, of course, Mr Speaker, is a convenient way of getting rid of unpleasant debts incurred by the former company and still being able to carry on business. Allowing this phoenix-like behaviour is not desirable and so the Bill will close this existing loophole.

1950 Further, Mr Speaker, it may be that the transferor of the licence has been involved in criminal activity relating to the business. I am sure that all hon. Members agree that it is not desirable for the licence to be transferred to another linked person, who may well just carry on that criminal activity.

1955 In both of these cases, the amendments brought afford the Authority the discretion to refuse the transfer. Clearly, Mr Speaker, where everything is above board and there is no hidden agenda involving the transfer, there will be no difficulties put in the way of honest and decent traders.

1960 In respect of the second objective, the Gibraltar Federation of Small Businesses has long suggested that it ought to be represented on the Authority along with the Chamber of Commerce and the Trades Council. Her Majesty's Government of Gibraltar is so persuaded and this is now achieved.

The last of the amendments, Mr Speaker, delegates, as I said, all relevant powers to the Government.

1965 Mr Speaker, I also refer the House now to the amendments I have today given notice: today, in my letter to the Speaker of even date, which are self-explanatory and I therefore do not intend to go through them. In this respect, Mr Speaker, I must, I feel, highlight the constructive approach applied today by my hon. and learned Friend, Mr Bossino, who in fact called me during the course of the morning to discuss the proposed amendments that he would suggest and one of which in fact, Mr Speaker, does find its way into my proposed amendments as set out in my letter.

1970 I take the opportunity, Mr Speaker, to say that I am glad that he has taken up my offer for him to be able to call me at any time to discuss any matters, in order to have a constructive approach outside and inside this House.

Mr Speaker, for all of the reasons I have submitted, I commend the Bill to the House.

1975 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

1980 **Hon. D J Bossino:** Yes, Mr Speaker, I am grateful for the opportunity to speak, although it will be very short, and the Opposition will be supporting this Bill. I did think it would save parliamentary time if it was possible for both of us to agree on the rather obvious amendments which I suggested and I am very grateful to the hon. Member for having it taken it on and worked on appropriate wording, which he also kindly sent to me and I agreed it before it was sent to the House.

So I have no difficulty, as spokesman for the Opposition in respect of this Bill, to support it.

1985 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Trade Licensing Act be read a second time. Those in favour. (**Members:** Aye.) Those against. Carried.

Clerk: The Trade Licensing (Amendment) Act 2012.

1990

Trade Licensing (Amendment) Bill 2012 Committee Stage and Third Reading to be taken at this sitting

1995 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE

2000

Income Tax (Amendment) (No. 2) Bill 2012
Court of Appeal (Amendment) Bill 2012
Supreme Court (Amendment Bill) 2012
Trade Licensing (Amendment Bill) 2012

2005

Clerk: Committee Stage and Third Reading, the Hon. the Chief Minister.

2010

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: the Income Tax (Amendment) (No. 2) Bill 2012; the Court of Appeal (Amendment) Bill 2012; the Supreme Court (Amendment Bill) 2012; and the Trade Licensing (Amendment Bill) 2012.

2015

In Committee of the whole Parliament

2020

Income Tax (Amendment) (No. 2) Bill 2012
Clauses considered and approved

Clerk: A Bill for an Act to amend the Income Tax Act 2010. Clause 1.

Mr Chairman: Clause 1 stands part of the Bill.

2025

Clerk: Clause 2.

Mr Chairman: Clause 2 stands part of the Bill.

2030

Clerk: The long title.

Mr Chairman: The long title stands part of the Bill.

2035

Court of Appeal (Amendment) Bill 2012
Clauses considered and approved

Clerk: A Bill for an Act to amend the Court of Appeal Act. Clause 1.

2040

Mr Chairman: Clause 1 stands part of the Bill.

Clerk: Clause 2.

2045

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Chairman, in clause 2, which introduces section 3A of the Court of Appeal Act, in 3A(2), it says:

‘Section 61(4)(a) of the Constitution does not apply to the hearing...’

2050

There should be an ‘of’ there – ‘hearing *of* an appeal certified under subsection (1).’

Mr Chairman: It is a typographical error: ‘does not apply to the hearing *of* an appeal certified’.

2055

Hon. P R Caruana: Mr Chairman, just to inform the House, in the time available on the internet, I have not been able to find what the position is on civil appeal, but in the criminal jurisdiction of the Court of Appeal in England, in a two-man... there is a limited list of things that a two-man court can deal with and if they are split, there has to be a re-hearing before a full court.

Now, I do not know whether that is also the case in a civil court or not. I have not had time to... It is not so obvious. It does not come up so obviously on Google.

2060

Hon. G H Licudi: Mr Chairman, I am grateful for that observation by the hon. Member. We certainly agree that that should also be the position in Gibraltar. As I said earlier, *if* there is a need for a legislative change to have that provision, then we will introduce it.

2065

I can also say that we do have provision already in section 13.

Mr Chairman: I have noticed that hon. Members in Committee today these days sit down. It seems to me a perfectly good practice. In my day, we used to stand during the Committee, but since we are in Committee and more relaxed, why not? Well done!

2070

Hon. G H Licudi: Mr Chairman, that has been the practice certainly since I have been in Parliament since 2007. We have always sat for Committee.

But I can tell the hon. Member that, in the Court of Appeal Act, there is provision in section 13, which deals with criminal matters, and section 24 which deals with civil matters for the powers of the court to be dealt with by a single judge. As the hon. Members will know, there is also a possibility of the Chief Justice as an *ex-officio* member of the Court of Appeal to be able to sit.

2075

But sections 13 and 24 do provide powers of a judge in interlocutory matters, both in respect of criminal matters... or rather, in criminal matters, you would not have interlocutory matters, but there are certain matters, if there is permission for appeal which is necessary in any event, those sort of matters can be dealt with by a single judge. So we already have provisions for that sort of similar arrangement as exists in the UK, to be exercised by a single judge here.

2080

Hon. P R Caruana: Mr Chairman, I can tell him that the only bit of intelligence that I have found about appeal is in the Ministry of Justice's website in England and a two-man court can hear a substantive appeal in civil matters.

2085

What I have not been able to find out is what happens if they are split, which we have been able to find out in respect of criminal, but not in civil. But they can hear a full substantive appeal, a two-man court is confirmed on the Ministry of Justice's website.

2090

Hon. G H Licudi: I am grateful for that, Mr Chairman.

Mr Chairman: Clause 2 stands part of the Bill.

Clerk: The long title.

2095

Mr Chairman: The long title stands part of the Bill.

2100

Supreme Court (Amendment Bill) 2012
Clauses considered and approved

Clerk: A Bill for an Act to amend the Supreme Court Act. Clause 1.

2105

Mr Chairman: Clause 1 stands part of the Bill.

Clerk: Clause 2.

Mr Chairman: Clause 2 stands part of the Bill.

2110

Clerk: The long title.

Mr Chairman: The long title stands part of the Bill.

2115

Trade Licensing (Amendment Bill) 2012
Clauses considered and approved

Clerk: A Bill for an Act to Amend the Trade Licensing Act. Clause 1.

2120

Mr Chairman: Clause 1 stands part of the Bill.

Clerk: Clause 2.

2125 **Mr Chairman:** The Hon. the Minister for Tourism.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Chairman, in respect of clause 2:

2130 In the proposed new section 7(2)(c), to add the words ‘, to the Government,’ after the words ‘while owing’.

In the proposed new section 7(2)(c), to amend ‘accounts’ to ‘amounts’.

In the proposed new section 7(2)(d), to change ‘of’ to ‘or’.

2135 **Mr Chairman:** Those in favour of the amendments. (**Members:** Aye.) Clause 2 as amended stands part of the Bill.

Clerk: The long title.

2140 **Mr Chairman:** The long title stands part of the Bill.

BILLS FOR THIRD READING

2145 **Income Tax (Amendment) (No. 2) Bill 2012**
Court of Appeal (Amendment) Bill 2012
Supreme Court (Amendment Bill) 2012
Trade Licensing (Amendment Bill) 2012
2150 **Third Reading approved; Bills passed**

Clerk: The Hon. the Chief Minister.

2155 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Income Tax (Amendment) (No. 2) Bill 2012, the Court of Appeal (Amendment) Bill 2012, the Supreme Court (Amendment) Bill 2012 and the Trade Licensing (Amendment) Bill 2012 have been considered in Committee and agreed to, with amendments, and I now move that they be read a third time and passed.

2160 **Mr Speaker:** I now put the question, which is that the Income Tax (Amendment) (No. 2) Bill 2012, the Court of Appeal (Amendment) Bill 2012, the Supreme Court (Amendment) Bill 2012 and the Trade Licensing (Amendment) Bill 2012 be read a third time and passed. Those in favour. (**Several Members:** Aye.) Those against.

Do you wish me to take each of them individually?

2165 **Several Members:** Yes.

Mr Speaker: Very well. Those in favour of the Income Tax (Amendment) (No. 2) Bill 2012 (**Members:** Aye.). Those against. Carried.

Those in favour of the Court of Appeal (Amendment) Bill 2012 –

2170 **Hon. P R Caruana:** We abstain.

Mr Speaker: Carried by Government majority.

2175 Those in favour of the Supreme Court (Amendment) Bill 2012. (**Government Members:** Aye.) Those against. (**Opposition Members:** No.) Carried by Government majority.

Mr Speaker: Those in favour of the Trade Licensing (Amendment) Bill 2012. (**Members:** Aye.) Those against. Carried.

2180

2185

Adjournment

Clerk: The Hon. the Chief Minister.

2190

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that this House do now adjourn *sine die*.

Mr Speaker: I now propose the question, which is that this House do now adjourn *sine die*.

I now put the question, which is that the House do now adjourn *sine die*. Those in favour. (**Members:** Aye.) Those against. Passed.

2195

The House will now adjourn *sine die*.

The House adjourned at 6.50 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.20 a.m. – 11.17 a.m.

Gibraltar, Monday, 17th December 2012

The Gibraltar Parliament

The Parliament met at 9.20 a.m.

[MR SPEAKER: Hon. A J Canepa GMH, OBE *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

PRAYER

Mr Speaker

Order of the Day

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Monday, 17th December 2012.

(i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 15th and 16th November 2012.

5 **Mr Speaker:** May I sign the Minutes as correct?

Members voted Aye.

10 *Mr Speaker signed the Minutes.*

Clerk: (iii) Communications from the Chair; (iv) Petitions; (v) Announcements; (vi) Papers to be laid.

15

DOCUMENTS LAID

Clerk: The Hon. the Chief Minister.

20

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the table the Audited Accounts of the Gibraltar Regulatory Authority for the year ended 31st March 2012.

Mr Speaker: Ordered to lie.

25

Clerk: The Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

30

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker I have the honour to lay on the table (1) the Financial Conglomerates Regulations 2012; (2) the Financial Services (Capital Adequacy of Investment Firms) (Amendment) Regulations 2012.

Mr Speaker: Ordered to lie.

35

Clerk: (vii) Reports of Committees; (viii) Answers to Oral Questions.

Questions for Oral Answer

40

SPORTS, CULTURE, HERITAGE AND YOUTH

**City Fire Brigade
Vehicle exhaust extractor system**

45

Clerk: Question 1016/2012, the Hon. Mrs I M Ellul-Hammond.

50

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister with responsibility for the City Fire Brigade give the date of when the supply and maintenance of a vehicle exhaust extractor system for the City Fire Brigade went out to tender?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

55

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, this is publicly available information. The tender notice for the supply and maintenance of the vehicle exhaust system was published in the *Gibraltar Chronicle*.

60

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister give me the date of when it appeared in the *Gibraltar Chronicle*?

Hon. S E Linares: Mr Speaker, 10th July 2012.

65

**Gibraltar Cricket Association
Playing facilities**

Clerk: Question 1017, the Hon. E J Reyes.

70

Hon. E J Reyes: Mr Speaker, can the Minister for Sports and Leisure say what GSLA-administered playing facilities, meeting the requirements set out by the ICC, are presently available for use by the Gibraltar Cricket Association?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

75 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the Victoria Stadium is currently the only playing facility directly under the responsibility of the GSLA which is used for playing of cricket and which has been used for ICC/ECC matches.

80 **Hon. E J Reyes:** Yes, Mr Speaker, I see the Minister said that it has been used. Is it available today after the resurfacing? Is that place now available and suitable, meeting the required standards for cricket games?

85 **Hon. S E Linares:** Mr Speaker, there is another question on the Order Paper which should answer that, but the answer is yes.

**Gibraltar Cricket Association
Discussions re new facilities**

90 **Clerk:** Question 1018, the Hon. E J Reyes.

95 **Hon. E J Reyes:** Can the Minister for Sports and Leisure state if he has, since the answer to Question 934/2012, held discussions with the Gibraltar Cricket Association in respect of providing renewed facilities for the playing, teaching and development of the sport; and, if so, provide details of any agreements reached?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

100 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, since my answer to Question 934/2012, I have met with the representatives of the Gibraltar Cricket Association in respect of providing renewed facilities for the playing, teaching and development of the sport. No agreement has yet been reached.

**Sports grants
Details of payments made**

110 **Clerk:** Question 1019, the Hon. E J Reyes.

115 **Hon. E J Reyes:** Can the Minister for Sports and Leisure provide details of payments made since his answer to Question 935/2012 in respect of sports grants for each of the following: (a) grants to sporting societies; (b) international competitions; (c) sports development projects; and (d) hosting of special sports and leisure events?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

120 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the following are the payments made, since my last answer to Question 935/2012, in respect of sports grants: grants to sporting societies, nil; international competitions, nil; sports development projects...

125 Mr Speaker, there is a whole list here. There are eight items, which I would rather, if the hon. Member will... I will pass it on to him, but I will read it, if he wants: darts, world competition, singles, £1,725; chess competition, India, £1,200; golf, Asia tour, £1,098.97; football competition, £3,319; pro tour golf, £2,750; chess competition, London, £3,638; swimming, coaching development, £965; and pro tour golf, £2,750; hosting of special sports and leisure events, nil.

Hon. E J Reyes: Yes, Mr Speaker, I would be grateful if the Hon. Minister could give me a copy of that.

130 Can I ask him for a slight expansion on two of the items of the eight he has mentioned? In respect of the game of golf, can he give... One of them... I think he mentioned Asia, or something – can he elaborate something else on that?

135 **Hon. S E Linares:** Yes, Mr Speaker. These are items that, before we put what is the Elite Athletes Assistance... We are trying to help athletes before that vote is put into the Budget for next year, and this

is one of the items. There is a golf player – a Gibraltarian golf player – who will be going to an Asia tour, and he is being sponsored, basically, by the GSLA.

140 **Hon. E J Reyes:** And the other golf item, Mr Speaker? Is it the same person? Is it something different?

Hon. S E Linares: Not the same person, but a similar situation.

145 **Hon. E J Reyes:** Yes, I will just wait for a copy of that, when possible.

**Victoria Stadium football pitch
Certification for international competitions**

150

Clerk: Question 1020, the Hon. E J Reyes.

155 **Hon. E J Reyes:** Can the Minister for Sports and Leisure confirm if the new football pitch playing surface recently installed at the Victoria Stadium already enjoys full approval and certification meeting UEFA and/or FIFA standards for the playing of international competitions; and, if so, when was this certification granted and by whom?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

160

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the new 2 Star synthetic playing surface installed at the Victoria Stadium was inspected and tested by an independent specialist laboratory approved by UEFA and the International Rugby Board. The results of those tests are due to be submitted to UEFA, FIFA and the IRB by the laboratory, and subsequently certification, if approved, will be issued.

165

Hon. E J Reyes: Mr Speaker, does the hon. Member have a rough expected date by when we expect to have the final verdict from the inspections carried out?

170 **Hon. S E Linares:** Mr Speaker, I think it will be within the next few weeks at the most.

**International Symposium on ‘History of the Spanish Masonry’
Breakdown of expenses**

175

Clerk: Question 1021, the Hon. E J Reyes.

180 **Hon. E J Reyes:** Further to his answers to Question 836/2012 and Question 939/2012, is the Minister for Culture now in a position to provide a full and detailed breakdown of expenses incurred in respect of his Ministry’s £28,000 sponsorship of the International Symposium on the ‘History of the Spanish Masonry’, which was held in Gibraltar during the month of October 2012?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

185

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, further to my answer to Question 836/2012 and Question 939/2012, I now hand over to the hon. Member opposite a detailed schedule with a breakdown of all income and expenditure appertaining to the International Symposium on the ‘History of the Spanish Masonry’.

190

Mr Speaker, I may add to note that the enclosed accounts are still awaiting final auditing.

Hon. E J Reyes: I understand, Mr Speaker, but can I just clarify, although they may be expecting final audit, we do not expect any further receipts to be submitted for reimbursement – is that correct?

195 **Hon. S E Linares:** No, it is not expected to have any more receipts.

ANSWER TO QUESTION No. 1021/2013

Income

Government of Gibraltar	£28,000.00		
Gibtelecom	£5,595.00		
Hassans	£5,328.00		
Cash (paid)	£389.00		
Delegates subscriptions			€ 10,029.00
Total	£39,312.00	Total	€ 10,029.00

Expenditure

Receipt No.		Cheque No.		Receipt No.	
1	Hotel acc/gala dinner/ hire of hall/meals/etc	£21,642.30	1562359	14	Leather Folders € 950.00
2	Transport/Rock Tour	£964.00	1562358	15	Bus transfer Alg/Gib € 120.00
3	Pens (promotions)	£128.91	1562357	16	PVC Banners € 224.15
4	GMI Caterer	£1,100.00	1562351/1562356	17	Posters € 600.71
5	Printing costs	£2,716.35	1562355	18	Posters € 712.63
6	Re-enactment Society	£280.00	1562352	19	Flights VIP € 783.49
7	Catering Garrison Lib	£2,200.00	1562353/1562354	20	Flights/acc June € 1,113.59 *£475 @ exchange rate 1.35
8	Hire/Security Garrison	£174.60	paid in cash		€ 4,504.57
9	Garrison Lib drinks (june)	£310.00	1562354		Balance held by CEHME € 4,481.58
10	Stamps	£13.65	1562354		Balance held in cash € 1,042.85
11	Invitation cards	£12.40	1562354		€ 10,029.00
12	Stationery	£57.55	1562354		
13	Caleta meals (June)	£29.35	1562354		
	Bank charges (cheque Bk)	£25.00			
		£29,654.11			
	Bank Balance	£9,657.89			

200

**Gibraltar Music Festival 2012
Payments to Axel Media and Word of Mouth**

Clerk: Question 1022, the Hon. E J Reyes.

205

Hon. E J Reyes: Can the Minister for Culture state if, further to the answer to Question 940/2012, any additional payments have been made to the £25,000 already paid to Axel Media and the £30,000 also already paid to Word of Mouth in respect of the production and organisation of the 2012 Gibraltar Music Festival?

210

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

215

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, further to the £30,000 already paid to Word of Mouth in respect of the production and organisation of the 2012 Gibraltar Music Festival, additional payments have been made to them to cover the costs for: Jessie J, penthouse rental £4,331.92; Huri Television, £7,722.71; companies setting up lights, sound, stage etc on the day, £28,492.84; and sundry expenses, £596.

Mr Speaker, no additional payments have been made to Axel Media.

Mr Speaker, I will do likewise by passing this to the hon. Member.

220

Hon. E J Reyes: I am most grateful for that, Mr Speaker.

225

**Cultural Grants
Details of awards**

Clerk: Question 1023, the Hon. E J Reyes.

230

Hon. E J Reyes: Can the Minister for Culture provide details of any further cultural grants awarded, if any, since the reply to Question 941/2012?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

235 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the information requested is posted and updated on the Gibraltar Government website. It is in the statistics section of the Gibraltar Government website.

240 **Hon. E J Reyes:** Yes, Mr Speaker, I am aware of that. However, when the deadline for questions comes and I look at those tables, I see that the last time they were updated tended to be during the month of March. Being now in December... hence why, on some items, I do pose a question, because I am not fully updated with the information, and hence it is a way of being as up to date as one possibly can.

245 **Hon. S E Linares:** Mr Speaker, the last update was a few weeks ago, so I do not know how the hon. Member is saying in March. Nonetheless, Mr Speaker, what I will do is I will check on the website, and during the course of the day I will give him an update, as in from the website, because it is updated very regularly. I think the last payment was made two weeks ago and I asked my staff to notify IT to put it in – and they checked, and it was in.

250 **Hon. E J Reyes:** Yes, Mr Speaker, this is exactly what I am getting at. It was last updated a few weeks ago, hence I am referring to over four weeks ago, a month, so I do pose these questions. Sometimes what has happened, and the Clerk of this House has very kindly helped me as well to locate it, is that it seems the IT section actually updates after the deadline for the submission of questions comes.

255 So, I am not trying to be awkward; it is just that I want to ensure that, from some source or another, I do have information that is as updated as possible on a monthly basis.

Victoria Stadium Improvements required to meet UEFA standards

260 **Clerk:** Question 1024, the Hon. E J Reyes.

265 **Hon. E J Reyes:** Can the Minister for Sports and Leisure provide full details of all improvements and/or modifications which will have to be carried out at the Victoria Stadium, inclusive of players', officials' and spectators' facilities, in order to meet the minimum UEFA requirements for the hosting of official international football matches?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

270 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, for the moment, the facilities at the Victoria Stadium have been upgraded to meet UEFA/FIFA requirements by replacing the playing surface with a 2 Star synthetic turf, upgraded flood lights, and new substitute benches which will be set up in the very near future.

275 Government is awaiting confirmation from UEFA, principally via the GFA, of any other requirements which may be required for official competitions, and has already expressed its commitment to provide for these, as and when necessary.

280 **Hon. E J Reyes:** But can I have any substantial indication of what type of improvements would be required in respect of players', officials' and spectators' facilities?

285 **Hon. S E Linares:** Mr Speaker, we are awaiting UEFA and GFA to give us whatever they need, as and when necessary. What they have required up to date is what we have facilitated. We have facilitated a 2 Star AstroTurf synthetic turf, we have put in new benches for the managers and coaches and floodlights which are – the hon. Member was watching a football match with me the other day – much brighter, and are the requirements of UEFA. What we are awaiting now is for the GFA to give us the whole list that is sent by UEFA to start continuing the upgrade that we are already doing. So, basically, there is no more until they give us the list of what they require, and we will do, as and when necessary, all the works that need to be done.

290 **Hon. E J Reyes:** Just to be doubly sure that I have understood the Minister correctly, requests that he has received from the Gibraltar Football Association have all been fully met and, to use footballing terms, the ball is actually in the GFA's court for them to submit a further list of requirements – is that correct?

295 **Hon. S E Linares:** Not the GFA. The GFA will give us the list, but it is UEFA that actually gives it to the GFA and then probably to us, because UEFA does not directly deal with us, it deals with the GFA.

Therefore, UEFA will make the GFA have the requirements, the GFA come to us, we will look at the list that they need, and we will do it.

300 **Hon. E J Reyes:** And yet I am being led to believe, by the GFA, that they have submitted some sort of list, which is why I was asking the Minister for that officially, that they have already submitted the list of requirements that they would need in the short, medium and long term; yet the Minister does not seem to be able to coincide with that version of having received the list of requests.

305 **Chief Minister (Hon. F R Picardo):** Mr Speaker, because this is a UEFA matter, it is not just being discussed with the hon. Gentleman's Ministry – it is also being discussed with mine.

It is true to say that the GFA have discussed with Government a number of potential improvements that are likely to be the ones that UEFA will require if there is accession, if I can call it that, but there are not yet, as far as I know, clear and defined criteria of exactly what it is that UEFA will actually require, although I think it is fair to say we have an indication of what it is that is likely to be required.

310 But as we move towards the stage where UEFA membership becomes a reality, that is more likely to be set out more objectively by UEFA via the GFA, and the GFA with UEFA. I do not think this is just a question of an imposition; it is a question of a discussion between the national footballing association and UEFA.

315 **Hon. E J Reyes:** Yes, that does help to clarify matters tremendously.

Mr Speaker, I do not know if you consider it appropriate or not, but referring back to Question 1023, where the Minister said that the information in respect of the cultural grants was available under the statistics section, I am informed now, having had a quick browse at the website, that information was not made public until 12th December, which is actually beyond the deadline for submission of questions.

320 I know, in the past, the Chief Minister actually stepped in and said that if I had requested information by the deadline of Question Time and it had not yet been uploaded on the website, he would provide an answer in the House. Therefore, Mr Speaker, I do not know how the Minister can help me, but as at the time of the deadline of Questions, that information was not available on the website, therefore I do not have the complete answer, shall we say, for Question 1023.

325 **Hon. S E Linares:** Mr Speaker, just to make the point – and he has just proved it – that we will be updating all the time, so as and when information comes to us we will be putting it on the website.

The fact that this time it coincided in between the Question Time and the time that we are sitting here now is...

330 **Mr Speaker:** That is not satisfactory, I do not think, with all due respect to the Hon. Minister, because a date is fixed for a meeting of the House – 17th December – Questions are in a week before, on the 10th, and therefore I think it is incumbent upon the Minister, and those civil servants who draft answers, to ensure that if that information has not been published on the website before 10th December, then the answer should be provided here in the House.

335 Surely there is no great difficulty in checking, and the information that went onto the website on the 12th could very easily have been made available in the answer that the Minister should provide here this morning. I do not think that that is satisfactory, and I think that it is incumbent upon the Minister, upon the Government, to sort that out.

340 The Members of the Opposition are perfectly entitled to put in a question a week before the date on which the House is going to meet.

345 **Hon. Chief Minister:** Mr Speaker, if I might, I agree with you, it is very unsatisfactory, in fact, that information which should be published on the website should not have been published before the deadline when a question is going to be asked. That is what the Hon. Mr Reyes said that I have already said to the House, and that is the position of the Government.

350 If, by the time that the deadline for questions expires, the information which the hon. Gentleman is asking for is not public on the Government website, then that question, as far as I am concerned – it is a matter entirely for Mr Speaker – is a question which is in order and must be answered, including providing the information in this House. Even if it has subsequently been provided on the website, it must be provided in this House, and this House can be told that the information is now on the website, but it is not satisfactory to say in this House that the information was public at the time that the question was asked, because it was not.

355 Therefore, Mr Speaker, I will make sure that this is passed on to all the Departments that are responsible for the answering of questions, so that the very satisfactory and forward-looking and positive facility which is being provided by the Government to provide the statistical information online – which is the lexicon of publication on the website – does not create more problems than it is designed to resolve.

If the hon. Gentleman on this side of the House has the information available, I would encourage him to give it to the hon. Member opposite.

Mr Speaker: I am grateful to the Chief Minister.

Hon. S E Linares: Mr Speaker, I will make that information available straightaway.

As I said in the answer to my Question, I even thought that this information was published two weeks ago, as opposed to on the date it has been published. Like the Chief Minister says, I will make sure that, as from now on, any question, if a question is posed, that the information is not even posted until it comes to the Parliament. That could be a way in which we can deal with it.

Therefore, I apologise on behalf of my staff if they have inadvertently, in a rush, put the information in between the time of the closing date of the questions to the date when we sit in Parliament.

Mr Speaker: Very well. Next question.

HEALTH AND THE ENVIRONMENT

Temporary power plant Update on installation

Clerk: Question 1025, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for the Environment provide this House with an update in relation to the installation of the temporary power plant announced in November this year?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, all the equipment arrived in Gibraltar on 4th December. Energy International and the GEA commenced testing on Friday, 14th December and, all going well, all units should be operational by 21st December.

Barbary macaques Injuries reported to St Bernard's Hospital

Clerk: Question 1026, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for the Environment provide details of all incidents reported to or at St Bernard's Hospital of injuries sustained by persons, whether local or foreign, as a result of unwanted contact with Barbary macaques, including but not limited to ape bites, scratches, bruising, shock and any other injury, for the last 12 months?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the information requested by the hon. Member is contained in a schedule, which I now hand over to him.

Let me point out, Mr Speaker, that the data is collected as bites only.

Answer to Question 1026

MONTH	APE BITES
January	1
February	1
March	5
April	4
May	5
June	6
July	9
August	18
September	8
October	2
November	7
December	Pending
TOTAL	66

410 **Hon. S M Figueras:** Mr Speaker, would the hon. Member be able to clarify whether the reason why the data is collected as bites only is because that is the *only* type of incident reported at St Bernard's Hospital?

415 **Hon. Dr J E Cortes:** Mr Speaker, I suspect that that might well be the reason. In asking for the data, the only data that was available was that of bites. I suspect that there will be fewer reports of others. I can always check whether there is other data available in relation to the macaques, but the information that I have at the moment is that is the only data that is collected.

420 **Hon. S M Figueras:** Mr Speaker, with all due respect to the Hon. Minister, to say that he will check if there is any more information is somewhat unsatisfactory – to the extent that I asked in the Question for information relating to those incidents.

If, in fact, those enquiries have not yet been made, I would urge the Minister to explain why it is that, if there is a possibility that information exists and those incidents have taken place, why the answer is not provided.

425 **Hon. Dr J E Cortes:** Mr Speaker, my impression and the information that I have is that that is all the data that is collected.

The reason why I offered to check is just in case, by way of being helpful to the hon. Member, I can go back and see whether, in some other form and some other area, that information is collected. I doubt it, but I thought I would offer that as a gesture to try and be helpful. I think it is the other way round to what the hon. Member is trying to suggest.

435 **Hon. S M Figueras:** Mr Speaker, I am, as always, grateful to the hon. Member for providing the information and for offering to be additionally helpful. I merely raise the point as one which I think is valid, given the fact that the Question asked for specific information. I will look forward to further clarification, if it is, in fact, forthcoming.

440 **Barbary macaques**
Progress re exportation

Clerk: Question 1027, the Hon. S M Figueras.

445 **Hon. S M Figueras:** Yes, Mr Speaker. Can the Minister for the Environment confirm whether or not there has been any progress with the exportation of Barbary macaques from Gibraltar since I last asked this question in November this year?

450 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, new contacts in Morocco seem to be opening doors to this possibility, which now appears much more likely than a month ago.

455 **Hon. S M Figueras:** Is the Minister, Mr Speaker, able to provide any kind of indication of what those opening doors constitute for the community?

460 **Hon. Dr J E Cortes:** Yes, Mr Speaker, on two fronts. The Chief Minister attended a number of meetings in Morocco a few weeks ago, and among the many subjects covered this was one of them, and that seems to have opened doors which, in the past, were not open.

Also, there has been renewed confirmation, since the last meeting, from the scientific contacts that the sites where release is possible have been identified, and therefore the technical side seems to be going in the right direction – much more so than a month ago – and, if the political side continues to be cleared, as I have mentioned earlier, then it is, as I said, much more likely than it was a month ago.

470 **Hon. S M Figueras:** Mr Speaker, the hon. Member refers to doors opening in Morocco. Could I ask the Minister to clarify two points: one, whether the Tunisian contacts – or Tunisian project, if we were to call it that – have progressed any further since we last spoke of them; and secondly, whether he can provide any clarification as to whether the sites of release are in respect of the Moroccan contacts or the Tunisian ones?

475 **Hon. Dr J E Cortes:** Mr Speaker, to answer the second part first, the sites identified have been identified by scientists in the University of Rabat and they are specifically for Morocco. I do not have a list of the sites; I have just been told that they have the list available as and when this project comes to fruition, which I sincerely hope it does.

480 Regarding the Tunisian authorities, renewed contacts have been attempted and we are awaiting a reply. We must remember that there was a change of Government about a year ago or so, or maybe it was more – the Arab Spring episode – and therefore a lot of the people who were there at the time when this was originally started, in 2006, are no longer there, and therefore we are attempting to re-establish those contacts.

485 **Hon. S M Figueras:** Perhaps it is good to clarify that the Arab Spring did not bring about the change of Government here, but I am grateful for the information that the Hon. Minister has provided. I will pursue the matter further [*inaudible*]. I will pursue the matter further.

Thank you, I am grateful.

490 **GHA review of progress**
Request for publication of report

Clerk: Question 1028, the Hon. Mrs I M Ellul-Hammond.

495 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Minister for Health now in a position to publish the results of the GHA review of progress commissioned in June 2012 and completed in August 2012, costing £96,471, and to make the report available to this House, seeing that all GHA board members, GHA executive members and senior clinicians have had sight of it?

500 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

505 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Yes, Mr Speaker. I should point out, Mr Speaker, that the review has been shared with the board and the executive, both include clinicians, but not generally with other members of staff. I expect that it will be published early in the first part of the New Year.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, could the Minister elaborate why early on in the New Year, and not now?

510 **Hon. Dr J E Cortes:** Mr Speaker, the view of the boards, or the bodies, that I have discussed it with is that the report will identify a number of areas where improvements need to be carried out, and it was felt by both these bodies – and it is advice that I am heeding – that we wish to have the structures clearly identified, that will address a lot of these problems, more or less at the time of the publication of the report.

515 As I say, this will now not take very long. With the coming few weeks of Christmas, I suspect that it will be shortly after that that we will feel that we are in a position to publish it.

520 **Acting CEOs of GHA**
Remuneration

Clerk: Question 1029, the Hon. Mrs I M Ellul-Hammond.

525 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health state how much Mr John Langan and Mr Ernest Lima will be getting paid for their role as Acting Chief Executive Officers of the GHA?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

530 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the remuneration for Mr Langan and Mr Lima will be approximately £16,667 per month for both. For the avoidance of doubt, this is for both together, and not for each. This is equivalent to a rate of about £200,000 per annum for both, or £4,000 less than the remuneration of the last incumbent.

535 Mr Langan will be performing the full functions of Chief Executive in an interim but not in an acting capacity, with Mr Lima in a supporting and advisory role.

Mr Lima will also be providing advice to me, as Minister, on health issues at ministerial level, which are separate from the Health Authority.

No definite date has been set for the cessation of these arrangements, although it is intended they should run for six to nine months.

540 **Hon. Mrs I M Ellul-Hammond:** I am grateful for that, Mr Speaker.

Could the Minister provide a breakdown of the £16,667 per month? How much of that will Mr Langan be getting, and how much Mr Lima?

545 **Hon. Dr J E Cortes:** Mr Speaker, this may well vary on a month-to-month basis. There is a flexible arrangement. I suspect that it will be approximately two-thirds Mr Langan and one-third Mr Lima, because Mr Lima will not... Well, Mr Lima says he will not be working full-time, although as Members on both sides of this House know, that probably means he will be working full-time, but that is probably the way that this will be divided.

550 **Hon. Mrs I M Ellul-Hammond:** Finally, Mr Speaker, how will the payment be calculated? Is it by number of hours put in?

555 **Hon. Dr J E Cortes:** This is the likely way in which this will be done.

Dr David McCutcheon
Performance as CEO of GHA

560 **Clerk:** Question 1030, the Hon. Mrs I M Ellul-Hammond.

565 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health inform this House which specific performance indicators, as stipulated in his contracts, Dr David McCutcheon failed to deliver on as Chief Executive Officer of the GHA, together with details of which performance indicators Dr David McCutcheon did deliver upon?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

570 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, this is a difficult Question for me to answer – I have no problem in saying that – as I worked with Dr McCutcheon for only nine months before he resigned. It is a Question which could better be answered by the former Minister, or indeed by the hon. Member, as she was a member of the board of the GHA from 2007, including the time in 2010 when Dr McCutcheon's contract was last renewed.

575 In my statement at the last sitting of Parliament, I referred to performance indicators in the context of the two renewals of Dr McCutcheon's contracts. Mr Speaker, there are performance indicators which define aims that will be recurrent and that therefore one would expect to be repeated in recurring contracts, regardless of how well they may have been fulfilled. I would give, as examples, the management of the budget or the ensuring that statutory duties are fulfilled.

580 Other indicators, however, set specific targets that are either achieved or are not. Inclusion of such targets in successive contracts can reasonably be considered as an indication that they have not been met, especially where specific deadlines are given. Examples of these in this case would therefore be elimination of waiting lists, introduction of effective clinical and non-clinical risk management process, and commissioning of new information and technology systems.

585 Therefore, in these and similar cases, it must be taken as understood that at the time of contract renewal, in 2007 and 2010, the then Minister, or the Government, did not consider that these targets had been met.

590 On whether other targets had been met at the time I can only speculate, as I ceased to be a board member in 2007 and the hon. Member was appointed in my place. All I can do is give an opinion in relation to how I have found things now.

**Consultant orthopaedic surgeon
Locum cover**

595 **Clerk:** Question 1031, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health advise this House who provided locum cover for the consultant orthopaedic surgeon while he was away from work last month, together with details of the period of cover?

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Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, no locum was engaged for the consultant orthopaedic surgeon in November.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister say how many consultant orthopaedic surgeons then were available for the four-week period that one of them was away?

Hon. Dr J E Cortes: Mr Speaker, the reason why no cover was provided is that, under the terms and conditions of the consultant in question – which go back to certainly well before my time, as both the consultant orthopaedic surgeons were employed before I took over as Minister for Health – they have an arrangement in which they do 10 weeks cross-cover, and this is a general arrangement that they have between them.

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However, had this happened before 1st October, there would only have been one consultant orthopaedic surgeon, but as we engaged an associate specialist in orthopaedics on 1st October, that means that now, when one of the consultants is away, there are, in fact, two and not one in place, as was the case before 1st October. This is except for one period of one week when the associate specialist was, in fact, away. So, for three weeks there were two orthopaedic surgeons available; for one week there was one.

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As I say, had this happened before 1st October, there would only have been one throughout the period.

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**Health and Safety audits and assessments
Availability of document to Members**

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Clerk: Question 1032, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, further to the answer in Written Question 180/2012 could the Minister for Health inform Parliament why an internal document of the GHA in relation to the Health and Safety audits and assessments should be denied to elected Members of Parliament?

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Clerk: Answer, the Hon. the Minister for Health and the Environment.

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Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, because these are working internal documents of the GHA.

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Hon. J J Netto: Does he mean, therefore, that once they are finalised they can be made available to Parliament, if requested?

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Hon. Dr J E Cortes: Mr Speaker, the written question last month referred to a large number of internal documents. I would have no objection to specific ones for specific reasons, which are causing concern, being made available when they are finalised, absolutely; but I think the concern would be in... when the question was asked as a written question last time, was that providing a whole dossier of a lot of Health and Safety documents going back a number of years, which were working documents, was probably not something that should be done.

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But, if anyone requests it specifically, once they are completed, then clearly, like we did in the case of the kitchen, which was provided, there will be no problem in providing it.

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Hon. J J Netto: I am grateful, Mr Speaker.

HOUSING AND THE ELDERLY

**Alameda House, Alameda Estate
Repairs to lifts**

Clerk: We are now going to move on to the questions which are being put to the Minister for Housing and the Elderly.

Question 1037, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, further to the reply to Question 969/2012, can the Minister for Housing now provide this House with details for the period 1st October to date of how long it took for repairs to be undertaken since the breakdown reports were first lodged in respect of the two lifts at Alameda House?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services on behalf of the Hon. the Minister for Housing and the Elderly.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, all lifts are attended within an hour and effective repairs undertaken within four hours.

Hon. E J Reyes: Mr Speaker, I do not quite understand. If, in the last House, the answer was that the lifts had still not been repaired, and I am now asking how long it took for repairs to be undertaken, it does not coincide with the last answer if it was fixed within *x*-number of hours.

Hon. P J Balban: Mr Speaker, I do not know whether the hon. Gentleman is referring to... that the lifts in question had taken longer – is that what the Gentleman is asking?

Hon. E J Reyes: Yes. If I recall properly, Mr Speaker, last time, one of the lifts were broken down, they were still awaiting finalisation of repairs. Therefore, I am asking how long it took for the repair to be undertaken – I take it it has been completed by now – since the report was first lodged until the lift was finally fully functional again. How long was that period?

Hon. P J Balban: Mr Speaker, I am informed by the members of the Department that lifts are repaired within two hours, normally, and up to four hours maximum. The only time that a lift can take longer is when they are affected seriously by instances of water penetration, and in those instances then repairs can take substantially longer. But, generally speaking, no lift will take more than four hours to be repaired from the point after they have been reported.

Hon. E J Reyes: Yes, Mr Speaker, I understand that part, but in this case we were talking at last month's meeting that the lift was still undergoing repairs and had not been completed, and my Question is asking how long it took for the repairs to be undertaken. I do not know clearly whether the lift is now fully functional, if it is still undergoing repairs. Whether it was water penetration, or whatever the cause might be, how long was that period from the lift breaking down to the actual... fully operational of the lift again?

Hon. P J Balban: Mr Speaker, as I said, I am not entirely sure how long that lift in question took to be repaired, but the answer provided to me by the Department said it would not have taken more than four hours from the point that it was reported.

Mr Speaker: Perhaps we have a difficulty, and that is for the record, of course, it should be stated that the Hon. Mr Paul Balban is answering questions on behalf of the Minister for Housing and the Elderly, who is not present.

I do notice, though, that with reference to the answer given at the last meeting to Question 969, there was a problem about spare parts. I do not know whether the hon. Member remembers. They were awaiting spare parts, if he looks at the answer in the *Hansard*.

Hon. E J Reyes: Yes, Mr Speaker, but if at the last meeting it was confirmed to me, on behalf of the Minister for Housing, who was not able, unfortunately, to come last month either... if it was confirmed that the lift was not functioning, was still broken down, if that lift has now been repaired, how long did it take? That does not coincide with the general answer that I know the Minister has, that it takes between two and four hours. It does not answer the Question, in which I say 'how long it took for repairs to be

undertaken'. I know we aim to repair between two to four hours and that is the target, but the Question says how long did it take for the repairs to be undertaken.

715 **Mr Speaker:** The Hon. Minister committed himself, at the last meeting, to pass the information on at a later date.

720 **Hon. P J Balban:** Mr Speaker, this is exactly what I did when I got back to the office, and the reply was that this lift did not take more than four hours to repair at this point. Lifts will break down... *(Interjection)* Pardon me? Lifts, as the hon. Member is aware, will break down. They just will not break down once and that is the end of it; lifts will continue to be broken down, unfortunately. But in the case in question, I am assured by the Ministry for Housing that this incident did not take more than four hours to correct.

725 **Hon. E J Reyes:** Mr Speaker, no, I have to disagree with the Hon. Minister.
Thank you, Mr Speaker, for reminding us. It is true that, at the last meeting, the Minister committed himself to give me the information. He has not been able to provide it to me; hence why I posed the Question. My Question is how long it takes... When the report is first lodged, how long does it take from there? If it takes four hours, or whatever, from when the workmen arrive... but if I report a lift broken down on Monday morning at 10 o'clock and the workman does not come until Wednesday, and then fixes it within four hours, I think it is not correct to say it was fixed in four hours. No, since the report was first lodged, it took two days and four hours, not just the four hours.

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735 More specifically to what Mr Speaker kindly reminded us, at the last meeting there was a specific question on which I accepted that the Minister had to go back to find some information, and I have made a reference to precisely that Question number, number 969. Therefore, if what the Minister is saying – and I do not think it is, but if what he is saying is that from the report being lodged and the repair being undertaken it took four hours, then the reply he gave me last month is nonsensical, because last month he admitted that that lift had been reported broken down and was still waiting to be repaired. So it does not coincide with the four-hour timeframe.

740 So, we are still none the wiser of how long it has taken, if indeed it has already been fixed, or whether it is still to be fixed, that particular lift at Alameda House.

745 **Hon. P J Balban:** Mr Speaker, taking into account the confusion there seems to be with this Question, I will seek to discuss this with the Department to get more information. As I said, I requested this information and this was the reply I received. That is the best I can do at the moment, but I will see why there is this discrepancy in question.

Mr Speaker: Next question.

750 **Hon. P R Caruana:** As a matter of interest, the Opposition is unlikely ever to be interested in how long it takes a workman to actually fix the lift once he gets onto the job. The question of how long did it take to fix the lift is a reference to how long the lift was out of order, not how long it took the workmen to fix it once they got there. It could be out of order for three months, and they go there and they could fix it in five minutes. It could take five minutes to fix. That is, I think, the point.

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760 **Hon. P J Balban:** Mr Speaker, I understand what the hon. Gentleman is asking, and as I said, I have been guaranteed that the moment a lift is reported to the Ministry for Housing, the contractors are called immediately. In most circumstances, from the point that they are informed to the point that it is repaired, it actually takes four hours, unless special parts are required or unless there is an issue with water penetration. When there is an issue with water penetration, obviously that lift has to be fixed 100%, otherwise obviously the water would keep on blowing the same parts.

765 **Mid-Harbour Estate
Meeting with Committee**

Clerk: Question 1038, the Hon. E J Reyes.

770 **Hon. E J Reyes:** Can the Minister for Housing say when he expects to meet with the Committee of Mid Harbours Estate, who have been seeking an appointment to meet him for the past four months?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services on behalf of the Hon. the Minister for Housing and the Elderly.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the Minister for Housing expects to meet the Committee of Mid Harbour Estate early in the New Year.

Hon. E J Reyes: Mr Speaker, does it not seem rather a long period of time? I know that in the last month or so the Minister has unfortunately not been medically well enough to attend to his duties, but we are talking here of a six-month time span. For a committee of a big Government rental estate, it has taken them six months to meet with the Minister so they can discuss ongoing concerns. Is there any reason why it has taken so long? My understanding is that the first request came round about the month of August to be able to meet, so why has there been such a huge delay?

Hon. P J Balban: Mr Speaker, I was informed by the Department that there were issues regarding the composition of the tenants' association, that in fact one of the members of the tenants' association was not applicable, was not entitled to be part of that tenants' association because he was not, in fact, down as a tenant himself, and so there were issues in that respect, leading to the meeting taking so long to organise.

Hon. E J Reyes: So, the reason for delaying the meeting is because of the composition of the delegation?

Mr Speaker: With respect to hon. Members, are we going to make any progress in trying to arrive at the reason why there was a delay, say from the summer until now?

The reality is that the Minister for Housing and the Elderly is unable to return back to work, on medical grounds, until early in the New Year. That I happen to know personally, and therefore no progress can be made in this respect. What happened between August and now I do not think is going to take the House anywhere.

Hon. E J Reyes: No, Mr Speaker, but the Hon. Minister has now mentioned that a big contributing factor to the delay in having met is because it seems that –

Mr Speaker: But whatever the reason was, we are not going to get anywhere, are we? There was a delay for four months, for whatever reason. We are now in December. The Minister is unable to attend to his Ministry until early in the New Year, so let us look to the future.

Hon. P R Caruana: Point of order.

Mr Speaker: No, no there is no question of order.

Hon. P R Caruana: I am going to raise a Point of Order.

Mr Speaker: No!

Hon. P R Caruana: Well, you do not know what it is. You do not know what it is, so you cannot know what the Point of Order was. The only thing that Mr Speaker knows is that he does not want to hear me, but he cannot know that what I am about to say to him is not a Point of Order, because he has not heard me.

Mr Speaker, the Opposition cannot accept a position in which the Speaker rules that we cannot hold the Government to account for the failures of the past simply because we cannot remedy the past. That is true of everything that has happened. It is true of everything that every Government has ever done in the past, that –

Mr Speaker: But you have been given an answer by the Minister. (**Hon. P R Caruana:** No –)

Will the Hon. the Leader of the Opposition sit down? You have been given an answer by the Minister. (*Interjection by Hon. P R Caruana*) He has explained that there were delays in arranging a meeting because of disagreement regarding the composition –

Hon. P R Caruana: That is not [*inaudible*].

Mr Speaker: But that, you *have* been told.

835 **Hon. P R Caruana:** That is not [*inaudible*].

Mr Speaker: Having been told that that was a reason, you cannot rectify that.

840 **Hon. P R Caruana:** No, Mr Speaker –

Mr Speaker: That is the reality.

Hon. P R Caruana: Mr Speaker –

845 **Mr Speaker:** Does the Hon. Minister have anything further that he wishes to add?

Hon. P R Caruana: Yes, but I do have something further I would like to add, if you will listen to me. Mr Speaker, I stood up on a Point of Order, not to debate the question of the six-months' delay.

850 **Mr Speaker:** Well, what is the Point of Order?

Hon. P R Caruana: I have explained to Mr Speaker the Point of Order is that the Opposition would have difficulty with a ruling that rendered irrelevant, and therefore inadmissible, questions about the past.

855 **Mr Speaker:** Right.

Hon. P R Caruana: If Mr Speaker's ruling had been –

860 **Mr Speaker:** No, I will not –

Hon. P R Caruana: – 'Next question, because you have had an answer to your previous question,' as you have just said, I would not have got up on my feet. I have got up on my feet because that is *not* what Mr Speaker said.

865 **Mr Speaker:** Right, having accepted –

Hon. P R Caruana: What Mr Speaker said was that it is in the past, you cannot do anything about it, and therefore what is the point of asking questions in Parliament.

870 **Mr Speaker:** Because you have been given an answer.

Hon. P R Caruana: That is a different ruling.

875 **Mr Speaker:** But he did give an answer. (*Interjection by Hon. P R Caruana*)

I am now inviting the Minister: does he have any further information that will throw light on the reasons why there was this delay? Was there any other reason for the delay?

Hon. P J Balban: No, Mr Speaker. That was the reason for the delay and that has now been addressed.

880 Obviously, the Minister for Housing is now not at work, because of medical problems, and he has already arranged to see the tenants' committee in January, early in the New Year.

Mr Speaker: Now, does the Hon. Leader of the Opposition have any supplementaries?

885 **Hon. P R Caruana:** That is not the issue that I have spoken about.

890 **Government housing**
Tenants decanted from unsafe dwellings

Clerk: Question 1039, the Hon. E J Reyes.

895 **Hon. E J Reyes:** Can the Minister for Housing provide details of how many tenants required urgent decanting, due to their dwellings becoming unsafe, since 1st January 2012, indicating the dates when the decanting became necessary and when these tenants were able or are expected to return to their homes?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services on behalf of the Hon. the Minister for Housing and the Elderly.

900 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, a total of four tenants have been urgently decanted from their homes since 1st January 2012, as follows: on 31st March 2012, and they were allocated alternative accommodation on 27th July 2012; the second was, once again, on 31st March 2012, and once again allocated alternative accommodation on 4th April 2012; 905 the third was on 15th September 2012, and that family returned to the flat on 20th September 2012; and the fourth and final one was on 26th September 2012, and they returned to their flat on 15th October 2012.

910 **Hon. E J Reyes:** Mr Speaker, I see from there that the last two have been able to return to their homes. However, the two who were decanted on 31st March he says have been offered alternative accommodation. Is that alternative accommodation on a temporary basis or, alternatively, on a permanent basis, where they have moved out of their original home and have now moved permanently into a new flat?

915 **Hon. P J Balban:** Mr Speaker, by allocating alternative accommodation what I intended to say was that these persons have been permanently rehoused.

Hon. E J Reyes: Just to say, so no-one, then, at this particular stage, is waiting to return back to the flat that they had to decant and the repairs that are still ongoing – is that correct?

920 **Hon. P J Balban:** Mr Speaker, that is correct, according to the information I have received from the Department.

925 **George Jeger House, Glacis Estate
Repairs to lift**

Clerk: Question 1040, the Hon. E J Reyes.

930 **Hon. E J Reyes:** Can the Minister for Housing provide pertinent and updated details in respect of the lift at George Jeger House, Glacis Estate, which first broke down around early November 2012, together with information as to how long it took, or will take, to be repaired?

935 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services on behalf of the Hon. the Minister for Housing and the Elderly.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, I will answer this Question together with Question 1041.

940 **Portmore House, Glacis Estate
Repairs to lift**

945 **Clerk:** Question 1041.

950 **Hon. E J Reyes:** Can the Minister for Housing provide pertinent and updated details in respect of the lift at Portmore House, Glacis Estate, which first broke down around mid-November 2012, together with information as to how long it took or will take to be repaired?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services on behalf of the Hon. the Minister for Housing and the Elderly.

955 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the lift broke down on 7th November 2012 and is now operational.

Hon. E J Reyes: So, how long did it actually take to be repaired, Mr Speaker?

960 **Hon. P J Balban:** Mr Speaker, on 7th November 2012, there was water penetration to the lift shaft and the plant room. Due to the damage to the lift cabin and electrical panels and mechanical components, Otis demanded that the lift be put out of service until the shafts and the lift components were completely dry and safe to operate. Hence, it dates back to 7th November 2012.

965 **Hon. E J Reyes:** Mr Speaker, I have not quite understood the answer from the hon. Member. How long did it actually take to repair? Can I have hours, days, or at least some indication of period? We know it broke down on 7th November, I understand it has now been repaired, but I am still missing the information of the length of time –

970 **Hon. P R Caruana:** On what date was it repaired?

Hon. E J Reyes: – and on what date was it repaired, and therefore I can do a mathematical calculation of how long that lift was actually broken down for.

975 **Hon. P J Balban:** Mr Speaker, I can safely say that at this time it took a lot more than four hours to repair. As to the exact dates, I am not sure, but it was last week, so it would have been out for approximately one month. If the hon. Gentleman wants to know exactly the amount of days to the date, then I will have to get back to him, but I can say it was around four weeks, about a month.

980 **Hon. E J Reyes:** Yes, Mr Speaker, that is exactly what my question was: how long it took. So I do want to know how long it took to be repaired. I think I gave you notice, and I was expecting an answer today of how long it actually took to be repaired.

985 **St Christopher's Court and The Ramps**
Sale of properties; tender process

Clerk: Question 1069, the Hon. E J Reyes.

990 **Hon. E J Reyes:** Sorry, can I have the number again?

Mr Speaker: Question 1069.

995 **Hon. E J Reyes:** Sorry, Mr Speaker.

Can Government state how many of the residential properties at St Christopher's Court – that is No. 27 Europa Flats – and The Ramps – that is within Buena Vista Estate – remain unsold; and, if any, why these were not awarded to the recently held tender process?

1000 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services on behalf of the Hon. the Minister for Housing and the Elderly.

1005 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, all the housing units transferred by the MOD to the Gibraltar Government at St Christopher's Court and Buena Vista, The Ramps, to date have been sold by tender.

TRAFFIC, HEALTH & SAFETY AND TECHNICAL SERVICES

1010 **Health and Safety reports**
Union representatives' rights

Clerk: Question 1044, the Hon. J J Netto.

1015 **Hon. J J Netto:** Mr Speaker, further to the answer provided to Written Question 211/2012, will the Minister for Health & Safety state whether, during this Government's term of office, they are willing to provide union representatives in Gibraltar with the same rights as their colleagues in the UK have in relation to the disclosure of Health and Safety inspection reports and accident records emanating from work places where the union have members?

1020 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

1025 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, Her Majesty's Government of Gibraltar is not committed to do so, but is already considering this with the District Committees of Unite.

1030 **Hon. J J Netto:** If the Government's view is that they are not committed to doing so, are they somehow open to the suggestion that if the union – whether it is Unite the Union or the Teachers Association or the GGCA – were to ask the Government, 'We would like to have those same rights as our trade union colleagues would have in the UK,' will the Government change its mind and then be committed to do so?

Chief Minister (Hon. F R Picardo): Mr Speaker, this is an issue I am handling, given my industrial relations responsibilities.

1035 What we are saying is that we are not committed to doing so, in the sense that this is not a manifesto commitment, this is not something that was raised with us before the election; but it is something that has been raised with us during the course of conversations with Unite.

1040 We have an open mind about it, but it would be working with the union to ensure – and this is the only union that has raised it, and that is why I am not talking about the GGCA or the GTA, as the hon. Gentleman has – that we are providing the information to individuals in the union who will be able to interpret it in a non-alarmist, appropriate way because that is what has happened in the United Kingdom. The unions in the United Kingdom have now, through training and through buying in the expertise, got the expertise to make assessments about Health and Safety issues in a proper fashion.

1045 That is the stage of the discussion with relevant individuals at Unite, that is what they themselves are going back and looking at, but it would have to be a very carefully structured carve-out to provide, outside of Government, this type of data to people who would then have the responsible infrastructure and expertise to assess it and assist the Government in any such site where there may have been issues of Health and Safety identified.

1050 **Hon. J J Netto:** Indeed, Mr Speaker, I accept the fact that this was not a manifesto commitment and has happened after the Election, and is only being brought about as a result of the recent conference that... I do not know what it was before, but certainly as far as I am concerned, the first time I heard about it was in the particular conference IOSH did in conjunction with Unite, the Union.

1055 My understanding of it is that, in the UK, Health and Safety representatives, regardless of the unions concerned, so long as they have members in a particular workplace, have the legal right to ask their employer to provide for those kinds of reports.

1060 Of course, Health and Safety representatives in the UK, like any other Health and Safety specialists, would have to undergo a level of training and qualification to be able to discharge those particular responsibilities on behalf of their members. So presumably, if we follow the same logic and the same caveat, that Health and Safety representatives in Gibraltar would have to be trained... In fact, I think Unite the Union has spent, over some years now, a considerable amount of time and effort in bringing tutors from the UK constantly, or periodically, to Gibraltar to provide that kind of training. Whether they have been accredited or qualified, that is something I do not know, but I hope that, if we follow the same pattern as in UK, then we can provide... at least the Government will consider that and provide trade union representatives in Gibraltar with the same legal rights as their colleagues in the UK will.

1065 **Hon. Chief Minister:** Mr Speaker, let me just clarify. This comes from my discussions with the District Committee from well before the conference here of the Institute of Health and Safety, and it is an issue that we are actively considering since then with the union, and we are looking with the union at how this would work.

1070 So I think that the hon. Gentleman has his answer. It is a favourable one and it comes, I dare say, from the spring, if he allows me to speak from recollection, from some time in the spring, one of my first meetings with the District Committee after we had been elected.

1075
**Health and Safety figures for November 2012
Prohibition and improvement notices issued**

1080 **Clerk:** Question 1045, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, given that the Health and Safety figures for the month of November 2012 had not been uploaded on the Government website by the time notice for questions was given, can the Minister for Health & Safety say how many prohibition and improvement notices were issued in the month of November 2012, specifying the name of the company or companies involved, the site or sites, the reason or reasons for issuing the notice or notices, and the period which may have brought operations to a halt until the inspectors were satisfied that the correct standards had been duly complied with?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, I will answer this Question together with Questions 1046 and 1047.

**Health and Safety figures for November 2012
Factories inspections; reported accidents**

Clerk: Question 1046.

Hon. J J Netto: Mr Speaker, given that the Health and Safety figures for the month of November 2012 had not been uploaded on the Government website by the time notice for questions was given, can the Minister for Health & Safety state how many inspections during the month of November 2012 did the factories inspectors carry out, stating the names of the companies or public sector organisations inspected, whether any possible breach of the Factories Act or any subsidiary legislation has taken place, and whether legal advice is being sought?

Clerk: Question 1047.

Hon. J J Netto: Mr Speaker, given that the Health and Safety figures for the month of November 2012 had not been uploaded on the Government website by the time notice for questions had been given, can the Minister for Health & Safety state if there have been any reported accidents during the month of November 2012, showing the industry group and the name of the company, and state which ones were reportable, major and fatal, if any?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the information requested by the hon. Member is contained in the schedule, which I now hand over to him.

ANSWER TO QUESTION 1047

Answer to Questions 1045 to 1047

Table
HS.3

Industry Sector	Enforcement Activities, 2012	
	November	
	Prohibition/Improvement Notices Served	
	PN	IM
Air Transport Related	-	-
Bank, Finance, Insurance	-	7
Construction	-	-
Education	-	3
Electricity	-	-
Supply/Related	-	-
Horticulture	-	-
Hotel Trade	-	-
Manufacture	-	-
Medical & Health Services	-	-
Police, Security, Fire Services	-	-
Post & Communications	-	-
Public Admin & Natl	-	-
Defence	-	1
Repairs Consumer Goods	-	2
Restaurants, Bar etc	-	-
Retail Trade	-	1
Road Transport Related	-	-
Sanitary Services	-	-
Sea Transport Related	-	-
Shipbuilding/Marine Repairs	-	-
Water Supply/Related	-	-
Wholesale Trade	-	-
Total	-	14

Updated 6 December 2012

Source: Ministry for Traffic, Health & Safety and
Technical Services

CONTD ANSWER TO QUESTION 1047

Answer to Questions 1045 to 1047

Table HS.1
Monitoring Activities, 2012

Industry Sector	Inspections
Air Transport Related	-
Bank, Finance, Insurance	7
Construction	6
Education	6
Electricity Supply/Related	-
Horticulture	-
Hotel Trade	-
Manufacture	-
Medical & Health Services	-
Police, Security, Fire Services	-
Post & Communications	-
Public Admin & Natl Defence	1
Repairs Consumer Goods	3
Restaurants, Bar etc	-
Retail Trade	2
Road Transport Related	-
Sanitary Services	-
Sea Transport Related	2
Shipbuilding/Marine Repairs	-
Water Supply/Related	-
Wholesale Trade	2
Total	29

Updated 6 December 2012
Source: Ministry for Traffic, Health & Safety and Technical Services

CONTD ANSWER TO QUESTION 1047

Answer to Questions 1045 to 1047

Table
HS.2

Occupational Reportable Accidents, 2012

Industry Sector	November		
	Minor	Major	Fatal
Air Transport Related	-	-	-
Bank, Finance, Insurance	-	-	-
Construction	4	-	-
Education	-	-	-
Electricity Supply/Related	1	-	-
Horticulture	-	-	-
Hotel Trade	-	-	-
Manufacture	-	-	-
Medical & Health Services	-	-	-
Police, Security, Fire Services	1	-	-
Post & Communications	-	-	-
Public Admin & Natl Defence	1	-	-
Repairs Consumer Goods	-	-	-
Restaurants, Bar etc	-	-	-
Retail Trade	-	-	-
Road Transport Related	-	-	-
Sanitary Services	1	-	-
Sea Transport Related	1	-	-
Shipbuilding/Marine Repairs	-	-	-
Water Supply/Related	-	-	-
Wholesale Trade	1	-	-
Total	10	-	-

Updated 6 December 2012

Source: Ministry for Traffic, Health & Safety and Technical Services

1120 **Hon. J J Netto:** Thank you.

Hon. P J Balban: All inspections carried out and improvement notices issued were against offences related to the Factories Act (Lifting Operations and Lifting Equipment) Regulations (9), which is the thorough examination of load tests, where practicable, on lifting equipment.

1125 I can confirm that no legal advice has been sought.

As stated in reply to previous answers, stating company names publicly is not the policy of this Government.

1130 **Hon. J J Netto:** Mr Speaker, one issue that I would like to raise, in the context of my Question and the answer provided by the Minister, is that... Well, in fact, he just stated that the policy of the Government is not to state company names, and this is something that I think the Hon. Mr Speaker mentioned something on in the past.

1135 I think that decision is profoundly unfair, quite frankly, because any person in the world with access to a computer and to the internet can actually get to the Health and Safety Executive in the UK – as I have done, and printed out all the improvement notices, all the prohibition notices – where it tells you the name of the company. It actually tells you which local authority, and if you actually click on the notice number you can actually see, for instance, like the first one I have got here, which was from Glasgow Steel Nail Co Ltd, a small description of why the factory inspector or the Health and Safety officer in the UK did that.

1140 It seems to me quite unfair, Mr Speaker, that any person in the world with access to a computer and to the internet can find out all the companies in the UK, regardless of whether it is Scotland, whether it is in Wales, whether it is in England, whether it is in Jersey, in Guernsey, the Isle of Man... can find out the names of the company, and yet me, here, a person who has been elected by the people of Gibraltar, in my role as Opposition, to hold the Government to account, the Government is not willing to provide that information, which I think is *totally* unfair.

1145 Perhaps if we can just park this statement, which I have just made, to one side, because really, Mr Speaker, I think that any person who looks at the argument I have just stated will realise that my request is *very* reasonable.

1150 Mr Speaker, I do not know whether it would be more convenient... whether we can have perhaps a private word between yourself and the Minister himself and make him aware that, in the same way that any person in the world can find out what has happened in the UK with improvement and prohibition notices, it is I think also fair that elected Members of the Gibraltar Parliament find out what happens in Gibraltar.

1155 So perhaps, Mr Speaker, with that in mind and with my request to be able to have a private word with you and the Minister so we can share the information – in fact, *anyone* with access to a computer can find out – I think that perhaps I can change the Government's policy on this matter. I think it would be most welcome at least to decide to discuss it.

1160 **Hon. P J Balban:** Was there question there?

Mr Speaker: The question is drawing attention to the fact that, in the United Kingdom, such information is available. He has noted the fact that it is not the policy of the Government here to make that information available and he is enquiring whether the Hon. Minister is prepared to consult with him and with myself in order to arrive at a conclusion on the matter.

1165 **Hon. P J Balban:** Mr Speaker, what I find incredible is that, for the first time now, statistics are available online. If this was such an important thing and this is something that you say that we should have done, why was this never done between 1988 and 1996? (**Hon. G H Licudi:** Between 1996 and 2011.) Sorry (laughter).

1170 I do not understand. You are pushing the Government to do certain things which you, the other side, when in Government, did not do – so I do not understand why the importance now.

Hon. S M Figueras: *Que pasó con el* new dawn?

1175 **Hon. J J Netto:** Mr Speaker, I have not asked a question in relation to what happened in the last 16 years when the GSD was in Government, I have not asked a question when the GSLP was last in Government between 1988 and 1996, I have not asked a question about the 40 years that the AACR Government had in relation to Health and Safety...

1180 We are where we are today, and the fact is I am asking this Question. I can find the information, like any person in the world, on what is happening in the UK, but I cannot find it out in my own Parliament, where I have been elected by the people of Gibraltar.

I think what the hon. Members need to realise, given the manifesto they have, 'A New Dawn', is that, if they want a new dawn, the fact is they have to provide answers to the questions *today*, not what happened 16 years ago, or 20 years ago, or 60 years ago.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, it is unfortunate that the hon. Member opposite has not practised in the past what he is now preaching. He is making a speech today saying of the unfairness of the situation. Is it suddenly unfair, as from 9th December 2011? What happened previously, when none of us had that information available to us? Much less information was available to us in the previous 16 years than what is available now through the publication monthly of online statistics.

The hon. Member on my right, Mr Balban, is absolutely right: why is it that it is suddenly unfair as from the 9th December 2011? The hon. Members should simply practise what they preach. They never have.

Hon. J J Netto: Mr Speaker, the fact is that, when *we* were in government, we provided *far* more information than when the last GSLP was in government, that hardly provided any information at all. That is a fact.

If they never knew what to ask when they were in Opposition, that is their problem, but I am asking things which are perfectly acceptable for any place, like in the UK, to obtain such information. So the question is not what we have done in the past, because they did worse than when we were there. (**A Member:** Yes.) That is a fact.

Mr Speaker: With respect to hon. Members, we are dealing with a specific matter, and the specific matter is under the Factories Act (Lifting Operations and Lifting Equipment) Regulations (9), which I understand do not require that such information be made public.

The hon. questioner is perfectly entitled to enjoin upon the Government a line of action – namely, will the Government do this, will the Government publish that information? I imagine it would require an amendment to the Regulations, but the answer that has been given is that it is not the policy of the Government. What the Hon. Minister can do is to enjoin upon the Government that they adopt that line of action. That is perfectly proper.

What is, I think, beyond the ambit of this Question is to discuss in general terms what information one Government has published and what information another Government has published, generally.

Hon. P R Caruana: Mr Speaker, may I ask a supplementary, with your leave?

Mr Speaker, will the Hon. Ministers – since they have both risen to speak on this – accept from me that, in this debate about who provided more information, specifically in relation to this issue, there is a huge distinction to be drawn between information that is available online, which they choose to put on line, and information being available or not available? The fact that information is now online does not mean that there is more or less transparency.

Does the hon. Member accept that, if information had been available to them when they were last on this side of the House, had they asked for it, and was given when they asked for it... I still remember the Hon. Dr Garcia asking questions about applications for planning permission, and we had to have a Cabinet meeting about whether we would give detailed information about individual named applicants, and it was given. So, will the hon. Members agree that the debate about whether they had more or less information cannot be decided on the basis of whether it is online or not online now or before, but whether it was available if sought; and this sort of information was regularly requested by the hon. Members opposite and regularly made available?

If the hon. Members couple in that fact with the fact that they want a new dawn... Well, Mr Speaker, they cannot keep on harping back to what they wrongly perceive were our practices. Never mind that they have got our practices wrong when we were in Government. They have gone to the electorate in Gibraltar saying that they want to do *better* than us, that we were very untransparent and they want a new dawn, namely, 'Away with all the GSD malpractices – now we are going to be transparent.'

Coupling both of those things together, can I urge the hon. Members, in the spirit in which my hon. Colleague made his supplementary, which appears to have been grasped by the Chair, and which I think was, frankly, not reciprocated by the nature of the hon. Member's first answer to the supplementary... can I urge the hon. Member to just agree to what the original supplementary asked, which was for a meeting to establish what were the obstacles to the Government adopting a policy that would provide information now, in relation to this area, of the sort that we used to provide when asked in other equivalent areas, which simply raises a question of identifying individual applicants or individual citizens in their interactions with the State?

Hon. G H Licudi: Mr Speaker, the hon. Member is completely wrong in his analysis. He said that they were open when they were here, that whenever we asked for information – let alone that they did not provide it online, but whenever we asked for information – that information was regularly provided.

The hon. Member has a short memory. He does not remember what happened before 8th December 2011. And it is not that long in history – we are not delving into the deep past of Gibraltar. Or does the hon. Member not remember, when I was Shadow Minister responsible for Transport, the constant questioning that I had? Question after question after question. In one Parliament, in one session, I seem to recall that there were about 40 or 50 questions that I asked in relation to their traffic plan, and on *every single question* of those 40 or 50 questions, they said, ‘The Government will not provide the information; the Government will provide the information when it is ready to do so.’ In other words, when it chooses to do so. It refused to provide any of the information, specific information which I was asking on a published document. That was what the hon. Member used to do.

As to a meeting, I certainly do not recall the hon. Members on this side ever offering a meeting to discuss Government policy. Government Policy is decided by the –

Hon. P R Caruana: We were not asked. [*Inaudible*]

Mr Speaker: I am not going to allow this matter to continue into any further acrimony. I am willing to make myself available, if it will help.

I am all in favour of as much information as possible being brought to this Parliament, because I myself am computer illiterate and therefore whatever there is online, as far as I am concerned, I do not have access to it and I think that there are still very many thousands of people in Gibraltar who are in exactly that position. Therefore, I am all in favour of Parliament being furnished with as much information as possible, as a matter of principle, but I will not allow the matter to deteriorate any further.

Next question.

Health and Safety inspections Figures on Government website

Clerk: Question 1048, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health & Safety provide an explanation for the fact that, in the new figures now being provided on the Government website for the Health and Safety inspections, we have an average of 17.55 inspections between January and September 2012, and 78 for October 2012?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, this has been as a result of a drive by the Department to carry out inspections concentrating on lifting operations and lifting equipment. This can be done as a direct result of this Government increasing its human resources within the Department and, as a result, being able to react in a more proactive manner, something unheard of in the past due to lack of resources.

Hon. J J Netto: Mr Speaker, I think, if I am right in interpreting what the Hon. Minister said, that the 78 inspections have been as a result of a drive for lifting operations – that is what he said – but if I actually look at the October figures, and I look at it against the column of industry group, I fail to see that... There may be lifting operations perhaps done in many of them. For instance, I do not know how many lifting operations are done in the hotel trade, or the medical and health services, or the repair of consumer goods, or the retail trade, so it seems to me that the 78 cannot be accounted for lifting operations. Perhaps, could the Minister elaborate on that?

Hon. P J Balban: Mr Speaker, as the hon. Gentleman has said, there was an average of 17.55 inspections between January and September. The difference between the 17.55 and 78, I am told by the Department, has been as a result of a campaign that they themselves decided to embark upon, which was that of checking and concentrating on lifting operations and lifting equipment. That is the reason why there has been an increase in activity in the month in question.

Hon. J J Netto: Mr Speaker, we are talking in averages, but the difference between 17.55 and 78 is about 60 or 61, and if we go to the figures for the month of October produced by the Ministry, it just does

1305 not add up that those extra 71 may have emanated from lifting operations. If you look at the column of the industry and you see the breakdown, it cannot be that the 61 are attributable to lifting operations. The logic is not there at all. Could the Minister perhaps elaborate on that?

1310 **Hon. P J Balban:** Mr Speaker, this is the reply received from the Department and that is the answer to the Question. The reason for an increase in the number of inspections in October 2012 has been as a direct result of this drive by the Department to carry out inspections concentrating on lifting operations and lifting equipment.

1315 **Hon. J J Netto:** Could the Minister therefore then say what inspections for lifting operations were done in the hotel trade that account for seven?

1320 **Hon. P J Balban:** Mr Speaker, I will not be able to give the hon. Gentleman an exact breakdown on each single sector of the community, of workplaces. It is something which, if the hon. Gentleman wants me to find out specifically, I will endeavour to find that information for him, but I cannot be expected to know exactly what happens in each sector.

1325 **Hon. J J Netto:** Mr Speaker, the only supplementary I am going to make now is that I will certainly write to the Minister. I will take his offer on board for a fuller explanation on the... Given that the extra 60 or 61 have been due to lifting operations, what lifting operations have been conducted in an industry group which, by the very nature of the commercial or economic activity, does not lend itself to lifting operations? Certainly I will write to the Minister to provide an answer.

1330 **Health and safety inspections
Notices issued in October 2012**

Clerk: Question 1049, the Hon. J J Netto.

1335 **Hon. J J Netto:** Mr Speaker, in relation to the one prohibition notice and the 16 improvement notices issued in the month of October 2012 by the factories inspectors, can the Minister provide a short description of the alleged concerns found by the inspectors in relation to the notices issued?

1340 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

1345 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the 16 improvement notices were related to offences against the Factories Act (Lifting Operations and Lifting Equipment) Regulations as follows: failure to test fork-lift trucks, 2; failure to test passenger lifts, 10; failure to carry out tests on service lifts, 2; failure to carry out examination of garage car-lifting platforms, 1; failure to carry out examination of lifting equipment, 1.

The prohibition notice was in relation to the unsafe state of a scaffold tube hoist shaft that has now been erected for over eight years: hoist tested and failed.

1350 **Health and Safety audit
Waterport power station**

1355 **Clerk:** Question 1050, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, will the Minister for Health & Safety place a request with the factories inspectors to conduct a Health and Safety audit of Waterport Power station, given the age and state of the engines and the fact that no such audit has been conducted this year?

1360 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

1365 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this Question together with Questions 1051 and 1052/2012.

**Health and Safety audits
OESCO power station**

1370 **Clerk:** Question 1051.

Hon. J J Netto: Mr Speaker, will the Minister for Health & Safety place a request with the Health & Safety inspectors to conduct a Health and Safety audit of OESCO power station, given the age and state of the engines therein and the fact that no such audit has been carried out this year?

**Health and Safety audits
MOD power station**

1380 **Clerk:** Question 1052.

Hon. J J Netto: Mr Speaker, will the Minister for Health & Safety place a request with the factories inspectors to inspect the MOD power station, given the age and state of the engines, in order to ensure that such workplace complies with the Factories Act and all other subsidiary legislation?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

1390 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the Gibraltar Electricity Authority has engaged the services of chartered Health and Safety practitioners since 2007 to conduct Health and Safety audits of not just Waterport power station but also at all other GEA locations. The last Health and Safety audit was carried out in January this year for 2012.

1395 As regards the MOD power station, I can confirm that no safety audits have been undertaken for the last three years. This power station is now managed by Gibraltar Mechanical and Electrical Services, which is a wholly Government-owned company and will be run no differently to Waterport power station and, as a result, will therefore now be subject to yearly audits.

1400 The OESCO power station is a private entity and, as such, the factories inspectors are at liberty and are competent to carry out inspections under the Factories Act, as they do in other workplaces in Gibraltar. I do not think that it is up to the Minister to request an inspection.

Hon. J J Netto: There are a couple of things that arise there, Mr Speaker, from that answer.

1405 First of all, in relation to the Waterport power station, if I understand the Minister correctly, he has said that some sort of an audit has been conducted, (*Interjection*) and I understand that an external audit has been conducted. So, in relation to that part of my Question, could I ask whether I can be provided with a copy of the said report as far as Waterport power station is concerned?

In relation –

Mr Speaker: Can we take that...? You were asking –

1410 **Hon. J J Netto:** Sorry. My supplementary question in relation to Waterport power station is could I be provided with a copy?

Mr Speaker: Let us have an answer to that, shall we?

1415 **Hon. J J Netto:** Yes, okay, sorry.

1420 **Hon. P J Balban:** Mr Speaker, this document that the hon. Member is referring to is internal, a working document of the GEA, and as such it will not be available for the hon. Gentleman. In any event, this working document actually belongs to the GEA, not to myself.

Hon. J J Netto: But in any case, Mr Speaker, whether it belongs to the Electricity Authority or not, I am sure that on the board of the Electricity Authority there must be at least one Government Minister, who can progress this and can put the request, on my behalf, to the board.

1425 So, in a supplementary question, could I ask whoever is the Government Minister – I do not know which one it is, actually, who sits on the board – to put that request on my behalf, whether it is permissible or possible for me to have that document which I have just referred to?

Chief Minister (Hon. F R Picardo): Mr Speaker, I am going to rise because there is a similar question from, I think, the hon. Lady, in respect of a similar report in respect of the GHA.

The Government's view is that being transparent and accountable does not mean that every single internal report has to be provided publicly, especially reports which are working documents, which are available in different Departments and which, because of the nature of Health and Safety audits, are documents which are produced so that action can be taken on them internally. Therefore, the position is going to be that we are not going to disclose Health and Safety audits to Members opposite or make them public.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, if I am correct, is the Chief Minister referring to the GHA review of progress? (*Interjection*)

Hon. Chief Minister: The hon. Lady is asking for an audit report in respect of...

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, that is a question that was asked by Mr Netto.

Hon. J J Netto: So, let us be clear: the answer is that no internal document of any Department or Authority will be made available to Members of Parliament, regardless of whether the document is a working document or a finalised document. Is that the position of the Government?

Hon. Chief Minister: Mr Speaker, for the very reasons that the hon. Gentleman has uttered, an internal document is not going to be made a public document.

Hon. J J Netto: I do not want to bring in the House of Commons, or Scotland, or Wales, or any other thing, but I am sure that access to... Parliamentarians of the Opposition, whether in Scotland or Wales, will have access to Health and Safety audits, if so requested, and I am sure that, if that is the case, perhaps the Government could consider its position.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman was a Member of a Government for 16 years that gave considerably less information than we give.

If the hon. Gentleman is saying that an MP in the House of Commons would have access to such a report, would the Government give it, I will tell him this much: the Government would reconsider the position if he can demonstrate to us that Opposition MPs in the United Kingdom have access to such documentation. I do not believe that they do, but if he is able to demonstrate the opposite, Mr Speaker – *demonstrate* the opposite, not just tell me that he *thinks* that they do, but actually demonstrate the opposite – then I will certainly reconsider the position.

An internal document is an internal document. If it is a public document, then a different rule applies.

Hon. J J Netto: Mr Speaker, I certainly will put myself to the wheel and look for the information, and if I can get it I will certainly pass it to the Chief Minister.

Clerk: Question 1053.

Mr Speaker: Just a moment. Do you have any other supplementaries in respect of the other questions?

Hon. J J Netto: Thank you, Mr Speaker. Thank you very much.

No. If I recall, the Minister for Health & Safety, in relation to the MOD power station... Obviously, I am not aware at what moment in time in the Government timetable the MOD power station is going to come over, not necessarily to the Government but to a private company, or some arrangement of that kind. I am not too sure on the deadline that the Government have on that.

That said, I take on board what the Minister says, which is it is not therefore, today, a Government asset in any form or shape; therefore, the resources available to the Minister, through the Factories Inspectorate, are not there to do an audit. That I understand but, of course, the logic behind my Question is that, given how old the power station is – in particularly the engine sets – the factories inspector can always inspect any particular place, any workplace in Gibraltar, including the MOD, and ascertain that the working conditions, or the environment there that prevails is safe for the employees who are working in that vicinity.

So I would urge the Minister, or request to the Minister, if I can, that given that we are talking about a very old power station and the engines are *very* old indeed, the request to do an inspection is a very

reasonable one, and I will put it to him whether he can put that request to the factories inspector to inspect the MOD, and not necessarily, as I said before, do an audit.

Hon. Chief Minister: Mr Speaker, that question is based on a fundamental misconception, which is that the MOD power station is not already an asset of the Government of Gibraltar: it is. (*Interjection by Hon. J J Netto*) Well, it became an asset of the Government of Gibraltar – the hon. Gentleman will correct me if I am wrong – I believe in August 2011, whilst they were still in administration.

I have risen, Mr Speaker, because I am chairing the Inter-Ministerial Committee on Electricity, as the hon. Gentleman knows. That is why the hon. Gentleman has told him that as it is now one of the power-generation assets in the hands of the Government, it will be subjected to the yearly audit which the GEA subjects its own plant to. So it will be one of the ones that will be subject to such an inspection and audit.

Hon. J J Netto: Mr Speaker, the only reason, with respect to the Chief Minister, that I have posed my Question in relation to the MOD power station is because last month, when I put my Written Question in relation to the MOD, the answer... I have not got it here at the moment at hand, but I recall the Minister saying, 'Well, we are not going to do an audit because the MOD power station does not belong to us.' So I said, 'Well, if the Minister says to me last month that they are not going to do an audit because it does not belong to the MOD...' I thought, 'Well, fair enough, if it does not belong to the Government, it does not belong to the Government. I will take the Minister's word for it and therefore forget the audit, but certainly they can do the inspection.'

So I welcome now the clarification provided by the Chief Minister in relation to this, and I welcome the fact that this will be done.

Health and Safety audit Parliament building

Mr Speaker: Next Question.

Clerk: Question 1053, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health & Safety state if the Parliament building complies with the Factories Act and its subsidiary legislation requirements; and if not, will the Minister place a request to the factories inspectors to conduct an audit of the building?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, we do not feel that there is any cause for concern to give consideration to such a request.

The Parliament building complies with the Factories Act as much today as it has done for the past 16 years. Therefore, if the previous administration did not see fit to carry out an audit during those years, it is logically unlikely that this Government will do so, especially since it has been stated that the intention is to modernise said building in due course.

In any event, the hon. Member may be aware that a refurbishment of the Parliament is presently in an advanced planning stage.

Hon. J J Netto: Mr Speaker, with respect to the Hon. Minister, he said that there is no cause for concern. I think that is an important part of the answer he has given us.

Mr Speaker, I am not a Health and Safety specialist myself, but we all have access to the ante-room and we have all seen, for instance, part of the cornice at the top, which has fallen down and is now covered by wood by a contractor who fixed it up. Does the Minister, in the context of that, know whether there is asbestos in the ceiling, and as a result of broken asbestos in the ceiling – as a result of the broken cornice – there are airborne fibres which may be falling down on the staff who happen to be working down below the cornice?

Does the Minister also know that the electricity installation that is in this building goes to the year 1960, probably the days of the AACR and may perhaps not comply with electricity regulations of the Factories Ordinance?

Does the Minister know, for instance, whether these particular chairs conform to Health & Safety standards? I do not think they do.

For the Minister to say there is no cause for concern is quite a statement, Mr Speaker, when all I am asking for is for someone to do an inspection to provide that if there is anything, at least something can be done, and if there is not anything, then we are all much easier and relaxed about it.

Chief Minister (Hon. F R Picardo): Mr Speaker, I am one of the Ministers responsible for what, in the last phrase of this answer, is referred to as the impending refurbishment of this Parliament.

The hon. Gentleman will recall that the cornice that he refers to fell at some stage after 2003 and before 2007, and that the people with responsibility for the airborne spores of asbestos – please God there are not any – which might have been circulating are the ones sitting opposite us today, him being one of them.

The hon. Gentleman will know that, although we have been accused of many things in the past 12 months, we have not been accused of spending on lavish new chairs or benches for this place, Mr Speaker. The benches and chairs in this place are the ones that were there for the past 16 years – and, indeed, even when you used to sit on these benches yourself many years ago.

The hon. Gentleman will know that nothing has happened in this building to change its makeup to take it into the sort of... or any change occurred to take any sort of concern to arise for a factories inspection to be carried out as a result of anything that has happened after 9th December 2011. But, Mr Speaker, if I can add this: the hon. Gentleman will agree with me that this building is not as accessible as it needs to be, that this building is now a Parliament the fabric of which is diminishing.

There are, Mr Speaker – and we always joke about it in the ante-Chamber – two cockroaches (**Hon. Dr J E Cortes:** Three now!) that have been lying patiently on some of the tiles that look down upon us.

Mr Speaker: I thought it was the Hon. Mr Cortes who monitored the incidence of cockroaches.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, that is why – if the hon. Member will give way – there are three, and not two.

Hon. Chief Minister: They have been there for years, Mr Speaker. They have been more patient with us than any Speaker has had the grace to be.

I am delighted to tell the House, Mr Speaker – as the hon. Gentleman has already referred, and as I had cause to mention to the Hon. the Leader of the Opposition – that we are planning a refurbishment of this place early in the New Year. Once we have some plans set out for that, we will want to be consulting with all Members, because a refurbishment of this place is not just something for the Government, it is something for the Members, which is led principally by the desire to install the cameras that will hopefully allow people to see what happens in this place and not just hear it.

In that context, Mr Speaker, with those changes coming, the Government has not thought that it makes sense to commission a Health and Safety audit of this place until such time as the refurbishment commences – something that the hon. Gentlemen opposite and Lady opposite will have an opportunity to see the detail of very shortly, and that hopefully will mean that we are not accompanied for much longer by our cockroach cousins up there.

Mr Speaker: May I inform hon. Members, in case they do not know, that in five years' time, in 2017, this building will be celebrating its bi-centenary. That is an indication of how old it is. I am aware, because I have myself been involved recently, that there are plans afoot to do something in the very near future, and I would also hope, with respect to 2017, that we can look even that far.

Health and Safety laws Representations from stakeholders

Clerk: Question 1054, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, has the Minister for Health & Safety had any representation from members of the local branch of IOSH, trade union officials, or employers in general to the effect that the current laws regarding Health and Safety are too cumbersome and a review of such is necessary for all stakeholders?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, this was mentioned at a meeting held on 23rd October 2012 with trade union officials from Unite. Present

included Susan Murray, Unite's National Health and Safety Adviser; Michael Netto, Steven Morgan, Edward Baglietto, shop stewards of Unite.

As I have already informed the hon. Member in my answer to Written Question 212/2012, at present there are no immediate plans to review the legislation. However, this is not to say that Her Majesty's Government of Gibraltar will not consider reviewing the legislation in the future.

Hon. J J Netto: I think the impression that one gets, Mr Speaker, is that everyone who has to make use of Health and Safety legislation... and I think the Factories Act, if I remember rightly, goes back to the early 1950s, or something to that effect. Obviously, as a result of that, we have had very integrated legislation going back to the 1950s, plus all the European legislation that we have had to transpose, which has been added onto the Factories Act.

I think that if the Hon. Minister actually speaks not just to the people he mentioned in his answer right now, but indeed those people on the front line, delivering Health and Safety in whatever industry groups, in whatever company it is, public or private, he will find that there is a need for a review. The legislation is too cumbersome to operate and perhaps...

There are different schools of thought as to the way forward. Some say that we should model on to the UK, in which... Obviously, they have certainly streamlined all that bulkiness of legislation, and I think that if the Minister actually makes it some sort of a priority – I am not saying an immediate priority, but certainly some kind of a priority – during the course of his term, that would be welcomed by all stakeholders.

So, in the question that I pose to him, I am basically saying, 'Look, this is something that the people on the ground floor will certainly benefit from.' Indeed, even the Government will benefit as a result of that, so I am putting that question to him.

Hon. P J Balban: Mr Speaker, in fact it was, I believe, 1956 when the legislation was originally drafted, but when we said 'A New Dawn', I did not expect the hon. Member opposite to suddenly wake up and realise that it was since 1956 that this legislation was in effect.

They had 16 years to be able to do something about it. It has been cumbersome not only for the past 12 months, but it has been cumbersome for a lot longer than that. The previous administration had the power to be able to have done this. This legislation has not been cumbersome in the past year; it has been cumbersome for a lot longer than that.

Hon. J J Netto: Mr Speaker, certainly we did a hell of a lot of things in the 16 years that we were in government, like the transposition of a lot of Health and Safety directives, which were not transposed –

Mr Speaker: Would the hon. Member please ask a supplementary question? I think he is urging the Minister to consider reviewing the legislation.

Hon. J J Netto: Yes, that is what I am... I do not want to get... You are right, absolutely right, Mr Speaker. I am not going to get tracked on what happened 16 years ago, but it is up to the Minister. If he wants to take my request on board and start thinking that *he* is the Minister, *he* is the one who has got to act, and if he listens to the stakeholders they will tell him that there is a need for a consolidation. So my question is to him. Think about your watch, and do it now.

Hon. P J Balban: Mr Speaker, we will most definitely take a look at this so-called cumbersome legislation, but the point in question is that this has not been something which has happened overnight. We have been in government for 12 months. The hon. Gentleman was there for a lot longer, and this could have been done, if it was so important to have done so. We will most definitely have a look at that. The hon. Gentleman did have his opportunities to do so in the past.

EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS AND JUSTICE

University of Gibraltar Discrepancy re consultancy fees

Mr Speaker: Next question.

Clerk: Question 1064, the Hon. Mrs I M Ellul-Hammond.

1675 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education explain why there is a financial discrepancy between £25,000 paid as consultancy fees for the 'Establishment of University of Gibraltar', as cited in answer to Question 578/2012, and £12,500 for 'Education Department – Study into the setting up of a University in Gibraltar', as cited in Table GC1 'Government Awarded Contracts (over £2,000) by direct allocation since the General Election' on the Government website?

1680 **Clerk:** Answer the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1685 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the fee of £25,000 was paid in two tranches: £12,500 was paid in March 2012; and the second one, of £12,500, in September 2012.

The details of the second payment were inadvertently omitted from the updates to the website.

1690 **St Bernard's School**
Water ingress and termite infestation

Clerk: Question 1065, the Hon. Mrs I M Ellul-Hammond.

1695 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education say what is being done to prevent the severe water ingress and the termite infestation at St Bernard's School?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1700 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the problem with water ingress at St Bernard's School is not new. There are reports of water ingress since 2004, and it is likely that the problem existed before then. Remedial works have been carried out in the past, but the problem has not been resolved.

1705 GJBS has been asked to prepare a scope of works for the Department of Education to consider. These works would involve works to the roof and the façade, aimed at solving the water ingress problem with a view to affording an effective solution for the building.

In relation to the termite issue, again the problem is not new. On 25th August 2010, a report was submitted by the Environmental Health Officer to the Director of Education following concerns expressed by the head teacher on the possibility of a termite infestation at the school.

1710 In 2011, COPLAGA was engaged to carry out specific termite treatment. The problem, however, was not eradicated.

1715 In October 2012, Bug Busters were engaged to carry out the following treatment: drilling, injecting and rendering of four termite cords; treatment of an area approximately 2 metres squared; investigation and treatment of two cabinets. The problem again appears not to have been eradicated as a result of this treatment.

In view of this, an in-depth intrusive survey to gauge the extent of the infestation has been commissioned to identify the extent of the infestation and damage, and to propose a course of action to obtain a long-term desired eradication of the problem.

1720 *Technical fault resulting in negligible loss of audio.*

1725 **European Arrest Warrants**
Details of warrants received in Gibraltar

Clerk: Question 1066, the Hon. D A Feetham.

1730 **Hon. D A Feetham:** Can the Minister for Justice please state: (a) how many European Arrest Warrants have been received in Gibraltar for each calendar year in the last four years up to 30th November 2012; (b) how many of those European Arrest Warrants resulted in an extradition, and the offence alleged to have been committed; and (c) how many were rejected by the courts and how many were rejected by the Central Authority, and on what basis?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the information requested by the hon. Member is set out in the schedule that I now hand over.

Schedule to Question 1066 of 2012

(a)

Year	Number of European Arrest Warrants Received
2009	6
2010	2
2011	9
2012 (Up to 30/11/12)	5
Total 22	

(b)

Number of EAWs which resulted in extradition	Offence alleged to have been committed
1	Conspiracy to defraud and money laundering
1	Supplying controlled drugs
1	Possession of indecent photographs of children
1	Drug trafficking offences
1	Theft and fraud
1	Importation of drugs
1	ABH and indecent assault on a male under 14
Total 7	

(c)

Number of EAWs rejected by the Courts	0
Number of EAWs rejected by the Central Authority These EAWs were rejected because the warrants failed to comply with a provision(s) of the European Arrest Warrant Act.	9

Note: 6 EAW's have not been executed because the person has either been arrested elsewhere or is in prison in Gibraltar or is the subject of criminal proceedings in Gibraltar.

Hon. D A Feetham: Just on the failure... on the rejection of the warrants, the answer that you have provided in the schedule is that nine were rejected because the warrants failed to comply with the provisions of the European Arrest Warrant Act. Does the Hon. Minister have any more information than that? What kind of non-compliance with the Act are we dealing with? Is it a simple question of translations not being provided with the European Arrest Warrant? I know from my time that that was a common ground why they were rejected, but of course rejection on that ground invariably means just that the warrant is then reissued with a translation.

Does he have any more details? If he does not, I will not press him.

Hon. G H Licudi: Mr Speaker, I do not have those details with me now, but I do note that the total rejected by the Central Authority were nine, and we have only had five European Arrest Warrants received in 2012. So some of these rejections clearly relate to the time when the hon. Member was in office as Minister for Justice. Assuming that the whole of the five of the 2012 had not been rejected, then certainly more than four or five.

I do not have the specific information about the reasons for rejection. If the hon. Member wants, I am happy to obtain the information for him.

Hon. D A Feetham: I am much obliged to him, yes.

**European Arrest Warrants
Average processing times**

1770

Clerk: Question 1067, the Hon. D A Feetham.

1775

Hon. D A Feetham: Can the Government please state what is the average time between receipt of a European Arrest Warrant by the authorities in Gibraltar and (a) its acceptance or rejection by the Central Authority; and (b) any order of the Court?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1780

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, between January 2009 and 8th December 2011, the average time between receipt of a European Arrest Warrant by the authorities in Gibraltar and (a) acceptance by the Central Authority was 27 days; (b) rejection by the Central Authority, 68 days; (c) Order of the Court, 37 days.

1785

Since December 2011, the average time is (a) acceptance by the Central Authority, three days; (b) rejection by the Central Authority, 10 days; (c) Order of the Court, 11 days.

Hon. D A Feetham: I would be very obliged if the hon. Gentleman were to allow me a copy of the answer, if at all possible. Thank you very much.

1790

**Legal Aid
Payments to law firms and barristers**

1795

Clerk: Question 1068, the Hon. D A Feetham.

1800

Hon. D A Feetham: Can the Government give a breakdown of the amounts paid, since 9th December 2011 to date, to each law firm or barrister in respect of Legal Aid and legal assistance, giving a breakdown by firm and showing what are legal fees and what are disbursements?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1805

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, monthly statistics in respect of Legal Aid and legal assistance, giving a breakdown by firm or barrister and showing what are legal fees and what are disbursements, are published online on a monthly basis on the Government of Gibraltar website. The figures are available online from 18th June 2011 to 30th November 2012.

1810

Hon. D A Feetham: Do you have no update since 30th November of this year? Obviously, I am aware that... I am asking for up-to-date...

The last time that I asked a question in relation to Legal Aid, the Hon. the Minister and I had an exchange in relation to Legal Aid in respect of one case in particular. Is the position of the Government still to continue not publishing that information?

1815

Hon. G H Licudi: I am not sure which specific information the hon. Member is referring to. If he is talking about the amounts paid in Legal Aid, my understanding is that those amounts appear in the monthly statistics, which are published online.

1820

Hon. D A Feetham: I will talk to the hon. Gentleman outside, because I know there is some sensitivity in relation to this. I will explain it, and I will deal with it with him in the lobby.

1825

1830

Recess

Clerk: The Hon. the Chief Minister.

1835

Chief Minister (Hon. F R Picardo): Mr Speaker, may I move now that the House do recess until 3.00 p.m.

1840

Mr Speaker: The House will now recess to 3.00 p.m., when we shall be dealing with Questions to the Minister for Tourism, Commercial Affairs, Public Transport and the Port, and Questions to the Minister for Equality and Social Services.

The House recessed at 11.17 a.m. and resumed its sitting at 3.00 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 3.50 p.m.

Gibraltar, Monday, 17th December 2012

The Gibraltar Parliament

The Parliament met at 3.00 p.m.

[MR SPEAKER: Hon. A J Canepa GMH, OBE *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Questions for Oral Answer

TOURISM, COMMERCIAL AFFAIRS, PUBLIC TRANSPORT AND THE PORT

Spanish tourism Minister's statement on reduction

Clerk: Answers to Questions continue.
Question 1010/2012, the Hon. D J Bossino.

5 **Hon. D J Bossino:** Mr Speaker, first of all, before I pose the Question formally, I would like to express my gratitude, to both the Clerk and the House in general, for disrupting the order of Questions earlier this morning. I know that the Order Paper, as is normally the case, puts me in first, but I had a court commitment, and I am indeed very grateful for the disruption.

10 Can the Minister for Tourism confirm that he stated at a press conference recently that there had been a, I quote, 'decrease in certain sectors such as Spanish tourism'; and if so, can he provide the House with details of the basis on which he made such an assertion?

Clerk: Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

15 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, perhaps, in the spirit of Christmas, the hon. Gentleman could have extended his thanks also to me, given that I did not object (*Interjections*) but, be that as it may, in my own personal experience, having questions moved from one Order of the Day to another has had some difficulty for me personally in the past – and I did not even raise even one objection.

20 Mr Speaker, to answer the Question of the hon. Gentleman, I can confirm that I stated that there had been a decrease in tourism from Spain at a press conference recently. The indicators I have, up to the end of November of this year, show that there has been a decline in coach arrivals from Spain.

25 **Hon. D J Bossino:** Mr Speaker, that really satisfies the Question that I had, but simply to say, in response to the preamble to his answer, that I do beg his forgiveness for the omission. Of course, I am grateful to him personally for being so accommodating.

30 **Cruise liner arrivals
Anticipated numbers**

Clerk: Question 1011, the Hon. D J Bossino.

35 **Hon. D J Bossino:** Can the Minister for Tourism confirm to this House how many cruise liner calls and passengers he expects will be arriving in Gibraltar by the end of 2012 and 2013?

40 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Mr Speaker, I refer the hon. Gentleman to the website of the Gibraltar Port Authority.

45 **Hon. D J Bossino:** Mr Speaker, I am fully aware that one ought not to ask questions – I do not know the precise provisions of the rule – in relation to information and statistics which are in the public domain as, indeed, the Minister has just referred me to the information contained on the Gibraltar Port Authority website.

50 The reason why I ask that Question is because the information in the public domain is contradictory. I think he said, in his party political broadcast, that there were 170 cruise calls for 2012, and then he expected, in 2013, that there would be 187. In the Gibraltar Port Authority website information which I gleaned on 7th December, which is the day before... the eve on which one could file questions, it stated that there were 172 cruise calls, and for 2013, instead of 187, the same website referred to 185. So this is precisely why I used the word very carefully and asked for confirmation. Can the Minister do that for me now?

55 **Hon. N F Costa:** Mr Speaker, yes, to assist, the hon. Gentleman is correct to say that the website shows that, for 2012, the number of cruise calls is 172, and for 2013 the number of cruise calls is 185.

On the date of the broadcast, the number was 187. There have been two cancellations that brought it down to 185 for 2013.

60 If I may also, by way of background... The number of cruise calls for 2012 has fluctuated. At one point, it was 175, but now it is down to 172, as a result of cancellations during the course of this year.

65 **Hon. D J Bossino:** One of the reasons why I asked for confirmation is because I do appreciate that these numbers are subject to fluctuation and I wanted to know the most updated information available.

70 Just by way of a supplementary, Mr Speaker, does the Minister accept that less cruise calls does not necessarily mean less passengers? In fact, I think we had this debate at the time of the Budget, when I referred to some statistics. If I can cite these, Mr Speaker: in 2012, we had 172 calls – or 170 calls; according to the website information it was 172 – and that brought 290,000-odd passengers. In 2007, which is the second highest number of calls that Gibraltar has received, we had 227 calls, and yet that only brought – I say ‘only’ in comparison to the 2012 figures – 275,000-odd passengers, 14,000 less than in 2012.

So, given those statistics, does he not accept the proposition I just put to him?

75 **Hon. N F Costa:** Mr Speaker, as the hon. Gentleman has just alluded, I have accepted that premise during the course of the Budget speech and in the course of question and answer sessions.

I have explained to the hon. Gentleman that, whereas there may have been more cruise calls in previous years, the reason why numbers of passengers may be higher is simply because ships tend now to be larger, so they accommodate more cruise passengers.

I have, therefore, already confirmed that proposition to him in a previous question and answer and during the course of the Budget debate, but if he wishes, I am happy to reconfirm the position once again today.

**Yacht Register
Promotion and marketing plans**

Clerk: Question 1012, the Hon. D J Bossino.

Hon. D J Bossino: Mr Speaker, further to the replies given to Question 688/2012, can the Minister for the Port provide this House with details of the plans the Government has to promote and market the Yacht Register?

Clerk: Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Mr Speaker, further to our attendance at various events this year, 2012, Government is looking to promote the Gibraltar Yacht Registry in three ways.

For 2013, we are considering attendance at the following major forums and shows to broaden awareness and promote the Gibraltar Yacht Register: March 2013, Opportunities in Superyachts Forum, Malta; April 2013, Gibraltar Superyacht Forum; May 2013, American Superyacht Forum in Las Vegas; June 2013, the Future of Superyachts Forum, Palma de Mallorca; September 2013, Cannes Boat Show and Monaco Boat Show; November 2013, Global Superyacht Forum, Amsterdam.

The two boats shows we are considering attending are the two most important events in the European calendar. Attending these events will be beneficial, as in these shows there are many forums and seminars taking place, allowing the opportunity to meet new possible clients.

Secondly, Mr Speaker, increase the marketing presence of the Gibraltar Yacht Registry in face-to-face meetings with associations and other targeted clients.

Thirdly, Government is developing a promotional brochure for the Yacht Registry, which will be made available as a hard copy distributed among yacht representatives, as well as a digital copy which will be available for download from the new yacht website.

Perhaps the hon. Gentleman will want to request an invite to the Las Vegas Yacht Show.

Hon. D J Bossino: Indeed, Mr Speaker, to all of them – I am sure my wife would be particularly happy! He is certainly in the... set to beat Mr Bossano in the globetrotting stakes.

Mr Speaker, he did refer, in his initial reply to the Question which I posed to him in 688/2012, that further plans were being developed to promote the Yacht Register – and presumably these are the plans – and he said that these were being devised in conjunction with, and I quote, ‘interested parties’. Can he advise this House which interested parties these are?

Hon. N F Costa: Mr Speaker, the consultations have been conducted by Mr Alan Cubbin, who is the current Maritime Administrator, but the hon. Gentleman may now know that Mr Richard Montado has been shadowing Mr Alan Cubbin for the past few months, precisely because he has been selected to be the new Maritime Administrator.

I cannot tell him precisely who the consultees are, but from recollection in my discussions with Richard and Mr Cubbin, if I recall, they were the Ocean Village Group and other private commercial entities. If he asks me again specifically, I will have the information to hand for him.

Hon. D J Bossino: Mr Speaker, reference was made to the promotional brochure. I think I made this point on the last occasion that I did pose this question, Mr Speaker. Can the Minister advise this House as to when he thinks that the promotional brochure will be available? I suppose the obvious answer would be that he expects it to be available before March 2013, which is the first event that he will be attending as part of the promotional exercise. Is that correct?

Hon. N F Costa: Mr Speaker, the hon. Gentleman both asks and answers his own question.

Mr Finlayson
Renewal of consultancy

Clerk: Question 1013, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism advise this House what the Government's intention is in respect of the renewal of Mr Finlayson's consultancy?

Clerk: Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker. At this stage it is the Government's intention to renew Mr Finlayson's contract for a further six months.

Hon. D J Bossino: Mr Speaker, would the renewal... and I will not suggest an answer, in case I get accused again of both asking and answering my own questions, but would the renewal be in the same terms in the certain terms of salary and... Well, the term I think he has already confirmed – it is another six months – but in terms of salary, perhaps?

Hon. N F Costa: Mr Speaker, simply to say that I was not accusing the hon. Gentleman. I was simply saying that he both asked and answered his own question. It was not by way of an accusation. The answer is yes.

Hon. D J Bossino: I should have asked this question at the last occasion when I had an opportunity to ask questions in relation to Mr Finlayson, but can the Minister advise this House what results Mr Finlayson has produced?

Hon. N F Costa: Mr Speaker, we did have quite a lengthy question and answer session on Mr Finlayson. In fact, I have got the extracts here to prove the same.

If I recall correctly, on the last occasion, I informed him that when Mr Guerrero and I were in discussions with British Airways in order to increase the flights from seven to nine weekly, to have two flights on the weekend, I noted that it did greatly assist us to conclude our negotiations by the statistical work he conducted, in terms of the throughput on the number of visitors arriving at the Gibraltar Air Terminal that both stayed in Gibraltar and went through the border into Spain.

In addition to that, Mr Speaker, Mr Finlayson has already prepared, as I referred the hon. Gentleman on the last occasion, a very thorough document which has been sent to prospective interested airlines in different parts of Europe, so that they can learn about the Air Terminal and Gibraltar as a destination and the capacity of the new Air Terminal.

Hon. D J Bossino: Mr Speaker, is this very thorough document available for members of the public, or indeed myself?

Hon. N F Costa: Mr Speaker, I remember asking Mr Guerrero to make that document available online. I am not sure whether it is available or not. If it is not, I will press my Chief Executive to make sure that it is available online, and I will also ask Mr Guerrero to send a copy of it to the hon. Gentleman opposite.

Hon. D J Bossino: Mr Speaker, this question now links into my first and second questions, in terms of his terms and whether he feels that Mr Finlayson has performed. Does Mr Finlayson have performance targets?

Hon. N F Costa: Mr Speaker, I have already answered this question, but I shall reconfirm to the hon. Gentleman that, yes, he does have performance targets.

Gibraltar Bus Company Ltd
Tender for eco-friendly buses

Clerk: Question 1014, the Hon. D J Bossino.

200 **Hon. D J Bossino:** Can the Minister for Transport update this House as to the progress which has been made in respect of the tender process in connection with the eco-friendly buses which are due to replace the current fleet of the Gibraltar Bus Company Ltd?

205 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Mr Speaker, the selection process to determine the most suitable companies is in its final stages. It is envisaged that invitations to tender will be issued to these companies promptly after the New Year.

210 Since this answer was drafted, the head of procurement informed me, on Friday, that the companies that have passed the pre-qualification stage have already received letters, inviting them to put forward their proposals to the procurement board.

215 **Hon. D J Bossino:** Mr Speaker, just to recap slightly, are we still talking about nine companies at that pre-qualification stage?

Hon. N F Costa: I do not have the information in front of me, Mr Speaker, but from recollection, reading the e-mail on Friday, I am quite sure that there are six companies who have successfully gone to the second stage, but I will confirm that to him in writing.

220 **Hon. D J Bossino:** And if the Minister could, Mr Speaker, endeavour to provide this House today, if he is in a position to do so, with a prediction as to when he thinks that the first bus will be on our roads?

225 **Hon. N F Costa:** Mr Speaker, I have the e-mail before me. There are five companies who have successfully completed the pre-qualification stage. The closing date is 31st January 2013. I am further advised that, given Gibraltar's specific requirements in terms of road dimensions and weights, the production of a bus may take anywhere between nine to 12 months.

230 **Hon. D J Bossino:** Sorry, nine to 12 months from which date, Mr Speaker?

Hon. N F Costa: From the closing date of the submission, which is 31st January.

235 **Taxi meter system
Progress of upgrade**

Clerk: Question 1015, the Hon. D J Bossino.

240 **Hon. D J Bossino:** Mr Speaker, further to the replies given to Question 597/2012, can the Minister for Transport update this House as to the progress which has been made in respect of the upgrading of the taxi meter system?

245 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

250 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the Government has been working closely, as the hon. Gentleman knows, with the Gibraltar Taxi Association regarding the new meter and GPS system. This is at an advanced stage, and most vehicles now have the pre-installation in place for the meters to be installed shortly.

255 **EQUALITY AND SOCIAL SERVICES**

**Dr Giraldi Home
Resident minor**

260 **Clerk:** Question 1033, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services clarify if the minor referred to in answer to Written Question 188/2012 has been using the respite or sitting service since 2007 in the Dr Giraldi Home?

265 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I can confirm that the minor referred to in Question 188/2012 has used the respite service and the sitting service since 270 2007 at Dr Giraldi Home.

Hon. J J Netto: In relation to the respite service since 2007, was that for overnight stay?

275 **Hon. Miss S J Sacramento:** Mr Speaker, that is not information that I have to hand. I have checked the information that has been prepared for supplementaries, and that detail is not included.

Hon. J J Netto: Mr Speaker, given that Dr Giraldi Home is an adult setting for service users, I would have thought that the more natural thing to do is that perhaps the minor would have gone to Tangier View, which is the setting for minors.

280 I do recall this particular minor, that he uses the sitting service but not the respite service, but can I ask the question whether at the time of considering, during the course of this year, the respite services – and if, indeed, it was for staying overnight – whether the management of the Care Agency did an assessment as to whether it should be provided in Dr Giraldi Home or Tangier View?

285 **Hon. Miss S J Sacramento:** Mr Speaker, the information that I have is that this service user has been using the disability service since 2007 and that he uses this service twice a week.

Mr Speaker, there is no distinction drawn as to whether this is a new service that has been introduced this year, so I can only assume that it is a continuation of what has been provided since 2007.

290 In any event, Mr Speaker, I am told that the service was provided in consultation with the parents, and therefore an assessment would have been undertaken on that occasion.

Hon. J J Netto: Yes, Mr Speaker, I am aware, as I said in my first supplementary question, that this minor was using the sitting service – I do not doubt that – but I do not recall, standing on my feet, that since 2007 onwards... has been using the respite services.

295 If the minor has been using the respite services – and in respite services we mean, or we define it as staying overnight for short periods of time – my supplementary question is I would have imagined that the management would have done an assessment, which would have included, of course, the views of the parents, no doubt about it, as to whether the minor should be left, or doing the respite services in an adult setting, or the natural thing would have been to go to Tangier View, which is a setting for minors.

300 So my supplementary question is, is the Minister aware that the management of the Care Agency did an assessment to determine where the respite service should be done, in Dr Giraldi Home or Tangier View?

305 **Hon. Miss S J Sacramento:** Mr Speaker, it is not specific information that I have before me, but having said that, I do know from the information that I have before me that, as part of the assessment that was undertaken, it was felt that the Dr Giraldi Home setting was in the best interests of the minor, given that he is familiar with the staff there because he has been using that service since 2007.

In terms of the detail of the supplementary, Mr Speaker, I do not have that particular information.

310 **Hon. J J Netto:** If I write to the hon. Lady, therefore, she might be able to provide me with the answer, Mr Speaker.

315 **Dr Giraldi Home**
Allegation against employee

Clerk: Question 1034, the Hon. J J Netto.

320 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services confirm that an employee of the Care Agency, working in the Dr Giraldi Home, has made a report to the line manager, stating that another employee was consuming a prohibited drug whilst working in a flat in the Dr Giraldi Home?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

325 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** No, Mr Speaker.

Hon. P R Caruana: No, I cannot confirm it, or...?

330 **Hon. Miss S J Sacramento:** No, there is no such report, Mr Speaker; as opposed to no, I cannot confirm. I can confirm that there is no such report.

Hon. D A Feetham: Can the hon. Minister confirm that she is not aware of any incident of this sort happening over the last year when she has been a Minister?

335 **Hon. Miss S J Sacramento:** Mr Speaker, when I said no, the answer is no to the way that the Question is formulated, and that is the answer, Mr Speaker.

340 **Hon. D A Feetham:** Yes, Mr Speaker, but I formulated a different question. I have asked, by way of supplementary, whether she is aware of an incident of this nature occurring whilst she has been a Minister in her Department.

345 **Hon. Miss S J Sacramento:** Mr Speaker, I am aware that there is an incident, not of this nature but of a similar nature. I can tell the hon. Gentleman that procedures have been followed and I am aware that it is being dealt with and the proper procedures have been followed in this regard.

Hon. J J Netto: Okay, Mr Speaker, if she is aware that an incident has taken place –

Mr Speaker: Of a similar nature.

350 **Hon. J J Netto:** – of a similar nature, can the hon. Lady provide the date on which this particular incident of a similar nature occurred?

355 **Hon. Miss S J Sacramento:** Mr Speaker, it is not a detail that I have before me but, in any event, Mr Speaker, because this is something which has invoked a disciplinary procedure and will be subject to a disciplinary hearing, I would be reluctant to give further details in this Parliament.

360 **Hon. D A Feetham:** Mr Speaker, the Hon. the Minister for Social Services said that it was not the same, it was of a similar nature. Can she confirm to the House that the incident involved the consumption of a prohibited drug –

Hon. P R Caruana: The alleged consumption.

365 **Hon. D A Feetham:** The alleged consumption of a prohibited drug whilst working in a flat or whilst on duty?

Hon. Miss S J Sacramento: Mr Speaker, as I said initially, that is not the subject of the... That is not the disciplinary incident that has arisen. It is not as the hon. Gentleman puts it.

370 **Hon. D A Feetham:** I am not putting it in any particular way. You, the Hon. the Minister, have said ‘a similar incident’. Can she elaborate on what a similar incident actually means? We are not asking for the Minister to divulge any names. This is not something that is going to impact on anybody’s right to a fair trial, or anything like that. This House, and certainly those on this side of the House, have a right to know what ‘similar incident’ actually means.

375 **Hon. Miss S J Sacramento:** Mr Speaker, it would not be appropriate to give further details at this stage, given, as I said before, that it is something that will be subject to disciplinary proceedings.

380 **Hon. P R Caruana:** But, Mr Speaker, will the hon. Lady not acknowledge that this House is entitled to know at least whether there has been an incident and the nature of that incident? It could be an alleged... it could be an accusation, it could be subject to investigation, but the idea that the report that something is alleged to have taken place is itself *sub judice*... Well, Mr Speaker, I suppose what we will do is wait until we read about it in the newspapers and find out about it.

It is clear that the hon. Member is dancing on a pinhead. (**A Member:** No.) She is answering the Question by reference to the particular way the Question has been formulated, and therefore obliging the Opposition to play Twenty Questions with her.

All we are interested in knowing is – without any detail, and she can couch it in whatever non-committal terms, in terms of whether the charges are proven or whether it is formal or informal – is she aware whether there has been an incident, which she has now said involves some sort of disciplinary measures, but which involves inappropriate behaviour through the consumption of substances by a carer whilst on duty? Yes, or no?

Either there has been a report of it, or there has not. It cannot be prejudicial to anybody to say, ‘Yes, there has been a report of that.’

Hon. Miss S J Sacramento: Mr Speaker, I can confirm that the allegation is not that a care worker has consumed a prohibited drug at Dr Giraldi Home. That is not the allegation. I am happy to inform the hon. Members in private what the allegation is, but it is not that any care worker has consumed drugs at the Dr Giraldi Home. That is not the allegation.

Hon. P R Caruana: Yes, alright. Will the hon. Lady acknowledge that I have not couched my supplementary in relation to drugs or Dr Giraldi Home? I have said a care worker on duty, consumption of substance – which could be alcohol, which is not illegal – and it may not have been in Dr Giraldi, it may have been somewhere else.

Care worker, consumption, disciplined: is there such an incident?

Hon. Miss S J Sacramento: No, Mr Speaker, no consumption at Dr Giraldi Home of drugs or alcohol. That is the answer, Mr Speaker.

Hon. P R Caruana: But I am not talking about Dr Giraldi.

A Member: That was the Question.

Hon. Miss S J Sacramento: That is the Question.

Mr Speaker: With due respect, the original Question is ‘whilst working in a flat in the Dr Giraldi Home’.

Hon. P R Caruana: My supplementary.

Hon. J J Netto: Can I ask a further supplementary question, because the hon. Lady has said that disciplinary action has started – I think those were her words. Can I ask her whether invoking disciplinary action has happened at least two weeks after the alleged incident in Dr Giraldi Home?

Hon. Miss S J Sacramento: Mr Speaker, could he repeat the question, please?

Hon. J J Netto: What I am saying is that the hon. Lady has said that the Care Agency has invoked disciplinary action against an employee of the Care Agency. That is what the hon. Lady has said. What I am saying is, as a result of that –

Mr Speaker: You are not supposed to say; you are supposed to ask.

Hon. J J Netto: Sorry. Thank you, Mr Speaker.

Can I therefore ask whether invoking the disciplinary code against this person has been, at the very least, two weeks after the incident had transpired?

Hon. Miss S J Sacramento: Mr Speaker, with respect and with your indulgence, I would submit that this is not a matter for Parliamentary Questions, to be discussed openly in Parliament.

Mr Speaker, I have already offered to the hon. Gentleman to provide him with details of the incident on a confidential basis, given that there will be disciplinary proceedings in this respect. What I can assure him is that the disciplinary procedure has been invoked and has been followed.

Hon. D A Feetham: Mr Speaker, I do not think it is appropriate for the hon. Lady to be offering to provide us with the information on a confidential basis – information that is a matter of public interest.

How does the hon. Lady actually justify the position that the party on that side of the House took in relation to all those incidents that they were asking questions about and they have now referred to a public enquiry, which you –

Mr Speaker: That has got nothing to do with the present Question. (*Interjection*) No, the public inquiry –

Hon. D A Feetham: How does this –

Mr Speaker: No, it has nothing to do with this matter.

Hon. D A Feetham: Mr Speaker, you have not heard my question.
How do you justify the position that you have taken there and the position that you take now, which is, effectively, to provide no information about an incident in your own and in the very same Department? How do you justify that?

Hon. Miss S J Sacramento: Mr Speaker, at this stage it is an allegation and it needs to be dealt with properly and fairly, and what I am saying is that this incident is not being brushed under the carpet. It is something which has invoked the disciplinary procedure and is being dealt with.

I do not see how this allegation can be connected to anything else, Mr Speaker. That is the answer.

Hon. J J Netto: Mr Speaker, can I ask a further supplementary question?
In relation to when the Care Agency found out that there was an allegation, did the Care Agency suspend this individual straight away, or that was done eventually, or the person has not even been suspended?

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Mr Speaker, if I may assist the House, and if I may refresh the memories of the hon. Gentlemen and Lady opposite, when I asked questions, when I was a Member of the Opposition, in respect of an ongoing investigation and suspension that occurred in the GHA in respect of a particular doctor, the Hon. then the Chief Minister rose to say in this House that, because the matter was being investigated, there should not be furnished across the floor of the House *any* particulars or any questions arising out of it, which was a reply which we accepted, as a result of which I asked no more questions across the floor of the House.

My hon. Friend has, in fact, offered to go one step further than they did, which is to provide details on a confidential basis.

Hon. J J Netto: Mr Speaker, that does not offer any clarification or answer to my question. My question to the hon. Lady is to say has the person been suspended while the allegation is being made – and, if the person has been suspended, was he suspended from the minute the allegation was made; or has the person not been suspended at all?

Hon. Miss S J Sacramento: Mr Speaker, I do not feel that it is appropriate for any further details to be given at this stage.

Hon. D A Feetham: Mr Speaker, may I ask the hon. Lady, has the matter been reported to the Police? That is one supplementary.

The other one is the hon. Lady said that we were not talking about a *consumption* of prohibited drugs: are we talking about possession of a prohibited drug?

Hon. Miss S J Sacramento: Mr Speaker, I refer to my most recent answer and I do not wish to provide any further details at this stage, but I am happy to answer it privately.

Hon. P R Caruana: Is it the hon. Lady's position that she thinks it is prejudicial, because it is under investigation, even to tell this House the *nature* of the alleged incident? In other words, whether it is a case of murder, incest, drug consumption, simply being rude to a superior, she is willing to tell us nothing about the level of gravity of the offence. To decline to do that on the basis of *sub judice*, would she not accept, is abusive of the *sub judice* rule?

This House is entitled to know whether, somewhere in the public sector, there has been an incident which should be of public concern.

She is entitled to preserve the proprieties of the right to a fair hearing, or the right to a fair trial, or the right to an investigation, which I concede, but those are not the only ends of the spectrum. Those are at the end of the spectrum, and in the middle there is the ability to inform this House, which is neither one

505 thing nor the other in terms of the extremities that I have described. She cannot take refuge in the extremity when she is not being *asked* about the extremity.

510 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the fact is that the hon. Lady has given that information which the hon. Member seeks already. She has given, in one of her earlier answers, which I heard on the broadcast of these proceedings, clear indication of the nature of this type of offence, because she has confirmed that an offence of the nature of the one that the hon. Member's Question alluded to, is the sort of offence that we are dealing with.

515 Mr Speaker, let us be clear. The hon. Lady is saying, in terms, 'I do not think it is appropriate for me to say publicly, across the floor of the House, any more about what stage that issue is at, but I am quite happy to have a conversation outside so that you are aware of it,' and she is saying, '*at this stage*'. In other words, there will come a stage where things will have advanced, where it is possible to give further information across the floor of the House and put that information in the public domain.

520 Mr Speaker, I do not think that is unfair. I think that is almost, to an extent, what the hon. Member is getting to. Now that he has had confirmed what the *nature* of the offence alleged is, surely, if they are *really* interested in what is happening, they will take the information confidentially and await a future stage when the information can be put in the public domain.

525 **Hon. P R Caruana:** Mr Speaker, I am very grateful for the Hon. the Chief Minister's intervention. I do not know how much of the exchange he was able to hear in the broadcast –

Hon. Chief Minister: Except for the [*inaudible*].

530 **Hon. P R Caruana:** – but Mr Speaker, it is not an accurate recital of what has transpired so far to say that we are aware of the nature of the offence. Indeed, the Question asks whether it is consuming a prohibited drug while working in a flat in the Dr Giraldi Home. When I have asked the hon. Lady, she says, 'No, it is not that, but it is of a similar nature,' and when I have asked her whether it is consuming *any* substance on *any* premises by *any* care worker, she has said 'No, no.'

535 I do not suppose I am the stupidest individual in Gibraltar. I can tell him, having just sat here listening to the exchanges, mainly between other Members of this House, that I am none the wiser as to what might be the nature of the offence.

540 Indeed, that is all I am seeking in supplementary. It would suffice the purpose of *my* supplementary – I do not know if it would my colleague, but it would suffice the nature of my supplementary – simply to be told, 'Yes, it involves drugs or drug consumption or drug possession, and I am not willing to say any more on that.' That would be to confirm the *nature* of the offence, but we have not even known if it is about drugs, or it is about drug consumption or substance abuse of any kind. Indeed, it has been denied.

545 **Hon. Chief Minister:** Mr Speaker, I do not think that is quite right. I think I have heard all of the exchange, except the bit that took me from the bottom of the steps to the top here, and the hon. Gentleman will recall that he was told that an offence of the nature described did occur.

He has then sought to ask further supplementaries to determine further where that alleged type of offence occurred. So we are talking about the type of offence referred to in the Question. We do not want to say more about where it may have happened or not happened, but we have confirmed, I believe, the nature of the type of offence and are happy to give them all the details that they want privately.

550 This is not a question of not giving the details; it is just a question of wanting, *for now*, not to share them publicly – because the hon. Lady has said 'at this stage'.

Hon. P R Caruana: That is okay, Mr Speaker, and I now accept the Hon. the Chief Minister's answer.

555 As a result of the Hon. Chief Minister's answers, I now believe – perhaps you would confirm to me – that, without wishing to give any details, it is an offence of the nature of consuming a prohibited drug: that was contradicted by the Lady Minister, who, when I said, 'Never mind drugs, never mind Dr Giraldi – I am not asking about Dr Giraldi – is this a case of drug, or any other substance, consumption anywhere else, not just Dr Giraldi, by a care worker – yes, or no?' and I was told no.

560 **Hon. Chief Minister:** That is right, Mr Speaker, because that is the right answer, because there are – (*Interjection by Hon. P R Caruana*) The hon. Gentleman needs to know – (*Interjection by Hon. P R Caruana*) No, Mr Speaker, the hon. Gentleman needs to know that he said a number of things in the context of putting up his question, which has assumed certain aspects of what might happen in respect of such an offence, and he has gone perhaps a step too far.

565 I am quite happy to recess the House for a moment and give him the detail, Mr Speaker, but this is an issue which is sensitive because of the nature of what is happening, and the information should be put in

the public domain, absolutely right, at the right time, but not just now. That is the only thing we are saying.

570 **Hon. J J Netto:** Mr Speaker, can I ask a further supplementary question to the hon. Lady?

Mr Speaker: The last supplementary; I have given enough latitude.

575 **Hon. J J Netto:** Could she perhaps confirm that in the incident she is talking about on the person who seems to have done something prohibited, as far as drugs is concerned, the person was not suspended, but the person was instead transferred to the Dr Giraldi office, which is about 10 metres away from flat number 1?

580 **Hon. Miss S J Sacramento:** Mr Speaker, I can confirm that the person is suspended now.

Mr Speaker: What was that? I did not hear.

Hon. Miss S J Sacramento: I can confirm that the person is currently suspended.

585 **Mr Speaker:** Is currently suspended.

Hon. Miss S J Sacramento: As to the details of what I am being asked, I do not know, Mr Speaker. The person is suspended and, as I understand it, has not been in touch with any of the service users since the date of the allegation.

590 **Hon. J J Netto:** Mr Speaker, that is good to know, that the person is suspended now whilst the investigation is taking place.

The person may be suspended today... My original first supplementary question was to ask when was the date of the incident –

595 **Hon. Miss S J Sacramento:** And I said no.

Hon. J J Netto: – and you said no. But is she aware that perhaps it was last week, or two weeks ago, or three weeks ago? If the person is suspended today, at the very least one would assume that the Minister would know whether the incident took place a week ago, two weeks ago, three weeks ago.

Mr Speaker: The Minister does not deal with the suspension, does she?

605 **Hon. J J Netto:** Well, may I ask my second supplementary question: can she confirm that she has had a meeting in Dr Giraldi Home with Jenny Allison and Carlos Banderas to discuss this issue?

Hon. Miss S J Sacramento: Mr Speaker, no, I have not been to Dr Giraldi Home in a while. I have not had a meeting at Dr Giraldi Home with anyone.

610 **Hon. J J Netto:** The meeting could have been, perhaps, in her office. Can she confirm that she has had a meeting with Jenny Allison and Carlos Banderas to discuss this incident?

Hon. Chief Minister: Wouldn't it be strange if she hadn't?

615 **Hon. Miss S J Sacramento:** Mr Speaker, the disciplinary process is being dealt with by the Human Resources Department upon legal advice every step of the way, first of all.

The matter is being conducted by the officials, as is appropriate. That I am kept informed, absolutely; and I was informed immediately when the allegation arose. That I do not recall the date right now is a different matter, because we are in the realms of supplementaries, Mr Speaker; but that I have been kept informed by management, absolutely. That it is being dealt with by management, absolutely, from the bottom to the top.

620 This is a very serious matter, Mr Speaker, and legal advice is being taken every step of the way. I can assure the hon. Gentleman that this is being dealt with appropriately and nothing will be swept under the carpet.

625 **Clerk:** Question 1035, the Hon. J –

630 **Hon. P R Caruana:** Mr Speaker, can we just add that the hon. Lady... With the Speaker's indulgence, it is the second time that she has thought it appropriate to make a reference to 'nothing being swept under the carpet'.

The interest of this side of the House is not limited to circumstances of preventing things from being swept under the carpet. In other words, it had not crossed my mind that you might have been sweeping anything under the carpet. The public interest in knowing is not limited to circumstances in which there may be an attempt to sweep under the carpet, and she must not interpret, unless the allegation is specifically made, that the fact that the Opposition takes an interest in a matter is an implicit accusation of sweeping things under the carpet.

I am grateful to Mr Speaker. It was not a supplementary.

640 **Mr Speaker:** Next question.

**Care Agency
Ministerial contact with member of staff**

645 **Clerk:** Question 1035, the Hon. J J Netto.

650 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if the hon. Lady has personally phoned a member of the Care Agency at her private home number, reassuring the employee about the reports submitted in relation to bullying and harassment during 2012?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

655 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, this is not a conversation that I recall at all, but any reassurance that I would have given would be that the matter would be dealt with by the Human Resources Department, in accordance with procedure.

**Alzheimer's and dementia sufferers
Domiciliary care funding**

660 **Clerk:** Question 1036, the Hon. J J Netto.

665 **Hon. J J Netto:** Mr Speaker, could the Minister for Social Services say how many sufferers of Alzheimer's and dementia are receiving help from the domiciliary care funding subhead of the Care Agency as from Friday, 30th October 2012, broken down by the number of hours of domiciliary care given per person and showing the total amount spent for this group since the beginning of the financial year to 30th October 2012?

670 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

675 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, 19 sufferers of Alzheimer's and dementia are receiving help from the domiciliary care funding subhead of the Care Agency as from Friday, 30th October 2012.

A table showing the number of hours per person will be handed to the Member opposite. The total amount spent for this group since the beginning of the financial year to 30th October is £61,761.22.

Answer to question 1036 of 2012

	Number of hours of Domiciliary Care received per week as from 30 October 2012
1	10
2	14
3	22.35
4	13.45
5	3
6	3
7	4.35
8	28
9	5.5
10	12
11	3
12	14
13	49
14	10
15	7
16	35
17	7
18	21
19	5

680

TRAFFIC, HEALTH & SAFETY AND TECHNICAL SERVICES

685

Sustainable Traffic, Transport and Parking Plan Tender for consultancy services

Clerk: Question 1042, the Hon. D J Bossino.

690

Hon. D J Bossino: Since Question 656/2012, can the Minister for Traffic confirm whether the tender for consultancy services in relation to the Sustainable Traffic, Transport and Parking Plan has been awarded; if so, to which entity; and can he provide further details of the services which will be provided by the successful tenderer?

695

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, no, sir, it has not been awarded.

700

Mr Speaker: Next question.

Hon. D J Bossino: Mr Speaker, can the Minister provide this House with an indication as to when he considers that the tender will be awarded?

705

Hon. P J Balban: Mr Speaker, we are actually at the final stage of the tender assessment at the moment and it should be made imminently, the award.

710

Hon. D J Bossino: Mr Speaker, can I ask the Minister what has been the cause of delay? I think, in the answer to one of my supplementaries back on 19th July, he did indicate... unless I have got it wrong, but I think he did indicate that:

‘It is expected that the invitation to tender will be forwarded within the next couple of weeks.’

715

Has that been done and then...? Maybe he can explain the timeline and what has happened since 19th July, because I do not fully follow it from the answer that he gave to that particular supplementary.

Hon. P J Balban: Mr Speaker, an EU tender requires a minimum number of days for each stage, and this extends the whole process beyond what is normally the case for tenders published locally only.

In addition, the submissions received have been comprehensive and detailed, hence they require time to assess. Queries were raised and clarifications requested and replied to by the consultants. All the shortlisted consultants were also asked to give presentations.

**Engineer Lane/Upper Town escalator
Awarding of tender and cost**

Clerk: Question 1043, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Traffic advise which company was awarded the tender for the construction of the Engineer Lane/Upper Town escalator and what the cost of this project is?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the works to construct the Upper Town pedestrian link were awarded to Casais, the main contractor for the Engineer Lane multi-storey car park, as a variation to the contract in the sum of £597,901.

Adjournment

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House do now adjourn to Thursday, 20th December at 3.00 p.m.

Mr Speaker: I will now put the question that the House now adjourn to Thursday, 20th December at 3.00 p.m. Those in favour. (**Members:** Aye.) Those against. Passed.

The House will now adjourn to Thursday, 20th December at 3.00 p.m.

The House adjourned at 3.50 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 6.30 p.m.

Gibraltar, Thursday, 20th December 2012

The Gibraltar Parliament

The Parliament met at 3.00 p.m.

[MR SPEAKER: Hon. A J Canepa GMH, OBE *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Order of the Day

5

SUSPENSION OF STANDING ORDERS

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Standing Order 7(1) suspended to proceed with Government Statement

Clerk: Sitting of Parliament, Thursday 20th December 2012.
Suspension of Standing Orders, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with a Government Statement relating to the Experts' Report into Fishing in British Gibraltar Territorial Waters.

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Mr Speaker: Those in favour? (**Members:** Aye.) Those against? Carried.

GOVERNMENT STATEMENT

25

**Experts' Report into Fishing in British Gibraltar Territorial Waters
Statement by Minister for Health and the Environment**

Mr Speaker: The Hon. the Minister for Health and the Environment.

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Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the Report from the Commission of Experts on Fishing and Marine Conservation in and around British Gibraltar Territorial Waters has now been received by the Government. It will be assessed over coming weeks by the Department of the Environment and the Nature Conservancy Council, following which the Government will decide on what, if any, action needs to be taken in respect of the matters considered. The Report will

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be published once this process is complete.

Clerk: Answers to... Sorry.

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Hon. P R Caruana: Mr Speaker, it seems to me the Statement is simply to the effect that they have a Statement, that they have the Report. Well, we read that in the press 10 days ago.

Questions for Oral Answer

45

TRAFFIC, HEALTH & SAFETY AND TECHNICAL SERVICES

50

**Clarification on Question 1039/2012
Tenants decanted from unsafe dwellings**

Clerk: Answers to Questions continue.

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Mr Speaker: Before we proceed with Questions, the Hon. the Minister for Traffic, I think wants to say something, clarification of a matter that was left outstanding on Monday?

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Yes. Thank you, Mr Speaker.

60

Mr Speaker, further to the reply given to Question 1039/2012, I would like to inform the hon. Member that one further case was erroneously omitted. Therefore the answer is that a total of five tenants were urgently decanted from their flats. The omitted case was that... or the case decanted on 8th November 2012 and they are expected to return to their flats on 20th December 2012.

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CHIEF MINISTER

70

**Factories Inspectors
Chief Minister's statement to Health & Safety seminar**

Clerk: Question 1070/2012, the Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, given the answer to Written Question 234/2012, will the Chief Minister now take the opportunity to apologise to the attendees of the Health & Safety seminar organised by the local branch of IOSH and Unite the Union, for having misled them when he said:

'there has been a clear change in Health & Safety since the arrival of the new Government, which has seen the doubling of the Factories Inspectors from two to four'?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, certainly not, as what I told the conference was correct.

85 **Hon. J J Netto:** Mr Speaker, what he did say to the conference is what I have just quoted in my original Question, which I am not going to repeat.

The fact of the matter is that he told the conference there were four Factory Inspectors and that is untrue. There are two Factory Inspectors, which have been confirmed by the Chief Minister indeed in last month's answer and indeed confirmed by the Minister for Housing... by the Minister for Health & Safety.

90 The fact is, Mr Speaker, he can wriggle out as much as he wants from what he actually said, but the fact is that he said that, given the enormous energy and push given by the new Government, there are now four Factory Inspectors, which, clearly, there are not. The number of Factory Inspectors today are exactly the same number there were when we were in Government.

95 What has happened is that the Government has transferred two Health & Safety officers from the Housing Agency to support the Factory Inspectors, but those two people transferred have neither got the role nor the status, nor been given that position by the Director in accordance with the **Factories Ordinance**.

100 So I put it to the Chief Minister, is his personal ego more important than saying the truth and will he rectify and push ego to one side and apologise to those people for misleading them?

Hon. Chief Minister: Mr Speaker, when people try and bring things like ego into something as simple as this, you know that they are in trouble.

105 There were two Factories Inspectors when the hon. Member was in Government; there are now four. There are two people, of those four, who have been seconded to the post and who have qualifications as Health & Safety inspectors. There are four people doing the work of Factory Inspectors.

It is not a question of ego, Mr Speaker; it is a question of simple mathematics. I said that we would double the number and we have.

110 **Hon. J J Netto:** Mr Speaker, the Chief Minister is actually wrong and if he cares to look back at previous questions, even the questions answered by his Hon. Minister on the matter, in relation to Question 785/2012, in the provisions of how many Factory Inspectors there are, it is two and then you have the two seconded Health & Safety officers, which has also been confirmed by the Minister last month.

115 So we have *not* had a doubling of Factory Inspectors. What we have had, to use a Spanish phrase, is: *desvestir un santo para vestir a otro santo*. That is what we have had. We have *not* increased Factory Inspectors. In any case, the Government, through the Director in accordance with the legislation, has not gazetted the appointment of any further factory inspectors.

120 So it is not a question of mathematics; it is a question that the Chief Minister is trying to wriggle out from being truthful to the facts and therefore the result of the matter is that his ego is more important than the facts.

Hon. Chief Minister: Mr Speaker, I do not discern a question and I am not going to rise to answer the same point again.

125 **Clerk:** Question 1071, the Hon. J J Netto.

130 **Welcome to Hon. C A Bruzon
on return to Parliament**

135 **Mr Speaker:** Perhaps before we proceed, if the hon. Member will allow me, I had not realised when I was in the antechamber that the Hon. Charles Bruzon was in the House today. Therefore I am sure I am speaking on behalf of all Members when I say how delighted we are to see him here with us and to wish him every good health. (*Applause*)

140 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Thank you very much, Mr Speaker and I thank all the hon. Members for their good wishes for a speedy recovery. I am talking about every Member of this Parliament, including yourself, Mr Speaker, and the Clerk.

Thank you very much. (*Applause*)

**Moroccan workers
Hostel accommodation**

Clerk: Question 1071.

Hon. J J Netto: Yes, Mr Speaker, if I can also add that the general sentiment, I think with the whole House indeed, regardless of where we are sitting, we are all extremely glad to see the Hon. Charles Bruzon here in Parliament.

Will the Chief Minister consider abandoning his policy of transferring the Moroccan workers from the current hostels to the proposed floating vessel, and instead proceed with the GSD Government policy of providing a proper constructed hostel in the old Ready Mixed site in Devil's Tower Road?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the use of a floating hostel on a temporary basis and the development of a new workers' hostel on land are not mutually exclusive.

Hon. J J Netto: Mr Speaker, they may not be mutually exclusive, but the point is that the new Government decided that they were not going to proceed, for whatever reasons, with the previous GSD Government in providing a properly constructed hostel on the old Ready Mixed site. The new Government is perfectly entitled to choose what options they decide to do.

But the fact of the matter, as I see it anyway, is that the Government finds itself in a situation today where none of the two Moroccan Associations are in favour of transferring the current Moroccan workers in the Buena Vista hostel to this floating vessel. My understanding is that the Moroccans themselves who happen to be in the Buena Vista hostel are not excited and they do not want to go to the floating vessel. Most people in Gibraltar think that it is quite degrading to treat the Moroccans in the manner in which the Government option is – meaning transferring them from a properly constructed hostel to a floating vessel – and in any case, quite apart from the moral issue, which is for me the most fundamental, important issue of all, most people in Gibraltar would think that a floating vessel berthed *anywhere* around the port of Gibraltar is a totally unsightly thing, which obviously does not go hand in hand with promoting Gibraltar as a finance centre.

So, in my supplementary question (*Laughter*) to the Chief Minister, given that there are more and more delays all the time – we have wasted now 12 months and we are exactly today, 12 months on, as we were 12 months –

Mr Speaker: Will the hon. Member ask a question, please? The preamble to justify the supplementary, I think is long enough.

Hon. J J Netto: Will he not consider his current plans, abandon the idea of a floating vessel and construct a proper hostel for the Moroccan workers? (*Interjections*)

Hon. Chief Minister: Mr Speaker, I do not think the hon. Gentleman understood what it was that I have told the House on previous occasions and what I have reminded him of now. The whole point of the floatel was that it was to provide accommodation for an interim period, whilst a hostel was developed on land.

So it is not a question of abandoning the policy, because there is no policy to abandon. We are not saying that Moroccan workers should live on this floating hostel and not have something built on land. That is to deal with the premise of the question.

Second, Mr Speaker, I do not know how it is that he gets up in this House and makes statements of the sort that he does. He knows that he is responsible for his statements in this House. He has alleged that I have said something which is not truthful. I am not going to pursue that – in his previous Question. But I will tell him, Mr Speaker, that the Moroccan Community Association, the President of which I met yesterday, are very pleased with the possibility of this floatel coming into action. So I do not know where he gets it from, that he can make a statement in this House, as he has a moment ago, for which he is responsible, that both of the Moroccan workers' representative organisations are against this idea.

I also do not know where he gets it from to say that it is degrading to offer people the opportunity to move into what was a three-star hotel – a floating three-star hotel. It then became a prison for a while and if it is to be used, Mr Speaker, it will be subject to a refurbishment which will make it *much better* accommodation than Buena Vista *ever* was for the period when he was in Government, (**A Member:** Hear, hear.) than Devil's Tower Road has ever been for the period that he was in Government, whilst we develop the worthy hostel that workers who come to Gibraltar deserve – not just Moroccans, but many

205 different nationalities, because, as he will know, there is now a call for workers' rooms, not just for Moroccan workers.

Everything, therefore, on which he has premised this Question, Mr Speaker, is unfortunately wrong.

210 **Hon. J J Netto:** Well, Mr Speaker, if it is such a wonderful floating hotel that they are going to do, why is it, at the beginning of his answer just now, he said it is going to be an interim basis. I put it to him in the form of a question: is it that the Government's latest thinking on the matter is that whenever this floating hotel vessel becomes sufficiently good enough to perform the function of a floating hotel, it is going to be for a short period of time – 12 months, 18 months, 24 months – until eventually constructing a proper hostel on land, on a permanent basis?

215 **Hon. Chief Minister:** Mr Speaker, yes, except that that is not the latest thinking on the matter. If the hon. Gentleman goes back and looks at the questions he has asked me on this very subject, that is exactly the answer I have given him previously – I think on two or three occasions.

220 **Hon. J J Netto:** So can I ask, Mr Speaker, what is the alternative site that the Government is thinking today, in order to construct a hostel on land?

225 **Hon. Chief Minister:** Mr Speaker, there are a number of options and we have not yet identified the one which we will determine is the appropriate one.

Hon. J J Netto: Does the Government have a timetable as to when they think they will determine what is a suitable site?

230 **Hon. Chief Minister:** Mr Speaker, when the Government determines a suitable site, it will make an announcement.

Mr Speaker: Next question.

235
Petroleum products
Imports and exports during last 12 months

240 **Clerk:** Question 1073, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government state the value of imports and exports of petroleum products for the last 12 months?

245 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, figures in respect of the imports and exports of petroleum products are provided to the Statistics Office by the importers and are requested on an annual basis at the end of the calendar year. These figures are therefore not yet available.

250 **Hon. D A Feetham:** So effectively, they will be available by the end of this year. Will the hon. Gentleman undertake to provide me with the figures, as and when the Government has it?

255 **Hon. Chief Minister:** Mr Speaker, I do not know whether they will be available immediately at the end of the calendar year; it may be at the end of the first month of next year.

For the reasons that the Hon. the Leader of the Opposition used to give when he was standing here, in order not to fail in an undertaking, I am not going to undertake to do that, but if the hon. Gentleman writes to me in January, then I will make sure that the person who collates the information does provide it to him.

260 **Hon. D A Feetham:** I am much obliged.

**Public and private sector employment
PAYE payable and numbers employed**

270 **Clerk:** Question 1074, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, based on the last Employers' Annual Statement, Declaration and Certificate submitted to date, what was the PAYE payable, and the numbers employed by area of employment as follows: (a) MOD; (b) Gibraltar Government; (c) Government-owned/joint venture companies; and (d) private sector employment?

Clerk: Answer, the Hon. the Chief Minister.

280 **Chief Minister (Hon. F R Picardo):** Mr Speaker, based on the 2011-12 Employers' Annual Statement, Declaration and Certificate submitted to date, the PAYE tax payable by area of employment is as follows (in millions): (a) MOD, £2.88 million; (b) Gibraltar Government, £30.17 million; (c) Government owned/Joint Venture companies, £3.43 million; and (d) Private sector employment, £66.94 million; giving a total of £103.42 million.

285 I will give the hon. Gentleman a copy of this, if he likes. I have not been given a handout.

The Employers' Annual Statements for the tax year 2011-12 are currently being processed and it is not possible at this stage to provide details of numbers employed by area of employment.

Mr Speaker: Next question.

290

**EU Directives pending transposition
Details**

295 **Clerk:** Question 1075, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government list the EU Directives which are pending transposition in Gibraltar, showing the name and number of the Directive and the date by which they were to have been implemented?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, all of these questions seem remarkably familiar. I recall Members on this side of the House asking them when we were over there – quite right too!

305 Mr Speaker, at present, there are five EU Directives pending transposition in Gibraltar. I will now hand the hon. Member a table with the information requested.

ANSWER TO QUESTION 1075

Directives pending transposition in Gibraltar

as at 17 December 2012

Directive name and number	Transposition Deadline
Directive 96/53/EC on maximum dimensions/weights in traffic amended by Directive 2002/7/EC.	17 Sep 1997 09 Mar 2004 09 Mar 2005
Directive 97/81/EC concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and ETUC, extended to the United Kingdom amended by Directive 98/23 (on the extension of Directive 97/81/EC).	20 Jan 2000 07 Apr 2000
Directive 2002/8/EC to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes.	30 Nov 2004 (30 May 2006 for Art 3(2)(a))
Directive 2002/74 amending Directive 80/987/EEC on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer. See now codification carried out by Directive 2008/94/EC on the protection of employees in the event of the insolvency of their employer.	08 Oct 2005
Directive 2004/80/EC on compensation to crime victims.	01 Jan 2006

Mr Speaker: Does the hon. Member have any supplementaries?

Hon. D A Feetham: Are there any infraction proceedings in relation to any of these at all?

Hon. Chief Minister: Not as far as I am aware.

**Legal services
Fees paid by Government**

Clerk: Question 1076, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government give a breakdown of the amounts paid since 9th December 2011 to date to each law firm or barrister in respect of legal services, giving a breakdown by firm and showing what are legal fees and what are disbursements?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I now hand the hon. Member a schedule with the information requested.

The hon. Gentleman and I spoke in the antechamber, Mr Speaker, about whether this information was on the website. I am asking the Statistics Department to provide this data on the Government website from now on and update it monthly. At present, I am advised that only the fees for legal drafting services are already on the site. These fees are in addition to any fees paid in respect of drafting services. Clearly the sums reflect amounts invoiced and paid and some firms may have unbilled work in progress.

ANSWER TO QUESTION 1076

<i>Law Firm / Barrister</i>	<i>Legal Fees</i>	<i>Disbursements</i>
Andrew J Hayes	£1,200.00	
Beloff QC, Mr M	£1,600.00	
Brick Court Chambers	£7,750.00	
Charles Gomez & Co	£22,212.00	
Cleary Gottlieb Steen & Hamilton	£197,840.53	£1,915.64
Cramer-Salamian Avocats	£34,973.85	
Hassans	£267,967.00	£62,362.77
Isolas	£13,280.00	£45.00
Jean-Christophe Diserens	£3,551.07	
Lewis QC, Mr A	£3,225.00	
Saini QC, Mr P	£6,000.00	
T&T	£31,760.00	£70.00
TSN	£140,353.00	£83,824.91
Verralls	£9,800.00	£285.00

Hon. D A Feetham: Yes, thank you very much for that.

As I recall, when he used to ask these questions, he always used to split the question up between legal services and legal drafting. I never understood why, because, of course, legal services include legal drafting. So what the Hon. the Chief Minister is saying, really, that that practice of splitting the drafting of legal services, that will continue by putting assistance on the website.

Could I ask the Chief Minister, also, if I were to send him a list of questions that certainly are statistical in nature, that perhaps he might also consider putting that information online – a commitment, of course, he cannot give, because he has not seen the questions – but he might consider putting the information, statistical in nature, also on the Government website, so that I do not have to ask the questions? Certainly I would not ask them on a monthly basis, but certainly every six months.

350 **Hon. Chief Minister:** Mr Speaker, I have indicated that this particular statistic will now be published. I have just suggested to the Hon. Deputy Chief Minister that in fact the statistic that the hon. Gentleman asked about a moment ago, which was the importation of petroleum products, which used to be given across the floor of the House, when the now Minister for Employment used to ask the now Leader of the Opposition is another one that I think should be put on the website.

355 I am quite happy to look at a list of questions which the hon. Member is proposing should be put on the website, so that we can add more information to that already transparently available.

360 **Community Care
Funding**

Clerk: Question 1077, the Hon. D A Feetham.

365 **Hon. D A Feetham:** Can the Government confirm how much funding has been provided to Community Care since 9th December 2011?

Clerk: Answer, the Hon. the Chief Minister.

370 **Chief Minister (Hon. F R Picardo):** Mr Speaker, from 9th December 2011 until the financial year-end contributions totalling £5,350,000 have been made to Community Care. The total contributions of the financial year 2011-12 were as per the approved estimate, that is to say £16 million. Contributions to Community Care during this financial year to date – that is to say, April to November 2012 – total £9,165,000.

380 **Gibraltar Provident Trust (No. 2) Pension Fund
Employees electing to join Provident Fund**

Clerk: Question 1078, the Hon. D A Feetham.

385 **Hon. D A Feetham:** Can the Government list the entities that were contributing to the Gibraltar Provident Trust (No. 2) Pension Fund as at the end of November 2012 and in respect of each, state the number of eligible employees on that date and the number that had elected to join the Provident Fund?

Clerk: Answer, the Hon. the Chief Minister.

390 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will now hand the Hon. Member a statement with the information requested on the list of entities contributing to the Gibraltar Provident Trust (No. 2) Pension Fund and the number of members that have joined.

He will see that there is not *all* the information that he has requested in what I am giving him and this is the reason for it.

395 All public sector employees are eligible to participate in a pension scheme. Those employees who are not eligible for a pension under the Pensions Act are eligible to join either the Gibraltar Provident (No. 2) Pension Scheme or the Guaranteed Superannuation Fund Pension Scheme. In some cases, employees have been given the option to retain their own private pension arrangements and there are also some employees who receive a gratuity in lieu of a pension under the terms of their contract of employment.

400 An analysis of the number of persons who may be eligible to join the Gibraltar Provident (No 2) Pension Scheme and who may have elected to have other pension arrangements, or indeed who may have elected not to participate in any pension scheme, is not therefore readily available.

I have asked nonetheless that such information should be collated. I expect it will take some months to collate. I will provide the hon. Gentleman with the information when I have it.

Gibraltar Provident Trust (No. 3) Pension Fund
Participant employers in private sector

410 **Clerk:** Question 1079, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government state, as at the end of November 2011, which employers in the private sector were participating in the Gibraltar Provident Trust (No. 3) Pension Fund and in respect of how many employees each?

415 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will now hand the hon. Member a statement with the information requested.

Answer to Question 1079 of 2012

Gibraltar Provident Trust No 3 Pension Scheme
Membership as at November 2011

Company Name	No of Members
Aquagib	3
Baker Tilly (Gib) Ltd	15
Change Management	2
Companies House	12
Fidux Trust Company Ltd	1
Financial Services Commission	32
Gala Casino	1
Gedime Motors Ltd	3
Gibraltar Chronicle Newspaper Ltd	12
Gibraltar Chronicle Printing Ltd	19
Gibraltar Duty Free Shops	1
Gibraltar General & Clerical Association	2
GM International Homes Ltd	2
Grant Thornton (Gibraltar) Ltd	12
Grant Thornton Fund Administration Ltd	4
GT Fiduciary Services Limited	1
Helvetic Fund Administration	2
HFFT Limited	2
James Molinary	2
Ladbrokes International Ltd	18
Lemma Europe	1
Lewis Stagnetto Ltd	31
Marine & Industrial Services Ltd	1
Marr Co. Ltd T/A The Paint Shop	5
Master Service (Gib) Ltd	28
Newcastle Building Society	5
Robvia Ltd	2
Saccone & Speed (Gibraltar) Ltd	12
Serco Limited	105
SM Seruya Ltd	1
Sterling Travel Ltd	1
TCMS Ltd	3
Turner Group	15
Willis Management (Gibraltar) Ltd	9
Xanthos Asset Management Ltd	1
York Ltd	16
Total 36 Companies	Total 382 members

Gibraltar Provident Trust No 3 Pension Scheme
Membership as at November 2012

Company Name	No of Members
Aquagib	4
Baker Tilly (Gib) Ltd	14
BDO	3
Change Management	4
Companies House	12
Fidux Trust Company Ltd	1
Financial Services Commission	38
Gala Casino	2
Gala Interactive	7
Gedime Motors Ltd	3
Gibraltar Chronicle Newspaper Ltd	11
Gibraltar Chronicle Printing Ltd	20
Gibraltar Duty Free Shops	1
GM International Homes Ltd	2
Grant Thornton (Gibraltar) Ltd	13
Grant Thornton Fund Administration Ltd	5
GT Fiduciary Services Limited	1
Helvetic Fund Administration	2
HFFT Limited	2
Hillside Ltd	16
James Molinary	2
Ladbrokes International Ltd	18
Lemma Insurance	2
Lewis Stagnetto Ltd	33
Marine & Industrial Services Ltd	2
Marr Co	5
Master Service (Gib) Ltd	32
Newcastle Building Society	4
Robvia Ltd	2
Rock Motors Retail Ltd	3
Saccone & Speed (Gibraltar) Ltd	12
Serco Limited	99
SM Seruya Ltd	1
Sterling Travel Ltd	1
TCMS Ltd	3
Turner Group	14
Willis Management (Gibraltar) Ltd	8
Xanthos Asset Management Ltd	1
York Ltd	17
Total 39 Companies	Total 420 members

425 **Hon. D A Feetham:** Mr Speaker, these two questions are certainly the type of questions that lend themselves, statistical, to the provision of information on the actual website – not of course on a monthly basis, but certainly, if the Chief Minister would consider on a calendar year basis or at the end of the financial year – and I would ask him to consider actually putting these statistics on the website.

430 **Hon. Chief Minister:** Mr Speaker, I am quite happy to consider that. I do not think there is any reason why this should not be available. It is now available in *Hansard*. It should be more easily available on the internet – although of course, *Hansard* is now available on the internet and people can find the information – but I am quite happy that this information should be put into the public domain without the need for there to be a question in this House.

435

**Mid-Harbour Estate
Maintenance**

440

Clerk: Question 1080, the Hon. P R Caruana.

445 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister say why the Government has not properly maintained the Mid-Harbour Estate during the last 12 months?

Clerk: Answer, the Hon. the Chief Minister.

450 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Question is based on a false premise. The estate in question has been properly maintained in the last 12 months. The problems now being experienced in that estate do not relate to a lack of maintenance. Cracks do not appear as a result of a lack of

maintenance. Flooding of a garage, as occurred before the General Election, does not occur through any lack of maintenance.

Perhaps the question should be ‘Can the Leader of the Opposition say why his Government allowed the estate to be handed over to tenants despite the problems inherent in the building?’ (*Applause*)

Hon. P R Caruana: He certainly can and has every intention of doing so, Mr Speaker – now, so he does not have long to wait.

Mr Speaker, before I do that, can the hon. Member say how he reconciles his answer that there has been no lack of maintenance with the Government’s public statement that:

‘There has been no cleaning and maintenance of the Aco Drain, the walkway gargoyles are full of muck and sludge and they get blocked with standing water. The roof gutters, the Government has been told, have not been cleaned since handover in March last year and the presence of seagull nests, due to lack of maintenance, has resulted in rainwater overflowing into the roof and creating water penetration issues to the apartment below.

This is not the first of the previous administration’s projects where a clear lack of planning has meant little or no attention has been paid to maintenance issues’,

said Number 6. I presume that when the hon. Member said that a few days ago, he was not referring to seagulls that had been found on 8th December, that he was referring to seagulls recently found and that he was referring to roof gutters that were blocked now, not blocked on 9th December. It is a little bit late, a year later, to say, on 9th December last year there were blocked drainpipes.

The Government has put out a press release listing a litany of things which they have now found, which they attribute to lack of maintenance. Mr Speaker, whatever might be the issues that they found on 8th December, about which we also differ, 12 months seems to me enough for the hon. Members to have put in place whatever system of maintenance they claim the previous Government did not have in place.

So given that he has just claimed that there is now a system of maintenance in place, and by implication has been for some time, why has there been, during the last 12 months, still gargoyles full of muck and sludge that have got blocked with drain waters and roof gutters etc, and seagulls in drainpipes?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman knows that there is going to be a meeting between the Hon. the Minister for Housing and representatives of this estate, I think, in January, the House was told earlier during the course of this session, which will be to address a lot of the issues which are relevant to the estate.

The position is simple, Mr Speaker: of course there is a maintenance programme in respect of Mid-Harbour Estate, but it has not addressed these issues which have caused problems at the estate.

But I thought the hon. Gentleman was going to answer for the cracks, etc that I referred him to. Is it that he is not going to deign to provide an explanation?

Mr Speaker: I think I should tell hon. Members that it is not for the Opposition to be answering questions and if the matter is going to reach that situation, what hon. Members should do is to debate the matter properly and not during questions and answers. They have an opportunity to do that. I have more than once drawn the attention of hon. Members to Standing Orders and Rules and this is a very appropriate matter to do precisely that.

So whilst this is an issue of a certain public importance, I am not going to allow a debate on the pretext of a question and answer session.

Hon. P R Caruana: Mr Speaker, so far I have asked one question and one supplementary. Presumably, Mr Speaker’s [*inaudible*] –

Mr Speaker: No, I am not stopping the Hon. the Leader of the Opposition –

Hon. P R Caruana: – is addressed to the Chief Minister –

Mr Speaker: I have intervened because the Chief Minister has said that the Leader of the Opposition has not answered a question. It is not for the Leader of the Opposition here in the House to answer questions. That can be done in a debate, certainly.

Hon. P R Caruana: Mr Speaker, is the Chief Minister not aware that at the time of the last Election, the Government had in place an arrangement whereby GJBS would deal with the maintenance of this estate, as it does for example, the Edinburgh House estate and that his Government cancelled that arrangement immediately on coming into office. Therefore, far from there having been no maintenance arrangement in place and subsequent maintenance by them after the Election, it is the reverse.

515 There *was* a maintenance arrangement in place before the Election, which they cancelled and have failed to replace with anything else as a result of which failure to replace our arrangement with anything else, all these things that they themselves have highlighted in their statement have happened: namely, the litany of things that they attribute to lack of maintenance in their public statement have all occurred during the last 12 months as a result of *their* failure to put into place any arrangements for maintenance, having cancelled our arrangements for maintenance, which was the GJBS model. Is the hon. Member aware of that?

520 **Hon. Chief Minister:** I am told, Mr Speaker, that that is a tissue of lies. (*Interjection by Mr Speaker*) For a simple reason, I am told that there was *no such contract*, that there was therefore nothing to cancel and what the hon. Member has just told the House is untrue.

525 **Hon. P R Caruana:** Well, Mr Speaker, so we are accepting the use of the word ‘lies’, are we across the floor?

Mr Speaker: No, no, no.

530 **Hon. P R Caruana:** So you will call him to order?

Mr Speaker: He has now said ‘untrue’. I *thought* I had heard ‘lie’ –

535 **Hon. P R Caruana:** Well, you did.

Mr Speaker: I did correctly and therefore I asked him to repeat... to clarify that matter.

Hon. P R Caruana: No, Mr Speaker. The use of the word ‘lie’ for clarification is not permitted –

540 **Mr Speaker:** He has said he did not. I would prefer that hon. Members should say that ‘that is not correct’ and leave it at that. So would the Hon. the Chief Minister withdraw ‘untrue’?

Hon. Chief Minister: [*Inaudible*] put it like that, Mr Speaker.

545 **Mr Speaker:** Right.

550 **Hon. P R Caruana:** No, Mr Speaker, the hon... it is not a question of what the Speaker prefers. The use of the word ‘lie’ is either permitted or not permitted, regardless of what the Speaker prefers. My understanding of the Rule is that it is *not permitted* and it is not permitted subject to clarification or whether the Speaker prefers this or prefers that.

Mr Speaker: Would the Hon. the Leader of the Opposition listen to me clearly? Please, sit down.

555 **Hon. P R Caruana:** Yes, I will, of course.

Mr Speaker: Sit down. The use of the word ‘lie’ is unparliamentary. (**Hon. P R Caruana:** Exactly) Right, he then altered that and said ‘untrue’. I am not making a ruling at this stage of whether ‘untrue’ is unparliamentary or not, but I asked him to amend that and I said that my preference is I do not like to hear the word ‘untrue’ – is it correct or not? That is sufficient.

560 So forget about the question of lying, because that is unparliamentary and I do not need to rule any further on that.

565 **Hon. P R Caruana:** Well, let me tell the hon. Member that whoever told him it was untrue was lying to him (*Laughter*) and let me further tell the hon. Member that *he* has misled this House in the last three minutes.

570 I did not say in my own intervention, as he has just attributed to me in his last one, that there was a *contract* with GJBS. So in order to accuse me of lying, he says, he is lying because there was no contract to cancel – as if I had said there was a contract! I did not say there was a contract; I said there was an *arrangement*. Even a lawyer of his calibre should know the difference between an arrangement and a contract.

Mr Speaker, there was an *arrangement*, an arrangement the existence of which has been confirmed to me on the telephone very recently by people who would know about it, as indeed I knew about it at the time. Therefore, there was an arrangement that GJBS Ltd would deal with the maintenance of this estate as is the case with Edinburgh House and that they, on coming into office, told GJBS that they were not

575 required to continue with any such arrangement that the previous Government may have intended them to operate.

That is why I put it to him there is a lack of maintenance in... and not what he has *incorrectly* – to use the Speaker's preferred word – told the public that they were left with no arrangement and that the lack of maintenance subsequently is the result of that.

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Hon. Chief Minister: Well, Mr Speaker, I have not heard a question. I have heard a statement, but I thought the hon. Gentleman was not here to answer questions and I have heard a snide remark about what calibre of lawyer I am, which I can reply to, because I am obviously –

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Mr Speaker: I would rather you did not.

Hon. Chief Minister: Indeed, Mr Speaker –

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Mr Speaker: The quality of barristers is not a matter of concern to this House.

Hon. Chief Minister: Indeed, Mr Speaker, indeed! (*Laughter and applause*)

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(**Minister for Enterprise, Training and Employment**) **Hon. J J Bossano:** Or to most of the human race! (*Laughter*)

Hon. Chief Minister: Absolutely right, Mr Speaker! (*Laughter*) But in fact there are two in this House who have become Chief Minister, so they must be of the same calibre and I do not intend to take it further than that.

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Mr Speaker: Fortunately, there are another two in this House, who, without being barristers, have also been Chief Ministers! (*Laughter*)

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Hon. P R Caruana: I should add, Mr Speaker, with the same degree of humour – whatever degree that might have been, about which I make no comment – as the Hon. Chief Minister has made his remark about barristers and indeed the Hon. Speaker has made his about barristers, then of course the same is true about the qualities of universities which Members of this House have attended, which did not prevent the hon. Member from being perfectly snide about the difference between a degree from Oxford University and a degree from a university... without the Speaker interfering or even sighing.

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Hon. Chief Minister: Mr Speaker, I detect in the hon. Gentleman a desire to talk about things which are totally irrelevant to Question Time. So I am going to resist having to get up and deal with issues like this, because my experience is that that is how we get ourselves into the sort of behaviour that people outside this House then come to think is not befitting of this Parliament.

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Income Tax Act 2010 Issues of concern to Ecofin

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Clerk: Question 1081, the Hon. P R Caruana.

Hon. P R Caruana: Thank you. Mr Speaker, can the Chief Minister say which are the issues about the Income Tax Act 2010 that have been of concern to Ecofin?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Code of Conduct Group has found that the non-taxation of foreign sourced intra-group interest is a harmful aspect of the Income Tax Act 2010. This is based on a *de facto* assessment of the measure.

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I am happy to tell him more, perhaps not across the floor of the House.

Hon. P R Caruana: Foreign group?

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Hon. Chief Minister: Foreign sourced intra-group interest.

Hon. P R Caruana: Subject to there not being some other reason to recommend discretion, given that the Commission already know what the proposed solution is – I do not know if there is anybody else that he does not want to discover what the proposed solution is – is he able to say in this House what the Government’s proposed solution is, which he has indicated in the press the Government has for this?

Hon. Chief Minister: Mr Speaker, the Government has consulted quite widely with relevant heads of chambers and heads of accountancy practices and has chosen not to make public what the proposed solution is more widely, because although the Commission will be made aware of that proposal, there are, as the hon. Gentleman knows, other forces at play here, so I am quite happy to brief him as others have been briefed, or have those technicians that advised him and are now advising me brief him on the detail of this, but I would rather not do it at this moment across the floor of the House.

**Western Beach reclamation
Government intentions**

Clerk: Question 1082, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, will the Chief Minister say whether the Government intends to proceed with the Western Beach reclamation?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon F R Picardo): Mr Speaker, Government is assessing the cost of this reclamation before making a final decision on how to progress it.

Hon. P R Caruana: Mr Speaker, is it not the case that much of the cost of the reclamation is in fact not borne by the Government and that therefore the question of cost to the Government is secondary?

Implicit in the Hon. the Chief Minister’s answer is that at present the Government is not proceeding with it, but reserves the right, subject to review, to proceed with it?

Hon. Chief Minister: No, Mr Speaker, because there is active consideration of a number of options actually progressing.

Hon. P R Caruana: Mr Speaker, would that be with the support of and agreement of the important commercial entity in Gibraltar who was to be a principal user of that reclamation?

Hon. Chief Minister: Indeed, Mr Speaker.

Hon. P R Caruana: And can the hon. Member confirm that it is the policy of the Government, as indeed it was the policy of our Government, when we were on that side of the House to proceed with such reclamations as it considers to be in the best interests of Gibraltar regardless of external opposition, either from our immediate neighbours or from further away?

Hon. Chief Minister: Absolutely, except that for this one on the western side, none are presently planned.

Hon. P R Caruana: Sorry, I did not catch: none of what is presently planned?

Hon. Chief Minister: Presently planned.

Hon. P R Caruana: What isn’t?

Hon. Chief Minister: Reclamations.

Hon. P R Caruana: Well, this one. This is on the western side.

Hon. Chief Minister: Except for this one on the western side, none are presently planned.

**Gibraltar public relations in Spain
Recent appointment of lobbying firm**

Clerk: Question 1083, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, can the Chief Minister say how the firm recently appointed by the Government to lobby and conduct public relations for Gibraltar in Spain was selected?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, they specifically offered their services to the Government's Media Director in early 2012. The proposal was considered by the Government to have merit. The advice of the Media Director, having researched the market, was that the proposed cost was appropriate and that the company in question had the background and client base to merit their appointment.

Hon. P R Caruana: So, Mr Speaker, is it the policy of the Government that, in relation to public procurement, they are content not to undergo a process of public tendering for the delivery of public services, if a private supplier approaches the Government privately, makes them an offer which the Government evaluates and considers good, without comparison, without market testing – with or without market testing – and therefore just allocates it? Does the hon. Member not agree that that would circumvent the public tender process for what is a public service?

Hon. Chief Minister: Mr Speaker, not so much as it has been circumvented in the past, but given the very sensitive nature of the service to be provided here and the fact that it is a service being provided to the Government in Spain, not in Gibraltar, then in these particular circumstances, it was thought appropriate to proceed in this way – in these *very particular* circumstances.

Hon. P R Caruana: But would it not have been more appropriate, and indeed more usual, if the Government – and I do not quibble with the underlying desire to have public relations consultants for use in Spain, but is it not a more appropriate and normal way of procuring services of that sort to launch a sort of beauty contest/public tender process to ensure (a) that we are getting the best company for the job and (b) that the price is the keenest for the job? That is what public tendering is for. Why would the Government not have done it that way in this case? What are the particular reasons?

Hon. Chief Minister: Mr Speaker, I do not know whether the hon. Gentleman can sustain that it would have been usual, because, of course, given the many millions expended by the hon. Gentleman on contracts which were awarded directly and which were not put out to public procurement processes at all – and he knows that he and I have a long-standing dispute as to whether, in fact, there was a requirement under EU legislation that particular consultancy agreements were required to go out to public procurement procedures of the European sort – I cannot see how, for *this* contract, it would have been usual to go out to public procurement.

In fact, Mr Speaker, to tell you the truth, given what I have said, I think the hon. Gentleman should be reading between the lines. There is a very sensitive service being provided to Gibraltar here. It is not one where the Government felt it was appropriate to publish a tender asking Spanish companies that provide this service to give us keener prices. There are going to be many more soft issues there than just prices.

I think the hon. Member, if he were not keen to make a political point and were sitting where I am sitting today, would have seen it exactly the same way as I do.

Hon. P R Caruana: Mr Speaker, of course I am very keen to make political points; it is my job as Leader of the Opposition to make them, so I make no apology for the fact that I am trying to make political points. Whether he enjoys them or not is a different matter.

But Mr Speaker, look, I do not accept the hon. Member's constant implication in these statements that we used to contract willy-nilly and without justification, without tender. But even if he were right in levelling that accusation against me, given that he was so critical of it when he was on this side of the House, does he not think that people would expect him not to do the same? Or does he really expect people to accept that what he does is okay, because he thinks that we used to do it too, even though he won office by promising to do things differently?

So, I do not know how long he is going to carry on defending public procurement without tendering, because he alleges that we used to do it as well. But it would seem to me that he should acknowledge that, given that he criticised it, he ought not to incur in it himself.

760 All that said, Mr Speaker, can he tell this House whether there is any connection between this company in Gibraltar, any individual, linked by family to anybody in Gibraltar, any Gibraltarians involved in this company? Is there any link of any kind between this company and Gibraltar?

Hon. Chief Minister: Mr Speaker, he asks questions, pretends to answer them himself and then asks another one.

765 This is not about us doing what we said was wrong when they did it. The hon. Gentleman said in his first question, the question that I answered, would it not have been *usual* for the Government to go out to public procurement tender? Mr Speaker, it could not be usual, given that, for the time that he was in office, these things never went out to tender and contracts worth tens of millions of pounds of consultancy services did not go out to tender, even though there were EU rules that did require them to go out to tender.

770 So this question that we alleged that things did not go out to tender: it is not an allegation; it *happened*. Whether it was usual for something like this to go out to tender: Mr Speaker, it cannot be usual, if it was not done for the past 16 years.

775 Now, the final sting in the tail of the question: is there any connection to Gibraltar, or any Gibraltarian family relevant to this company? As far as the Government is concerned, the answer is no and the reason why this company was chosen had nothing to do with connection with Gibraltar. It had to do with the quality of the work that we are recommended to believe that they can do.

780 **Hon. P R Caruana:** Mr Speaker, I have not asked him, whether the decision was made because of any such connection, so it is not a question of as far as the Government is concerned. Really I am asking as far as the Government is *aware* – it is a factual question. Is the Government aware of the existence of any family or other link of any kind with Gibraltar, regardless of whether they took it into account in their decision-making process. Yes or no?

785 **Hon. Chief Minister:** Mr Speaker, I think it would have been implicit in what I have said that the answer is clearly no.

Mr Speaker: Next question. Sorry – yes?

790 **Hon. D A Feetham:** Yes, Mr Speaker. Can the Chief Minister answer this? As far as he is aware, he has indicated that the introduction was made by the media manager officer there at No. 6 Convent Place, I presume – Media Director at No 6. Convent Place. Is he aware that there was any other intermediary involved, other than, obviously, the Media Director, who acts in an official capacity? Was there any third party involved in the introduction at all?

795 **Hon. Chief Minister:** Mr Speaker, as far as I am aware there was not and the Media Director did not report that there was. If the hon. Gentleman believes that there was, I would like to know.

800
**Lobbyists/political consultants engaged by Government
List and costs since 8th December**

805 **Clerk:** Question 1084, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, will the Chief Minister provide to this House a list of all persons engaged by the Government as lobbyists and political consultants at public expense, and provide the total cost since 8th December 2011?

810 **Clerk:** Answer, the Hon. the Chief Minister.

815 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the amount paid by the Government in respect of lobbyists and political consultants since 8th December 2011 amounts to a total cost of £170,221. The Government will follow the practice of the previous administration and will give no further breakdown of that sum.

Hon. P R Caruana: Mr Speaker, the hon. Member has now said in two successive meetings of this House that it was the practice of my Government not to give this information, and I do not think that that is true. It may be the case that we were never asked, but certainly, I do not recall ever having being asked

to give details of who public expenditure was incurred with by way of lobbyists and refused to identify the lobbyist or the amount of money paid to him.

So these repeated statements upon which the hon. Member opposite seeks to justify his complete lack of transparency is, as far as my recollection goes, untrue.

However, given that it is already known that Mr Glyn Ford, a GSLP member activist and indeed General Election campaigner, is a paid lobbyist of the Government of Gibraltar, how does it reduce his effectiveness with those that he lobbies, for this House simply to know how much he is paid for the service?

I suppose the damage to the credibility comes from it being known of you that you are a paid lobbyist, not by knowing how much it is that you have been paid to be the lobbyist.

Hon. Chief Minister: Mr Speaker, he is completely off the mark, even on that. It is very simple. Luckily, we do not rely on the hon. Gentleman's recollections in this House of these debates. There is something called *Hansard*, where he can check what he was asked and the answers that he used to give. Because the hon. Gentleman's recollections, I have learnt, are designed to advance the argument that he is making at any particular time.

Mr Speaker, I am actually not badly disposed – apart from the fact that the hon. Gentleman wants to make a partisan political point and wants to try to use that somehow to make party political capital across the floor of this House. We are not here just to make party political points. He is the Leader of Her Majesty's loyal Opposition and should be making points which are good for Gibraltar, even if they are political points, not just points which are good for him. (*Interjections*) Not just points that are good for him, Mr Speaker.

But I am actually quite disposed to look at this question with the hon. Gentleman, if he likes, in a different way, but he does not seem interested. He *never* gave a breakdown of the head in the Estimates Book which relates to this, and he refused to do so.

I actually believe that it is not in Gibraltar's interests that we should be bandying this information across the floor of the House, because it could blunt the effectiveness of the service that Gibraltar is paying for. In other parliaments, there are select committees that meet *in camera* that look at details like this, so that public expenditure is exposed in detail to both sides of the House without it being done in a way that results in the effectiveness of what the money is being spent on being lost.

I am quite happy to consider that with him, if he is serious in the issues that he is raising.

Hon. P R Caruana: Mr Speaker, several things: first of all, again he challenges my recollection that what he is attributing to me about my past practices is not true, but he invokes *Hansard*, hoping that people will assume that *Hansard* said what he says it does – but he does not actually produce *Hansard* to demonstrate that what I am saying is incorrect. I am telling him that his allusion to *Hansard* is as inaccurate as his allusion to the fact that I have refused to give this information in the past. It would not have crossed my mind in my recollection and in my knowledge of what our attitude to public transparency was, to have denied this House information about how much a publicly paid consultant was getting, or even to admit that he was a publicly-paid consultant.

But, Mr Speaker, be that as it may, does he not accept that the *blunting*, as he calls it, of the effectiveness of Gibraltar's lobbyists derives not from the people and Parliament of Gibraltar knowing how much they are paid, but it derives from the knowledge that they *are* paid lobbyists and that is already known? That is already in the public domain. Therefore, I put it to him that the logical conclusion to which people will come, hearing him, is that they do not want the people of Gibraltar to know how much of their money they have used to reward Mr Glyn Ford for services rendered to the GSLP.

And the reason why I will not accept his offer of dealing with this in private is because I do not think this is a matter that should be dealt with in private. I do not want to know how much Mr Glyn Ford has been paid as a matter of curiosity; I want to know how much it is he has been paid to see if it is justified in all the circumstances and, if it is not, to be able to becry publicly, which I cannot do, if I accept his offer to be told privately.

Hon. Chief Minister: It is incredible, Mr Speaker, that the Leader of Her Majesty's Loyal Opposition – Her Majesty's *Loyal* Opposition – has actually accepted on his feet that what he has done by his analysis is, in effect, to blunt the work that could have been successful for the people of Gibraltar being done by a gentleman of the political experience and calibre of Glyn Ford in the European Parliament. He has accepted that himself. It is incredible that he actually seems, from his snigger, to be proud of it.

Hon. P R Caruana: I am.

Hon. Chief Minister: It could be, Mr Speaker, for all he knows, that Mr Ford was doing something very important indeed for the Government and people of Gibraltar, *not* for the GSLP, as he pejoratively

tries to paint it, but then again, I have been at the sharp end of his pejorative painting, he can paint pejorative anything that he likes. The fact is that this Government would not spend a penny of taxpayers' money to advance its party political cause.

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But of course, Mr Speaker, as we now know, before 8th December, the position was very different. The hon. Member spent taxpayers' money on designs and drawings – taxpayers' money – which he then put into the GSD manifesto for party political ends –

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Mr Speaker: I think –

Hon. Chief Minister: – and I see him grab his head, Mr Speaker, because he does not want to face up to it.

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Mr Speaker: With all due respect to the Chief Minister, I think that between the Chief Minister and the Leader of the Opposition, you are both widening the ambit of the original question and I am not going to have any more. Either we return to the specific matter, or we move on to another question.

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Hon. Chief Minister: Well, Mr Speaker, I am grateful for your indication, because I think that issues like this are what bring Question Time into disrepute, but the hon. Gentleman has been allowed a very wide berth to make very wide allegations against the Government and against the political party that I represent. I have nothing more to say to him on the issue that he raises so pejoratively and contrary, in my view, to the public interest of Gibraltar.

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Mr Speaker: Next question

Hon. P R Caruana: Mr Speaker –

Mr Speaker: No. Next question.

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Hon. P R Caruana: With respect, Mr Speaker, I wish to raise a Point of Order.

Mr Speaker: We are having no more on this matter.

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Hon. P R Caruana: But the hon. Member has misled the House in his statement.

Mr Speaker: And you will say something and then he will come back to the charge and the matter never ends!

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Hon. P R Caruana: Mr Speaker – if Mr Speaker does not care –

Mr Speaker: No! If hon. Members want to debate this issue, they can raise it at another time of the agenda – *not now!*

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Hon. P R Caruana: It is not a question of debating this issue. If Mr Speaker is going to adopt the position of not allowing the Leader of the Opposition to raise a Point of Order –

Mr Speaker: *I am allowing both of you!* I have allowed both of you –

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Hon. P R Caruana: – without even knowing what the Point of Order is, you should know that we will bring a substantive motion on the subject.

Mr Speaker: If the Hon. the Leader of the Opposition thinks that he can scare me with that threat, he has got another guess coming!

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Hon. P R Caruana: It is neither a scare, nor a threat. It is my right to bring a motion.

Mr Speaker: And it is my right under Question Time to decide that the matter has been sufficiently aired and to invite hon. Members to have a debate whenever they so wish.

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Hon. P R Caruana: Well, Mr Speaker, I can tell the hon. Chair this: I have been in this House *only* since 1990 and I have *never*, however spurious it might have turned out to be, *never, never* come across an incident in which a Speaker prevents a Member from raising a Point of Order *without even knowing what the Point of Order is! Never!*

945 **Mr Speaker:** What is your Point of Order?

Hon. P R Caruana: No, Mr Speaker, now I will raise it by substantive motion.

Mr Speaker: Very good.

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**Overseas Territories Joint Ministerial Council
Joint statement on Gibraltar**

955 **Clerk:** Question 1085, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, can the Chief Minister say why he believes that the recent joint statement agreed by the Overseas Territories Joint Ministerial Council represents a step forward for Gibraltar?

960 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, it represents a step forward, because there is no fetter on the exercise of our right to self-determination referred to, or on the nature of our future decolonised status.

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970 **Hon. P R Caruana:** Mr Speaker, the *Gibraltar Chronicle* attributes to the hon. Member – I invite him to express a view now, as to whether it *correctly* attributes to him or not – but attributes to the hon. Member statements – I was going to say to the effect, but it is actually explicitly – which convey the meaning that the alleged huge step forward – which I would accept and acknowledge was a huge step forward, if it were correct, and therefore my question is designed to establish whether or not it is correct – that in the hon. Member’s view, the UK’s withdrawal or non-articulation on this occasion of the words ‘where it is an option’ amounts to a reversal by the United Kingdom of its position on Utrecht; that it amounts to a denial to the people of Gibraltar of the right to opt for independence.

975 ‘Asked if this meant that the UK had turned its back on the Treaty of Utrecht, Mr Picardo said’

– that is the attribution that, you know, it may or may not be accurate after it – Mr Picardo said.

980 ‘he thought it means that the UK recognises that it “cannot curtail our right to decide not to be British”.’

Of course, which the UK has never curtailed, except that it has said, ‘If you want to stop to be British, you have got to be Spanish.’ That is the consequence of the UK’s position on Utrecht. It is not that you cannot – *(Interjection)* Yes, Mr Speaker. The UK’s position on Utrecht is that independence is not an option. You can only cease to be British, either by being independent – which the UK said is not a possibility – or by joining Spain, which the UK says *is* a possibility, but then you become Spanish.

985 But he added that that would not mean that Britain would concede.

990 ‘We have moved forward massively’,

and then he continues in that vein.

995 If it is true that it can correctly be interpreted, that the correct interpretation of the UK’s agreement on this occasion and in that Overseas Territories document, not to qualify – which was a qualification intended for Gibraltar, this business about whether it is an option – no, I am not sure it even is the Falklands; I think it is *just* Gibraltar – then that would be no step forward at all. Indeed, it would be meaningless, if it was just on the basis that it does no harm for the UK not to say it on this one occasion and this one paper, but if it meant – which is what is implicit in what the hon. Member is saying – if it were to mean that this is a signalling by the UK – which is the sense that these statements give – that it was the first indication by the UK of its abandonment of its long-standing position on Utrecht, namely that it operates to curtail the right of the people of Gibraltar to opt for independence – more than curtails; *denies* the right of the people – then that would indeed be a huge step forward, which I would wish to be the first to congratulate the hon. Member for achieving to the extent that he has achieved it, and which this House and indeed the whole of Gibraltar would wish to celebrate more widely.

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1005 But what I do not think we can do in this House is... or what I am doing in this House, therefore, is just ascertaining that these press reports are either being misinterpreted by me or that the hon. Member

has been misquoted, or that they do not mean and are not intended to mean that the UK has reversed its position on Utrecht. But of course if the UK has not reversed its position on Utrecht, it is hardly a massive step forward.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman has seen not just the interview in the *Chronicle*, but also, I assume, in order to come to this House and make these points, the Statement of the Joint Ministerial Council, adopted by the Prime Minister of the United Kingdom and by the Minister for the Overseas Territories and placed on the website of the Foreign and Commonwealth Office.

If he has seen that, Mr Speaker, and he has seen in the report from the *Chronicle* that the draft that was initially put to us specifically carved out the possibility that Gibraltar did not have these rights; but the draft that was approved, because Gibraltar raised those points for those reasons – if he has seen it and as I am going to assume that he has – specifically leaves open those options, and Gibraltar made no secret that it believed it was achieving something, as a result of that, well then, Mr Speaker, either the Foreign Office has signed up to a document that is contradictory, on its face, to the position it has repeatedly taken, or the position is one that none of us would like to consider.

I would invite him therefore to celebrate the fact that there is at least a contradictory document alighting from the Foreign and Commonwealth Office, which says specifically that the territories – all of the territories, including Gibraltar – have the right to determine for themselves whether they wish to sever the link. All of this debate, Mr Speaker, in the context... As the hon. Gentleman and I had the opportunity of discussing recently in a very convivial, for once, episode of ‘Viewpoint’, in the context of neither his party nor mine considering that independence is something that we want to pursue, but because of the long-standing theoretical position that Gibraltar was always, in the view of the United Kingdom, prevented from choosing independence – although I have to correct him, Mr Speaker, in this respect: only the *territory* of Gibraltar would become Spanish in the example that he gave, not the *people* of Gibraltar. I think that is an important distinction. We have always – (*Interjection by Hon. P R Caruana*) Well, we have always argued that the land and the people are inseparable, but of course the nationality would not run in that example. (*Interjection by Hon. P R Caruana*)

So, Mr Speaker, if the hon. Gentleman does not have the Statement of the Joint Ministerial Council, I am quite happy to give him a copy, but it is on the website.

Hon. P R Caruana: Well, Mr Speaker, I do have it and of course, it is implicit in what the hon. Member is saying that he is answering the question that I put to him in my supplementary, as yes, that is what I think it means. In other words, I think the UK *is* signalling a resilement from its traditional position on Utrecht, because if all that the step forward was, that the UK had, by eliminating the reference to where it is an option that we have acquired the right to sever the link, the same as all the other territories have the right to sever their link... That is not new. We have *always* had the right to sever the link.

The UK has always told us that we have the right to sever the link. Indeed, Mr Roy Hattersley, in his Hattersley Memorandum, positively *encouraged* us to sever the link and accept that our future was with Spain. The UK’s position in respect of Gibraltar has never been that we do not have the right to sever the link with Britain; it has been that, if we exercise the right to sever the link with Britain, it can only be by joining Spain, but the UK has never prevented us from severing. They have said to us, ‘You can either stay with Britain, or you can integrate with Spain.’ So, the UK’s position has always entertained our right to sever the link.

The massive step forward – which I would love to be the first to congratulate the hon. Member on, because I think it would be a *genuine* advancement for Gibraltar – is if the correct interpretation of the omission between the first draft and the final text of the words applicable to Gibraltar, ‘where it is an option’, were that the UK had abandoned its position with which every Gibraltarian disagrees in theory, even those who do not want independence, that somehow the people of Gibraltar... that the Treaty of Utrecht curtails the right to self-determination, including independence, *if* the people of Gibraltar were to want independence. That would be a massive step forward, because it would be to recognise that we have un-curtailed, unconditional moral rights of self-determination. That would be the massive step forward.

What I am trying to find out from the hon. Member is whether, in his view, that is what he meant when he said that this was a massive step forward – because that is not the impression that the *Chronicle* gives that he meant: namely, does he believe that what he achieved between the first draft and the final communiqué of persuading the UK to eliminate these five words... does he think that the UK was therefore abandoning and reversing its long-standing policy that the Treaty of Utrecht means that the option of independence is not an option for the people of Gibraltar without Spain’s consent?

Hon. Chief Minister: Mr Speaker, if they did not mean that, now they have got all the arguments why they should not. This statement in the *Chronicle* was on 8th December and I have not yet heard anybody from the Foreign and Commonwealth Office set out something contrary to what I said here.

The Treaty of Utrecht is 300 years old next year. I think that age may be starting to show and even the United Kingdom might be embarrassed to be relying on treaties 300 years old to curtail modern rights.

He says, Mr Speaker, that he would be the first one to congratulate me, if I had achieved something like that, but I have heard that before during the course of the Broadcasting Bill, when the hon. Gentleman was analysing how the power in respect of matters of moments of internal security was being dealt with in that Bill. He said, this is going back to the Governor and it should not go back to the Governor because in times of emergency, it should still be Ministers that are relevant, and then he realised that what he thought he had read as ‘Governor’, actually read ‘Government’ and he actually said in this House – and thank goodness, Mr Speaker, that we do not rely on his recollection, that there is *Hansard* to show it – that ‘this must be a typographical error, this must mean Governor, because if it is “Government”, then the hon. Gentleman has achieved a huge step forward and I will be the first to congratulate him.’

Well, Mr Speaker’ (*Interjection by Hon. P R Caruana*) I corrected him at the time. I told him that actually it was not a typographical error, that we had achieved that, what he described, ‘huge step forward’ and yet when the Bill was published, no longer as a Bill but as an Act, I am still waiting for the chocolates or the flowers, let alone the congratulations.

Anyway, look, it is not true, Mr Speaker, that if we were to choose to become independent – an option that none of us considers is appropriate for Gibraltar – we would become Spanish. These things are much more sophisticated than that. The Treaty of Utrecht says that Gibraltar will not pass from under the British Crown to another sovereign. It is perfectly possible to remain under the British Crown and not be dependent on the United Kingdom in one of the models of dependency that is presently accepted.

So therefore, much of what the hon. Gentleman has said is lacking in analysis. But do I believe that we achieved something? I have said as much, Mr Speaker.

I do not know whether it is that the hon. Gentleman wants to set me up for a fall. I do not know whether it is that the hon. Gentleman would rather that we had not achieved anything and wants simply to provoke a response, but I have not been shy in saying what I believe happened, *if* it were that there was another form of words which expressed where independence is an option... but that is not the case, Mr Speaker. The form of words in its place is *explicitly the opposite*.

It says in the text of the press statement of the JMC:

‘The people of *each* Territory have the right to choose whether or not their Territory should remain a British Overseas Territory.’

There are many things that we can be which are not a British Overseas Territory and are certainly not Spanish. I would have thought that the hon. Gentleman knew that much. I actually say repeatedly that I have a very high regard for his capacity, his intellect and the calibre of a lawyer that he is. It is a pity, Mr Speaker, that in analysing this issue, he simply wants to try and attempt to show that what I have said happened is not the case.

Hon. P R Caruana: Mr Speaker, I have not attempted to show *anything*! I have asked him a perfectly simple question, the last ten minutes of which can only be interpreted as an attempt to avoid the need to having answered a perfectly simple question.

Does the hon. Member believe that the consequence, that the effect of having persuaded the British Government to remove the words from the Overseas Territories Communiqué, ‘where it is an option’ that the effect and meaning of that is that the United Kingdom has abandoned or changed or altered or resiled from its long-standing position that the Treaty of Utrecht denies to the people of Gibraltar the right to independence. Yes or no?

I am not trying to achieve any other thing. I would have thought that he could tell me whether he thought that that is what it meant. He does not want to tell me whether that is, but that is what he has told the *Chronicle* he thinks it meant and I wanted him to confirm it to me in this House that that is what he thinks it meant – nothing to do with Spain or treachery or being a good lawyer or a bad lawyer or the Governor and the Broadcasting Bill and *Hansard* and recollections and memories and all this rubbish that he has used to pad out his answer.

The question is simple: is the massive step forward, to which he referred in the local media, is that massive step forward the fact that, in his view, the United Kingdom has abandoned its long-standing position about the implications of the Treaty of Utrecht in curtailing our right to self-determination? That is my supplementary. If he does not want to answer it, he can just say so, but he does not have to conceal his refusal to say so behind insulting or patronising words.

Mr Speaker, I do not know whether I am a good lawyer, a bad lawyer or a medium lawyer. The hon. Member professes to think that I am a brilliant one, but every time I express a view that he does not like, he more or less says that I am some sort of an idiot. Well, Mr Speaker, I cannot be a good lawyer except when I say things that the hon. Member does not agree with.

1130 Let us be clear about this, because I cannot imagine that the hon. Member means what he has said in
this House just now and I ask him, therefore, whether he does mean it. The hon. Member has in fact said
that you can be under the British Crown – if he had left out the adjective ‘British’, he would be right! Of
course you can be under the Crown of Queen Elizabeth II and her successors and not be British. There are
1135 the Australians and the Canadians and the New Zealanders and all the other Commonwealth Countries
that recognise the Queen as the Head of State to prove it. You can be not under Britain, not British, but
have the same Queen as Britain; but of course, when Queen Elizabeth is Queen of Australia, she is not the
British Queen of Australia. This is, she is not wearing the British Crown; she is wearing the Australian
Crown, and the Queen is not Queen of Australia because she is the British Queen. Now Mr Speaker.

1140 So therefore, to suggest – and I ask the hon. Member to consider whether this is what he is saying –
that you can be, theoretically, both independent and under the British Crown is a manifest *nonsense*.
There is no way of being independent under the British Crown. You can be independent under Queen
Elizabeth II –

1145 **Mr Speaker:** Will you ask a question, please?

Hon. P R Caruana: Yes, I am asking the hon. Member – I am sorry if I am boring the Hon. Mr
Speaker – I am asking the Hon. the Chief Minister to confirm whether that is what he said and whether he
really does believe that you can be independent under the British Crown?

1150 **Hon. Chief Minister:** Mr Speaker, I extend to the hon. Gentleman the professional courtesy of calling
him a good lawyer even when I disagree with him, because I am, I consider, a professionally courteous
person. Some others might only wish to consider somebody able, when they are in agreement with each
other. I am not like that.

1155 Mr Speaker, the fact is that – and this is the first time, I believe, since the 1950s – that the United
Kingdom has put its name, so to speak, to a document that does not draw the distinction in respect of
Gibraltar that it has traditionally drawn before. So we consider, Mr Speaker, that just there, there is a huge
step forward.

1160 But I have said what I have said to the *Chronicle* and I stand by every word of it. If the hon. Member
just simply wants to come to this House with articles in the newspaper and get me to confirm my quotes, I
am quite happy for him to do so.

The hon. Gentleman, Mr Speaker, will know that, at the time that he was Chief Minister, coins were
uttered out of the Gibraltar Treasury that referred to Her Majesty the Queen as ‘Elizabeth II, Queen of
Gibraltar’, much as she is Elizabeth II, Queen of Australia. So is he saying that, in those coins, he gave
1165 the first hint of a streak of seeking independence that we had not discerned before in him, because they do
not say the ‘British Queen of Gibraltar’?

Well, Mr. Speaker, I actually believe it is possible for us to be under the British Crown and not
dependent on the United Kingdom, which is exactly what I said before and I know that his recollection
may be different –

1170 **Hon. P R Caruana:** You are not answering the question.

Hon. Chief Minister: I know that his recollection may be different, but *luckily* we do not rely on it,
Mr Speaker. There is *Hansard* to show that that is exactly what I said.

1175 **Hon. P R Caruana:** That is the answer to my question.

Hon. Chief Minister: There is much more that we can read into what Utrecht would say, if we were
to allow ourselves to be dragged back to the times when Utrecht fettered our right to self-determination. I
invite him, Mr Speaker, to change his chip and to support the Government of Gibraltar in ensuring that
1180 we get the United Kingdom to stick to its ministerial JMC statement, which sets out the position as
clearly as it does and to support the Government in taking what we believe is that great step forward. If he
does not wish to, Mr Speaker, look so be it – he can answer to future generations of Gibraltarians. It will
not be for want of *our* trying.

1185 **Hon. P R Caruana:** Mr Speaker, how precisely does he not understand what I am trying to do? I am
trying to see whether there is a position on which we can support the Government. What I am not willing
to do is to give the hon. Member a blank cheque for his completely fantastic interpretation of what
somebody else said, without that other person meaning what the hon. Member claims it meant.

1190 For a start, the statement that he says is so clear is not couched in the language of self-determination
and independence and therefore there is not a statement that Gibraltar has the right to independence.

There is a statement about each having the right to choose whether or not their Territory should remain a British Overseas Territory. That is already a wholly different ball park. Or are we now going to –

1195 **Hon. Chief Minister:** Would the hon. Member give way?

Hon. P R Caruana: Yes.

Hon. Chief Minister: Mr Speaker, we are delving almost into debate –

1200 **Mr Speaker:** Both of you are debating. I have allowed 25 minutes, because it is an important matter, but there is a limit.

1205 **Hon Chief Minister:** And Mr Speaker, this is the sort of thing that I believe we should be debating by motion, because I think it is not bad that Gibraltar should have a fixed position.

Hon. P R Caruana: I think I may have to bring a motion at the next opportunity.

1210 **Hon. Chief Minister:** But Mr Speaker, I asked the hon. Gentleman to give way, because he said this was not couched in the language of self-determination. The sentence that we are talking about is caught between two other sentences. The sentence before says this:

‘We share a commitment to the principle [...] of self-determination.’

1215 The sentence afterwards says:

‘Any decision to sever the constitutional link between the UK and a Territory should be on the basis of the clear and constitutionally expressed wish of the people of the Territory.’

1220 So I actually put it to him, Mr Speaker, that it is very much couched in the language of self-determination.

1225 **Hon. P R Caruana:** Mr. Speaker, I will just say one more thing, because I agree and it is clear that this is now a debate – and it is an important subject, so I will bring a motion just so that the House gets the opportunity to debate it. But, Mr Speaker, the UK has frequently said of itself that it is committed to the principle and right of self-determination, which is all it does here. There are a *million* quotes like this one!

Hon. Chief Minister: But not in this –

1230 **Hon. P R Caruana:** But when it applies it to Gibraltar, it does, as it does in the preamble to our Constitution, make the wretched exception. This juxtaposition of sentences:

1235 ‘We are committed to a modern relationship based on partnership and shared values. We share a commitment to the principle and right to self-determination. The people of each Territory have the right to choose whether or not their Territory should remain a British Overseas Territory.’

1240 The fact that the words, ‘except where it is not an option’, which do not arise, unless the word ‘independence’ is included in the sentence, which it is not – without including the word independence, they cannot have the omitted words – does not mean necessarily what the hon. Member says it means.

1245 But look, I want it to mean what the hon. Member says it means! But we have got to do – (*Interjection*) Yes, Mr Speaker, but what we cannot do is have another four years of building a castle on sand. (*Interjection*) If the UK genuinely means by this any indication of a change of position, then we should get them to confirm it to us, not build a whole jurisprudence about our future on the basis of a completely... of an interpretation of loose words which, at the very best for the hon. Member, are capable of not meaning what they say.

I am sorry my definition of loyalty and patriotism is not to help the hon. Member fly an unjustifiable kite.

1250 **Hon. Chief Minister:** Mr Speaker, his definition of loyalty and patriotism is to pretend that everything that he achieved was great and to try and denigrate everything that anybody else may have achieved. That is *patently* clear.

If I can just tell him, Mr Speaker, if he reads this carefully, the next sentence is equally important because it says:

1255 'Any decision to sever the constitutional link between the UK and a Territory should be on the basis of the clear and constitutionally expressed wish of the people of the Territory.'

In *our* Constitution, there is no reference to Utrecht. There might be a reference in something which is *outside* the Constitution, but not *in* the Constitution. Somebody who wanted to support the cause of Gibraltarians and take them a step forward would be making *that* analysis and not the one that he is making.

1265 **Hon. P R Caruana:** If Mr Speaker will allow me – if not I will wait. I will not... Mr Speaker, even on that, I am trying to be as understanding and as helpful as possible of his interpretation (*Interjection by Hon. Chief Minister*) without allowing him to write gospels which are not the case.

Mr Speaker, even on the question of the final sentence that he has just quoted, the language is carefully selected. Any decision to sever the constitutional link between the United Kingdom and a Territory should be on the basis of the clear and constitutionally expressed wish of the people of Gibraltar. (**Hon. Chief Minister:** *Exactly!*) Exactly, what the Foreign Office will argue is that the constitutionally expressed wishes of the people of Gibraltar cannot include independence, because our Constitution says that our right to independence is curtailed by the non-availability of independence (*Interjections*) – or do you think that word is there by chance?

1275 **Hon. Chief Minister:** Mr Speaker, our Constitution *does not* say that. How is it that we can have this debate or this exchange on something this important, Mr Speaker? This, although none of us want independence, is one of the central issues in our politics about the rights of our people. Our Constitution is a document that everyone can see. Some people have problems accessing *Hansard*: now they can see it on the Parliament website, or they can come here, because it is a public document. The Constitution everyone can check at home tonight. It does *not* contain what the hon. Gentleman says it contains about our right to independence. It does not.

1280 **Mr Speaker:** May I now intervene and bring matters to a close.

This is a very important subject. It is a matter that should properly be debated in Parliament, in which other Members of this House would also have an opportunity to participate in the debate. I do not think it is right and proper to abuse the Standing Orders of this House by having a debate following from a question on what is undoubtedly an important issue.

I invite hon. Members to endeavour to bring a motion to the House, have a proper debate, and in the interests of Gibraltar try to arrive at a consensus view. If they can, all well and good and I am prepared to be as liberal as is necessary, but we have had half an hour on this matter and we are moving on to the next question.

Spanish environment site in Gibraltar territorial waters Steps or actions available to seek removal

1295 **Clerk:** Question 1086, the Hon. P R Caruana. Question 1086.

1300 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister say what steps or actions are available to seek the removal of Spain's designation of a Spanish environment site in our waters?

Clerk: Answer, the Hon. the Chief Minister.

1305 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government is pursuing various avenues in this respect. I do not believe it is in the public interest that I should at this stage divulge what actions are being considered. I am happy to brief the hon. Member today and to keep him briefed on 'Privy Council' terms in respect of this matter, which is in the national interest and one on which we should be entirely united.

1310 **Hon. P R Caruana:** Mr Speaker, I accept, on this subject, the briefing on Privy Council terms, but I do not accept the last bit of the statement that we should be united on whatever actions the Government decides it wants to take. It is just that I do not agree with the last statement from the Chair that in the interests of Gibraltar we should try and adopt a consensus position. The important thing is to adopt the *correct* position and disagreements, as we have often agreed across the floor of this House, disagreements on matters, however important the matter is, are not bad in a democracy; it is good in a democracy. It is much more important to the people of Gibraltar that the Opposition does not support the Government on

1315 the wrong argument than it is in the interests of so-called unity for the Opposition simply to support whatever the Government decides is the right course of action.

That was a philosophy which I used to share when they used to utter it in this House, even though others did not, and I will continue to defend from this side of the House.

1320 But I accept that Privy Council rules for briefing are appropriate, given that obviously it is not in the interests of Gibraltar to expose publicly what action the UK Government or the UK Government may be contemplating, and thereby alert others and make the action less effective or less possible.

So I accept the hon. Member's offer.

1325 **Hon. Chief Minister:** Yes, Mr Speaker, I am grateful for that, I suppose. But it is also very important that when the Government puts the right argument, the Opposition, if it is loyal, should support the Government when those right arguments are put. (**Hon. P R Caruana:** Yes.) And should those arguments be tested and analysed? Of course they should, Mr Speaker, but when we reach the right conclusion, we would expect, or the people of Gibraltar, in my view, would expect that the Opposition would support the Government.

1330 In fact, Mr Speaker, it was he who used to say, when he was in Government, that having been elected if there was to be unity, it was around the arguments that *he* used to put. But, Mr Speaker, you know, people will have heard what was said in relation to the former question.

1335 **Hon. P R Caruana:** Yes Mr Speaker, can I just remind the hon. Member, or will he accept something, that the term 'Her Majesty's Loyal Opposition' alludes to loyalty to Her Majesty, not loyalty to the Government? (*Laughter*) (**A Member:** Hear, hear.) This idea that the hon. Member – this theme of the hon. Member this afternoon – that somehow the Opposition is disloyal for challenging the Government on certain matters because they are too important is a figment of the hon. Member's imagination!

1340 The Opposition of Gibraltar will oppose the Government on matters, however important they might be, domestic or external, when we consider that the interests of Gibraltar are not being properly served by their handling by the Government (**A Member:** Hear, hear.) (*Applause*) and our loyalty is to Her Majesty the Queen, not to her temporary Government of Gibraltar as it now likes to call itself.

1345 **Mr Speaker:** Next question.

Hon. Chief Minister: Well, no, Mr Speaker, if I might just deal with that, because I think it raises an important point... With your leave – (*Laughter and interjections*)

1350 I am waiting to hear whether you allow me to carry on, Mr Speaker.

Mr Speaker: I would rather we go on to the next question.

1355 **Spanish environment site in Gibraltar territorial waters**
Legal effects under EU law

Clerk: Question 1087, the Hon. P R Caruana.

1360 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister confirm that the United Kingdom Government has stated to him that all the legal... Mr Speaker, this question is intentionally carefully drafted to be accurate in terms of what can be attributed to the hon. Member.

1365 Can the Chief Minister confirm that the UK Government has stated to him that all the legal effects under EU law of Spain's designation of an environmental protection site in our territorial waters can and will be ignored by the United Kingdom Government and *can* be ignored by the Gibraltar Government?

Clerk: Answer, the Hon. the Chief Minister.

1370 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this answer has been carefully drafted to answer the question.

Yes, sir. There could be no other position to take. In fact the UK Government's position has been clearly set out in the recent statement made by the Foreign Secretary in the House of Commons.

1375 The Foreign Secretary repeated that the designation of the Spanish environmental site does not confer any rights on Spain within British Gibraltar Territorial Waters and that the UK Government remains confident of the UK's sovereignty over British Gibraltar Territorial Waters (BGTW).

The Foreign Secretary also stated that it was equally clear to the UK Government that any attempt by a Spanish State vessel, or a vessel acting on behalf of the Spanish State, to exercise jurisdiction within BGTW is a violation of British sovereignty and that the UK Government will respond accordingly and will continue to take whatever action it considers necessary to protect British sovereignty and the interests of Gibraltar, its people and economy.

For the record, Mr Speaker, the European Court has not in any way recognised the Spanish designation as valid – despite repeated assertions to the contrary by Spanish politicians and commentators. All the EU Court did was turn down Gibraltar and the UK's cases on a technicality.

And finally, Mr Speaker, if I may just add this: it appears to me, Mr Speaker, that the hon. Gentleman sometimes when he speaks is not holding brief for the people of Gibraltar, but for others, and I would ask him to look back on some of the things he has said today and reconsider his position, because although we are, of course, all loyal to Her Majesty, I think our first loyalty should be to the people who put us here – the people of Gibraltar.

Hon. P R Caruana: Well, Mr Speaker, I think it is absolutely shocking and disgusting and typical of the hon. Member's presentational marketing bluster approach to life and to politics for him to stand up in this House to say that I hold a brief other than for the people of Gibraltar.

Mr Speaker, the people of Gibraltar have chosen to elect me to be their Chief Minister on four successive terms. They had no doubt about whose brief I was carrying. It remains to be seen on how many occasions they choose to take the same view of him.

The hon. Member, despite his instincts, should not assume that the interests of Gibraltar coincide with his views or his Government's position or his Government's view on any matter. Indeed, I think the people of Gibraltar think the opposite.

Now, Mr Speaker, so much for his completely uncalled for and outrageous and let me say –

Hon. Chief Minister: [*Inaudible*] mate!

Hon. P R Caruana: And let me say –

Mr Speaker: I really think hon. Members this afternoon are really getting carried away! May I please ask for a modicum of good sense?

Hon. P R Caruana: Yes, Mr Speaker. I am sorry, Mr Speaker, I –

Mr Speaker: Will they please try to lower the tone of the personal acrimony. It does not serve the House and it does not serve anybody any purpose at all.

Hon. P R Caruana: Well, Mr Speaker, I do not concede and I am sure neither does the Hon. Chief Minister that we have incurred this afternoon in bad sense. In other words, the judge of the good sense of Members of this House is for others to make.

The Hon. Speaker could, if he had wanted to, when he heard the hon. Member attribute effectively treacherous motives to me, have stopped him and said, 'That is a breach of Standing Orders. You cannot impute improper motives to a Member.' He chose not to, leaving it to me to incur his wrath –

Mr Speaker: I will now recess the House for ten minutes.

The House recessed at 4.40 p.m. and resumed its sitting at 5.00 p.m.

**Spanish environment site in Gibraltar territorial waters
Legal effects under EU law
Question concluded**

Clerk: Mr Speaker.

Mr. Speaker: We were on Question 1,087.

Does the Hon. the Leader of the Opposition have, or any other Member of the Opposition side, have any supplementaries?

Hon. P R Caruana: Yes. I accept the Hon. the Chief Minister's invitation to be briefed on Privy Council terms.

**Gibraltar territorial waters
Freedom to protect**

1440

Clerk: Question 1,088 the Hon. P R Caruana.

Hon. P R Caruana: Thank you, Mr Speaker.

1445

Can the Chief Minister say whether it is the policy of the Government that, in any reconstituted forum of dialogue with Spain, the Gibraltar Government *must* be free to protect Gibraltar's sovereignty by adopting positions and making statements in relation to co-operation matters and initiatives that protect exclusive British sovereignty and Gibraltar jurisdiction over territorial waters?

1450

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, sir.

I should add that the Government of Gibraltar remains strongly committed to dialogue as part of the trilateral process and that the United Kingdom has also repeatedly stated that it remains similarly strongly committed to the trilateral process.

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Hon. P R Caruana: Yes, Mr Speaker, I asked the question in order that our positions should be clearly known in public and on the record because *this* is what the Spanish Government means when it accuses me, in the trilateral process, of raising issues of sovereignty. Raising issues of sovereignty.

1460

Why would I want to *raise* issues of sovereignty with Spain? It is that raising issues of sovereignty took the form of *not agreeing* to particular forms of co-operation in relation to the waters because they would prejudice exclusive British sovereignty. I think it is important, Mr Speaker, that we agree that no one out there should think that there is any scope for redesigning dialogue, either inside or outside the trilateral forum, in a way that any Gibraltar Government could accept without being free to say, 'That is not acceptable to me because it prejudices British sovereignty.'

1465

I think it is important that this message is heard and that it is understood. Firstly, would he – and I had better convert this into a question – agree with me that the fact that you are not formally discussing sovereignty as an agenda item and that you do not want to speak about it and that your interlocutor does not want to speak to you about it, cannot be an impediment to you adopting positions on co-operation matters, which is wholly different, by invoking the need to protect sovereignty?

1470

Hon. Chief Minister: Yes, Mr Speaker, I have always understood that and that can also be expressed in another way, which is to say that one will *not* consider any issues of sovereignty in such a process and that, therefore, if something which arises touches and concerns sovereignty, in the same way as you can raise sovereignty in order to ensure that sovereignty is not affected, you can also say, 'Because it touches and concerns sovereignty, I am not prepared to go into it.' (**Hon. P R Caruana:** Yes.) Those are two sides of the same coin, if he will accept that.

1475

Hon. P R Caruana: I do accept that and when he has said, 'Because it prejudices sovereignty,' the other side cannot say, 'I am going away because he has raised questions of sovereignty.' That is the point, Mr Speaker: that they abuse the raising of the question of sovereignty, based on what is a discussion about co-operation, but in which you have also got to be mindful that co-operation does not become a Trojan horse through which sovereignty is prejudiced.

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The reason why I am asking this question is that it is a complete red herring. It is a complete red herring for either of the three parties to the trilateral forum – any of the three parties, by which I mean Spain – to think that they collapsed the trilateral forum for that reason and that any other process of dialogue is viable, quite apart from the trilateral aspect, in which we must not, we cannot, and we would not be free to do exactly the same. Every co-operation on waters which *they* say are disputed *necessarily* involves being on your guard and questions of potential sovereignty implications.

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Hon. Chief Minister: Yes, Mr Speaker, and what I am asking him to consider and also put for the purposes of the understanding of the position of both sides of the House is that there can be not just a positive veto – and I would interpret what the hon. Gentleman has said as representing the positive veto – but also a negative veto.

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Therefore, those who say that they would not engage with the Government of Gibraltar, because their prejudice leads them to say that they do not consider us to be valid interlocutors in respect of the issue of sovereignty, might actually be more comfortable and Gibraltar might be just as protected, if Gibraltar was saying, 'We do not believe that there should be *any* room to discuss issues of sovereignty in a process where the relevant three sides are represented,' and where co-operation touches and concerns on those issues, where *one* of the parties is uncomfortable – ourselves being the relevant party in this respect – we

1500 can have a negative veto on the issue. I think that is two sides of the same coin. But it can help, perhaps, to get some people who might be comfortable with the *positive* veto, because the way that we would express the negative veto would be to say, 'Because it is sovereignty, neither of us believe that we should be engaging with each other on it,' and it may be that issues of co-operation then are not advanceable in some areas.

**Draft Ministerial Code
Presentation to House**

1510 **Clerk:** Question 1089, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, can the Chief Minister say when he expects to bring to this House the promised Ministerial Code?

1515 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government will shortly start work with the Hansard Society in the United Kingdom to produce a draft Ministerial Code. The work will also produce a draft Parliamentary Code to cover all Parliamentarians and a draft Civil Service Code to cover the work of Civil Servants.

1520 The draft Ministerial Code and the draft Parliamentary Code will be brought to this House for debate. The draft Civil Service Code will be considered with all representative bodies, including the Unions, in the Civil Service Review.

1525 **Hon. P R Caruana:** Mr Speaker, I asked the hon. Member that because, in a pre-electoral press conference, he said that he had laid it down as one of his first priorities for Government, the drafting and adoption of a Ministerial Code by which all Ministers will have to abide, thereby underpinning the need for real accountability etc, etc.

1530 'If I am elected Chief Minister by our people, I would immediately instruct the drawing up of a draft Ministerial Code to meet the specific requirements of Gibraltar's modern Government.'

1535 Will he accept that, whatever it is that he intends to do now, he has *not* given the matter the immediacy, the urgency and the priority that he said in his pre-election statement that he would?

1540 **Hon. Chief Minister:** No, Mr Speaker, for this reason, because I have a draft Code on my desk which I am not happy with and that is why we are going to work with the Hansard Society in order to produce a better Code which will be brought to this House for consideration. It is, Mr Speaker, in my view an essential of the modernisation of the work of this House that there should be not just a Ministerial Code, but also a Parliamentary Code, as well as a Code in terms of the modernising of the work that is done by the public sector for Civil Servants.

1545 So, Mr Speaker, I am afraid I will not take the point, but it is an important thing which will be achieved shortly and I hope it will be something on which the House can work constructively when we bring the draft Codes here.

1550 **Hon. P R Caruana:** Mr Speaker, given that the hon. Member said, pre-elections, that he was going to do it immediately, if the hon. Members were keeping a list of the electoral promises that they had not complied with, as well as the ones that they have complied with, does he accept that this would be on the first list? In other words, the ones that they have not complied with since, for whatever reason, the priority and immediacy as his *first priority for Government* has not materialised in that way.

And, secondly, can I ask him if he can put a timetable on this? Are we going to exhaust any sort of more significant part of this legislature of this term before we have a Ministerial Code?

1555 I asked somebody who said it was very important that we should have it. We did not have it because we did not attach to it the same need of priority; but *he* has given it a lot of priority. Therefore, I would be grateful if he is able to give this House any sort of indication of what he means by 'shortly' in terms of the fruits of the co-operation with the Hansard Society.

1560 **Hon. Chief Minister:** Mr Speaker, no. I would not accept that it would be on the wrong side of the balance sheet - on the negative side of the balance sheet - for a number of reasons. First of all, I have told him there is a draft. I just did not consider it an appropriate draft.

Secondly, Mr Speaker, if he wants to look at where it is that we have ticked the boxes from and, perhaps more importantly, he might care to look at the manifesto which was what we put to the people during the course of the Election period, which says this, Mr Speaker, the Ministerial Code on Page 12:

‘We will adopt the Ministerial Code applicable to Her Majesty’s Ministers in the United Kingdom with such modification as may be necessary to adapt for the circumstances of Gibraltar and it will apply to Ministers. A Parliamentary Code will apply to all Members of Parliament.’

There is nothing there, Mr Speaker, to suggest when it would happen. In any event, Mr Speaker, given that I opposed him for many years when he used to tell us that the word ‘soon’ could mean as frequently as outside of the four years that make up one Parliament, then perhaps the word ‘immediately’ can also be interpreted as not necessarily meaning the week after.

But I will tell him this, Mr Speaker, in the hope of finishing this period of Question Time in a more convivial mode, I sincerely hope that we will soon receive the recommendations of the Parliamentary Commission, of which Mr Speaker is Chairman. This is an important part of the work of modernising the work of the Parliament as much as the consideration of the proposals of the Parliamentary Committee will be. I sincerely hope that this will be something that will be done, if not in the first half of the next calendar year then, at the very latest, in the context of the full calendar year next year, in time for it to be done half way through our Parliamentary term at the latest.

Hon. P R Caruana: Mr Speaker, can I ask the hon. Member why it should take so long to...

I take his point about quoting from the manifesto. I had made the mistake of relying on this sort of painting the panorama with a wonderful photograph of the then Leader of the Opposition and the then Leader of the Liberal Party, now the Deputy Chief Minister, convened expressly for the purpose of saying that it was one of his first priorities in Government, the drafting *and* adoption - not just the draft sitting on his desk.

So I am afraid I fell into the trap of thinking that what he tells the electorate *outside* of his manifesto is also something that the electorate can expect him to deliver on, but now I know that it is only what is in the manifesto that counts and I suppose people will have to remember that.

But can I ask the hon. Member, I am not aware of what the detail of the UK Ministerial Code is and, therefore, I do not know how appropriate or inappropriate it might be in its application to Gibraltar, but can he explain why the application of the UK Ministerial Code to Gibraltar, which is what he has now read out to me from his manifesto as being his manifesto commitment, as opposed to the press conference, why it should take so long? What is there conceptually about the UK Ministerial Code that takes, possibly from now, twelve months, twenty-four from the Election, to modify and tailor make for Gibraltar?

Hon. Chief Minister: Mr Speaker, there are a number of aspects of it that we think can be more appropriately worded for Gibraltar.

I am not going to answer the rest of what he addressed because I did hope that we would end this Question Time on a more convivial note! (*Interjection*) He used to tell us that the things which are conjectured in the Westminster Parliament are not necessarily the best in the world and that we should not just *slavishly* copy what it is that Westminster does.

Now, Mr Speaker, I will take the example, if he likes, of what it is that is wrong with that Code and why we have not adopted it by comparing it to whatever it was that was wrong with the Environmental Charter, Mr Speaker, where the hon. Gentleman told us repeatedly that he was working very hard on it because it was such an essential document and I remember the Hon. Mr Netto was then the Minister responsible for the Environment. That it was taking a hell of a lot of his time and the time of Mr Netto to ensure that we had a *better* draft than simply the one that had been adopted by *all* the Overseas Territories and thankfully, Mr Speaker, there is *Hansard* to vouch for that. (*Interjections*)

When it came, Mr Speaker, seven years later – *seven* years later – *one* word had changed from the draft adopted for all the other Overseas Territories. I will always remember it, Mr Speaker, as a one-word change and I am delighted *on this occasion*, Mr Speaker, I am so sure of my ground that I am delighted to take him the *Hansard* for Christmas so that he can enjoy reading it!

Hon. P R Caruana: No. Mr Speaker, the hon. Member may be able to do that with the Management Plan that *followed* the Environmental Charter, but the hon. Member must surely remember - if not he can refer to *Hansard* - (*Laughter*) that I said in this House that we were going to adopt the same Environmental Charter as the UK but in a way and a time that made it perfectly clear that, because the environment was a constitutional responsibility of the Gibraltar Government, that we were not doing it by directive and compulsion of the UK Government, like all the other Overseas Territories were doing it. In

the end, we changed just one word to make it clear, (*Laughter*) but I explained in this House what we were doing and why we were not doing it in the same way.

1625 The exchange to which he relates and invites us all to go to *Hansard* in the certain knowledge that nobody will - certainly nobody listening - is in relation to the Management Plan, which did take quite a long time to develop, which is the phase after the Charter.

1630 But the Charter *itself* was *unashamedly* to adopt the same standards and priorities as other Overseas Territories, but in a way which reflected the fact that this was *our* decision, because it was our constitutional competence and not something that the UK could decree in an Overseas Territories Consultative Council [*inaudible*]. That is how it happened, Mr Speaker, and I will go no further than that so as not to spoil the conviviality which the hon. Member seems keen to end today's proceedings on.

1635 **Hon. Chief Minister:** Mr Speaker, all I will say is that we have had a lot of arguments about what is or is not in *Hansard*. I am so sure of my ground on this one that I will bet him, double or nothing, all the other points of *Hansard* that have been raised today, because on this one he was *explicit*. He was explicit as to why we were taking so long, not on the Management Plan but on the Charter, to only see a one word change in respect of the Charter.

1640 I remember saying, Mr Speaker, at the time that even the penguins of the British Antarctic Territory had beaten us to it. But, Mr Speaker, I will leave it at that.

Mr Speaker: Next question.

1645 **Hon. D A Feetham:** Mr Speaker, may I ask...–

Mr Speaker: Sorry, I didn't realise ...

1650 **Hon. D A Feetham:** In relation to the Parliamentary Code that the Hon. the Chief Minister mentioned, does he have drafts in relation to that or is he waiting for the Report from the Committee before he embarks on the drafting of the Parliamentary Code?

1655 Also, whilst he is at it, could he also answer this: will the Opposition be consulted on the drafting of the Parliamentary Code or is it the intention of the Chief Minister to effectively bring a draft Code to Parliament to debate and then consider what views have been expressed and change it in the light of that because in our view – in my view, certainly – the Opposition ought to be consulted *pre* the debate in Parliament?

1660 **Hon. Chief Minister:** Mr Speaker, there is as much a draft of a Parliamentary Code as there is a Ministerial Code, which has been an adoption of the English version, which I do not think necessarily works.

Remember that the UK Parliament is a Parliament of 650 Members. This is a very different sort of Parliament that works in a very different sort of way. There are no backbenchers here, for example. There are simply Members of Government or Members of Opposition. So all of these issues, Mr Speaker, are relevant to what has been produced. (*Interjection*)

1665 Mr Speaker, I believe... there aren't today... But there aren't today.

1670 Mr Speaker, I believe it is incumbent on the Government to produce a draft of this and then to debate the issues with the Opposition. I will make sure that all Members of this House have advance copies of the draft as soon as it is available to us and we will receive representations from the Opposition once they have the draft. I believe it is important that those documents be *debated* and *adopted* by the House because they are documents, in my view, *of* the House that will regulate the behaviour *of* Members of the House and Members *of* the Executive.

If the hon. Member, when he has received the draft, wants to make any drafting points, wants to make any substantive points, in representations to the Government, then I assure him that they will be considered in good faith.

1675 **Hon. P R Caruana:** Will the hon. Member just consider in his own time – clearly, there is time for the hon. Member to think about this - that in the UK that is not how it would happen, and I think for good reason.

1680 I think once the Government brings the draft of the document to this House and we debate it in this House, there is a sense in which the Government wants to defend the content of what it brings to the House. Equally, I suppose, there is a sense in which the Government may think that it needs to resist any points that the Opposition makes and, indeed, might consider that the Opposition simply wants to, as he has suggested today, score political points. (*Interjection*)

Hon. Chief Minister: Would the hon. Member give way?

1685 **Hon. P R Caruana:** In the UK... Yes.

Hon. Chief Minister: Just for a moment. Perhaps, in setting out my position of what I think the process should be, I have not alighted upon the fact that the Hansard Society, of course, in producing the draft I think will be, rightly, in touch with the Opposition.

1690 That is not an issue that I see being in dispute, but it will be produced for the Government and the Government will then bring it here and there may be issues thereafter. So I do not know whether that deals with the point that the hon. Gentleman is putting.

1695 **Hon. P R Caruana:** In the UK legislation even, let alone... this would be taken in committee first and it would be scrutinised in a committee in which political input can be had before it gets into the glare of the adversarial environment of the floor of the House. It depends on what we want to do. Clearly, it is a Government proposal; the Government has chosen not to do it by means of a select committee of the House, presumably because it is not a parliamentary thing, it is for the executive and the opposite could have been argued, too.

1700 I do not know whether the hon. Member is willing to say if the Government considered making that project a parliamentary project, as opposed to a Government project, and allow a committee of Parliament to take responsibility. It is part of their manifesto, as we have now said.

1705 Certainly, if the Hansard Society will consult with the Opposition that, in large measure, serves the same purpose as the Government itself consulting; in other words, the Opposition will have a role, an opportunity to express views and influence what eventually reaches the floor of this House, before it is too late.

Hon. Chief Minister: Yes, Mr Speaker, that is how I see it.

1710 Even in the most convivial moments, I would not put a manifesto commitment or control of delivery of a manifesto commitment in a committee of the Parliament over which the Government would have no control.

Hon. P R Caruana: We did.

1715 **Hon. Chief Minister:** But that was not an issue that had to be delivered within a particular period of time and a constitution is something well above even the Parliament, Mr Speaker. So I do not necessarily think that a select committee of the Parliament is necessary for something like this. I think that, with the assistance of an entity like the Hansard Society, working as much with the Opposition as with the Government at the consultative stages, as much with Mr Speaker and the Clerk during the consultative stage, I think that that will produce a draft Code.

1720 As I have said, the Members will then be sent the draft, so that they can make representations before it comes to the debate. So I think we may be arguing over something where, perhaps – I do not whether I dare hold myself hostage to this – but perhaps we might all be agreeable, anyway.

1725

ENTERPRISE, TRAINING AND EMPLOYMENT

1730 **Registered unemployed
Number of Moroccan workers**

Clerk: Question 1055, the Hon. J J Netto.

1735 **Hon. J J Netto:** Mr. Speaker, could the Minister for Employment say how many Moroccan workers aged 60 and over are registered unemployed at the Employment Service, broken down by age and length of time as registered unemployed?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

1740 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, as at 30th September 2012 the total number of Moroccan workers aged 60 and over registered unemployed was 42.

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The breakdown by age is as follows:

1750	Age 60	4
	Age 61	1
	Age 62	12
	Age 63	10
	Age 64	8
1755	Age 66	1
	Age 67	2
	Age 68	1
	Age 69	1
	Age 72	2

1760 The breakdown by length of time registered as unemployed is as follows:

1765	Under 3 months	10
	3 – 6 months	3
	6 – 12 months	7
	12 – 24 months	9
	Over 24 months	13

1770 **Future Job Strategy trainees**
Permanent jobs; contract terminations; public and private sectors

Mr Speaker: Next question.

1775 **Clerk:** Question 1056, the Hon. D A Feetham.

Hon. D A Feetham: Mr. Speaker, how many Future Job Strategy trainees have found permanent employment in the entity they were placed for training since the scheme began, stating whether they were taken on in the private or the public sector?

1780 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): I will answer this Question together with Questions 1057, 1058 and 1063.

1785 **Clerk:** Question 1057.

1790 **Hon. D A Feetham:** Can the Minister for Employment please state as at 30th November 2012, how many Future Job Strategy trainees are placed in the public sector and how many are placed in the private sector?

Clerk: Question 1058.

1795 **Hon. D A Feetham:** Can the Minister for Employment please provide brief particulars of the reasons why each Future Job Strategy trainee has had his contract terminated with ETCL, other than the fact that that person has found permanent employment?

Clerk: Question 1063.

1800 **Hon. D A Feetham:** Can the Minister for Employment please state how many Future Job Strategy trainees have had their contracts terminated with Employment Training Company Limited since the scheme was introduced, other than for reasons that the trainee in question has found permanent employment, giving a breakdown of whether the trainee was placed in the public or the private sector at the time?

1805 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

1810 **Hon. J J Bossano:** Mr Speaker, as at 30th November 2012, 54 trainees were employed within the entity that they had been placed for training, eight in the public sector and 46 in the private sector; 178 trainees were placed within the public service and 329 placed within the private sector.

Other than as a result of having obtained employment, 96 ETCL trainees, of which two were in the public service, had their contracts terminated, 62 were at the individual's own request, 20 found not suitable, 12 due to reports of misconduct and two were not offered employment.

1815 **Hon. D A Feetham:** So, on the last statistic, in relation to the two that were not offered employment, can the Hon. Minister confirm that the training was actually recuperated by ETCL as, in fact, is stated in the contract, with each service provider or training provider?

1820 **Hon. J J Bossano:** The two employers have been invoiced with the amount and one has confirmed that he will be paying and I am awaiting an answer from the other one and action will be taken if it is not complied with.

1825 **Hon. D A Feetham:** Mr Speaker, in relation to the question whether individuals or trainees have found permanent employment with the entity that they had been placed for training, I think the answer that he gave me there was that 54 individuals (**Hon. J J Bossano:** Yes.) had been found permanent employment and eight in the public sector. (**Hon. J J Bossano:** Yes.)

1830 My recollection of the hon. Member answering my questions about this in the past has been that the whole object of the exercise - despite the fact that we disagree, that this is the way that it was put at election time - was that people would be shifted from the public sector to the private sector, because there was never any *guarantee* of employment in the public sector and the promise was a guaranteed job in the private sector. Can the Hon. the Minister for Employment please inform this House as to what qualities, what special circumstances, were involved in relation to these eight very lucky individuals that were found permanent employment in the public sector?

1835 **Hon. J J Bossano:** Well, Mr Speaker, the very lucky individuals were the lucky individuals who were in the Care Agency being trained as carers, which was the group that I have already identified in answer to previous questions, where they are trained as carers to work in the elderly care home and, clearly, there is not another home that they can find jobs in. These people have been trained specifically for that and, consequently, although there is not an agreement in terms of a partnership agreement with a business, 1840 they are recruited in the knowledge that there is a vacancy for them to go to.

1845 Given that the system that was in place before, the hon. Member will remember that, if you were a local, you were asked to have either two GCEs or experience and, if you did not have the two GCEs, you could not get the experience because there was nowhere else to get the experience. As I explained to the hon. Member, the criterion is still two GCEs or experience, but they can get the experience now by going in as a trainee and the reason why there are only eight is because only eight have been there long enough. There will be more than eight, but they will all be in that category.

1850 **Hon. D A Feetham:** Are we talking about individuals that are specifically training for a qualification relating to care workers, or are we talking about individuals that are effectively placed within Social Services and there is no qualification at the end of the day, that those individuals are taken on within Social Services and then placed within the care worker section within Social Services?

1855 **Hon. J J Bossano:** They are not in Social Services. These are the individuals - (*Interjection*) - these individuals are in the Care Agency and, in fact, what they have got is evidence of having worked in a home which is what all the frontier workers that were recruited previously had, when they came with a piece of paper from the other side. They had no qualifications in anything because what was required was *either* GCEs or experience and what the people here could not get was the experience, unless they went to work in La Linea first and got the piece of paper from there.

1860 **Hon D A Feetham:** Yes, with respect to the hon. Gentleman, I think that his references to frontier workers are completely irrelevant to the question that I asked him. I would not want the hon. Gentleman, or the people listening to this debate, to come out of this debate with the impression that the hon. Gentleman has something against Spanish workers. I just would not want that at all.

1865 He has not answered my question. (*Interjections*) He has not answered my question. He has not. No. Perish the thought. Absolutely. He has not answered my question. The question is, is there a qualification at the end of it, that these eight individuals have been trained have a qualification at the end of it for care worker, or is it that these eight individuals are part of a number of people placed within the Care Agency and they are doing on-the-job training and, at the end of the day, the Government decides to take them on as care workers.

1870 Whilst he is at it, could he also answer this? Are these eight individuals just simply doing care worker work, or are they doing something else, as part of their placement with the Care Agency before they were taken on?

1875 **Hon. J J Bossano:** Mr Speaker, I do not know whether the hon. Member thinks I am for or against frontier workers, but we have got a very clear manifesto policy on what we want to do for all the unemployed that are in Gibraltar, as he knows. The position is quite simple. All the care workers that were there in Mount Alvernia before 9th December have no qualifications. What they had was experience of having previously worked in a care home and all the care workers in this group of eight have got the same level of skill that was previously required, before 9th December, but was not *obtainable* before 9th December, because the previous administration did not give the opportunity to people here to come in with no previous experience and acquire the experience as part of a training programme. The training programme leaves them at the same state of skill that the other carers, that were recruited before, had when they were recruited, which they obtained by working in their home state, in homes, similar to ours, which was not possible here, because there was nowhere else those skills could be obtained within the boundaries of Gibraltar.

1885 It may be that, in future, we will decide to introduce this, since we are talking to City and Guilds about a whole range of different qualifications that the experience they have obtained and the training they have had will enable them to get a piece of paper, but that piece of paper has not been required of *anybody* working in the home before 9th December.

1890 **Hon. D A Feetham:** The hon. Gentleman has mentioned frontier. He is the person that has brought it up, Mr Speaker. He has mentioned in the same answer the question of frontier workers and the question of these trainees, so therefore I would ask him to answer this question. Is it the Government's policy to have a situation where, effectively, non-Gibraltar belongers are gradually removed from the Care Agency and replaced by Gibraltar belongers?

1895 I quite understand, and I accept, that it must be the aim of *any* Government of Gibraltar to get as many of our people in employment as possible. I accept that, but I am asking whether, as a matter of policy, the policy is to remove those that are there now – and I understand some people are there on 11 month contracts that are revolving – and effectively replace them by Gibraltar belongers? Has he received any representations from the Union in relation to this policy by the Government and what is the Government's attitude to that?

1900 **Hon. J J Bossano:** Mr Speaker, first of all, I am not responsible for dealing with the unions and I am not responsible for industrial relations, as he knows.

1905 Secondly, the question is about *my* responsibility as Minister for Employment in relation to training and my responsibility is to get as many of the resident population into these jobs, which was what used to happen before 1996 and then, for some peculiar reason between 1996 and 2011, the previous administration argued, that people either were not interested in that kind of work or were not able to do it. We have already produced eight and we are going to produce many more. Since there is a continuing demand for this work, if we had not put in place this mechanism, all that would have happened would be that that avenue of employment would have been closed to people in Gibraltar, because there was no way, without working in the home, that they could learn how to work in the home, since there is no other one. Therefore, the situation is that we are committed to continuing this level of training and to increasing the number of resident workers. There are many young people interested in learning to do this job and I am very happy that they are, because it proves that the argument that was being used before was not true. They simply did not explore the avenue of the local supply workers.

1915 I need to remind the hon. Member that when I have asked in the past about the reason for having imported workers in this area, I was regularly told that it was only because they were there, as it were, on temporary, renewable contracts, while people were being trained. All the people that are on 11-month contracts and are concerned about the renewal of those contracts are not people who have started work in the last 11 months, but people who were already on 11-month contracts before.

1920 **Hon. D A Feetham:** Mr Speaker, what I have asked the hon. Gentleman is whether there is a deliberate policy on the part of the Government to effectively remove the workers who are there at present, because they are Spanish or non-Gibraltar belongers, replacing them with Gibraltar belongers. Is that the policy or is it not the policy?

1925 Again, for example, another question he can consider as well, because it is related....

1930 **Mr Speaker:** Why can we not deal with one question at a time?

Hon. D A Feetham: Because it is related, I think that it would be helpful, but I will sit down if –

Mr Speaker: No, no, fine.

1935 **Hon. D A Feetham:** Do these eight arise from, for example, *new* vacancies that have been created by the Government, or is it replacing Spanish workers who have not had their contracts renewed?

1940 **Hon. J J Bossano:** Mr Speaker, these people are filling jobs that are there on the complement that the House has voted and the jobs they are filling are the jobs that were empty, otherwise we would not be able to fill them, irrespective of whether the jobs are filled, because there were people before who have left, or there has been an increase in the complement. The reality is that more than eight new jobs have been created in this financial year, if the hon. Member cares to look at the number of carers employed last year and this year. In fact, we need more than eight in order to meet the requirements of the increases as a result, for example, simply of the wards that have been opened in the St Bernard's Hospital, which are part of the Care Agency.

1945 **Hon. D A Feetham:** My final question in relation to this series of questions: you may recall that we have had a number of exchanges across the floor of this House in relation to the length of contracts of people in the Care Agency. We have questioned the Government about this, the issue of 11-month contracts. Is it the policy of the Government that, where a Spanish national or non-Gibraltar believer serves out his or her 11 months, the Government is not going to renew that contract and will effectively have a situation where that vacancy is then filled in by a Gibraltar believer? Is that the policy?

1950 **Hon. J J Bossano:** Mr Speaker, I do not think this is a question that arises from any of the originals. The hon. Member is asking me what has happened to the people who have completed their training in ETCL and now he is asking me is it the policy of the Care Agency to replace their employees with trainees?

1955 I have just told him that there are, at the moment, more than sufficient extra jobs requiring people to be recruited than there are people in the pipeline. So it is a non-issue as far as I am concerned, but, in any event, I am answering as Minister for Employment questions relating to my responsibilities, which are for the trainees that come out of training. All the trainees that are currently – there are many more than eight – completing their training in the next month or two and that figure will be growing substantially and since there is always, in all these outfits, a turnover, what the hon. Member will see is an increasingly resident, predominantly Gibraltar staffed Care Agency, which is what used to be in the past, and what has changed in the last 15 years. We will be moving back to the direction, where these job opportunities will be there for our people that need the jobs.

1960 **Hon. D A Feetham:** Mr Speaker, I wanted it to be my last supplementary, but the Hon. the Minister for Employment is – and I do not want to be derogatory of the hon. Gentleman – but he is the master of not answering the question and effectively weaving in and out of the dangerous territory that obviously he is treading. He is treading the dangerous territory, not because I asked him the original Question, but because it arises out of an answer he has given me in supplementaries. Therefore, I am entitled to pursue it.

1965 The question is, is it Government policy, is it *deliberate* Government policy not renewing those 11-month contracts in relation to Spaniards and non-Gibraltar believers, in order that those vacancies can be filled in by Gibraltar believers?

1970 Because we all know, Mr Speaker, that...

Mr Speaker: You have asked the question.

1980 **Hon. J J Bossano:** Mr Speaker, the hon. Member clearly has not followed what has been going on in this Parliament in the last 15 years, otherwise he would know that whenever Members of the Opposition ask a question and do not like the answer, what the Government Members used to say from this side, 'Well, look, that is the answer that you are getting. It may not be the answer you want to hear and it may not be the answer you like, but it is the answer you are getting.' And the answer he is getting is that, as Minister for Employment, responsible for the ETCL, which is what the original Question is, I am telling him that the ETCL trainees will be increasingly filling the jobs in Mount Alvernia. As a consequence of that, all the jobs that come out in future will be taken by local people – *all* of them. There will be no new people coming in, because we do not need them. We have got our own supply of people, willing and able to do that work, and all the jobs that become vacant, either as a result of people leaving, or as a result of the expansion of this service will be taken on by local people.

1985 The only reference that I make to frontier workers is that he seems to be concerned that the locals should be qualified, notwithstanding the fact that the record that he defends is 15 years of taking people from outside, who are not qualified, who were taken simply on the basis that they had experience: and

1995 they produced a letter, showing they had worked previously in the field. That is the only reference I have made, that we are giving people in Gibraltar, for the first time, the same opportunity to get these jobs that people from outside Gibraltar have, because they were being *discriminated against* previously, since more was being required of them. If he thinks that that gives him the right to question what may or may not happen to people who are now in employment, he can ask it till the cows come home, but I am not going to give him any answers, other than the one I want to give him.

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Clerk: Question one thousand and –

Mr Speaker: [*Inaudible*] you have...

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Hon. D A Feetham: Does he not recognise – and he and I share some common values –

Hon. J J Bossano: I hope not! (*Laughter*)

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Hon. D A Feetham: Whether he agrees with that or not, just simply because I do not like the way that he does things, we share some common values. One of those values, as somebody who comes from an ideology that is a centre-left ideology, is not to just simply sack an individual and make that individual unemployed or prevent them from pursuing employment opportunities just simply because they are Spanish nationals or non-Gibraltar belongs. Does he not accept that is entirely wrong to, effectively, have a policy that is dependent on a philosophy that says, simply because you are *not* a Gibraltar national, despite the fact that you may be the best person for the job, despite the fact that you may be doing your job to the best of your ability and everybody is happy with you, we are not going to be renewing your contract of employment because I want to fill this vacancy with trainees? Does he not accept that, as a matter of principle, that is wrong?

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Hon. J J Bossano: Mr Speaker, I do not accept that he is left of anything, let alone centre-left or left of centre. Therefore, I do not accept that, ideologically, we have anything in common and I do not accept that there is a shred of anything left in him that was common to us when we used to belong to the same party.

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Starting from that premise, it is quite obvious to me that he wants to make an issue of something that has not happened and which he claims *may* happen. When and if it happens, if he wants to bring a censure motion to this House, in that we are being too concerned about protecting jobs for Gibraltarians, he can do it and we can debate it, but I am answering questions to him about what is happening with the trainees who are in the system *now*.

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He chooses to do that to try and pursue a line, which happens to coincide with incorrect views that have been expressed in the Spanish media, which we have made absolutely clear have not got a shadow of truth in them. Therefore, he knows exactly what he is doing and I know what he is doing and the answer is that his question is: do I accept, or do I not accept that something that has not happened would be wrong, if and when it happened? The answer is that he is not entitled to ask that question, because nobody in the Care Agency or anything else has been sacked on grounds of nationality. So his argument is simply in his imagination and in the fiction that is being put out in the public domain. (*Applause*)

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Hon. D A Feetham: Just one more, Mr Speaker, on this series of questions. He says that it is untrue and he questions my motives as to why I ask the question. Well, actually, I ask the question because perhaps I am also aligned to all those workers from the Care Agency, and Mount Alvernia in particular, who last week nearly went on strike, because the Government, it appeared, led by the initiative, by you – sorry, Mr Speaker, by the Minister for Employment – had taken the view that somebody who was there and everybody was happy with them, simply because they were Spanish national, not resident here in Gibraltar, that that person could not have his contract renewed and could not reapply. Indeed, the Chief Minister had to intervene in the situation to prevent industrial action. Is that not correct?

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Hon. J J Bossano: It is not correct that I have anything to do with industrial relations or industrial action. Therefore, Mr Speaker, the hon. Member is *inventing* things and then asking me whether they are correct. His inventions are not correct. I have had nothing to do with this, any more than I have to do with a supposed party that excludes Spaniards, on my instructions. That is a complete lie and what the hon. Member is now saying is new to me, is also a complete lie. I have nothing to do with the people who are in employment. I am concerned with the people who are *unemployed* and the concern that I feel for them clearly is not shared by that side of the House.

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Fine, that is evident because, if they did share it, we would not be in a situation, where the level of local participation in the staffing of the Care Agency has been declining year after year after year in the last 15 years.

**Level of unemployment and benefit paid
Details from January 2012**

Clerk: Question 1059, the Hon. D A Feetham.

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Hon. D A Feetham: Can the Minister for Employment please state how many people were registered unemployed as at 30th November 2012 and on a month-by-month basis since January this year, the number of people in receipt of unemployment benefit?

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Clerk: Answer, the hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, the number of persons receiving unemployment benefit as at the end of each month, in each of the first three quarters of 2012, was as follows:

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January	105
February	127
March	152
April	127
May	127
June	118
July	218
August	223
September	204

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Hon. D A Feetham: Mr Speaker, with respect to the hon. Gentleman, he is more candid with the information he provides the *Gibraltar Chronicle*, than with the information he is providing this House today.

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I asked him for unemployment *figures*, where people are registered unemployed. The Question is in two parts: 'Can the Minister for Employment please state how many people were registered unemployed' and then the question about receipt of unemployment benefit, because I want to compare one with the other, but he said to the *Gibraltar Chronicle* that there were 1,000 people unemployed and that was reported in Monday's edition of the *Gibraltar Chronicle*. Perhaps he did not read it because he was not in Gibraltar.

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Can he please provide the figures for registered unemployed in Gibraltar?

Hon. J J Bossano: I think, Mr Speaker, the Question has been interpreted, the hon. Member was asking for the unemployed at 30th November and not for the unemployed on a month-to-month basis since January, which I believe is already public.

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Hon. D A Feetham: No, it is not... the unemployed on a monthly basis is not public. What I have asked is, how many people were registered unemployed *as at* 30th November 2012. As at that date, how many people were registered unemployed *and* on a month-by-month basis in January this year, the number of people in receipt of unemployment benefit is two separate, effectively –

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Hon. J J Bossano: I know.

Hon. D A Feetham: Yes. He has given me the second and the hon. Gentleman knows that I have concentrated my public comments on questions of unemployment in relation to receipt of – in fact, not even receipt of unemployment benefits – applications made and accepted, on a month-by-month basis, of unemployment benefit. That does not actually deal with receipt of unemployment benefit, which he has provided. But I have not, actually, I have never asked the question – and I am asking now about registered unemployed as at 30th November. He told Mr Dominique Searle at the *Chronicle* that there were 1,000 people registered unemployed. That was reported in the *Chronicle*. Is that a correct figure or is it not?

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Hon. J J Bossano: Mr Speaker, first of all, I have told him that the figure for the fourth quarter will be given in January 2013.

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Mr Speaker: No. I am afraid, the hon. Member, you actually omitted that last sentence. I noticed that you had –

Hon. J J Bossano: The fourth quarter will be given in January 2013.

Mr Speaker: He omitted to say, I have it here in the draft answer – the fourth quarter will be given in January 2013. He had the answer, but he omitted to –

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Hon. D A Feetham: Yes, but what is the previous quarter? It is not in the – if the answer is that registered unemployed – and he knows what question I am asking – if the answer is registered unemployed, the figures are made up on a quarterly basis. I am telling him that it is not on the internet, so I do not know what the previous quarter of registered unemployed had been, because it is not on the internet.

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What is on the internet, and what I have been using, is applications made and received for unemployment benefit and, on that basis, I have calculated that there must be between 8% and 10% more unemployed, effectively, recently, the last time I made my statement, than there was on 9th December. I suspect there is much more than that. If you do not have the figure for registered unemployed for this last quarter, what is the figure for the last quarter, but you have not given me an answer in relation to that at all.

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Hon. J J Bossano: Mr Speaker, the hon. Member has got a Question, which is what is the unemployed on 30th November. The figure for 30th November – which is the one he is asking for – will be given in January, in accordance with the policy adopted by the previous Government and spelt out in answer to Question 443/2007, where the previous administration said that they would only produce the unemployment figures on a quarterly basis. Therefore, since the Question is only asking about November and November is in the fourth quarter, he will get the fourth quarter in January. The second half of the Question has been interpreted by the Department to be limited to the people who are receiving unemployment benefit. (*Interjection by Hon. D A Feetham*)

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As far as the numbers unemployed, I can tell him that the figure for the unemployment, from my recollection, is around the same as it has been in the past – in that there is a fluctuation, it tends to go up in the summer months and it oscillates around the figure of 500, who are the people that are registered unemployed. As the hon. Member knows, we have got people who are on social assistance, people who are in training without a job guarantee and we consider all those to be without a job and, consequently, unemployed. So we do not make the distinction between whether they are registered as unemployed, or they are available for work without bothering to register.

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The figure of 1,000 is the figure that *he* was using before the Election and the figure that I have been using since and what I have made clear on a number of occasions in public is that, notwithstanding the fact that the numbers in employment have gone up this year, and the figures are on the internet and I am sure, if the Member looks at the number of residents taken into employment, he will see that, already in 11 months, we have exceeded the numbers employed in 12 months in the preceding year. So, notwithstanding that, the numbers that are still available for work and without a job has not come down, because more people have come and registered. Sometimes, people who have been out of work for a very long time are now registering. Therefore, people on Social Assistance are not registering so, in fact, the registered figure is not coming down, even though the figure in employment is going up. The registered figure still oscillates around the 500 mark. It changes up and down from month to month.

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Hon. D A Feetham: I will ask him for all the previous four quarters, which are not on the internet, at the next session of the House.

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The Hon. the Chief Minister, when he was the Leader of the Opposition, during his maiden budget speech, said this:

‘The nation has had enough. The nation is let down by a Government that has not known how to resolve the plight –

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Mr Speaker: What is the relevance of that?

Hon. D A Feetham: I am going to ask a question. I am asking a question. This is my –

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Mr Speaker: It is relevant?

Hon. D A Feetham: Of course, it is relevant. (**Mr Speaker:** Right.)

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‘The nation has had enough. The nation is let down by a Government that has not known how to resolve the plight of almost 400 unemployed. The nation is ready for a change of Government.’

Well, in the light of the fact that unemployment has increased from 400 to 500, is the nation ready for a change of Government or just simply a change of Minister for Employment?

2180 **Hon. J J Bossano:** Given that I am devoting 84 hours a week to the job, anybody is welcome to take it away from me, Mr Speaker, but I can tell the hon. Member that if he had the smallest shred of being left of centre, as he claims, he would have stood up to welcome the fact that I have told him that we have got more of our Gibraltarians and other residents in employment now, than ever before. He does not seem to welcome that and I have already given him the explanation.

2185 Mr Speaker, the reality is that it is not worth attempting to provide him with information. I have just told him the reason why the unemployment is not going down as one would expect, when employment is going up, is because there are people coming forward that have not worked for years. People that he has been urging me, in the past, to try and help back into employment. I tell him that that is the case and therefore he says, notwithstanding there are more people than ever before, we should change our Minister for Employment. Well, I am afraid he does not have a say on whether I am Minister for Employment or not, but I can tell the hon. Member that all the people who have got jobs since 9th December, I am sure, are grateful for the effort and the hours and the time that I put in and I am committed to ensuring that we keep on bringing down the numbers of people without work, whether they are registered or not and we keep on putting more and more of the residents of Gibraltar into employment and I would have hoped that

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2195 he would share that objective, given that when we have this debate, they all say, I am not going to succeed, but they wish it was possible to bring unemployment down to the levels that I want. I believe it is possible and I am going to devote everything that I know and I have learnt in my life to achieving it.

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**Frontier workers
Nationality of those registered with Employment Service**

2205 **Clerk:** Question 1060, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government provide a breakdown – and you see I am asking a Question so that the hon. Gentleman can provide the answer with the information he *really* wants to provide me - by nationality of the frontier workers registered with the Employment Service for each month since December 2011?

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Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): The total number of frontier workers registered with the Employment Service since December is as follows:

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December 2011	7,910
January 2012	7,690
February 2012	7,566
March 2012	7,460
2220 April 2012	7,413
May 2012	7,268

And that is the lowest figure that it reached, in May.

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Hon. D A Feetham: Seven thousand, sorry, can you repeat that -

Hon. J J Bossano: 7,268.

Since May the figure for frontier workers has actually gone up, notwithstanding the fact that they keep on claiming that it is going down.

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June, 2012	7,335
July, 2012	7,418
August, 2012	7,481
2235 September, 2012	7,501

and then it went down in October:

October, 2012	7,443
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Then, in November, it has gone up again:

November, 2012 7,461

2245 which shows, in fact, that the market is what decides the demand and not that there is a deliberate policy of removing frontier workers and replacing them. It goes up and down, depending on the demand for work.

Mr Speaker: Would the Hon. Minister notice that there is another sentence at the end of the draft?

2250 **Hon. J J Bossano:** The nationality, Mr Speaker – which covers almost half of the United Nations – I now hand over to the hon. Member for each month. It would take several hours to read it out!

Table EMP.2
Frontier workers by nationality, 2011

Nationality	January	February	March	April	May	June	July	August	September	October	November	December
American	8	8	8	8	8	7	9	9	9	10	11	11
Argentinian	1	1	1	1	1	1	1	1	2	2	3	3
Australian	2	1	1	2	2	3	3	3	3	3	3	3
Austrian	14	13	13	12	11	12	9	10	10	10	9	8
Belgian	9	10	11	11	11	10	10	11	12	11	12	12
Brazilian	2	2	2	2	2	1	1	1	2	2	2	2
Bulgarian	14	13	15	15	15	16	17	18	17	5	15	15
Canadian	3	3	3	3	3	2	2	2	2	2	2	2
Colombian	1	1	1	1	1	1	1	1	-	-	-	-
Czechoslovakian	31	35	35	35	35	35	38	38	39	43	42	43
Danish	37	37	36	37	38	38	38	36	34	34	33	34
Dutch	35	35	34	34	36	35	33	34	34	33	38	35
Equatorian	2	2	2	3	3	4	3	3	2	2	1	1
Estorian	8	7	7	8	9	8	9	9	10	8	9	9
Finnish	9	9	9	9	9	8	8	8	8	8	8	8
French	73	70	72	67	70	73	67	77	76	78	79	79
German	114	115	114	115	114	112	97	115	115	109	110	110
Gibraltarian	132	140	138	141	144	143	145	144	142	145	144	144
Greek	26	28	29	28	31	34	28	34	33	34	33	32
Greek Cypriot	6	6	6	7	7	7	7	7	7	7	6	5
Hungarian	48	48	53	55	58	69	71	67	74	71	73	72
Indian	2	2	2	3	3	4	4	4	4	4	4	4
Irish	61	61	63	62	61	60	63	66	66	63	65	64
Israeli	4	4	4	4	4	4	4	5	5	4	3	3
Italian	62	67	65	64	67	75	68	74	83	86	84	84
Japanese	2	2	1	1	1	-	-	-	-	-	-	-
Korean	1	1	1	1	1	-	-	-	-	-	-	-
Latvian	7	7	11	11	14	17	16	13	14	13	15	16
Lithuanian	43	45	49	44	48	47	48	46	48	47	47	47
Luxembourg	1	1	1	2	2	1	2	1	2	2	2	2
Macedonian	1	1	1	1	1	1	1	1	1	1	1	1
Maltese	1	1	1	1	1	1	1	1	1	2	2	2
Moroccan	2	1	2	3	3	2	2	2	3	3	3	3
New Zealander	3	3	3	3	3	3	3	3	3	3	3	2
Norwegian	3	3	3	3	2	2	2	2	2	2	2	2

Other British	2,024	2,073	2,086	2,074	2,061	2,004	2,022	2,026	2,017	2,031	2,070	2,075
Philipino	1	1	1	1	1	1	1	1	1	1	1	1
Polish	204	194	204	188	199	199	200	198	203	184	173	147
Portuguese	245	239	241	253	245	256	249	243	271	268	290	294
Romanian	73	87	86	87	88	95	94	94	98	94	101	99
Russian	4	4	4	4	4	4	4	3	3	2	2	2
Slovakian	20	20	24	24	25	27	24	28	26	27	26	27
South African	1	1	2	2	2	2	2	2	2	2	2	2
Spanish	4,072	4,106	4,195	4,261	4,190	4,360	4,610	4,548	4,538	4,524	4,392	4,357
Swedish	17	18	18	22	25	29	29	29	30	33	34	34
Swiss	9	10	10	10	10	10	10	9	11	9	9	9
Tunisian	-	-	-	1	1	-	-	-	-	-	-	-
Ukrainian	6	6	6	6	6	6	5	5	4	4	4	4
Uruguayan	1	1	1	1	1	1	1	1	1	1	1	1
Total	7,445	7,543	7,675	7,731	7,677	7,830	8,062	8,033	8,068	8,027	7,969	7,910

Updated 12 January 2012

Source: Employment Service

Table EMP.2(b)

Frontier workers by nationality, 2012

Nationality	July	August	September	October	November
American	11	11	11	11	11
Argentinian	3	3	4	4	4
Australian	3	3	3	3	3
Austrian	7	7	7	7	7
Belgian	9	11	12	11	11
Brazilian	3	3	3	4	4
Bulgarian	21	21	21	21	24
Canadian	2	2	2	2	2
Colombian	-	-	-	-	-
Czechslovakian	33	35	36	36	36
Danish	36	39	40	41	38
Dutch	38	38	39	38	40
Equatorian	1	1	1	1	1
Estonian	11	11	12	11	11
Finnish	8	8	9	9	9
French	71	71	72	73	75
German	116	112	114	117	115
Gibraltarian	153	150	153	148	149
Greek	42	46	51	55	54
Greek Cypriot	6	6	5	5	5
Hungarian	84	83	86	79	78
Icelandic	1	1	1	1	1
Indian	4	4	4	4	5
Irish	73	74	76	79	79
Israeli	3	3	3	3	3
Italian	95	96	96	90	93
Japanese	-	-	-	-	-
Jersey	1	1	1	-	-
Korean	-	-	-	-	-
Latvian	18	19	19	19	19
Lithuanian	19	19	13	12	12
Luxembourg	1	2	2	2	2
Macedonian	1	1	1	1	1
Maltese	5	5	5	6	6
Mexican	1	1	1	1	1
Moroccan	3	4	3	2	2
New Zealander	2	2	2	2	2
Norwegian	2	2	2	2	2
Other British	2,096	2,109	2,092	2,083	2,099
Panamanian	1	1	-	1	1
Philipino	2	1	1	1	1
Polish	94	90	89	93	95
Portuguese	233	237	243	247	246
Romanian	100	106	110	109	122
Russian	2	2	2	2	2
Slovakian	38	35	33	32	34
Slovenian	1	1	1	2	2
South African	2	2	2	2	2
Spanish	3,915	3,955	3,966	3,918	3,900
Swedish	34	35	38	40	38
Swiss	9	9	9	8	9
Tunisian	-	-	-	-	-
Ukranian	3	3	4	4	4
Uruguayan	-	-	-	-	-
Venezuelan	1	1	1	1	1
Total	7,418	7,482	7,501	7,443	7,461

Updated 12 December 2012

Source: Employment Service

Frontier workers by nationality, 2012

Nationality	January	February	March	April	May	June
American	11	11	11	11	11	11
Argentinian	3	4	3	3	3	3
Australian	3	3	3	3	3	3
Austrian	7	7	7	7	7	7
Belgian	12	13	12	11	9	10
Brazilian	2	2	2	2	3	4
Bulgarian	15	16	16	18	19	19
Canadian	3	3	3	3	2	2
Colombian	-	-	-	-	-	-
Czechslovakian	42	39	38	39	38	37
Danish	34	35	35	35	37	37
Dutch	34	35	36	38	36	37
Equatorian	1	1	1	1	1	1
Estonian	9	11	11	12	12	11
Finnish	8	9	9	8	8	8
French	76	77	77	70	70	71
German	110	110	113	110	109	111
Gibraltarian	145	146	154	154	155	156
Greek	32	34	36	37	39	42
Greek Cypriot	5	5	5	5	5	5
Hungarian	68	75	73	77	77	79
Icelandic	1	1	1	1	1	1
Indian	4	4	4	4	4	4
Irish	67	69	70	69	68	70
Israeli	3	3	3	3	3	3
Italian	85	85	88	90	93	91
Japanese	-	-	-	-	-	-
Jersey	-	-	-	-	-	1
Korean	-	-	-	-	-	-
Latvian	16	17	17	17	19	18
Lithuanian	45	39	39	36	28	20
Luxembourg	2	1	1	1	1	1
Macedonian	1	1	1	1	1	1
Maltese	2	2	2	2	4	5
Mexican	1	1	1	1	1	1
Moroccan	4	4	4	4	3	2
New Zealander	2	2	2	2	2	2
Norwegian	2	2	2	2	2	2
Other British	2,062	2,074	2,070	2,057	2,064	2,072
Panamanian	-	-	-	-	-	1
Philipino	1	1	1	1	1	1
Polish	143	122	116	114	105	92
Portuguese	297	296	239	219	216	223
Romanian	97	91	83	90	89	89
Russian	3	3	3	3	2	2
Slovakian	26	25	25	25	25	28
Slovenian	1	1	1	1	1	1
South African	2	2	2	2	2	2
Spanish	4,152	4,033	3,987	3,971	3,839	3,899
Swedish	36	37	39	39	37	36
Swiss	10	9	9	9	9	9
Tunisian	-	-	-	-	-	-
Ukranian	4	4	4	4	4	4
Uruguayan	1	1	1	1	-	-
Venezuelan	-	-	-	-	-	-
Total	7,690	7,566	7,460	7,413	7,268	7,335

Updated 4 October 2012

Source: Employment Service

2260

Hon. D A Feetham: This is all the same question that he asked always. It is in the same format.

MOD employees
Number registered with Employment Service

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Clerk: Question... sorry. Question 1061, the Hon. D A Feetham.

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Hon. D A Feetham: I think this is answered in a previous question that the Chief Minister has already answered, he has already provided me with, but if you have got the answer separate, I will take it.

Can the Government state what was the number of employees registered with the Employment Service and employed by the MOD at the end of November 2011 and 2012?

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Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr. Speaker, the total number of employees registered with the Employment Service employed by the MOD in November 2011 was 698 and November 2012 was 598 – a hundred less.

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Hon. D A Feetham: Can the hon. Gentleman provide any information as to account for the decrease in exactly 100 employees in the MOD from November 2011 to 2012? Is that to do with casuals, or is it transfers to Government? Is there a reason for that, does he know?

2285

Hon. J J Bossano: Mr Speaker, there has been a constant decline of numbers, throughout 2011 and throughout this year. We have just taken two specific months and it so happens – by coincidence, I think – that there is exactly 100 less between November and November in that 12-month period, but there have been people taken on into the Government companies that were set up by the previous administration, so some of these people are not actually unemployed. They have not gone from being in the MOD to being registered with the Employment Service, but from being in the MOD to being in the companies that were set up in the case of the generating station and in the other company that was set up and, in some cases, there are people who have taken advantage of the exit packages which have got a cut-off point. In fact, I think, at the moment there are more people wanting to go than the MOD is willing to leave, because the fact that the package is at its most valuable to the individual below a certain age, means that people are keen to go because, in practical terms, in some instances, if they stayed, they are really working for nothing.

2295

Clerk: Question –

2300

Hon. P R Caruana: Would the hon. Member say whether he is familiar – I assume he is – with that element of the global agreements that prevent the MOD from lowering their manpower below a certain level before 2017 and is that being adhered to by both? Is the Government holding the MOD to that agreement?

2305

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, this is an issue that is relevant to ongoing discussions between me and the MOD and what I should tell him is that, when I was elected and I saw the figure at the end of the schedule 3 of the agreement, at the bottom of the column, which I think from memory was 590 something, I observed that the number had been reduced.

2310

The reduction, on some occasions, was as a result of agreement with the Government of Gibraltar. For example, the totals, I think, there included people who were employed with GMES [Gibraltar Mechanical & Electrical Services Ltd] and, of course, before the Election, GMES people had moved into the wholly owned company also, which is GMES, it is ISGS into GMES etc. I noticed there was a discrepancy, even then, between the number that was left over in the MOD, or should be left over in the MOD, and this was when this question of what is known as the VERS was referred to me –

2315

Hon. P R Caruana: The what?

Hon. Chief Minister: The VERS – the Voluntary Early Redundancy Scheme – which the MOD has been running.

2320

On that issue I have been in contact with the MOD, because they have been letting people go on Voluntary Early Redundancy Schemes who are relevant to the numbers in the columns that add up to the total and then taking people on short-term contracts to 2017. So can I just leave it with him, that this is an issue that has been picked up by us and is live with us, because all those short-term contracts end on the same day in 2017.

2325

**Gaming industry
Number and nationality of employees**

Clerk: Question 1062, the Hon. D A Feetham.

2330

Hon. D A Feetham: Mr Speaker, can the Government say what is the total number of persons employed in the gaming industry in Gibraltar, giving a breakdown by company and by nationality, showing how many are residents and the dates when the figures apply?

2335

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, the total number of persons employed in the gaming industry in Gibraltar, according to the records of the Employment Service – which may not be 100% up to date, because sometimes contracts take time to reach us - as at 30th November was 2,699. Of these, 1,354 are Gibraltar residents.

2340

The breakdown by gaming company is as follows:

	Total Employees
Tombola (Int) Ltd	13
Mansion Gib Ltd	132
32 Red PLC	58
888 Holdings PLC	4
Bwin Party Digital Ent PLC	5
Profitable Play Ltd	17
Partouche Interactive (Gib) Ltd	8
Leisure Spin Ltd	5
Gala Interactive Gib Ltd	79
Coral Interactive Gib Ltd	70
BetClic Everest (Gib) Ltd	56
Cassava Enterprises Gib Ltd	156
Bwin Party Management (Gib) Ltd	438

	Total Employees
TSE (Gib) LP T/A BetFred	23
St. Endellion Ltd	19
Probability (Gib) Ltd	10
Petfre (Gib) Ltd	125
Entertaining Play Ltd	15
Ladbrokes International Ltd	173
Digibet Ltd	15
Stan James PLC	225
Spielo International (Gib) Ltd	111
WHG International Ltd	331
Etruvian Gibraltar Ltd	94
Hillside (Gib) Ltd	124
Newcote Services Ltd	393
Total	2699

2345

The break down by nationality is as follows:

Nationality	
American	12
Antiguan	6
Argentinian	2
Australian	5
Austrian	20
Belgian	7
Bolivian	1
Bulgarian	20
Brazilian	1
Canadian	5
Chinese	6
Czech /Slovak	8
Danish	22
Dominican	3
Dutch	19
Estonian	5
Ecuadorian	1
Finish	8
French	46
German	108
Gibraltarian	346
Greek	59
Greek-Cypriot	3
Hong Kong	1
Hungarian	23
Indian	31
Indonesian	1
Irish	48
Israeli	21

Nationality	
Italian	83
Japanese	1
Kazakhstan	1
Latvian	12
Lithuanian	7
Luxembourg	2
New Zealand	1
Malaysian	5
Maltese	1
Mexican	1
Moroccan	3
Norwegian	1
Other British	1368
Polish	56
Portuguese	43
Romanian	25
Russian	6
Slovakian	14
Slovenian	1
South African	3
Spanish	171
Swedish	48
Swiss	1
Taiwanese	1
Thai	2
Turkish	1
Ukrainian	3
Total	2699

Hon. D A Feetham: Mr Speaker, I do not know whether the hon. Gentleman has actually caught up (*Laughter*) with the Government's iPad culture. He certainly has not caught up with the culture of providing schedules across the floor of this House in answer to Questions. May I ask that the hon. Gentleman provides me with a copy of that answer that I may take it away with me for further reading over the weekend. (*Laughter*) Thank you very much.

Could I, whilst I am at it, wish the hon. Members opposite and, indeed, the entire House and those listening to our proceedings, a very Merry Christmas indeed and a Happy New Year.

WRITTEN ANSWERS

2360 **Clerk:** With that we come to the end of Answers to Oral Questions.
Answers to Written Questions, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the Answers to Written Questions, numbered W239/2012 to W263/2012 inclusive.

2365 Mr Speaker, I have the honour to move that this House do now adjourn *sine die*. (*Interjections*)
Sorry? We are not doing any Bills. Ah! You are doing a Bill. Ah! Sorry? I thought we were not doing Bills; I was not doing *my* Bills. So, Mr Speaker, I *thought* I had the honour of adjourning the House *sine die*, but in fact the Minister for Justice -

2370 **Mr Speaker:** You still have the honour to move!

Hon. Chief Minister: - asks that I adjourn the adjournment for a few minutes.

2375

BILLS

FIRST AND SECOND READINGS

Companies, Partnerships and Trusts (Miscellaneous Amendments) Bill 2012
First Reading approved

2380

Clerk: Bills, First and Second Reading.

2385 A Bill for an Act to amend the Companies Act, the Trustees Act and the Partnership Act to make provision for the keeping of proper books of account, the maintenance of records, identifying settlors, trustees and beneficiaries of trusts and the abolition of share warrants to bearer.

The Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

2390 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Companies Act, the Trustees Act and the Partnership Act to make provision for the keeping of proper books of account, the maintenance of records, identifying settlors, trustees and beneficiaries of trusts and the abolition of share warrants to bearer be read a first time.

Mr Speaker: I really think we should take each Bill separately.

Hon. G H Licudi: It is one Bill.

2395 **Mr Speaker:** Ah, it is one Bill.

I now put the question, which is that a Bill for an Act to amend the Companies Act, the Trustees Act and the Partnership Act, to make provision for the keeping of proper books of account, the maintenance of records, identifying settlors, trustees and beneficiaries of trusts and the abolition of share warrants to bearer be read a first time.

2400 Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Companies, Partnerships and Trusts (Miscellaneous Amendments) Act 2012.

2405

Companies, Partnerships and Trusts (Miscellaneous Amendments) Bill 2012
Second Reading approved

2410 **Hon. G H Licudi:** Mr Speaker, I have the honour to move that the Bill be now read a second time.

The amendments contained in the Bill will make provision for the keeping of proper books of account, the maintenance of records identifying settlors, trustees and beneficiaries of trusts and the abolition of share warrants to bearer.

2415 These amendments represent Gibraltar's response to the recommendations for change in the Peer Review Report on Gibraltar by the Global Forum of Transparency and Exchange of Information, phase 1, legal and regulatory framework, published in October 2011.

The industry was consulted earlier this year on the recommendations, which were small in number and, in many respects, uncontroversial. These were already best practice and, in any event, a professional responsibility or mandatory under FSC licensing or other obligations. The amendments are designed to ensure that all individuals or entities are caught, not just those licensed by the FSC.

2420 Three responses were received and there was general agreement with the proposed amendments. The amendments (a) create an obligation on all companies, partnerships and trusts to maintain complete records on their accounts and ownership (b) restrict the issues of share warrants to bearer and requires that existing share warrants are registered (c) require that all trusts maintain information on relevant settlors, trustees and beneficiaries.

2425 Mr Speaker, in relation to the amendments to the Companies Act, clause 2(2) defines the proper books of account – the term ‘proper books of account’. The definition currently filed at section 314(2) of the Companies Act has been expanded to incorporate underlying documentation significant to the trade or business of the company, such as contracts or invoices. This definition has been applied to the Companies Act as a whole, creating a single, universal standard of documentation that must be retained in respect of company accounts. As a result of this amendment, the definition in section 314(2) is no longer necessary. It has therefore been repealed, or is proposed to be repealed, by sub-clause (6).

2430 Clause 2(3) imposes a requirement that holders of share warrants to bearer are registered on the Companies Register of Members within a period of nine months from the commencement of the clause. Where a bearer has not been registered in the time limit, rights attached to the relevant warrant will not be exercisable and the company will have committed an offence. The amendment also prevents companies from issuing any new share warrants to bearer.

2435 Sub-clauses (4) and (5) standardise the period for which proper books of account must be retained by companies to five years.

2440 In relation to amendments to the Trustees Act, Mr Speaker, clause 3 of the Bill inserts two new provisions. The new section 61 requires trustees to record the identity of settlors, trustees and beneficiaries of trusts and maintain this information for a period of five years. I would say, for the sake of clarity, that a settlor, although not expressly set out in the Bill, is considered any person who settles *any* assets into a trust, whether or not that person is actually described as a settlor in the trust documentation.

2445 The new section 62 imposes a duty of trust to maintain proper books of account equivalent to those obligations on companies found under section 170 of the Companies Act. The definition of ‘proper books of account’ corresponds with the proposed amendments to the Companies Act.

Finally, Mr Speaker, in relation to the Partnership Act, clause 4 of the Bill inserts a section into the Partnership Act again imposing an obligation to maintain proper books of account in keeping with the requirements under section 170 of the Companies Act.

2450 Mr Speaker, I commend the Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

2455 **Hon. P R Caruana:** Mr Speaker, on this occasion Her Majesty’s Loyal Opposition will be loyal to the Government as well as to Her Majesty. *(Laughter)* I recognise, from the report, that I think had arrived [*inaudible*] in Government, that these were the things that we were asked to do. It is worth noting that our regime about bearer shares was already a very controlled regime, where they had to be deposited and information – the authorities had to be aware of who the owner was etc, but the Opposition agrees with the Government that this is a very payable price for getting on the... for passing the test in full, so that next time they come round, they will give us credit for having complied with their [*inaudible*].

We will be supporting the Bill.

2465 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Companies Act, the Trustees Act and the Partnership Act, to make provision for the keeping of proper books of account, the maintenance of records identifying settlors, trustees and beneficiaries of trusts, the abolition of share warrants to bearer, be read a second time.

Those in favour? **(Members: Aye.)** Those against? Carried.

2470 **Clerk:** The Companies, Partnerships and Trusts (Miscellaneous Amendments) Act 2012.

2475

Companies, Partnerships and Trusts (Miscellaneous Amendments) Bill 2012
Committee Stage and Third Reading to be taken at this sitting

2480

Hon. G H Licudi: Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

2485

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

2490

International Co-operation (Tax Information) (Amendment) Bill 2012
First Reading approved

Clerk: A Bill for an Act to amend the International Co-operation (Tax Information) Act 2009, the hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

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Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I have the honour to move that a Bill for an Act to amend the International Co-operation (Tax Information) Act 2009 be read a first time.

2500

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the International Co-operation (Tax Information) Act 2009 be read a first time.

Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The International Co-operation (Tax Information) (Amendment) Act 2012.

2505

International Co-operation (Tax Information) (Amendment) Bill 2012
Second Reading approved

2510

Hon. G H Licudi: Mr Speaker, I have the honour to move that the Bill be now read a second time.

This Bill amends the International Co-operation (Tax Information) Act 2009, so as to clarify the time periods covered in relation to the provision of information and assistance on taxation matters. In criminal tax matters, information can be requested under the Act in respect of any calendar year beginning on or after 1st January 2004.

2515

In all other specified tax matters, information can be requested under the Act in relation to periods commencing on 1st January following the date of entry into force of the relevant scheduled agreement, or TIEA, or where the scheduled agreement expressly provides otherwise in relation to the periods specified therein. The Bill is in line with the express corresponding provisions contained in the 2002 model agreement on exchange of information on tax matters, that is the OECD model agreement, and the OECD model agreement commentary.

2520

I would add, Mr Speaker, that I am advised that what this Bill does, in fact, reflects the existing practice and this is simply being put into place for the sake of clarity for all those persons who deal with these matters, either professionally or are recipients of requests.

I commend the Bill to the House.

2525

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

I now put the question, which is that a Bill for an Act to amend the International Co-operation (Tax Information) Act 2009 be read a second time.

2530

Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The International Co-operation (Tax Information) (Amendment) Act 2012.

2535

2540 **International Co-operation (Tax Information) (Amendment) Bill 2012**
Committee Stage and Third Reading to be taken at this sitting

Hon. G H Licudi: Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

2545 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

2550 **COMMITTEE STAGE**

Companies, Partnerships and Trusts (Miscellaneous Amendments) Bill 2012
International Co-operation (Tax Information) (Amendment) Bill 2012

2555 **Clerk:** Committee Stage and Third Reading, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should resolve itself into committee to consider the following Bills clause by clause: the Companies, Partnerships and Trusts (Miscellaneous Amendments) Bill 2012 and the International Co-operation (Tax Information) (Amendment) Bill 2012.

2560

In Committee of the whole Parliament

2565

Companies, Partnerships and Trusts (Miscellaneous Amendments) Bill 2012
Clauses considered and approved

2570 **Clerk:** A Bill for an Act to amend the Companies Act, the Trustees Act and the Partnership Act to make provision for the keeping of proper books of accounts, the maintenance of records identifying settlors, trustees and beneficiaries of trusts and the abolition of share warrants to bearer.
Clause 1.

2575 **Mr Chairman:** Clause 1 stands part of the Bill.

Clerk: Clause 2.

Mr Chairman: Clause 2 stands part of the Bill.

2580 **Clerk:** Clause 3.

Mr Chairman: Clause 3 stands part of the Bill.

Clerk: Clause 4.

2585

Mr Chairman: Clause 4 stands part of the Bill.

Clerk: The Long Title.

2590 **Mr Chairman:** The Long Title stands part of the Bill.

2595 **International Co-operation (Tax Information) (Amendment) Bill 2012**
Clauses considered and approved

Clerk: A Bill for an Act to amend the International Co-operation (Tax Information) Act 2009.
Clause 1.

2600 **Mr Chairman:** Clause 1 stands part of the Bill.
Clerk: Clause 2.

Mr Chairman: Clause 2 stands part of the Bill.

2605 **Clerk:** The Long Title.

Mr Chairman: The Long Title stands part of the Bill.

2610

BILLS FOR THIRD READING

Companies, Partnerships and Trusts (Miscellaneous Amendments) Bill 2012 International Co-operation (Tax Information) (Amendment) Bill 2012

2615 **Third Reading approved; Bills passed**

Clerk: The Hon. the Chief Minister.

2620 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Companies, Partnerships and Trusts (Miscellaneous Amendments) Bill 2012 and the International Co-operation (Tax Information) (Amendment) Bill 2012 have been considered in Committee and agreed to without amendments and I now move that they be read a third time and passed.

2625 **Mr Speaker:** I now put the question, which is that (1) the Development Aid (Amendment) Bill 2012...sorry, I have got that one on my Order Paper; it should not be there.

I now put the question, which is that the Companies, Partnerships and Trusts (Miscellaneous Amendments) Bill 2012 and the International Co-operation (Tax Information) (Amendment) Bill 2012 be read a third time and passed.

2630 Those in favour? (**Members:** Aye.) Those against? Carried.

The Companies, Partnerships and Trusts (Miscellaneous Amendments) Bill 2012. (**Members:** Aye.)
The International Co-operation (Tax Information) (Amendment) Bill 2012. (**Members:** Aye.)
Carried.

2635

Adjournment

2640 **Clerk:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Yes, Mr Speaker. I do *now* have the honour to move that this House do now adjourn *sine die*.

2645 May I take this opportunity to thank all Members of the House for the work that they have done throughout the year. This is the first time that the House has met for 10 meetings for Questions in any one calendar year and offer them all the very best for a Christmas and New Year that I hope will be happy and prosperous for all, though, of course, not politically for Members opposite... I know that they wish the same to us!

2650 **Mr Speaker:** May I associate myself with the remarks of the Chief Minister and wish all hon. Members and their families a prosperous, happy and peaceful Christmas and all the best for 2013.

I now propose a question, which is that the House do now adjourn *sine die*.

I now put the question, which is that the House do now adjourn *sine die*.

Those in favour? (**Members:** Aye.) Those against? Passed.

2655

The House adjourned at 6.30 p.m.